

MINUTES
SEPTEMBER 16, 2024
CONTINUATION MEETING OF THE SEPTEMBER 5, 2024, BOARD MEETING
22295 Frostview Road, Cold Spring, MN 56320

Supervisors Present: Shawn Garding, John Willenbring, Dave Dold, Clerk Heidi Stalboerger, Treasurer Cathy Backes, Todd Menke, Deputy Clerk Addie Turkowski, Mike Nielson, Attorney Robert Ruppe, Vicki Jungels, Jan Decker, Mark Jungels, Shirley Zieglmeier, John Zieglmeier, Luke Vossen, Joe Jost, Frank Ulwelling, Ryan Holthaus, Deb Franti, Dan Frantti, Dave LaVergne, Jason Blum.

Town Chair Garding reconvened the continuation of the September 5, 2024, township meeting at 7:00PM and led the Pledge of Allegiance.

1. The Woodland Hills Homeowners requested the Wakefield Township Board to consider accepting Fireside Road, Fireside Circle, Fireside Court as a publicly maintained township road (currently privately maintained and dedicated not to the public, but to the residents and guests for private access). The Town Chair turned the meeting over to Bob Ruppe, township attorney to present the legal options to the Board for assuming maintenance of a private road from an HOA as well as the legal process necessary to accomplish this request.

Current Status of Roads: ❖Dedicated as private roads in the Plats of Woodland Hills, Woodland Hills First Addition and Woodland Hills Replat. ❖Owned and managed by the Woodland Hills Homeowners Association of Cold Spring (HOA). ❖Request by HOA residents for Township to assume maintenance of the roads in the above-mentioned plats. ❖HOA By-Laws require three-fourths of HOA members to transfer road to the Township: This By-Law shall not be amended or repealed except upon the unanimous vote of all member of the Association, provided, however, the association may dedicate the roadways to appropriate public authority after meeting of the members and the affirmative vote and authorization of three-fourths of the votes entitled to be cast in person.

❖Township requires all roads to be improved to current Township Road specifications and standards prior to acceptance. ➤HOA Engineer proposes to improve a portion of the Fireside Road by a full depth reclamation (of a portion) and overly the remainder of Fireside Road, Fireside Court and Fireside Circle. ➤Reconstruct driveway to 9-ton standard for a length of 55-feet. ➤Engineer estimate of project cost is \$824,647 for a 22-foot bituminous surface. ➤Project

cost could increase if Township requires improvement to standard 24-foot surface.
➤ 29 Properties in the Plat of Woodhill, Woodhill First Addition and Woodhill Replat.
➤ \$28,436.13 per parcel ($\$824,647.84 \div 29$ properties). ➤ Engineer estimates 20 years at 6.5% = \$2,641.74 per year.

Attorney Ruppe pointed out two options to consider should the HOA vote to dedicate the private roads for public use.

Option #1: ❖ HOA improves the roads to Township Road standards. ❖ HOA finances the road improvement project and assesses residents. ❖ HOA publicly dedicates the road for future township maintenance. This option gives the HOA more control in improving the road. Once the HOA upgrades the road to township standards, the township would then negotiate all future maintenance and is currently in favor of assuming all future maintenance. This is the preferred method of the township.

Option #2: ❖ Township establishes a Subordinate Service District (SSD) for the improvement of the roads to Township Road standards. ❖ HOA publicly dedicates the roads for future township maintenance. ❖ Township improves the roads to Township Road standards. ❖ Township finances the road improvement project and assesses residents within the SSD. This option must meet all township standards, and the township would finance and assess the residents through taxes.

Ruppe noted that should the residents of Fireside decide to turn the road over to the township, they would legally need the approval of 75% of the residents of the HOA according to the HOA by-laws.

Ruppe went into detail what it would require of the residents to become an SSD which would mean that 50% of all property owners in this area would have to sign a petition to become a Subordinate Service District (SSD). Ruppe also discussed the process in the case that the HOA does not have the support it needs from the members of the HOA.

There was further discussion that the HOA offered a portion of the road to the City of Cold Spring. If the HOA wishes to pursue this request, the HOA needs further discussion with the city. The HOA will need to either upgrade the roads to township specifications and standards in Option 1 or identify the boundaries of the SSD in option 2.

Ruppe explained the process of township financing in assuming public maintenance of the roads for Option 2.

The residents asked the following questions?

- 1) What will happen in 20 years if the HOA waits until then to request public maintenance? Ruppe - Township would use whatever laws are applicable at that time in assuming the responsibility of maintenance of the roads.
- 2) If Option 2 is requested, would the costs assessed include all costs on the road for the next 20 years? Ruppe: The Township would assess the cost to upgrade the roads to the township specifications and standards currently in place. Supervisor Willenbring added that the township has a road levy budget to maintain publicly dedicated township roads as needed. Supervisor Dold added that residents vote at the Annual Meeting on the levy to maintain roads. Supervisor Willenbring reminded residents that township roads are the priority of the township.
- 3) Size of the road? The engineer responded that the township board agreed on a 22-foot width as this road is not a through road.
- 4) Is there a guarantee on a maximum cost? Ruppe noted that most engineers when estimating are very conservative and if there are additional costs it is usually from external factors.
- 5) What if the road bid is too high can we reject the bid? Ruppe – yes.
- 6) How many bids are normally submitted on a road project? Mike Nielson – Average of 3-5 bidders.
- 7) What if a homeowner sells their property? Can the seller stipulate if they pay for the assessment or if the buyer pays for the assessment? Ruppe – yes, a public road affects the purchase price, and the buyer and seller need to agree on who would pay for the assessment.

There was further discussion on how homeowners might finance this. Ruppe responded that residents first need to decide on whether they are asking township or the city to assume future maintenance of the road and reminded residents that this is a costly project in which they will have to finance.

Mike Nielson responded to the residents that if they are going to form an SDD, it would take about three months, and approximately two months for plans, specifications and bid awarding.

Supervisor Willenbring added that we are a community and are trying to assist our neighbors. The homeowners present ended with saying that their next step in the process is to meet as an association and work with the property owners and come to a decision. They thanked the township board for entertaining the road option.

2. SUPERVISOR DOLD MOVED TO APPROVE INCREASING THE SPENDING LIMIT CAP OF \$500 FOR TOWNSHIP OFFICE CHAIRS AS NEEDED. SUPERVISOR WILLENBRING SECONDED. MOTION CARRIED 3-0.

3. SUPERVISOR WILLENBRING MOVED TO PERFORM AN EMPLOYEE REVIEW OF TREASURER CATHY BACKES ALONG WITH ALL TOWNSHIP EMPLOYEES REGULAR REVIEW IN DECEMBER RATHER THAN A SIX-MONTH REVIEW AS SHE HAD A 90-DAY REVIEW, IS DOING AN OUTSTANDING JOB AND HAS AGREED THAT HER FIRST REVIEW WAS WITHIN THE SIX-MONTH TIME PERIOD. SUPERVISOR DOLD SECONDED. MOTION CARRIED 3-0.

SUPERVISOR WILLENBRING MOVED TO ADJOURN THE MEETING AT 9:52. SUPERVISOR DOLD SECONDED. MOTION CARRIED 3-0.

Respectfully submitted,

Approved by,

/s/Addie Turkowski, Deputy Clerk

/s/Shawn Garding, Town Chair