

Pursuant to due call and notice there of the Southside Township Board of Supervisors met for the regular Board meeting on Tuesday, March 7, 2023, at 7:00 p.m. at Southside town hall, Wright County, Minnesota. The following members were present: Chairman Jim Hallstrom, Supervisors Dan Berg and Marty Ferguson and Clerk/Treasurer Carmen Merrill. Also present: Bernice Helm, Robert Helm II, Steve Loch, Ryan Huikko, Lori Loch, Eric Hendricks, Shane Vollrath, 10665 Reardon Ave NW, Camden & Vicki Marklowitz, 16670 105<sup>th</sup> ST NW, Wayne Marquette, 16008 105<sup>th</sup> ST NW, Richard & Kathleen Know, 16658 108<sup>th</sup> St NW, Scott Kuechle, 16607 109<sup>th</sup> St NW, Doug & Ally Barthel, 15515 109<sup>th</sup> St NW, Diane Cleveland, 16958 105<sup>th</sup> St NW, Tom Zimmer, 16962 108<sup>th</sup> ST NW, Steve Penney, Doug & Anita Nelson, 16315 61<sup>st</sup> NW, Annita & Alan Smythe, 17038 108<sup>th</sup> St NW, Mike Couri, Couri & Ruppe, Wayne Nicoloff, Todd Macgregor, 15487 80<sup>th</sup> ST NW, Ryan Macgregor, 15487 80<sup>th</sup> ST NW, Michael Bosio, 16311 61<sup>st</sup> ST NW.

Chairman Hallstrom called the meeting to order and led the pledge of allegiance.

Supervisor Berg made a motion to approve the minutes of the February 7, 2023 regular board meeting with a second by Supervisor Ferguson. Motion carried.

Chairman Hallstrom opened the public hearing for the vacation of a portion of Reardon Ave NW. Mike Couri, Township Attorney, outlined the area to be vacated and stated those present could express their concerns. If the Board votes to vacate the road area becomes private and public use goes away. The adjoining property owners may have a prescriptive easement to use the property but they would have to consult an attorney and have a court of law establish that right. The DNR has sent a letter stating they access the pond from the north and have no objection to the vacation.

Leah Huikko stated she owned the property bordering the road but didn't live out there until 7 years ago. There was a lot of dumping and tearing up the road with 4 wheelers and dirt bikes.

A resident stated 108<sup>th</sup> St residents used the road to get to their property. She stated the road has been there for 50+ years and after it's been used that long it's legal location is as traveled.

Mike Couri stated Statute 160.05 works like that if the township is the one maintaining the road. Since this road is privately maintained it does not pertain to that statute. A private road that goes outside of the plat is different from a public road that is maintained.

A resident asked if the road is closed how will emergency services know how to get to their properties. Mike stated GIS would eventually update.

Supervisor Ferguson stated the Board read all the emails, had phone calls and heard comments against the closing.

Supervisor Berg stated that the Board has no authority on the road except the portion requested to be vacated.

A resident asked about ownership of the lake. Mike stated anything up to OHW is state land. Everything above OHW is abutting property owner's land. The plat shows property lines into the pond which must have been dry when the plat was drawn.

Doug stated he lives on 109<sup>th</sup> ST NW and has been driving the roads for decades. He proposes to not vote on the vacation tonight. There's no reason to rush.

Ryan Huikko stated the road has not been maintained for years. Hendricks graded it several years ago but it is now sugar sand and trucks routinely get stuck.

Leah Huikko stated the road was originally platted to allow people to get to their lake homes but now it's used for ATV's and walking. They shouldn't have to be responsible if someone gets hurt. She has checked with her insurance agent and they have stated if someone is injured on their property they would be liable.

Supervisor Ferguson stated he lives on a private road and they formed an association that carries insurance and all pay for the maintenance of the road. He doesn't feel the Board is ready to make a decision.

Chairman Hallstrom stated the road as platted is not used. The Court has to give prescriptive easement rights to the local residents. If the township were to take over the road it would cost a lot of money if we do it right. There would be land acquisition and engineering costs.

Supervisor Ferguson stated the vacation has been worked on since October and we can wait and take some time to make a decision.

Chairman Hallstrom asked if anyone else had more to discuss. Hearing no further comments the public hearing was closed at 7:52 p.m.

Mike Couri stated the next step is to either pass a resolution to vacate or a motion to deny. It can be tabled as long as we'd like and take in more documents but the public hearing portion of the vacation is done.

