

## Meeting of the Windemere Township Board - April 9, 2020

The meeting was called to order at 6:33 PM by Chairman, John Wesely. Others present were Supervisors Heidi Kroening & Dennis Genereau, Treasurer Ron Mossberg, and Clerk Scott Danelski. Nine individuals participated during the Zoom meeting via mobile devices or computers.

### **CONDUCTING REMOTE MEETINGS :**

**Kroening:** Addressing public comments during these remote meetings could be difficult She asked how and when during the meeting should the Board take public comment. Issue was that if we take public comment before the Agenda items are discussed it lends itself to additional comments outside of the public comment period. Or if we want to field additional comments/questions outside the public comment period we could keep it where it is at in the current agenda Suggestion was to take public comment at the end of the meeting. How do we deal with people virtually raising their hands during other portions of the meeting if our Policy says that we are only taking public comment during the public comment period? Very important that people are heard. Encouraged people to reach out to board members between meetings in order to get input and be able to address important issues. Heidi questioned Genereau's comment about when even after the stay at home order was lifted why we should continue to meeting virtually and asked when he thought we should resume meeting with the public. She went on to say that she spoke with Steve Fenske (MATs Attorney) and that they stated that after the stay at home order was lifted that meeting with the public was reasonable provided that social distancing was able to occur during the meetings. We can keep revising when we meet as we did prior to the pandemic as time passes.

**Wesely:** Did not want to limit public comment but if that is done the August 2019 policy needs to be update. Wanted to limit comments to a minimum. Give each person 3 minutes for their comment in the public comment period. Wants to meet telephonically in May. Was not sure how we could sign up for public comment. He would like to have a test run at some point.

**Mossberg:** Suggested that we pick on those virtually raising their hands for choosing who would like to provide public input.

**Genereau:** Referred to MATs website and how to conduct meetings during the COVID pandemic. They recommended only virtual meetings or postpone them. We need to pass a resolution on having virtual meetings because of the pandemic. Chairperson makes decisions on virtual meetings. Need to identify ourselves both during roll call and when we pass resolutions and when we are going to speak during the virtual meeting as do those from the public that will speak. We do have discretion to either permit or not permit public input. Just need to make sure that when we can start to meet in person that we do the upmost in keeping folks safe. And stated that again it is up the chair person to decide. He commented that based upon the 4/8/20 MATs news releases that board meetings even after the stay at home order that we should continue to meet virtually until after the public health emergency was over in order to prevent any unnecessary public gatherings.

State may continue the public health emergency but recommend that once we are allowed to resume our normal activities, then at that time, he thinks we would resume our normal board meetings. He wanted to express that opinion based on the MATS recommendation and the fact that the virus is unpredictable. Rural Minnesota is in part more susceptible to this virus because of our older population compared to the metro area and we don't necessary honor social distancing at the same level as the metro area. That is what he was basing his recommendations on when to start holding public meetings. Again, ultimately it is the chair person to make the decision. Motion was made by Wesely to: As long as the State of MN has Stay at Home Order all of our township meeting should be at home. Seconded by Genereau. Westley – Aye, Kroening – Aye, Genereau – Aye. Motion passed, 3 Aye – 0 Nay

Also made a motion that public comment will be at the beginning of the meeting and keep public comments to three minutes and eliminate public commented during any other part of the meeting motion seconded by Kroening. Motion passed, 3 Aye – 0 Nay.

#### **CLERK'S REPORT :**

The Clerk's March 2020 report was read. Motion made by Wesely, second by Kroening to approve the Clerk's March 2020 report as submitted. Motion passed, 2 Aye – 0 Nay. Genereau abstained as to he was not at the March meeting.

#### **TREASURER'S REPORT :**

Treasurer's March 2020 financial report was read. Motion by Wesely, seconded by Genereau to approve the Treasurer's March 2020 financial report as submitted. Motion passed, 3 Aye – 0 Nay.

