

WOODROW TOWNSHIP
REGULAR MONTHLY MEETING MINUTES

May 9, 2024

7:00 P.M.

The meeting was called to order by Chair Gordy Reher at 7:00 p.m. All joined in the Pledge of Allegiance. Present are Supervisor Colter Peterson, Supervisor Scott Wold, Treasurer Tim Mueller and Clerk Cathy Dietrich. To see sign in sheet for citizens present, request from Clerk.

M/S/P Reher/Peterson approve Agenda for Regular Monthly Meeting as submitted.

M/S/P Wold/Peterson approve April 11, 2024, Regular Meeting Minutes as submitted.

M/S/P Reher/Peterson approve April 19, 2024 Local Board of Appeal and Equilization Meeting Minutes as amended to individuals present at meeting.

M/S/P Wold/Peterson approve April 27, 2024, Regular Meeting Minutes as submitted.

M/S/P Reher/Wold approve April 2024 Treasurer Report, subject to audit as presented by Treasurer Tim Mueller.

M/S/P Wold/Reher approve claims as submitted by Clerk Cathy Dietrich.

M/S/P Wold/Peterson approve payroll as submitted by Clerk Cathy Dietrich.

Clerk's Report – No Report

OLD BUSINESS

1. Gravel crushing is postponed until 2025.
2. Supervisor Wold drafted a policy for remote meetings using interactive technology, i.e. Zoom, Microsoft team, telephone, etc. This policy will be uploaded to the website and located under administrative guidelines. This is the first step in the process for using interactive technology for meetings which means the township will not be holding an interactive technology meeting immediately next month but could in the future. Citizen Graham requested the board to consider holding Zoom meetings in winter months. The board will take the request into consideration.

M/S/P Reher/Wold to adopt Remote Meeting Attendance Policy and Procedures as a standalone policy.

*Clerk note; Policy is attached under Appendix A at the end of these meeting minutes.

3. Supervisor Reher presented a bid from Lott Excavating to finish the ditching project on Timber Drive and this is \$14K. Also, there are two culverts damaged from erosion of the road and the bid for replacing them is \$6K. This is something that can't be postponed, the culverts are too damaged and cannot be just cleaned out. Citizen Scheibel asked if other bids were sought. There is a threshold of \$25K and if under that threshold the township does is not required to request other bids.

M/S/P Wold/Peterson move to approve both Lott Excavating quotes totaling \$20K to finish up the work on Timber Drive and replace the two damaged culverts.

NEW BUSINESS

1. The dry hydrant that was to be added on Barnum has been detoured due to the bottom of the lake at that point was not possible to install the hydrant. It's all boulders under the muck. Nordheim Association would like to go to another place and install it at a location on Buxton. Supervisor Reher presented a map and continued to show where this would be placed. So, we're proceeding on Buxton up towards the T where Buxton splits with Barnum. Before reaching that point, there's another section of blacktop going up the hill and at the base of the hill there's a concrete bridge that goes between N McKeown Ln NW. What Nordheim Association is looking at doing is to secure the blessing of the property owner at that point and extend out from shore. They'd investigated the lake bottom and it falls off rapidly enough that they would not have to go out very far. Supervisor Reher has told them to start investigating and get back to the board. The involvement of the township is adding some gravel on the side of the road so that the fire truck, when it's drafting from the water from the lake, the truck could be off the road so that it doesn't block it. This would be after permission from homeowners is granted. The timing of this is yet to be determined. More information will be provided from Nordheim Association in the coming months.
2. Crack sealing on 14th Avenue was done about six years ago and the amount was \$6,300. Crack sealing will need to be done again but can wait until 2025. Supervisor Peterson noticed an issue within the last week on 14th. He explained there is an old gravel pit off 14th Avenue on the west side of the road. If you're going north off of 5, you go up the hill and then down and back up and then if you're going back down, on the right-hand side there's a private drive that goes up to the right and across from that there's a gravel pit. The driveway going down into that gravel pit, it's starting to wash away underneath the pavement and undermining the pavement. It must have just happened with the rains recently as it wasn't like that when the road inspection was done on April 27th. It's 3-foot by 3-foot and down about a foot or two. This needs to be addressed before it gets worse with more rain coming. Supervisor Reher will contact Lott Excavating.

