

# *New Haven Township*

OLMSTED COUNTY, MINNESOTA – EST. 1858

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## Emergency Town Board Meeting Minutes March 2, 2023

Following the Pledge of Allegiance, the emergency meeting of the New Haven Town Board was called to order by Chair David Andrist at 6:30 PM. Supervisor Brian Hervey and Supervisor Dale Thomforde were present to constitute a quorum. Treasurer Robert Figy and Clerk Donna Beyer were also in attendance.

Supervisor Thomforde stated that he called the emergency meeting because of public health and safety concerns. His understanding from the Road Maintenance person, Michael Wood (Mike) was that Mike had been told by the designated road supervisor not to do road maintenance on New Haven roads unless contacted by that supervisor. Thomforde had also been advised by Mike that a township resident had car damage secondary to hitting an ice chunk on 100th Street, but Mike did not know who was involved. Thomforde stated that road maintenance is the responsibility of all supervisors, and it is a problem if a supervisor tells the road maintenance person to stay off the roads without input from the other supervisors. Depending on weather conditions, this could be a threat to health or safety.

Andrist clarified that he did not tell Mike to stay off the roads, and that the situation started with a phone call from Michelle Kennedy stating that she wrecked the radiator, pump, and front bumper of her car because of ice left on the road. He contacted Mike regarding this but did not feel that it was Mike's business to know who was involved.

Michelle Kennedy (10020 100<sup>th</sup> St, Pine Island) was present and stated that Monday when she returned home from work the road had been graded. She stated that from County Road 5 to just below the highline that crosses their place was one single lane down the middle, that you could not drive in single separate lanes due to big chunks of ice bigger than basketballs on either side of this lane. She mentioned this to Todd Kennedy (her husband) and stated she should take pictures of this. She wished she had because on Tuesday morning (February 28) she went out of her driveway and started down the road towards work going about 30-35 miles per hour. She got down by the highline and met a car on the curve which was also driving down the center of the road. She moved over into the area where there were ice chunks to pass the oncoming car and hit a piece of ice. She didn't think too much about it until her car started to overheat when she was about halfway to Rochester. She did not file a report of the incident. She states that it damaged her radiator, the condenser for her air conditioner and cracked her bumper. Estimates of damage are now over \$2000.00 which she does not feel she should have to pay, nor does she feel that her insurance should pay when she was legally driving on the road. She also does not feel she should have to pay \$425 for a rental car while her car is being repaired. She does not want to turn it into insurance and have her rates go up for the next 3 years. She stated that one could clearly see that there was only one lane down the road, not two passable lanes. Per Todd, the ice chunks that Michelle hit were 5-6 feet into the road. While she was not exactly sure what time the incident happened, Todd stated that she contacted him that the car was overheating at 10:30 AM. She stated that she contacted Andrist about 4:30 PM Tuesday.

Andrist stated that he spoke with Mike and asked him if he was doing any ice removal on the road and told him that a single vehicle accident with damage had happened. Andrist told Mike that the roads were "getting pretty bad" (due to thawing), and to keep road maintenance to a minimum, that if he needed any help with anything he could call. The Board listened to a recording by Mike of the telephone conversation which confirmed that Andrist only asked Mike to keep roadwork to a minimum.

A lengthy discussion occurred regarding the situation and the misunderstandings that had occurred.

Michelle Kennedy questioned who was going to cover the cost of her car repairs. Hervey stated that with no police report it is uncertain whether Mike's insurance would cover, and it is unclear whether there would be any township liability. Per Minnesota law, she needs to submit to her insurance who will then work to collect from either Township insurance or Mike's insurance.

Michelle questioned who they should call if there was a problem with the road. She was told that they did the right thing by contacting Andrist, who then contacted Mike.

Todd Kennedy stated that overall, Mike is prompt and does a good job of removing snow, that he does a much better job than the County used to do.

Mike questioned whether he could talk to anyone or if he must talk to Andrist. Hervey stated that Mike can talk to any Town Board member he wants to. Mike stated that he did make two passes over the road and when he finished, he thought everything was on the edge of the road and apologized if there were ice chunks left in the traffic lanes.

Apparently, there was a misunderstanding between Andrist and Mike in their telephone conversation. In the future, Mike needs to be fully informed as soon as possible in situations involving safety concerns with the Township roads.

The issue of snow fencing was raised. Todd Kennedy questioned the issue of liability if Mike is going on personal property to plow in snow fencing, without permission from the property owner. Thomforde recommended that going forward, permission be obtained prior to going on private land.

The meeting was adjourned at 7:55 PM.

Signed:

Attest:

Date:

Date:

(Signed copy on file)

Dale Thomforde, Chair  
For the New Haven Town Board

Donna Beyer  
New Haven Township Clerk