

WOODROW TOWNSHIP

PUBLIC HEARING SCHMIDT ROAD AND LOST LAKE ROAD 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.

Supervisor Reher explains the law requires that there be a publication and an affidavit of publication which has been completed. The township is continuing with what was started at the annual meeting as a request to vacate two roads, Schmidt Road and Lost Lake Road. The reason to vacate Schmidt Road is it is just over one-eighth mile and Schmidt Road goes to no buildings and vacant property. The reason to vacate Lost Lake Road is it is less than one-eighth mile and serves two properties. This is an expense for the township to maintain a road serving no homes and maintenance of a private driveway essentially.

The township has requested direction from the township attorney, who has been directing the procedures to vacate. This public hearing is the next step in the process. The public hearing is to receive input from those affected. Supervisor Reher will take the input communicated to the township attorney who will in turn direct the next steps.

Before public input Supervisor Reher read the roadway descriptions.

Lost Lake Road is a 66-foot right-of-way easement for road purposes over, under, and across parts of the northwest quarter of the southeast quarter, section 18, township 140, north range 29, which is Woodrow. The center line is described as follows. It comes from County State Highway 5 at the intersection being near the west line of said northeast quarter, northeast quarter of the southeast quarter, 850 feet more or less, north of the southwest corner thereof, and thence in a northerly direction along said town road center line, 700 feet more or less to its end. There terminating. The total length of the town maintained part of the road is 0.13 miles more or less.

Schmidt Road is a 66-foot right of way easement for road purposes over, under and across parts of Government Lot 7, the northwest border of the southeast border, the northeast border of the southeast border, the southwest border of the southeast border, section 18, Township 140, range 29 West, which again is Woodrow. And beginning at the intersection of the existing traveled road center line at County State Highway 5, intersection being near the west line of said northeast border, southeast border, 850 feet more or less, north of the southwest corner thereof, and thence in a southerly direction along said town center line, 850 feet more or less to its end, and there terminating. Total length of the road being .16 miles, more or less.

PUBLIC INPUT

Don Peterson; There are four families that have trailer houses up on the farm site, and they're here all summer long and well into the fall, and they use that road constantly. Also, just about everybody on the lake launches their boat down at the launch site at the end of that road. I have 35 names on the petition here that are opposed to vacating the road. This is just a small segment of the people that most of them aren't even here to sign the petition. Now, I know the road will always be there, but whenever you get a steady rain for a short period, that hill is almost impassable. I can't get up it with my little two-wheel drive truck. And people go in there with a four-wheel drive and it gets all rutted up, and if it isn't graded every now and then it's impossible to travel. If you vacate it, what's going to happen with the road there?

Supervisor Reher; The way the roads are done is the township does not own the land. The township has an easement to put in a road. And what we vacate is the easement of the township to have the road. The land reverts to the underlying landowners. The road doesn't go any place if the landowners choose to keep it in place. And there's no reason to take the sign down. The road becomes a private road maintained by the people who use it. This now happens with the hundred and some miles of road that's in the township right now, with only 40 miles being township maintained and the rest is considered private or non-township road maintained by the people who use it.

Don Mayer; How often is the road graded? It seems non-beneficial that it's only 0.16 mile, but we're also all taxpayers here too, so why can't we just keep it as is?

Mark Peterson; We all know those annual meetings typically aren't very well attended. Had we known that this was going to be on the agenda at the annual meeting, you'd probably have had more attendance. How many people were there other than board members at the annual meeting? I would like to know, because that's in the minutes, were there 10, 20, 50?

Supervisor Reher; We can provide the attendance but there was approximately 20.

Mark Peterson; Had it been publicized that it was going to be talked about at the annual meeting, a lot of these people would have been there and it would have never passed at that annual meeting. I think there was a little lack. I heard from Colter a little bit about it, but I didn't realize it was coming up at the annual meeting. Otherwise, we could have had people there.

Other discussions occurred regarding attendance at the annual meeting and that it is a citizen meeting not a supervisor meeting. It is important for citizens to attend or keep up with what is happening within the township. Know this is the beginning of vacating the roads and therefore it is not something that has already been done. The township public hearing is to receive input from those affected.

Gary Rueter; The way this is described is the land goes to the underlying owner, which, for Schmidt Road it is two property owners meeting on the center line?

Supervisor Reher; It follows the center line.