SUPERVISOR REPORT

Supervisor Reher –

- Multiple emails have been received from individuals not in favor of paving Timber Drive. We have addressed this issue every month since fall. An email has been drafted and will be sent to those individuals who sent the emails. *Clerk note; the email that was sent on May 15th, 2024, is attached under Appendix B at the end of these meeting minutes.

Jessica Graham; Can you also address the capital improvement project, that Timber is on a capital improvement project? That is what's concerning the citizens, is that you tell us that the road, all the paving has been canceled, yet we continue to see Timber on a capital improvement project list.

Clerk Dietrich; The project is the plan.

Supervisor Reher; The capital improvement plan, the project that is still with timber that we're looking at and for which we want to allocate money is not to pave it, but to put in Geotech fabric under the gravel and gravel over it, approximately between Marsh Hawk and Greenbrier. Okay, so what we'd be looking at there is excavating some of the gravel, putting down Geotech fabric, and putting 18 inches of gravel over that. No more than that.

Jessica Graham; This is the first we're hearing of that. Can you put that in the letter?

Supervisor Reher; Yes

Clerk Dietrich; Can you clarify that we're talking about capital improvement planning. Projects are being put into the plan, but the plan is 5, 10, 15, or even 20 years from now. The township at this time, doesn't know how long it's going to take to save for projects because right now it is just a list of projects to plan out. There isn't any detailed information yet on those.

Jessica Graham; So we're still going to have the plan to pave the road? Or are we not going to pave the road? We're either paving the road or we're not.

Supervisor Wold; That's not true. The thought of paving the road may come up again. It might not. That is not something sitting before us, but in that capital improvement plan. Just like I have lots of plans that my wife disagrees with or tells me we don't have money for, but there's thoughts. So, let's just, there is no plan to pave timber.

*Clerk note; the next statement was ONLY for an example to have an understanding of the capital improvement plan.

Let's say we're thinking, let's pave timber in 2027. Well, the first thing that's going to need to be figured out is how we are going to pay for that. That's what I think is what is concerning to folks there that have heard some sort of special assessment was to cover that. There is statutory

notification and process that has to begin and happen before any of that would come about. So, while there is no plan to pave timber, there is a substantial amount of money that's being put into the capital improvement plan, which could get pushed back to 2040 to complete work, because I understand the road needs some substantial rebuilding, as is, as a gravel road. I think that's our third road on the list of ones that need major investment in right now. But no large-scale project that would then go back, certainly on an assessment to anybody, would be done without more meetings and notice. And just like these folks are here tonight regarding the vacating of their roads saying, well, we wish we would have known about this sooner. That was the whole point of tonight. And so that same thing would happen. So I'm reading those emails, and I wasn't there at the beginning from last year, but I'm reading them now, and I can see this underlying tone, and to speak frank about it, that all of a sudden you guys are going to come back two months later and find out that we approved a project to pave timber, and there's the pavement. And that is by law not how it works. And I've said this at each of the last few meetings, that there's no plan. And you don't know me that well, so I don't know how you can trust me. But I'm asking you to, or you can read the statute. We can't just unilaterally and all of a sudden say, we're going to charge them all \$1 million and go pave their road.

Jessica Graham; Well, there's eight property owners left on Timber so that's very concerning.

Supervisor Wold; So everything that I just said is there, there's no project.

Citizen; Complaints it's not been terminated.

Supervisor Reher; It has been terminated and this was stated last fall.

Citizen; I was at the road meeting in February and it was clearly added to Interlachen and Buxton.