#### **PUBLIC INPUT :**

Paul Horgen raised his virtual hand. Horgen had four brief comments

- Listened to discussion in regards to us holding the meeting in public and strongly advised us to adjourn the meeting and go home because of everything that is happening currently as a result of the pandemic.
- Does not think the minutes that were recorded at the last meeting in regards to his discussion was accurately recorded. He will write to Scott and address what he felt was not addressed properly so that they can be properly recorded.
- Considerable attention has been given zoning as to whether the township should continue doing the zoning or give it to the County. Caleb Anderson had given presentations in regards to this. Since that presentation meeting he did not think that the supervisor's opinions have been expressed and he would like to suggest that the Board at the next meeting when it is convenient for us to list what each board members think are the benefits and disadvantages of both zoning with the township and zoning being turned over to the County. As he observed issues with,

- zoning, blight, and compliance in over 60-70 meetings since 2014 he knows what our struggles are and would love to see us comment on that.
- He does quite a bit of meetings with zoom for his business and he thinks we need improved internet connects because our voices break up.

Eileen Quittem (Scott) raised their virtual hand. He had two main points that he sent an email already addressing points that he wanted to discuss but that no one besides Scott had responded yet. Feasibility study: Current height of lake being 2' over ordinary high lake water level affecting many lake land owners to varying degrees, Sturgeon Island Road, and ultimately the bridge and its approaches. Water coming over the road needs to be dealt with. The \$30,000 to address feasibility is a small amount to be spent to address this issue. Issue will not resolve itself and we need a route. Currently water is at its highest level and will freeze on road. Frozen black ice could be a huge safety issue and this should be addressed.

John Minke raised his virtual hand. He had two things.

- Apparently at last meeting Horgen again made a presentation about privatizing our road maintenance department and also hiring an administrator. He was wondering if Horgen has any documents on those issues that can be made to the general public
- Second thing at the Annual Meeting the tax levy indorsed by board was voted down and that seems to have a tremendous impact in regards to the 5 year plan and was wondering when the board will revise its estimate and what we can afford to spend while still maintaining a reasonable cushion for potential disasters that may come up and what we should spend it on and when that might happen.
- Lastly he appreciates the need to do virtual meetings and was wondering if we can find a way to host zoom so that we can see the people on zoom so that we can have a more immediate response so that people can notify board members as to when they cannot be heard.

Vern Anderson raised his virtual hand. Vern was out travelling doing business on Rush Blvd. and came to intersection of Rush Blvd and Military Road and noticed that road markers are in the opposite direction they should be. People may get confused. The other issue was that he wanted to ask about the minimum qualification for the zoning administrator and why they were required to have a valid health card and to have experience operating heavy equipment and how that equates to a zoning administrator.

**Kroening:** stated that Vern wanted him to clarify if the minimum or preferred qualifications addressed the health card and the heavy equipment operator. Kroening went on to state that it was the preferred qualifications that required that and not the minimum qualifications. Referred to Danelski to explain reasoning.

**Danelski:** stated that he took the 2016 posting and copied it and during that posting a health card and heavy equipment operators experience was a minimum qualification and that those were requirements were reversed for this posting yet left in there because when zoning projects are happening and if the zoning administrator has experience with heavy equipment and the property goes to the Board of Adjustment for discussion they know what equipment can and can't do and be knowledgeable in helping

to address any questions that go in front of the Board of Adjustment and if there are any variances that need to be made to a property.

**Genereau:** stated that he spoke with Phil White who had concerns with the hours that were posted and wanted to pass on Phil's concerns. Thought that the hours should have been in a range instead of an average.

**Kroening:** stated that we looked at the hours Phil White was working and felt that we needed to rein in the hours and to not answer the phone whenever it rang. Really try to hold more regular hours and times when the zoning administrator could be reached.