Gary Rueter; And Lost Lake Road is a developer that the road cuts through his property but that's not his access to the lake. So, if it's that developer on Lost Lake and he is the one then responsible for trying to get money from the landowners of the property that this road is serving to try and do the maintaining? Or Don for Schmidt Road there's another landowner to the east and it's their responsibility to contact all the people who launch their boat?

Citizen; No, basically, it's our responsibility to do it and to maintain it. If someone wanted to donate money, certainly, it's regarded, but if it was just us out there, I had no problem with it. We allow so many people to launch boats there. Anybody that's on Trillium Lake realizes that that's the main access there. And there's people coming and going and camping.

More discussion occurred regarding property access, equipment for grading, maintenance, boat launch and concerns on vacating the roads.

Mark Rueter; Clarified the LLC owning the property on Lost Lake Road. It is not a developer, it is just a legal agreement that my sister and I and our spouses put together because so many times when family starts to share a property, it becomes a big problem. And so, we went through this way to have a legal, understandable way of running this to avoid any misunderstandings. There's no income on this property. But our concern, as my brother Gary is saying, is if this road is vacated, the last I checked with Mr. Person, he said there was not an existing easement. If the landowner of that does not grant an easement, my understanding is we are landlocked. And if a property is landlocked, that's why a township puts in a road. And so that easement does not exist. But also in looking up what is the definition of vacating a road, I encountered Minnesota state statute 160.09 subdivision 3. And I shared it with Mr. Person, it states that a town may not vacate a road without consent of the owners if it is the only means of access to property or properties totaling at least 5 acres, unless other means of access is provided. The two parcels at the end of Lost Lake Road Northwest are 2.51 acres and 3.1 acres, totaling 5.61 acres, so exceeding that minimum listed in the state statute 160.09. So on the grounds of that, I think that the vacation should be rescinded at least for Lost Lake Road by that statute 160.09.

Citizen; That certainly would apply to Schmidt Road, too. That's our only access to the field back there. We've got people that come up and farm and cut the hay and bale it and stuff on big fields back there. Plus, all the launchers, everybody on the lake launches their boat down there and takes them out and people that had their trailer houses there.

Julie Primus and part of the LLC on Lost Lake; What's your reaction to the statute saying that you cannot vacate a road, especially when we don't have easement, we wouldn't have access to our home?

Supervisor Reher response; The first thing is after talking with Mark and after talking with Mr. Person is that there would be no surprises, there would be no vacation until the easements were in place, and if

we choose to not do it, then it's not a problem. But certainly, it's not going to happen and leave people high and dry.

Supervisor Wold; And that was what I wanted to clarify. The last email I think I saw is that there was still some work being done on that to secure access and so no action would be taken until that is finalized. So, and I'm sorry I don't want to shut anybody down, but if we could keep this a little bit separate so we can talk about one road or the other because it gets a little confusing to kind of jump back and forth because they're similar but different issues. But on Lost Lake, for the sake of conversation, if that easement was established now, do you have further concerns? And what are they?

Gary Rueter; So, would this be strictly an access easement? If you are to vacate the township right away, and now you're creating an easement through the landowner that owns the land under the current road, is that an access easement only? Because right now there's a semi-built cul-de-sac there that is sometimes used for parking. So, is the access easement access only and you can't park on that little turnaround area?

Supervisor Wold; Are you talking right down by the Y between them?

Gary Rueter; Right at the north end of that township road. Yeah, it's right at the end of the easement. They kind of built it out to the east a little bit. So that sometimes gets used for parking. So, I mean, my understanding is if you have an easement, the easement is for a very specific purpose.

Supervisor Reher; And if it's an access easement, since it has not been created, would have to be created for the benefit of the property owners. That easement would be paid by the township, but the specific details of that easement would be up to the landowners. And it would be done by the township attorney. So that it needs to satisfy the landowners.

Gary Rueter; So is it, as you're talking about landowners, is it the two property owners at the end? Or is it all three of the owners, including who owns the land under the existing road? What happens with the township to get the information of what these two property owners want?

Supervisor Reher; We have to have you in contact with the township attorney. And in talking with him today, what he said is that he did not return your call, Mark, because you at this point are not his client. And that's why I talked to him.

Mark Rueter; First of all, the turnaround brought up on the end of Lost Lake Road and that Gary referred to as sometimes used as parking was installed and built by the township as a turnaround for maintenance equipment. In the resolution that was mailed to us it says one of the reasons it's going to be considered to be vacated is that the road is a small segment of the road and does not meet township specifications for proper turnaround. So, the township installed the turnaround, but now they're saying it doesn't meet their specifications as a proper turnaround.