Supervisor Wold; In the long-term plan.

Citizen; Well, that wasn't a long-term plan, it was, we're going to start spending money on investigating this.

Supervisor Wold; That was the initial draft that we put together, and just threw things in there, and threw in some dates.

Citizen; Okay, then I misunderstood what was talked about at that meeting.

Supervisor Reher; When the capital improvement plan was approved, what we did was the same kind of thing as if you go to the bank and say, I'd like to open a savings account. OK, we created the framework to do something without doing anything more than the framework.

Jessica Graham; We get the whole principle of it. The problem is that we keep being told that the project is cancelled, but yet it's still on. So, you can see what our angst is, especially mine. We've got eight property owners. I mean, it's very nerve-wracking.

Supervisor Wold; But we've said the same thing for what I've been here for three months now, that there is nothing. I can't stop you from having angst or feeling frustrated about it, but that's why I provided an example, which was about a fictional project that we're not doing. And so that precludes the project, right? So, there is nothing. I don't think you do understand the fact that there is no project. There is no attempt at paving timber right now. It started last year because the board had to legally respond by statute. It didn't have a choice. It had to respond and follow the steps because a petition was submitted. Just like if they submitted another petition, I think with at least eight signatures is all it requires, we would have to follow those same steps again next month if that was resubmitted. That doesn't mean the project's going to be approved, but the process has to be followed by a statute. There is no project. So just tell all your neighbors. You guys could tell everybody, and Gordy will respond, and someone will be sending this letter out to everyone that sent an email. But there's no project. Nothing happens in a vacuum. And I want to get back to my point that there's this general distrust in all those emails that all of a sudden we're going to do something and you're going to find out about it. That's illegal. There's been no indication from anything that I've read that this board has done, before I've been on it, that would indicate this board would even consider something like that. They follow the process. I can tell you now that we'll continue to follow that process, so there's no project.

Jessica Graham; It's not you, it was how the petition was started.

Supervisor Wold; We can't stop someone from submitting a petition.

Jessica Graham; So, that's why everyone's so angst up, is because when the guy came to my house, I signed the petition because of what he said. So that's what's got everyone off.

Supervisor Wold; And the board terminated it. So, what else does the board need to do?

Jessica Graham; Putting it in writing is awesome. Explaining the CIP plan is awesome.

Supervisor Reher; You can get a copy of what I've written with the changes that you asked about. And that will go to everyone.

Clerk Dietrich; It's been in meeting minutes, too.

Supervisor Wold; Share it with your neighbors.

Jessica Graham; But you know what's odd? If you look at the meeting minutes, there's not one comment. I've made a lot of comments in these meetings, and I've said my name a lot of times not one of my comments has been put in there not one person who have opposed Timber

paving is in there so you know now we're all a bunch of conspiracy theorists right I mean I for sure am one and it's exhausting I'm so sick and tired of not trusting you guys.

Clerk Dietrich; meeting minutes are not to transcribe the meeting but to state information at high level. *Clerk note; transcription is in May meeting minutes to confirm to all that Timber Drive paving project from 2023 has been terminated.

Supervisor Wold; Case closed, no project.

Supervisor Peterson –

- Nothing to report.

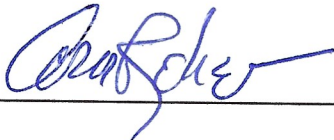
Supervisor Wold –

- Nothing to report.

PUBLIC INPUT

OTHER BUSINESS

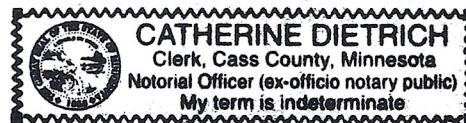
MEETING ADJOURNED M/S/P Reher/Peterson @ 9:00 p.m.



