

Deerwood Township
Regular Meeting
November 13, 2017

Board of Supervisors:

James Walth - Chair
Josh Thompson - Vice Chair
David Gray - Supervisor

Carol Pundt- Clerk
Amy Donovan - Treasurer
Steve Reilly - Road Overseer

Present: James Walth, Josh Thompson, David Gray, Carol Pundt, Amy Donovan, Steve Reilly
Absent: None

James Walth called the meeting to order at 7:00 p.m., with the Pledge of Allegiance.

A motion was made by Josh Thompson and seconded by David Gray to approve the agenda as amended to include Fred Tessmer under Other Business To Come Before The Board. All voted in favor of the motion.

A motion was made by Josh Thompson and seconded by David Gray to approve the October 11, 2017, Monthly Board meeting minutes and the October 14, 2017 Public Hearing Regarding Fisher's Lane. All voted in favor of the motion.

A motion was made by Josh Thompson and seconded by David Gray to approve the Treasurer's Report subject to audit for the month ending October 31, 2017. All voted in favor of the motion.

Approval of Claims: A motion was made by David Gray and seconded by Josh Thompson to approve the claims for the month of November totaling \$52,995.44. This amount includes interest due in the amount of \$23,011.39 for interest due on the road reconstruction bond for Nelson Road and Placid Drive.

Road Mileage Certification: Steve told the Board he had confirmed with Ann Dosch the changes to the road mileage certification.

Roads:

Nelson Road Project Update: A motion was made by David Gray and seconded by Josh Thompson to approve the sign off on the Notice of Termination Permit Form with the DNR for completed work on the Nelson Road project for 2017. All voted in favor of the motion.

Steve Reilly told the Board the culvert lining discussed at the last Board meeting still had not been completed. He also felt that not all the driveway approaches had been filled in yet.

Letter of Opinion: Virginia Knudson, the Township attorney from Borden, Krueger, Steinbauer and Knudson, attended the meeting to discuss and answer question regarding her opinion letter (dated 11/10/2017) to the Board regarding lake access off Nelson Drive. This is a summary of the discussion. She told the Board the letter is meant to provide a framework for discussion to address or not address what is going on between Shirt and Arbor Lake. The general public has access to the lakes off the road unless platted otherwise. The Township has the policing powers over the roads and the Township in regard to the health, safety and welfare of the public. How the Township keeps government discretionary immunity has to do with the weights and balances in forming policies regarding the social, economic, political, safety and welfare of the public. There is also the ministerial (day to day operations) versus planning (setting policies/ordinances) that need to have a balanced approach in coming to a solution to keep immunity intact. Would a lake access area off a Township road be considered a possible hazard which would make the Township liable? This situation may not cause liability be as long as the Township takes into consideration the weights and balances regarding the issue. The Township has the ability to place general, reasonable regulations on roadways within the Township within the scope of statutory powers. The Township Supervisors decide what could be considered a public safety issue.

There was discussion regarding erosive action along the road bed when putting in or removing boats from the lake. The possibility of working with the Lake Association for the Township to accept donations to help repair and maintain the road bed would be acceptable. But the Township should not enter into a formal agreement with the Lake Association. Damage to the road bed would be determined by the Township road overseer.

Access for reviewing the opinion letter from Virginia Knudson will be available on the Township website or by requesting a copy from the township. The Board did not take any action regarding the opinion letter. There will be more discussion regarding this issue at the December Board meeting.

Placid Drive: Due to the rising water levels on Placid Lake, the Township took necessary action to raise Placid Drive which was being flooded out by the high water level. This action was taken for the health, safety and welfare of the public use of Placid Drive. A citizen complaint was submitted to the DNR regarding the fill that was placed on Placid Drive. The Township, working in conjunction with Widseth, Smith, Nolting (WSN), reassured the DNR that the work was done with proper best management practices to prevent contaminating the lake. Steve Reilly told the Board road delineators still need to be installed along the affected area.

Variance Request: A motion was made by Josh Thompson and seconded by David Gray to allow the Board of Adjustment to make their recommendations regarding variance request for Daniel Sura. The Township Board waived their right of approval. All voted in favor of the motion.

Town Hall Plant Update: Nothing to report.

Other Business to Come Before the Board: Fred Tessemer addressed the Board by saying, as a representative of the Shirt Lake Association and the six other members of the Association attending the meeting, the Association is looking forward to a decision and hoping that the decision is to keep the access area available for boat launching and retrieving. The Association is looking forward to working with the Township Board in maintaining the integrity of the road and shoulder and at the same time having a usable access area. He also said the Shirt Lake Association would be open to working with the Township regarding any road bed erosion from boat trailers. He thanked the Board for the opportunity to hear from the attorney and the openness to be part of that conversation. He felt the meeting was very helpful.

A motion was made by Josh Thompson and seconded by David Gray to adjourn the meeting at 8:17 p.m.

Supervisor: _____

Dated: _____

Supervisor: _____

Supervisor: _____

Clerk: _____