Supervisor Reher; Those specifications have recently changed. Recently, maybe within the last eight or ten years. The turnarounds that we're installing now have a minimum of 50-foot radius so that a fire truck can turn in it. And that one does not allow that.

Supervisor Wold; I think we'd have issue, I mean if you had a full turnaround, right, as a township road, and it was lined up with vehicles parked all the time, well that would defeat the purpose of our ~~terminal~~ ^{turnaround} for emergency services, so there'd be an issue with that too. I think you can, there's a way to craft this through an easement that parking could be allowed given, hopefully, as I see the area improved, that that's still, I mean anything can be done with an easement, but hopefully that's still within the right of way of the existing township roadway, right? And maybe not on top of it. But that language could be translated.

Supervisor Peterson; Is all the three properties that are down here, are they all family?

Mark Rueter; They are, the Hobbs Knob LLC is family and the property to the west of it is a friend who purchased it in 1985. And the third property that the road goes through, is no relation.

Supervisor Wold; So I ask my question again, if that parking, if that situation, if those things can be an easement before anything is done, are there further concerns? Or does that address, I mean that's what's been written, so does that address those or not?

Mark Rueter; I guess the concern is ultimately that statute that says 160.09 subdivision 3, that you can't vacate a road without permission from the landowners and we are not giving permission to vacate it just there.

Supervisor Wold; I don't think that's exactly what it says. You need to have access so we can't landlock you. But if you have that easement access.

Mark Rueter; statute 160.09 says, "a town may not vacate a realm without consent of the owners if it is the only means of access to the property or properties totaling five acres."

Supervisor Wold; Correct, but if easement access is established, that concern is no longer, because you would have access. And I understand that's not currently there, but that's my question, if that is addressed, do you have further concerns?

Gary Rueter; I think it would be a little too early to voice this, because this has just come up now. I think we need time to talk and talk to the other people that have permission to launch their boats property on the end of that easement and see what other concerns we have whatever other issues at this point I don't think we know we can say a hundred percent that we know what all the issues are. We need a little time to think about it.

Supervisor Wold; Are you saying there's actually a launch?

Mark Rueter; No, it is accessible, solid ground, which on Lost Lake is a premium. The wetland, ordinary high water mark is quite a ways back. And we give permission to family members to drive a vehicle across the yard down to the water. So it is not allowed to get family members or residents of the lake.

Supervisor Peterson; Do you charge for this?

Mark Rueter; No

Supervisor Wold; Well, the only concerns that I've heard on Lost Lake is regarding adequate access to the properties, which is completely understandable, not to cut you off from your land. But I'm not opposed if they need more time, if that is addressed. There's an idea that this could be tabled a month. If there's any restrictions about that, I don't hear it.

Gary Rueter; I have one other point. That land that underlies the current road is going through a pending sale right now too. And being that he did sell it. You have to cross over to get to said property.

Mark Rueter; In order to work out an easement, we don't know who we work with, the seller or the buyer?

Supervisor Wold; The township would take care of this. And we're not going to approve anything that cuts you out from your access.

Supervisor Reher; So, I think that we don't want to just table it, but we should continue that until another date and time.

Supervisor Wold; Would 7 o'clock a month from now be sufficient time, do you think?

Mark Rueter; I think the timing is going to be completely dependent upon the sale of that property and who's at the table.

Supervisor Wold; Not to be disrespectful at all, sir, but I understand the need to kind of rethink through any potential issues once we're over possibly the easement hurdle. So, I guess the continuation is giving you folks time to re-examine the situation, knowing that nothing will be done until the easement was in place to secure that access. So, you can leave here tonight, accept that as a fact. And then talk to whoever you need to talk to and figure out if there's any other issues that need to be addressed. And then know once again, we're not going to cut it without easement. And then we could come back at a later date, which could be a month from now, and then you have time to think about any other issues that may arise instead of picking them up on the spot.

Supervisor Reher; And it is to your advantage to work it out with the existing owner, so that it's done and in place when the new owner comes into that property.

Citizen requested how communicating the vacations happened other than at the Annual Meeting.

Supervisor Wold; Direct mailings were sent to the citizens who own property on those roads.