Chair, Gordy Reher



Clerk, Cathy Dietrich



Appendix A

WOODROW TOWNSHIP

REMOTE MEETING ATTENDANCE POLICY AND PROCEDURES

I. Purpose:

The purpose of this policy is to allow and establish guidelines for members of the Woodrow Township Board of Supervisors, Woodrow Township Clerk, Woodrow Township Treasurer, to attend and participate in meetings by interactive technology means as authorized by Minnesota Statute Chapter 13D, the Open Meeting Law. Members participating in Meetings remotely are cautioned that the same obligations of consideration apply as in any physical Meeting. Remotely participating Members should direct all their attention to the Meeting and should make their decisions based upon the same information as is available to all other participants at the Meeting.

II. Definitions:

"Township" means Woodrow Township, MN.

"Supervisor" means any member of the Woodrow Township Board of Supervisors.

"Interactive Technology" means a device, software program, or other application that allows individuals in different physical locations to see and hear one another.

"Meeting" means any open or closed regular, or special meetings of the Woodrow Township Board.

"Member" means any member of the Woodrow Township Board, The Town Clerk, or the Town Treasurer.

III. Meetings Conducted by Interactive Technology

1. A Meeting may be conducted by interactive technology so long as:
 - a. all Members participating in the Meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one Member is present;
 - b. with the exception of closed Meetings, members of the public present at the regular Meeting location of the body can hear and see all discussion and testimony and all votes of Members;
 - c. at least one Member is physically present at the regular Meeting location;
 - d. all votes are conducted by roll call so each Member's vote on each issue can be identified and recorded;
 - e. with the exception of closed Meetings, each location at which a Member is present is open and accessible to the public.
2. A Member may participate from a location that is not open or accessible to the public if:
 - a. the Member is serving in the military and is at a required drill, deployed, or on active duty;
 - b. the Member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when

- a state of emergency has been declared under Minnesota Statute Chapter 12 and expires 60 days after the removal of the state of emergency;
- c. the Meeting is a closed Meeting; and
 - d. the Member has not participated more than three times in a calendar year from a location that is not open or accessible to the public.
3. **Quorum.** Each Member participating in a Meeting by interactive technology is considered present at the Meeting for purposes of determining a quorum and participating in all proceedings.
 4. **Monitoring from remote site.** With the exception of closed meetings, if interactive technology is used to conduct a Meeting, and to the extent practical, the Township shall allow a person to monitor the Meeting electronically from a remote location. Monitoring by the public shall be limited to watching and listening, no public input will be allowed via interactive technology.
 5. **Notice of regular and all Member locations.** If interactive technology is used to conduct a regular, special, or emergency Meeting, the Township shall provide notice of the regular Meeting location and notice of any location where a Member will be participating in the Meeting by interactive technology, except for the location of Members participating pursuant to Section III. 2 (a) and (b) above. The timing and method of providing notice must be as described in Minnesota Statute Section 13D.04
 6. **Record.** The minutes for the Meeting must reflect the names of any Members appearing by interactive technology and state the reason or reasons for the appearance by interactive technology.

IV. Meetings During Pandemic or Minnesota Statute Chapter 12 Emergencies

1. A Meeting may be conducted by telephone or interactive technology so long as:
 - a. the Board Chair determines that an in-person Meeting or a Meeting conducted by interactive technology is not practical or prudent because of a health pandemic or an emergency declared under Minnesota Statute Chapter 12;
 - b. all Members participating in the Meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;
 - c. with the exception of closed Meetings, members of the public present at the regular Meeting location of the Town Board can hear all discussion and testimony and all votes of the Members, unless attendance at the regular Meeting location is not feasible due to the health pandemic or emergency declaration;
 - d. at least one Member is physically present at the regular Meeting location, unless unfeasible due to the health pandemic or emergency declaration; and
 - e. all votes are conducted by roll call, so each Member's vote on each issue can be identified and recorded.
2. **Quorum:** Each Member participating in a Meeting by telephone or interactive technology is considered present at the Meeting for purposes of determining a quorum and participating in all proceedings.

