

EDNA TOWNSHIP MEETING September 21, 2021 www.ednatownship.org

The meeting was called to order promptly at 7 pm and began with the Pledge of Allegiance.

Dennis Sazama, Ben Bucholz, Gary Schattschneider, Karen Marthaler and Echo Dockter were present.

The agenda was reviewed. Sazama made a motion to accept the agenda, with additions for South Paul Lake, concrete issues, South View Lane (911 signs) and a review of the Little Mac Bay and Little Mac Condo discussion from August. Bucholz 2nd the motion and it passed unanimously.

Sazama made a motion to accept the clerk's report for August with a correction. Schattschneider 2nd the motion and it passed unanimously.

The Treasurer's report showed receipts of \$609.38, disbursements of \$58,026.43 and working capital of \$124,0975.94. Sazama made a motion to accept the Treasurer's report as presented. Schattschneider 2nd and the motion passed unanimously.

The claims for payment were reviewed. Schattschneider made a motion to pay the claims as presented. Sazama 2nd the motion and it passed unanimously.

James Mertes Sr. and James Mertes Jr were present to ask about the drainage ditch easement shared with a neighbor. They quoted from the minutes of the October 2019 meeting. The Board reviewed those minutes and minutes from August and October 2020. The October 2020 minutes suggested a possible solution. The drainage ditch does not function correctly because it is not being maintained. One of the major questions is just what entity the drainage easement belongs to. When it was created more years ago than anyone can document. Land Management told Mertes Sr that he could not do anything with that area, except to pick up leaves. Since that time the land around Mr. Mertes property has been developed and there is much more water draining through this easement than it was probably ever planned to handle. This also raised the question of why the property owners on the other side of the road were allowed to fill the ditches on that side of the road. There is a belief that these ditches were filled without permits. Mr. Mertes Sr feels that the township created the problem with this drainage easement by raising the road and installing culverts, forcing the drainage ditch to handle more water than it was engineered for. There is also a problem because one landowner is maintaining the ditch and the other one is not. In 2019 and 2020 the water levels were so high that there were concerns that any maintenance (cutting the cattails) would only open the ditch so that water could flow back onto the properties. The water levels this year are so much lower than they were in 2019 and 2020 that the water flow is not an issue. The major question before the Board is whether or the Board has the authority to clean and maintain this easement. Schattschneider volunteered to contact the MAT attorneys for help. If the MAT attorney cannot provide an answer the Board is recommending that Schattschneider talk to Attorney Felix of Perham to get answers. Bucholz made a motion to allow Schattschneider to contact this attorney for help. Sazama 2nd the motion and it passed unanimously.

After Schattschneider received a complaint about the 911 sign at 40020 Southview Lane Sazama did a road tour and found several 911 signs leaning or broken. He fixed 3 of them. The one at 40020 was repaired by the county and Edna Township is paying the bill as it has done in the past. Note that this address is not in Edna Township but Edna does do the snowplowing for this road. This is part of a reciprocal agreement with Rush Lake Township.

Strata concrete poured a driveway for Steve Richter and then cleaned out the truck on South Paul Lake Dr. Sazama called Strata and explained that this is not acceptable. Edna Township will clean this up, but will be sending a bill for \$90. At this time the Board was also reminded that the clerk was still waiting for information to bill Strata for a similar problem. The clerk was directed to bill for both problems even without the information concerning whose driveway was poured when the first problem occurred along Marion Lake Dr.

Schattschneider was not present at the August meeting when the Little Mac Condos plat was discussed. He wanted to be sure the Board discussed the expectation is that the township would never take over the road leading into the condos. This was discussed at the meeting but it was not reported in the minutes. This discussion should cover that omission.

At this time the question was also raised as to whether the access approach policy mentions the mailbox policy. The clerk will look into this and will propose an addendum to the access approach policy if needed.

Sazama has talked to the County Highway Department about reimbursement for the extra maintenance required for Fort Thunder road. This is not the official detour for County Highway 34, but is certainly being used as a detour by local residents. Sazama spoke to Craig, who is working on it.

There was a great deal of discussion about ditch clearing, tree removal and the process required to do this. Understanding that this is not a small project Bucholz suggested marking the trees first. This is required before notices are sent to property owners. Then, quotes could be gathered to get an estimate of the cost. The quotes would be for 1) tree clearing including taking the wood away and 2) tree clearing and not removing the wood. The quotes would also include the brushing of the ditches (anything not classified as a tree). The Board agreed that there are several right of ways that need to be cleared to allow for more efficient and effective snow plowing but the entire township cannot be done at one time. East Big McDonald Dr was identified as the place to start. At this point it was agreed that the meeting would recess, after the rest of the agenda was covered, and would reconvene on East Big McDonald Dr to begin marking trees.

