

Edna Township
Special Board Meeting – Engstrom Beach Road
August 30, 2022
Dent Community Center, 201 Birch St, Dent MN 56528

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

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

Sign in sheet is attached.

The meeting began with Bucholz' report on the meeting held on August 22, 2022 with the County Attorney, Kyle Westergard, Mr. Mertes, and Supervisor Bucholz. The legal advice the township received the last time this issue was brought to the Board was that the township should not spend any money on this issue until there was proof that the easement belonged to the township. At that time the attorney suggested that a deep search of the abstract would be needed to establish ownership of the easement. Since that time the township board has followed that advice. Mr. Mertes spoke to the County Recorder and the County Attorney and received different information. The meeting on the 22nd of August was held to bring the township, Mr. Mertes, the department of Land and Resources and the county attorney together to share information. The county attorney's position is that a title search would not find a title for the easement. The only place this easement shows up is on the plat for that area that was recorded in 1974. The county attorney stated that this easement is a township issue because the water from the other side of the road drains through this easement. It is the township's responsibility to handle the water drainage. The drainage area is shown on the attached map, provided by Jeff Stabnow. At this time the easement area is mostly blocked by cattails and drainage water is not easily flowing through. Mr. Mertes has asked the township to open up the drainage ditch. Given the conflicting legal opinions the township will definitely need legal advice before any action is taken.

Sazama asked if the land owners on both sides of the easement would agree what had to be done to make, and keep, the easement open, if the township could then apply for the permit to clear the easement. The county attorney and the Land and Resources Department had agreed, in the meeting, that a permit could be issued to the landowners in this case. This could happen without any action by the township.

There was much discussion about the elevation of the area. The problems that would and could be caused by high water were also reviewed. It was generally agreed that high water would definitely still cause problems in this area, and many other places as well. This easement is not an answer for high water issues.

Cattails were also discussed. There is no clear answer. Yes, they help filter the water and yes, they can hinder the flow of the water.

The township board is concerned about taking any action that will make the township responsible for the water quality in the lake in the future. Options other than clearing the easement were discussed. One of these was to try to control or divert some of the drainage so the flow through this easement would be lessened. Stabnow felt that there was not a way to store or divert enough water to make a difference. The ditches in that area are not deep enough.

After more discussion between the board and the property owners it was finally agreed that they would work together, with the oversight of Jeff Stabnow. Stabnow is recommending brushing and mowing. Some sediment may have to be removed but it should be minimal. Mr. Mertes will do the work to clear the drainage ditch. Mr. and Mrs. Spidahl will not agree to pay for any work that will be done. A permit will not be needed if no equipment is brought in. Mr. Mertes stated that he would be using a wheelbarrow. The township will not be involved in clearing the drainage ditch.

Mr. Mertes and the Spidahls left the meeting. Sazama motioned to give Bucholz the authority and responsibility to contact Mr. Felix, the attorney previously contacted on this issue, to clarify the township responsibility for this easement.

Schattschneider seconded the motion and it passed unanimously.

The meeting was adjourned at 8:35 pm.

Dennis P Sazama
Echo Dockter

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Kyle Westergard - O.T. County L&R

JIM MERTIS

Gordon & Alek ~~Spindler~~ - Eng. Beach Rd.

Ron Gendres

Jim ~~Scott~~

Char Scott

Jeff Stabnow