Supervisor Berg stated we can table the decision for 90 days and it does not change the rights of the road.

Chairman Hallstrom stated if a judge gives prescriptive easement rights to the owners than the local property owners would have to pay to maintain.

Mike stated only the court can tell us if there is a prescriptive easement on the road.

Leah stated if you're on the road you still can't cross land to get to the lake.

Supervisor Ferguson made a motion to table the action on the petition to vacate a portion of Reardon Ave NW until June 6<sup>th</sup> with a second by Supervisor Berg. Motion carried.

Mike gave background information on 61<sup>st</sup> ST NW. The Board acted on a 1990 petition for vacation for a portion of the road but failed to file the papers with the County. In 2016 a real estate agent contacted the township to ask them to pass a resolution vacating the road and file with the County. The Township did that and filed the resolution. A quiet title action closed a road that goes up and around which land locked Stephen Penney's land. The existing road that was supposed to be vacated is narrow near a garage and tough to get a truck through. With the vacation and the quiet title action it is going to be difficult to sell property. Mike has drawn up a petition for a cartway to access the land locked land. If the township establishes the cartway they would not take over the maintenance but it would allow access again and help if people want to sell their property. This does not affect the upper road. Everyone needs to cooperate and everyone needs to agree to allow the township to establish a cartway. He has a legal description for the cartway which is 33' wide but narrows to 20' near the garage. There would be no compensation to the property owners.

Many residents present were in favor of the cartway establishment. Stephen Penney was not in favor as he doesn't want people driving over his property. The proposed cartway goes across his property.

Chairman Hallstrom stated the cartway would solve the land lock property and the township will pay for the cost of establishing the cartway.

Mike Couri stated the cartway ensures all property owners have access to their property. This is the easiest way to get it done. Stephen Penney stated if they use the old township road for the cartway he may be in favor. He is not in favor of the proposed location.

Mike asked if the old township road is surveyed and the cartway is drawn by Otto & Associates would Stephen be in favor. He said he would be more inclined if people did not cross his land.

Mike asked if the township would be willing to pay for the cost of the survey that was presented tonight. The lawyer that was used by several property owners for the quiet title action has paid for it but is asking the township to cover. The township will consider.

Jeff Burkhardt was present to report the results of the 2022 audit to the Board. The township received a clean audit opinion. The audit was in draft form as the State auditor hasn't issued the final compliance table for 2022 yet. The township finished 2022 \$99,000 over budget.

Jeff presented a contract for 2024-2027 audit completion. Supervisor Ferguson made a motion to approve the audit contract for 2024-2027 with a second by Supervisor Berg. Motion carried.

Eric Hendricks asked for letters to be sent to property owners that are pushing snow into the road right of ways and cars parked in the right of way.

The Board worked on the 2024 budget.

The following bills were approved as presented:

<b>Check #</b>	<b>Date</b>	<b>Payee</b>	<b>Cash Account</b>	<b>Amount</b>
7768	3/7/23	Wright County Association of Townships	100-10100	1,095.12
7769	3/7/23	Annandale Youth First	100-10100	1,500.00
7770	3/7/23	Cokato Janitorial LLC	100-10100	113.98
7771	3/7/23	Couri & Ruppe, PLLP	100-10100	387.50
7772	3/7/23	Hendricks Sand & Gravel	100-10100	17,485.50
7773	3/7/23	Norgren Tree Service	100-10100	1,050.00
7774	3/7/23	Meeker Cooperative Light & Power Assoc	100-10100	39.00
7775	3/7/23	OPG-3 INC	100-10100	600.00
7776	3/7/23	Waste Management	100-10100	3,646.58
7777	3/7/23	Windstream	100-10100	149.57
7778	3/7/23	Wright Hennepin Electric	100-10100	49.16
7779	3/7/23	James Hallstrom	100-10100	91.35
7780	3/7/23	Dan Berg	100-10100	92.35
7781	3/7/23	Eric M. Ferguson	100-10100	184.70
7782	3/7/23	Carmen M. Merrill	100-10100	1,237.60
online ach	3/7/23	Google LLC	100-10100	6.00
somper000691656	3/7/23	Public Employees Retirement Association	100-10100	182.00
<b>Total</b>				<b><u>27,910.41</u></b>

The meeting was adjourned at 9:50 p.m.