3. *Monitoring from remote site:* With the exception of closed Meetings, if telephone or interactive technology is used to conduct a Meeting, and to the extent practical, the Township shall allow a person to monitor the Meeting electronically from a remote location.
4. *Notice of regular and all Member sites:* If telephone or interactive technology is used to conduct a regular, special, or emergency Meeting, the Township shall provide notice of the regular Meeting location, of the fact that some Members may participate by telephone or interactive technology, and of the provisions of subdivision 3. The timing and method of providing notice is governed by Minnesota Statute Section 13D.04.
5. *Public comment period during health pandemic or emergency:* If attendance at the regular Meeting location is not feasible due to the health pandemic or emergency declaration and the Township's practice is to offer a public comment period at in-person Meetings, members of the public shall be permitted to comment from a remote location during the public comment period of the Meeting, to the extent practical.

V. Restrictions on Remote Meeting Attendance

No Member may attend any portion of a Meeting through interactive technology or telephone, as provided in this policy, unless:

1. with the exception of a Meeting occurring after a health pandemic or an emergency has been declared under Minnesota Statute Chapter 12, at least one Member is physically present at the Meeting;
2. the Member provides notice to the Town Clerk, in the case of the Town Clerk, or to the Board Chair, of his or her request to remotely attend the Meeting at least 48 hours prior to the Meeting, or as soon as reasonably possible;
3. the electronics being utilized by the Member to remotely attend the Meeting is fully functional so as to allow all Members and any members of the public allowed to be present at the Meeting, to hear all communications taking place at the Meeting;
4. the Member participating in the Meeting remotely has access to all materials being presented and/or reviewed at the Meeting location; and
5. the remote Member's location is open and accessible to the public and the Member has not attended more than two (2) Meetings remotely per calendar year. These two (2) Meetings are in addition to those meetings authorized under Section III 2.

VI. Technical Difficulties

The person chairing the Meeting may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote Member's ability to hear or be heard clearly by all persons present at the Meeting location. If technical difficulties result in a remote Member being disconnected from the Meeting, that fact and the time at which the disconnection occurred shall be noted in the Meeting minutes. If a public hearing occurs after disconnection, the remote Member shall be noted as absent in the Meeting minutes. If technical difficulties are preventing members of the public from accessing the meeting and are the result of issues at the meeting location, no more than 5 minutes shall be given to

resolve such difficulties. If technical difficulties are preventing members of the public from accessing the meeting and are the result of issues not at the meeting location, there shall be no delay in the meeting proceedings to allow time to resolve.

VII. Procedures

1. All Meetings

At the beginning of the Meeting, the Board Chair shall announce the name of the Member who will be participating remotely and the reason. This information shall be recorded in the minutes. (See suggested language below).

- a. "Let the record reflect that (Supervisor or Member) is attending today's Meeting remotely via (interactive technology/telephone) for (reason) as allowed under Township Policy and pursuant to Minnesota Statute Chapter 13D."
- b. "(Supervisor or Member), can you hear me?" [There must then be a clearly audible response in the affirmative.]
- c. "Let the record reflect that (Supervisor or Member)'s attendance via (interactive technology/telephone) can be heard by all present at the Meeting."

2. Closed Meetings

In addition to the forgoing, at the start of a closed Meeting, the Member participating remotely shall state that no person is present and/or able to hear the discussion at the remote location and that the Meeting is not being remotely recorded by any device. (See suggested language below).

"I certify that no other person is present and/or able to hear the discussion and that this discussion is not being recorded at this location."

VIII. Applicability

The requirements of this Policy may be waived in the event of an emergency as define by Minnesota State Statute. If any provision of this Policy conflicts with any provision of the Open Meeting Law under Minnesota Statute Chapter 13D, the provisions of the Open Meeting Law shall prevail. No part of this policy shall be construed as an offer for or shall create an obligation for the Township to provide regular public attendance to Township Board Meetings via interactive technology.

