

**Dunn Township
Otter Tail County, Minnesota
Hearing Minutes
Dunn Township Board of Supervisors**

**Informational Hearing to discuss maintenance issues on
Ottoson Trail
June 8, 2019 at 9:30am
Dunn Town Hall**

Call to Order: The Hearing was called to order at 9:30am by Chairman D. Johnson. Supervisors present: Herseth, Seifert, Dalman, Nyquist. Clerk Winter. In the audience: Mike Evenson, Deborah Evenson, James Evenson, Daniel Evenson, Randy Arntson, Carol Bement and Mark Bement.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Informational Hearing to discuss maintenance issues on Ottoson Trail

Comments from the Public: Mike Evanson gave a partial survey drawing showing the road and the right of way. He stated that he has no real complaints, snow is the only issue. He wants the blade raised when it gets to the end. He has ruts on his property, people think it's a turn-around, it is not a cud-d-sac. People should turn around in their own driveway or back out. He cleared the roadway this spring. The sand kills his grass. It may be sand that washes down from the slope of the hill, but seems like more sand than previously used.

Supervisors stated that extra sand may have been used due to the heavy snow this past winter. Grooming of the road has been done by Mr. Evanson. Maintenance to consider is sealing the cracks. They sealed cracks on Ottoson Road but not on Ottoson Trail. He said a snow blower could put the snow on the south side of the road. He said again that a blower would be much better to maneuver than the big plow truck.

R. Herseth stated that he has reviewed the drawings thoroughly. None of the surveys shown by Mr. Evenson are recorded. At the January 8th 2002 regular meeting a supervisor stated that the ROW is 5 feet. No supervisor can change the ROW. The area is recorded as a 66-foot ROW.

Our attorneys have reviewed the issues of the area so by state law we have a right to have our equipment turn around. Evanson put his concrete driveway in the right of way and now the plow can no longer turn around because it is too steep.

Ross Herseth read our attorneys opinion on the townships use of the right of way. Our only option is to haul in fill to create a turn around.

Mr. Evanson stated that he got approval to do his job from David Johnson, Ross Herseth stated that he did not get approval to encroach on the row but got approval to run lines under the road to provide service to his back garage. Herseth stated that we need to establish a turn around for the equipment. The only other option would be to take the concrete out of his driveway and that probably would not be acceptable. He did not ask about doing the driveway and did not conform to the township set-backs. Herseth read a statement from our attorney's referring to right of way maintenance. A copy of the attorney's letter is in the Hearing file. The town can maintain as it sees fit but has no responsibility to maintain the row in any particular way.

The real issue is a turn around and we need to discuss how we get that done. Mr. Evanson asked for copies of the statutes that Herseth is referring.

The main issue is a turn-a-round. We need to establish a turn around to accommodate maintenance equipment.

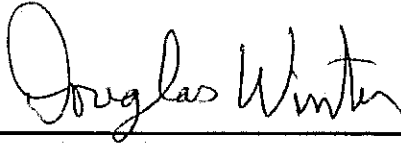
D. Johnson asked if there was any property available at the end of the road to put in a turn-a-round. There is a small wet land but maybe we would be able to build a half moon type area to provide a turn around. On the left side of the Evanson driveway concrete there is land that could be used for a turn around. Johnson mentioned we need enough land so they could drive in or back in so they can get turned around. Land needs should be discussed on site to determine the needs stated Mr. Evanson.

D. Johnson would like to meet with him and another supervisor to get something set up. David Johnson and Mary Nyquist will meet with Mr. Evanson on Tuesday, June 18, 2019 at 6pm.

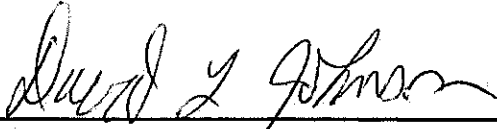
Supervisor Herseth gave a copy of the letter written by our legal council in regard to Mr. Evanson encroachment of the turn-around. Herseth stated that he was providing the letter only due to his mentioning it. We have no intention as a town board to pursue the items mentioned on the letter. He also provided copies of sited statutes regarding roads and road rights of way.

Adjourn: A motion to adjourn the hearing was made by R. Dalman and seconded by R. Herseth.

Respectfully submitted,

Handwritten signature of Douglas Winter in cursive script.

Douglas Winter, Clerk of Dunn Township

Handwritten signature of David L. Johnson in cursive script.

David L. Johnson, Chairman of Dunn Township