Joe Foehrenbacher; When we bought these properties, we had township access. I mean, the road to get to our properties. Now, if you take that away, that is going to affect our land values. We are either going to have to pay to have it done, and then we are still paying township taxes. And whoever brought that up at the meeting saying that the cost of the township is too much, well, you vacate those roads, we still are paying township taxes that are going to have their roads maintained. So, I mean, I don't understand who the hell we got there to begin with. The township's got I don't know how many thousands of people in it. And you get a dozen people at a township meeting, somebody brings up, hey, let's vacate that road because it's too expensive or whatever. It doesn't really make sense because how many people come to the annual meeting and bring this up. I don't think we should be here talking about this to begin with.

Supervisor Wold; So, there's lots of private roads within the township. People that pay township taxes that maintain the roads.

Joe Foehrenbacher; I understand that, but they're not a township road. This is an existing township road that has been there for over half a century. And now you want to take that access away from us and have us figure out another way to maintain it. When we've been there, we've bought our properties with that road there, and as I said, you wanted to remove that, and we're still paying township taxes for. The township does their levy at the beginning of the year on what it's going to take to maintain the township, to take care of your roads, bridges, and culverts, ditches, or whatever, it's just part of what a township does.

Supervisor Reher; So, to answer that directly, the amount that comes to the township is based on the number of miles of town roads. And if this goes away, then that small fraction from the county to the township also goes away. But the taxes, everybody pays the taxes, whether they're on a township road or not.

Gary Rueter; Basically, what you're saying is your revenue from the county decreases if you give up these roads. But if you don't give them up, you still get the money to maintain them from the county.

Supervisor Reher; That's correct. The question is, it's a moment of offset. Do we get enough from the county to cover the cost of doing that? And the is the way it is now, no we don't.

Mark Peterson; I just wanted to clarify, did we come up with the amount of people that voted at the end of the meeting yet? So, were you, was somebody checking on that?

Supervisor Reher; It's between 15-20.

Supervisor Wold; And I think the best thing is we're all here now talking about it. So, we accomplished notice. We accomplished people in the room to discuss it. Mr. Chair, in the interest of time, on the

topic of Lost Lake Road I would I'll make a motion that we continue the hearing a month from today until 7 p.m. so these folks can offer the assumption that you know easements will be established to maintain what's there and you have time to think about any other issues you'd like to bring up that may not be related directly to access and have a month to do so, which I think is an indicator of being able to give some time to figure that out.

Supervisor Peterson; Seconded Motion

Supervisor Reher; All in favor aye. So, Public Hearing is continued until the next monthly meeting on June 13, 2024 at 7 PM. We'll start the meeting with the continued road vacation.

Lloyd Thielmann; An example for you guys, we live on a minimum maintenance road, and it ends. And then what the board has called a private driveway is about a quarter mile long. And it's got six homes on it. And we're all paying taxes. We're all paying big taxes. They're homes. They're not cabins. And we have to maintain our own road. We have to maintain from the minimum maintenance to the end of that road. And we do pay taxes. Four or five years ago, we had to spend \$2,500 to buy concrete and to pay somebody to grade it, which is an example of your roads. Same thing. Without that road, if they took the easement away well, it isn't a township road, but if the easement would go away for all landmarks, so just another example of what you guys are proposing.

Supervisor Wold; I also live on a private road. There's six of us we're the second to the last and it's privately maintained or some of the only full-time residents on that road that we pay a plower and we grade it ourselves. So that is something that we pay.

Supervisor Wold; Regarding Schmidt Road I think it goes to the comments you folks made. If that is vacated, do we have, or has that been worked out? Has even access been worked out from here back to these properties back to there? Is there an established easement to get through these two properties back to this one? Or is that common ownership?

Supervisor Reher; It's common ownership.

Clerk Dietrich; Don Peterson is submitting a petition with 35 names listed against the township vacating Schmidt Road. I will ask you for a motion to approve the petition and request from Don Peterson the addresses of all who signed the petition.

Kevin Sunderland; What can we do to keep it as a township road?

Supervisor Wold; What you're doing right now by attending this public hearing.

Kevin Sunderland; Do we need more people to come to a meeting, to voice that also? How do we turn this into just to keep it as it is?

Supervisor Reher; I hear your question. And I don't have a ready answer for you. I'm sorry.

Supervisor Wold; I have a question for folks in attendance here. I understand that probably a lot of those names are folks that don't have property back there. They would use this to access to put their boat into Trillium back there, right?

Don Peterson; Just about all of them and there's a couple of names on there, like the farmer that does the haying on the property.

Supervisor Wold; So the folks, you know, 1/10th or 1/15th of the road all the way back to that launch is township. The rest is already private. So, I just want to ask the question, what really changes if that first little chunk becomes private, it really joins the majority of the road that's currently private, not maintained by the township anyways, to get back to that access?