#### **OLD BUSINESS :**

#### **STURGEON ISLAND BRIDGE PRESERVATION COMMITTEE :**

Vern Anderson addressed this topic. He contacted Brian from MSA and had his bridge experts to look at the information that had been provided over the years. That information noted that the biggest concern were the approaches. Bridge has some deterioration but it is the approaches that are the issues. Highly suggested that we need to look at approaches especially since the channel where Quittem property abuts has only gotten wider. The other item MSA wanted information on was the condition of the pilings. No data on that. Appears that bridge has not moved and he wants to know what Board suggests on getting more information on the pilings. What could be a budget for looking into the pilings? Understands there is a lot of fish to fry in the township but would like to get a direction. Even though a bridge analysis was done he did not find information on the pilings. Anderson understood that preservation of the covered bridge was what the goal is.

**Wesely:** Would like to know if County has any information on the pilings. Committee was formed as a way to raise funds for the bridge as far as going with approaches, he would leave that to the engineers and leave committee to raise funds for the covered bridge. Just a comment.

**Danelski:** Stated that that Erickson did a bridge analysis and that everything was documented and bridge had a structural analysis done on bridge. He would do some checking.

#### **ZONING DEPARTMENT :**

**Wesely:** Knew that ads were placed.

**Danelski:** Did puts ads in paper and the Lakes Association did send out the ad to over 260 people. Placing ad with Indeed brought in 26 interesting applications from many people out of state with a variety of backgrounds. Did get an applicant from Hinckley with an engineering degree that looked interesting

**Kroening:** Asked Genereau how Carlton Co. was successful with Indeed. Once we get closer to the deadline, we can start to weed out the appropriate applicants.

**Genereau:** Certainly, there were many applicants that they screen out but once people knew that they were posting on Indeed they started to get better applicants applying.

\*Did have a comment that came in that Mossberg said he would record and provide at the end of the meeting because we were only taking comment at the public comment portion of the meeting.

## **2020 GRAVEL HAULING QUOTES :**

We received two bids one from Rydberg Construction and Precision Grade.

Rydberg came in at \$5.69/cubic yards. Precision Grade was at \$5.78/cubic yards

Motion by Genereau, seconded by Kroening to go with Rydberg bid at \$5.69/cubic yards for roughly 3000/cubic yards of class 5 gravel from the township pit. Motion passed, 3 Aye – 0 Nay

## **2020 VENDOR CONTRACT PRICING QUOTES :**

**Wesely:** We received three quotes in regards to Vendor Contracting: We can accept all of these and keep them on hand and when their services are needed start with the lowest price first and availability like we did in 2019.

- Rydberg & Sons
- Buetow Trucking
- Precision Grade

**Danelski:** As far as how the bid came in, he was speculating that the bidders just submitted whatever equipment they had and the associated pricing. We asked for size of truck (how much they could haul) and the associated pricing. Danelski said the process last year was that Buetow was always contacted last. He stated that he would contact Rydberg and get truck capacity. When the bid was posted we asked specifically for dump trucks and cost to mobilize along with a low-boy.

**Genereau:** Questioned when we need to make the decision by. He mentioned his concern that if we have township staff that are bidding on jobs. With Buetow being a township employee what is the process that we would have to go thru in order to use him as a private contractor for the township. To protect him and the township. Did mention that Rydberg had a lot more equipment listed than the other contractors and questioned how the bid was let. He wants to compare apples to apples.

**Kroening:** Asked if in the advertisement what particular equipment we wanted them to spec out or whatever they had. Stated that she had gathered information from the Township attorney in regards to this and the question had been asked and answered several times before. This is not a conflict of interest. She stated that she will ask again and pass that information on. Mentioned that a motion only needs to be made when a Board official is also the township road worker. That is a conflict of interest and has to be addressed by a motion. I said I would go and try to find information on that. Asked Genereau for recommendations on next steps.

Motion made by Genereau seconded by Westley to table making a decision on approving the Vendor Contracts until we have the capacity information from Rydberg. Motion passed, 3 Aye – 0 Nay.

#### **HARMONY LANE IMPROVEMENT PROJECT (TP 19-01) :**

**Westley:** Buetow is trying to get together some numbers for doing part of the project done in house and would like to get some wage numbers (cost per hour) from Mossberg. He is trying to save the township money. He would like the calculations in regards to what the hourly wage is for township employees by the next meeting. Time is getting short. He commented that this is a priority and needs to happen this summer.

