Work Session
January 10th 2018
3:00 pm

Present were: Supervisors Jim Kelley, Ken Haubrich, Peggy Clayton, Mike Schack, Town Attorney Andy Shaw, Clerk Cari Ann Alleman, 6 from the community.

Called meeting to order at 3:05 pm
Pledge of Allegiance:
Take under advisement of the vacate of the road, of ROW lot 26 and Outlot "A" with in the plot of Wendigo Bay Harris Township, Itasca County: Legal Description: That right of way lying between Lot Twenty-sib (26) and Outlot "A", Plat of Wendigo Bay, Harris Townships, Itasca County, Minnesota.

Motion made to recess made by Supervisor Clayton seconded by Supervisor Schack motion passed by all, to go review the site. Recess the hearing at 3:07.

Meeting back in session at 3:51 pm by Supervisor Kelley: Those in favor of vacate spoke first. Bob Dolan Attorney for those who are asking for the vacate of this property. It was designated a public ROW in the 50's, and has not been used by the public since it was dedicated. There is no parking on Sunny Beach Road. There is a large drop off at the bottom of the hill, not feasible for a boat landing, and putting in a boat landing would disturb the lake shore. If vacated it would then be back on public tax roll, preserve the natural lake shore, in the past 76 years it has not been used by the public. DNR has reviewed the vacate notice and has ok'ed the vacate of the parcel. There are two other boat landings close to the proposed vacate parcel of land. There were potential wetland disturbance by allowing snowmobiles to cross in that parcel. Mr. Dolan is asking for the vacate the land.
Opposition: Rich Libby: Pokegama Lake Association meet and discussed this vacate, they were not in favor of the vacate. It would put maybe $100 in taxes back in the tax roll; is that enough of a benefit. It would take about $40,000 to buy back the property if the board wanted to get it back. If the public wanted to walk there they would not be able to do so. The DNR looked at it as only a boat landing. The bank is steep, but walkable, the homeowner said they could move the easement. If you look at the Comprehensive plan, in his opinion it goes against the comp plan, (please see the comp plan page 10.) There is a step bank going down there and who knows what the future will bring. Mr. Libby does not think it's in the public interest to vacate this property. Suggest not to vacate the property and down the road and look at moving the access to the valley, and there are other accesses on the lake and shore line that cause damage to the lake shore. It would make a very nice walking path down to the lake and can carry down the kayak. Mr. Libby mentioned a court case that made the city keep a parcel of land. The Pokegama Lake Association did send an email and they opposed the vacate.

Mr. Dolan, there is 200 feet of marsh, it is about 9 inches deep of muck, reality is not feasible to even get down there in the snowmobile, that was mentioned is the land owner. Mr. Libby mentioned a land swap, the homeowner is not getting anything in return. Land swap is not part of the vacate hearing. We try to preserve the lake access, the DNR does look at this as a case by case basis. The parcel has not used in 76 years, it is very possible it will not be used in the future, it is not safe to carry a kayak down to the lake.

Patty Gould St. Aubin, property with marsh land, has two hundred feet and you have muck, that would be off of Isle View Road, new subdivision off of CO RD 17, will use property even if it is not great lakeshore, there are also another lot off Sherry's Arm that has a cliff. There is a lot of little lots around the lake that are being sold even with not great lake shore.

Better if vacated down at the shore line, up the valley, development and that is where in the area is going to be damaged if he puts a boat. If we vacate it is gone forever and not coming back.

Mr. Libby: Court case mentioned is the Supreme Court overturned a case in favor of the vacate and made the city keep the property to keep open for future use.

Close the public hearing portion made by Supervisor Clayton seconded by Supervisor Schack passed by all at 4:12 pm.

Mr. Shaw: He has over 30 years of experience, the cases Libby mentioned is for a city vacate. (State Statue 505.14) Plat statute how a court vacates a piece of property. The DNR is under State Statue (164.07) best interest of the public. When you vacate it is gone, it is also incumbent what can it be used for in the future. There are some patted ROW they are too steep for a ski run, it is seen by a case by case situation. When vacates it reverts to the abutting land owner. In this case the property on both sides of the vacate is owned by the same person. We received the letter from the DNR, and in general it opposes the vacating, but in this case they are not opposed to this as they don't think they have any use for the piece of property. We have to use common sense, we have to do the best interest of the public. On the tax end, it is the value of the property as a whole.

Supervisor Kelley- Roger from the County, they are not for or against the vacate. The county: once it's gone it's gone, and asked and look at it carefully.

Motion to grant the petition made by Supervisor Schack second by Supervisor Clayton passed by all.

Supervisor Haubrich- is the property is getting used? The only one that is using the access is homeowner. How would I know where it's at? It is not marked, and a person wanting to use it would have to do a little research. They are not well known to the public. If they are known to the public they are being use.

Supervisor Schack: doesn't see how anyone can get off the lake with its steep drop off

It hasn't been used and those that do try to use it are the neighbors. It is almost hazardous to those trying to get to it by the lake. When the supervisors looked at it in the fall it didn't show any use.

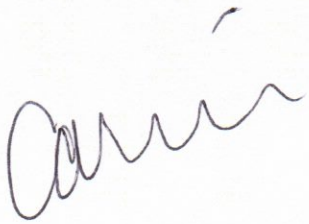
Supervisor Clayton- comp plan; page 10: going back to the future discretion and future use. The Township would have to do something to keep it maintained. There is a lot of negatives, and we have barely enough money to maintain our roads let alone put in an access.

Comp plan is a guide-
Motion of all those in favor: Roll Call, Supervisor Schack: Yes, Supervisor Haubrich: Yes, Supervisor Clayton: Yes, Supervisor Kelley: Yes. Passed by All.

Final determination: any damages to either party? No damages to either party. Resolution granting the vacate, road order with the county. That is the documentation that the road is not there anymore.

Resolution was done at the Regular scheduled meeting on January 10th.

Motion to add to the resolution as read Supervisor Haubrich seconded by Supervisor Clayton. Adoption the resolution passed by all. Send copies to all land owners.

Motion to adjourn made by Haubrich Clayton

Notes on the comp plan: to say "suitable purpose" on page 10…under land use. Put on P & D meeting under new business…