Don Peterson; Well the thing is, if you can't make it up that hill if, you know, after a rain and that road gets all rutted up and if it isn't maintained, you know, graded every now and then or after the ruts are in their way.

Supervisor Reher; Obviously, the township maintenance is not solving that problem anyhow.

Supervisor Wold; Correct. I guess we're bearing the cost of it.

Supervisor Wold; So one other thing, though, just the way I'm thinking about this myself, you know, when you've got U.S. highways, federal interstates, right? They're on the map to serve a lot of people. They don't go to small arteries, and then you get state, and then you get county roads, but county roads only go so small before they won't be county, right? They're meant to serve majority people and little arteries branch out. And township roads are the smallest of that, but obviously there's also, I think, a limit to that, right? So that's kind of how we, I think we're, I speak for myself, in Lost Lake Road, you know, a township road short of serving two properties, to me seems like we're paying for someone's driveway. And it might have been a township road, maybe it never should have been, and that's, I think, what we're looking at. And so in this situation, yes it is a township road, it's not serving any full-time residents with the understanding there's folks that are there seasonally. That's good information to have. And it does serve as access for folks to the boat launch on Trillium Lake. Correct. continue to allow people to use it. I want you to know how I'm thinking on a scale here.

Don Peterson; But that's been a township road forever. My dad used to grade it with the horses on the grader. He was on the town board clear back in the 30s and he maintained that for many years.

Deb Scheibel; So, is there a protocol for when a road becomes a township road? Because my question is you've got people that say there's six families on a private road, but then you have a road like Carderelle Circle who has one person that's seasonal, and that's a township road. So, it doesn't make any sense to me. Like, shouldn't there be some kind of protocol?

Supervisor Peterson; Right, that's one of my questions too, like how did Schmidt Lake or Schmidt Road ever become a township? Because since the 30s, there's only been one house ever built up there, and it was only serving one person, and it only goes, you know, two-tenths of a mile up this hill, and then it just dead ends. Why did that ever get, why did it ever become a township road to begin with? Same with Lost Lake and Carderelle Circle. I don't know the answer to how a road becomes a township road.

Supervisor Reher; Carderelle Circle was developed to be a township road. And it was built with the width, the ditches, the access, and everything to be a township road, anticipating sales of those lots and building on those lots.

Deb Scheibel; OK, so now there's only one seasonal person at the end of that.

Supervisor Reher; And there's one person full-time.

Deb Scheibel; There's two different roads, Carderelle Circle has one seasonal resident and Carderelle Court has one full time resident not a township road. And the other roads we're talking about have two or more people and they're fighting to keep their township road. Somehow it just doesn't seem fair.

Supervisor Wold; One of the things with Carderelle, is that there's a lot of lots out there. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 lots that were lotted off probably when that was originally planned for sales.

Jackie Sunderman; So on that Schmidt Lake road, we have two parcels there on our land on the east side of it. That is our only access without going onto a private road, Maple Drive is private, to get to that second parcel that is allotted as a separate parcel. So that's still, with the township, that's our public access to that without any further paperwork, easements, what do we have to do to keep it as it is?

Supervisor Reher; What I would like to do is to continue that as well and see if we can come up with an answer to your question.

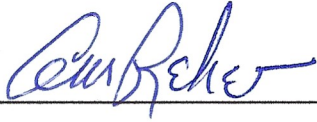
Supervisor Peterson; I would say, hopefully at the next meeting we'll have an answer for that and I would assume we would come up to a vote and I suppose the more people you have here the better.

Supervisor Wold; For me personally, the voice of the people that are actually in the buildings back there, and not people that are using private property to access that launch, would speak higher than the people just using the property that they own, if that makes sense. I'll make that motion, Mr. Chair, that we continue the hearing on Schmidt Road until June 13th at 7 PM.

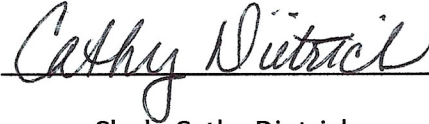
Supervisor Peterson; Seconded Motion

Supervisor Reher; All in favor aye. So, Public Hearing is continued until the next monthly meeting on June 13, 2024 at 7 PM. We'll start the meeting with the continued road vacation.

PUBLIC HEARING ENDED 7:55 PM AND WILL BE CONTINUED JUNE 13TH AT 7PM



Chair, Gordy Reher



Clerk, Cathy Dietrich