**Kroening:** Wanted clarification in regards to what the thinking is to the bid that we had and what the maintenance department is interested in taking on versus Kaminski paving what the thoughts are behind us looking at this job differently. Wanted to know what next steps are so we can plan for next meeting. Kroening asked if the paving could wait until next year and maybe this year, we could do the intersection. She suggested setting up another meeting day to discuss the budget it was getting late in the evening.

**Mossberg** asked if we need to review the projected 5-year road budget. He was going to meet with Genereau to get him up to speed. We have a lot of flexibility to move things around and discuss things.

**Danelski:** Stated that Kroening was to contact Fenske (MATs Attorney) because there was only one bid and does the Board have to accept it. We would need to change the specifications to put the bid back out. So Buetow contacted the engineering firm that came up with the bid and wanted to parcel out the dirt work portion to see if the township could do this less expensively. Also, there is email from Carlton County. And the County is doing work that will occur near the township next year so maybe we would be able to re-bid out the paving part of the Harmony road job at the same time as Carlton County and get a cheaper price. Scott stated that he would call Kaminski.

He stated that the 12 contractors requested information on the specs but we only got one bid. He contacted the Engineering firm that developed the specs and that company reached out to the contractors to ask why more of them did not bid. Contractors heard that Kaminski was on the bid list and they pulled out because the other contractors knew that they could not compete with their pricing.

**Genereau:** Has three questions/comments. If we do anything with Carlton County, he has to abstain from voting on that.

Second is when we let this out for bid, did we make it clear that the township would have the right to pick out certain portions of the bid that came in and potentially do those parts ourselves? If he was a business owner and that happened to him, he would probably never submit a bid again to the township. So, we need to be careful. We need to make that clear if we are going to do that.

Third question is always nice to get more than one bid and maybe it would be nice to get an idea as to why we did not get more bids. Maybe reach out to some of the contractors and see why. He offered to do that to see if we need to do things better/differently.

He suggested to discuss the issue with Kiminski about potentially re-bidding. He offered to reach out or one of the three of the Board members.

Decision was made with no motion that Scott would contact Kaminski in order to get his feel about splitting up the bid before the May meeting. Then we would set up a meeting to discuss the road budget.

#### **PINE COUNTY BOARD of COMMISSIONERS / COMMITTEE OF THE WHOLE :**

**Wesely:** This was a meeting that was going to take place with the Pine County Board of Commissioners and the Town Board to discuss and weigh out the options to deal with the current high-water issues. It will need to be put on hold. Westley agrees that the high-water is a state issue and the best opportunity for those having a high-water issue is to talk to their legislators. He feels that those impacted have to band together and contact those people (legislators) if changes are going to be made, like drainage. Westley agreed to keep this moving forward.

**Genereau:** Liked the idea. Would like Westley to reach out to them and make sure that they know we are still interested. He does think as elected officials that we do have the decisions makers ear more but the citizens also need to speak out and we can assist that. Residents need to understand that there are limitations. Feels that County needs to do something with the road, it is their a road. There is an answer to this just need to find this. He wanted to make his phone number available for people to contact him.

**Kroening:** Stated that she met with SWCD and others in order to see if they would be interested based upon the recommendation from Mike Sundin to apply for an LCCMR project. But SWCD was not interested and this was is a very complicated grant to apply for so without support in completing the grant we did not move ahead with that. The quote of \$30,000 is about half of what she was informed a feasibility study would cost. This impacts more than just a township impact but an entire County. So, for us to foot the entire bill for this study at this point even though the impacts are significant at this point it needs further discussion. Due to the pandemic the discussion in regards to asking for money for a feasibility study may not go far with Senator Rarick and Representative Sundin, and she did not feel comfortable. She would love another's perspective. Kroening added that we need to be a part of the solution and be a part of a broader meeting with the legislators and the County Board once we are able to do that. There is an answer but we may need to be able to accept that answer and swallow the associated costs as well. Need to keep moving forward and keeping the connections with the County.