Mark Lenius is continuing to work with Stabnow to make sure that 378th St will be able to meet township specs. It will need an overlay of asphalt before it can be accepted. The quotes showed that it would be less expensive to do this in 2022 and that is what Lenius is planning.

The shouldering of East Big McDonald has not been done yet. Mark's Sand and Gravel is expecting to start the full depth reclamation of North Little McDonald, 455th and 370th as early as Friday the 25th.

West Little McDonald – possible petition for asphalt. Larry Mollins sent an update that the petition does not have enough signatures to go forward.

Bucholz did the weed tour. It appears the poison ivy is under control and should not need to be sprayed again. There is still a problem in the ditch near Dave Taylor's property. This will continue to be a problem until the nap weeds on his property are removed. Bucholz is recommending that the Township will have to continue to spray this area. The next spraying will be in the Spring. Bucholz is also suggesting that the township should look into cutting the whole ditch, instead of just double wide cutting in the Fall. Cutting the entire ditch should keep little trees from turning into big trees and causing bigger problems. If the entire ditch could be mowed then it should be possible to just spray the spots where trees or bushes start to grow back.

Review the Priority Reports for Sub-contractors - Bucholz offered to remind Sonnenberg that the 3 bumps in 450th, 455th and North Little McDonald should be repaired before the full depth reclamation starts.

Perham Area EMS sent a packet of information that was requested by the townships at the last semi-annual meeting. The clerk emailed a copy to the Board. There was no discussion about this.

There was an email from Perham Township requesting a spot in the agenda to discuss the town line road agreement.

Perham Township was not ready to attend the September meeting. The clerk received an email offering to send a Supervisor to the November meeting. Edna Township has a copy of a proposed town line agreement from 2012, drawn up by Heier Engineering. It was suggested that we offer this as a place to start the conversation. The clerk will send it on to the Perham Township Clerk.

The unfinished business of traffic control, sign inventory, and updating the other town line agreements will continue as unfinished business.

The meeting was recessed and will reconvene on Thursday, September 30, at 4 pm on East Big McDonald Dr.

September 30, 2021

The meeting was reconvened at 4:06 pm on East Big McDonald Dr with Dennis Sazama, Ben Bucholz and Echo Dockter present. Note that 2 supervisors do make up a quorum. Torey Sonnenberg was also present.

Several trees were marked, with orange plastic tape, for potential removal. The distance from the center line to the middle of the tree trunk was measured as carefully as possible. As this was happening there was discussion of the next steps in the process – getting quotes and sending letters to property owners. The Board members present felt that there were several

questions that needed more expertise to answer. Bucholz made a motion to recess the meeting and reconvene at the attorney's office as soon as possible. Sazama 2nd the motion and it passed unanimously. Sazama will notify Bucholz and Dockter as soon as an appointment can be made with the attorney. Because of the time required to properly follow the process it was determined that this should be done as soon as possible.

The meeting was recessed at 5:35 pm.

The meeting was reconvened at 4 pm on October 5, 2021, at the office of Samuel Felix. Dennis Sazama, Gary Schattschneider and Echo Dockter were present. Ben Bucholz was available by phone if needed. The purpose of meeting with an attorney was 1) to get an answer regarding who is responsible for the drainage ditch on Engstrom Beach and 2) help with the tree issues involved with clearing the road right-of-ways in the township. Schattschneider has been in contact with the MAT attorneys regarding the drainage ditch on Engstrom Beach. The last email advised that Edna Township work with an attorney to make sure the township did not have ownership of the easement. Mr. Felix questioned how Engstrom Beach Road came to be a township road and if this easement was specifically mentioned when the road became a township road. As far as the clerk could remember Enstrom Beach became a township road in the early 1990's with very few specifics. She will try to research the minutes and find the motion. It is very unlikely that a resolution was passed. The plat that was used to show the drainage easement was dated 1974. This also started the discussion of how Edna Township roads have been established as township roads. The CCI document that is recorded in the Otter Tail County Recorder's office is the most current recording of township roads. A copy of that document, the special meeting minutes when the document was open for discussion, the minutes of the regular meeting when the resolution was passed and the affidavit of publishing of the notice for the special meeting will be supplied to the attorney for review. Mr. Felix suggested that the only way to know for sure who the drainage easement belongs to is to do a full title search. This would be a fairly expensive process because the abstract would need to be updated and then a title examination would need to be done. From the dates on the plat, it appears that the title examination would have to go back more than 40 years, and would have to be done by an experienced title examiner. Until the drainage easement ownership can be established the township should not assume any responsibility for the drainage easement maintenance.