Appendix B

clerk@woodrowtpmn.com

From: supervisor2@woodrowtpmn.com
Sent: Wednesday, May 15, 2024 8:23 PM
To: mrs253@comcast.net; joeliberko@gmail.com; 2319swan@gmail.com; thehensons@aol.com; dliberko71658@gmail.com; dalementen25@gmail.com; rcnet80@gmail.com; christopher.tukua@hbfuller.com; Jessica.Graham@genmills.com; jennifer.wuebker@gmail.com
Cc: jeepsus@paulbunyan.net; Chris Sonmor; Cathy; Colter; Gordy; Scott; Tim
Subject: paving on Timber Drive

Hello All –

The Board has received your emails; the following is substantially what I read at the last meeting in response, regarding paving of Timber Drive.

The thoughts of your other two Supervisors expressed at that same meeting have also been included.

Please share this with whomever you think it appropriate.

The project to improve Timber Drive by paving was begun after petition by property owners; it was not initiated by the Town Board. The Board was required by statute to act on that petition. The project was supported by the Board because of future gravel problems in Woodrow. The group of properties affected by the project was defined by Cass County as requested by the Board; it was part of the required statutory process. That process continued to and finished at the point of determining actual costs when bids for construction were requested.

On September 5, 2023, the Timber Drive paving project was terminated. The engineering company received the bids; they and the Board reviewed them; they were rejected due to construction costs being significantly higher than anticipated. That the project was being terminated was announced at the September 2023 Township Meeting. Since the Board was acting on the petition, the next step in continuing would have been to have additional public meetings to commit to the financing. The project never progressed to the stage of financing. As stated at that time, what was lost was an opportunity to significantly reduce the cost of paving by pairing it with the work on County 5.

In its beginning, the Timber project included discussion with the DNR about sharing the cost of paving or perhaps, with the public access, bearing the entire cost of paving up to Barred Owl. What you do not know is that public money for this type of project comes with significant ‘strings’ attached by requiring that the road be built to ‘park standards.’ Some examples of park standards are requirements for increased road width, increased shoulder width, increased curve radius, increased visibility, and reduced grade/slope. Each of these ‘strings’ results in cost increases as well as a worsening of those concerns expressed by Timber residents: wider roads and increased speed, etc. Those same concerns are part of what the Board was weighing in its considerations and for the same reasons.

Since the project was terminated, the Township has continued with planned maintenance, maintenance which had been deferred so it could be done together with the paving project. That maintenance was not part of the paving project; it would just have been done at the same time in order to save money. We now see the maintenance as nearly finished; most visible was cutting back embankments in several locations to provide a space for us to push snow so the road would not become narrowed after heavy snow. This historic problem is a safety item which the Township is responsible to resolve. Culverts are also being replaced or added so water does not sit on or run across the road. Culverts are also considered normal road maintenance.

There was only one paving project for Timber Drive and, again, that project was terminated last September. Everything regarding paving has been terminated. Nothing was allocated or set aside; nothing is being done under the table. If pavement, or more specifically any project that would require a special assessment, were to be considered again in the future, it would start as a new project. Minnesota Statute requires beginning again with new notices, discussions, and public hearings.

The final question posed at the meeting was, "Why was Timber included in the Capital Improvement Plan?" The core objective of township road maintenance requires long term budgeting. At the last meeting, I pointed out that, specifically, the Township needs to budget and set aside funds to install Geotech fabric between Greenbrier and Marsh Hawk. This is the recommendation of geotechnical engineering after soil borings. Such Geotech fabric would then be covered with gravel. And, at some point in the future, substantial overhaul of the gravel road itself will be required.

I hope this alleviates your concerns. The Board does not see a need to further address this matter.

Gordy Reher
Woodrow Township Road Liaison