#### **WINDEMERE TOWNSHIP POLICIES :**

**Wesely:** We had discussed this in the past about getting some township policies in the past. We tabled it to this month. Recommended tabling it again.

**Genereau:** Stated that before he was in this role that Kroening and he had talked about policies and that he would be willing to help develop them and would defer to her in regards to that issue.

**Kroening:** She has a list of what policies are final, and in draft and who was going to work on what thanks to Scott. We can pass that information on and we can set another meeting up to discuss those. Supervisor Kroening will take the initiative in sending out that policy information and sending it out to the other board members.

**ISLAND LAKE BOX CULVERT :**

Tabled until a later meeting until we have our budget meeting.

**NEW BUSINESS :**

**MICHAEL OLSON PROPERTY :**

Question about a road that access to get to his place. Danelski helped to determine that this is a private road and that the township could not address the issue of the trucks or cars being in his way on his road. The Board agreed.

**BOOM LIFT RENTAL :**

**Westley:** Buetow got quote for renting a boom for Right-of-Way (R.O.W.) tree removal. Would like to take a ride with Buetow to see where he plans on trimming and post those areas of where the work will get done. Give landowners to know and opt out if they do not want their trees trimmed. The boom lift in and of itself will aid in doing a better job. Feels we are on the right track and wants it to be posted with enough time that if people want to do it themselves, they can. They have to follow thru with doing it themselves. He is going to take a ride with Buetow to get a sense of the scope of the work.

**Genereau:** Stated that we should make sure and get input from residences on how they feel about cutting in the right of ways. The Hinckley training center is a great aid in helping our workers understand the work better. He worked for a tress service for 10 years and dealt with public all the time and avoided bad PR at all costs. Very important to get information out to those that would be impacted by their work and what that work involved. Also, important to clarify what their standards were and shared that information with home owner in written form and also take calls. Most people are very reasonable in their expectation. Genereau stated that when he worked for the tree trimming company which did a mailing, went door to door and called the property owners. So that people are clear as to exactly what work we will be doing on the R.O.W. near their property. He recommended putting it on our website, consider mailing to the residences who's R.O.W. we are clearing and have whoever is running the project stop by at least two weeks before the start of the project so they have adequate time to respond and do the work on their own. If they don't complete the work by the time, we are in the area we will do the job ourselves because we have a duty to maintain the R.O.W. He stated it is important to at least attempt all try all three notifications options.

**Kroening:** What is recommended in order to notify the property owner that we will be doing the work with the boom lift? Just wondering about resources to do all three types of notifications.

#### **LOCAL BOARD OF APPEAL & EQUALIZATION MEETING :**

**Wesely:** On the schedule for that meeting at 4pm. Wondering how we will deal with people coming to the town hall.

**Kroening:** Discussed options for how to hold the meetings. However, got an email today that we can only have the meeting remotely. We will do everything remotely. People will contact Scott to sign up to discuss their issue and we will use the telephone number provided by the County to conduct the meeting. Some of the constraints with County are that because of the pandemic the Assessor's office has not been able to get into the home owner's property to in order to inspect them. So, the Assessor's Offices recommends that the Board votes for no changes to e property taxes and wait until the County Board has its meeting in June. That way they will have time to get out to the property and do a more thorough inspection. If we do not hold the meeting in April, the township loses the ability to hold a local Board of Appeal & Equalization meeting for two years.

**Danelski:** We need to get a hold of the County and tell them that we are still going to do this remotely. Will do a posting to reflect how to participate in the meeting.

#### **DITCH EROSION ON STURGEON ISLAND ROAD :**

**Wesely:** Problem by Sturgeon Island Road past Hill Street there is a ditch washing away and residents are worried about road impact. Buetow's idea is to place a culvert in there with plastic piping in that ditch. Cost could be between \$6000-\$7000. We could replace it or hold off until we redo the road which could be a year or two. Rock was put in the ditch last year as a fix but that washed away. Maybe larger rip rap to slow the water down before it hits the culvert is an option. Westley said he was going to ride with Buetow soon anyways and they would discuss a fix and he would get back to Scott on their ideas.

