

SPECIAL HEARING : DEVIL'S LAKE ROAD..... APRIL 27, 2011

EDNA TOWNSHIP & DEVIL'S LAKE ROAD HOMEOWNERS

PRESENT: Jim Nigg, Supervisor/Chair Bill Norris, Supervisor Dennis Sazama, Supervisor

Carol Nelson, Clerk

Karen Marthaler, Treasurer

OTHERS:

Linda Nigg

Diane Bernier

Marlene McKinnon

Daniel McKinnon

Kenneth Brewster

Penny Moos

Kris Friederichs

Harvey Moos

Wade Wyatt

Kim Wyatt

Clarence Bernier

Karl Shulstad

Doug Ackling

Julie Baumler

Ray Baumler

Jeff Mathson

Lyle Smith

Pete Caron

Connie Sanders

Arlen Franchuk

Chris Myrold

Mark Fadale

Joe Dahl

Cheryl Boche

Kris Svingen, Attorney Rick Birkeland

Phil Hanson

Jeff Hanna

Meeting called to order at 7p.m. by Chair Jim Nigg with the Pledge of Allegiance

Jim did introductions of the Board officers and Attorney Svingen.

Tonight we are dealing with a road in our Twp. Initial questions were brought to Edna Twps. Board

"Can this road be turned over to the Twp. for repairs and maintenance."

A. The road has been maintained by Edna Twp. for 6 consecutive years. That means that road can become a dedicated Township road without a petition. The road is not passable at this time for residents or mail service. That allows for some emergency work can start to fill in the road, to raise it above the water level. Edna wants to do things correctly & appropriately. Our attorney is here tonight for our benefit & yours.

Attorney Svingen "I'm not sure what kind of a road this is right now. What is currently stated through easements or a plat or through the abstract? If Edna Twp has maintained the road they will continue to do so at the width it is now. If residents want to have it taken over by Edna Twp., they can create a petition to be signed by 35% of residents on the road. If the entire process is to be followed, it will take 17 - 21 days. There will need to be a hearing, registered letters sent to the residents plus a legal ad in the newspaper".

The Supervisors will have to figure out what right Edna has to the road. Residents here tonight are saying their abstracts announce it is a 66 foot road. "Is the property platted? (Nedberg division 9)" Any objections by residents would be null if the road is platted. Svingen will search Otter Tail County records for the necessary information.

Both an attorney & engineer will be hired for the road planning so any improvements are done correctly. This would be your tax dollars improving the value of your property & the road. There will be an assessment if the road is improved. The current road surface will become nasty when it rains. There might be a culvert added at the North end so the water will not cause so much pressure on the road. "How much more will it cost to bring the road up to specs?" There will be a feasibility study. The road may be 18 feet wide, will go into the wetlands. & driveways will need to be tapered down.

NOTE: add swing-away mailboxes to bid requirements.

Doug Ackling has been hired to do emergency fill. This was done. The slough on the curve is not holding as much water as the slough that is over the next hill. There would be an equalizing process to manage water level.

The cost of the project would come out in the feasibility study done by the engineer. The assessment would be based on the linear footage owned by each property.

The culvert would drain the water by Pete Caron's. Connie (Loyd) Sanders land is in the middle. Could those sloughs be connected, by the Gorman Twp road, if the elevations are turn out favorable? Last night, after the emergency repair was done, the water in the slough came up by 5-6". Water levels must be run to see if the equalization will work.

Permission would be needed from DNR, Land & Resource Mgmt., and MN Pollution Control. There could be road blocks.

The engineer would deal with the possible issues. Land & Resource is less rigid in granting permits these days due to high water in the entire country.

Norris made the motion "Pursuant to discover that the road is platted through your abstract, we will accept the road from Jackim Trail up to 460 St". Sazama 2nd. Approved 3/0

The supervisors do need assistance in reading the names on this petition. They are hard to read. Pete & Judith Caron were asked if they would sign the land easement page? They agreed. Once feasibility study is done, Svingen's secretary will mail notification to all residents. There will be a required public hearing. Then, Edna Twp may or may not accept the road. Residents will need to know costs. There are only houses on one side of the road. Who owns the land on the other side of the road? They may be assessed at a different rate. The emergency work was paid for by Edna Twp. Assessments can be set up on a 5 year schedule or paid all at once. It sound like the road will end up in the range of

\$50,000 to \$100,000. The current road/way of living is not manageable. Doug Huebsch, Otter Tail County Commissioner for this area, is bringing Ditch 25 up for discussion at the County Commissioner's meeting. There will be a 5/9/11 meeting in Perham about the possibility of venting with the Otter Tail county commissioners. Devil's Lake might be interested and now wish to be involved in the discussions. In the past, Devil's Lake opted out of the venting process and membership in the Lake Improvement District, LID. "Can they now opt back in?" They will want to get themselves prepared. Residents need to merge their concerns, so they can speak with authority & unification. One month is probably the soonest the public hearing can be held regarding Devil's Lake Road. Every resident has a vested interest. "Even if your house is high, you have to drive through the low spots to get to your house". "What is the difference in elevation between Little McDonald Lake & Devil's Lake".

A. On the older topography maps Little McDonald has an elevation of 1355 feet. Devil's Lake elevation is 1350 feet. Where can the newest information be found? There is an aquifer that creates the water flow from one lake into another. Jeff Volk is with Moore Engineering & is taking pictures of the lakes & can look at difference in elevation.

7:45 - no further question or comments.

Norris made the motion to adjourn, Sazama 2nd. Motion approved 3/0

DEVIL'S LAKE ROAD HISTORY (going back to 1/1/2001 in ledger & reports)

5/19/2003 - discussion w/Rick Birkeland & Lyle Smith regarding filling in wetlands on Devil's Lake Rd

1/19/2004 check to Loyd Sanders \$75.00 for snow removal was paid, nothing written in minutes

9/20/04 Devil's Lake Road residents attended Board meeting/discussion on water problem at end of Jackim Trail Road

2/20/2006 Brokke made motion to pay Loyd Sanders for snow removal near Devil's L. Road. Motion was tabled. Board needs to discuss the snow removal with L. Sanders

3/20/2006 check to Loyd Sanders \$371.81 for snow removal. Nelson instructed to write letter requesting his presence at 4/17/2006 Board meeting

4/17/2006 check to Loyd Sanders \$72.93 for snow removal.

There was discussion between Supervisors & Loyd Sanders, Arvid Ekren, Pete Caron & Lyle Smith. Brokke was to check on rulings regarding this road. No information was brought to subsequent meetings. since that time, R. Sazama plowed the road as needed.

In all invoices, roads are not listed individually as they are plowed or bladed.

5/15/2006 question in meeting report: "If Edna Twp takes over a road & does necessary fill, will the home owners on Devil's Lake agree to pay the cost. Need a meeting with the Board & Chuck Grote, OTC engineer to determine next steps". (No information was in following reports.)