The discussion of maintaining ROWs was lengthy. There is no easy, clear cut answer. The township is responsible for maintaining row, and libel if there is an accident because of issues in the row. The width of the row depends on what the township has maintained during the last 6 years. The width of the row also depends on how the road was established as a township road. If there are dangers to the public – for instance the brush and tree limbs that had to be cleared to allow the road maintenance equipment to travel the road to do the repairs and overlay, then there is no question that the township is responsible and the clearing has to be done to maintain the road. The meeting with the attorney ended at 4:55. The supervisors decided to recess the meeting and to reconvened on Wednesday, October 6, 2021, at 4 o'clock, on E Big McDonald Dr to continue marking trees.

The meeting was recessed at 5:05 pm.

The meeting reconvened at 4:15 on October 6, 2021 on E Big McDonald Dr. Dennis Sazama. Gary Schattschneider and Echo Dockter were present. The supervisors discussed the information from the attorney and viewed the road. Sazama already has permission from Land and Resources to clear the areas that are swamps, on one side of E Big McDonald Dr. He also has written permission from some landowners to clear the ROW's to 33 ft. It makes sense to do the clearing in the places that have agreed to allow it. Sazama made a motion to brush the full width of the right of way in the 2 swamp areas along E Big McDonald, only on the side of the road next to the swamps. Schattschneider 2nd the motion and it passed unanimously. The decision to only clear these spots was based on the many unanswered questions about the actual width of the township right of way, the time needed to follow the tree removal procedure – if needed- and the fact that it is already October. The swamp areas being brushed will help a great deal with the snow build up in those areas. The entire process of clearing the road right of ways is very involved and not something to rush into. Sazama also stated that he has written permission to remove the 2 large trees near the beginning of the road. This should be made a motion at the

regular October meeting and determine if it is possible to get these removed before snowfall. Bucholz was on the telephone for these discussions.

There was also a discussion of the issues on Engstrom Beach. Sazama, as the Road Authority, met with Dora Township at the site of the beaver damage. The beavers are again burrowing under the barriers (rocks this time) put in place to stop them and causing cave ins on the shoulders. Sazama felt this could not wait for the October meeting. Schattschneider and Sazama agreed that Sazama would ask Dora Township to hire a contractor to fix this problem and bill Edna for half. Sazama called his contact with Dora Township who agreed to bring this to their meeting on Thursday night, and get back to Sazama on Friday.

At this time the supervisors agreed to recess this meeting and to reconvene at 3:15 on Friday, via telephone.

Meeting recessed at 4:30 pm.

The meeting was reconvened on Friday, the 8th at 3:15 via telephone. Dennis Sazama, Gary Schattschneider and Echo Dockter were present.

Sazama reported that Dora Township agreed to have North Central (Curt Osterfeld) repair the beaver damage and install additional barriers on Engstrom Beach road. Dora Township will bill Edna Township for half of this cost. This is consistent with the agreement reached this Spring. Sazama, as the Road Authority, authorized this as an emergency repair. Schattschneider made a motion to approve these actions. Sazama 2nd the motion and it passed unanimously.

This meeting was adjourned at 3:25 pm.

Date Range : 9/1/2021 To 9/29/2021

Date	Vendor	Description	Claim #	Total	Account #	Account Name	Detail
09/01/2021	Sonnenberg Excavating	Installing culverts on old County road 35, now 370th	3298	\$4,948.00	201-43121-224-403	Paved Streets	\$4,948.00
09/01/2021	Otter Tail County Treasurer	E911 Signage - 40020 Southview Ln	3299	\$50.00	201-43122-224-411	Unpaved Streets	\$50.00
09/01/2021	Echo Dockter	Reimbursement for copies and printer ink	3300	\$74.00	100-41131-352- 100-41110-201-	Publishing Council/Town Board	\$14.10 \$59.90
09/01/2021	City of Dent - Fire	1/2 of Fire Contract	3301	\$15,300.00	225-42201-360-501	Fire Contract	\$15,300.00
09/01/2021	PERA	3rd quarter, employee and employer portions	3302	\$630.00	100-41110-103- 100-41110-120-	Council/Town Board Council/Town Board	\$315.00 \$315.00
Total For Selected Claims				\$21,002.00			\$21,002.00

[Signature] _____ Date 9-21-2021

Benjamin D. Buchholz
Town Supervisor

[Signature] _____ Date 9/21/21

Dennis Szama
Chair, Town Supervisor

[Signature] _____ Date 9/21/21

Gary Schattschneider
Town Supervisor