**Genereau:** Recommended if we are going to be redoing the road next year anyway to just do the bare minimum to fix the problem today. Maybe reach out to the Pine County Highway Dept. and see if they have a suggestion.

#### **HIGH-SPEED INTERET :**

**Westley:** Westley agreed to have Genereau drafted a letter and bring it to our next meeting.

**Danelski:** Mediacom had fiber about a mile west. Has called several times to get them engaged into laying cable toward the town hall. He has been asking for a year and half.

**Kroening:** Maybe we need to each as board members need to contact them?

**Genereau:** Wanted to see a map of where cable is currently located. He is willing to write a letter to Mediacom we could all sign with a current map.

## **CHARITABLE DONATIONS :**

**Westley:** Annual meeting \$5000 was set aside for charitable donations. Got a request from Ross Anderson (Moose Lake Historical Society) for ongoing financial support from the township. He does not feel that he is not a big fan of a governmental organization giving charitable donations. He thinks it is a personal choice. He does believe that some of the organizations that request money are very good organizations but just has a different stance.

**Genereau:** Wanted parameters for giving to charities.

**Kroening:** Stated there already are set parameters for what/who townships can donate money to. I can provide that if that is wanted. Stated that she felt that supporting the township supporting these organizations is one of the important functions of the township. The perspective is that it is also an individual choice however many people simply choose not to.

## **BOARD OF SUPERVISORS OTHER :**

**Kroening:** Need to determine road review date. Usually we do it in May. We can do this and be able to respect social distancing. Ordered a bunch of signs for the township last week for no charge. Ordered 17 signs from County. Checked with Camp Miller and we can hold our meetings there to help with any social distancing.

**Genereau:** Has a car that is hands free we can all drive separate vehicles. Scott has walkie talkies.

Date decided was May 2<sup>nd</sup> at 9:00 am at the town hall.

## **ROAD UPDATE :**

**Danelski:** Signs were for township as Kroening just stated. Buetow stated we need cold mix for patching and he got a price for \$68/tons and wants to start with 8 tons. Road salt purchase has been made Kroening is second contact back up. \$75/tons was ordered thru state procurement office. Buetow will start reclaiming gravel next week. Ditch on Hill Street and Sturgeon Island Road he will discuss with John when the meet. Discussed the Quittem property. He will contact Booker from Pine County who recommended that we place on layer of sand bags on the road near his property. Needs Boards permission.

Motion made by Westley seconded by Genereau to purchase 8 tons of cold mix at \$68/ton. Motion passed, 3 Aye – 0 Nay.

Motion made by Genereau seconded Wesely by to place a layer of sandbags by the Sturgeon Island bridge. Motion passed, 3 Aye – 0 Nay.

## **ZONING UPDATE :**

**Danelski:** White dropped off information we had 2 new permits in March and there has been a total of 5 permits for the year. Did give deposits and will get them to Mossberg.

**PLANNING COMMISSION UPDATE :**

**Wesely:** Stated that they did move their meeting date to May 12<sup>th</sup>, 2020 at 6:30pm at town hall depending on stay at home order.

**Genereau:** Not sure when peak of pandemic will happen but continue to stay at home. Keep doing business remotely for sure during stay at home order.

**FIRE DISTRICT UPDATE :**

**Wesely:** We had our monthly meeting before the Fire District so no updates at this time.

**REVIEW CLAIMS :**

Will look into how to do claims per MATs recommendation. Genereau will get and share that information. Board will follow MATs recommendation.

**CLAIMS :**

March 2020 claims/payroll were reviewed. Motion made by Westley seconded Genereau to approve the March 2020 claims as submitted. 20-04 EFTs 20-11 -20-14, Checks - 12558 to 12586 for \$21,200.67. Motion passed, 3 Aye – 0 Nay.

Township mail was opened and reviewed.

Motion made by Westley, seconded Kroening by to adjourn the meeting at 9:31 PM. Motion passed, 3 Aye – 0 Nay.

RESPECTFULLY SUBMITTED:

APPROVED:

Clerk, Scott Danelski

Chairman, John Wesely