

Harris Town Board  
Work Session 7:00 pm  
Harris Town Hall  
6/20/2018

Present were: Jim Kelley, Mike Schack, Dennis Kortekaas, Peggy Clayton, Clerk Cari Ann Alleman.

Called the meeting to order at 7:00 pm

Pledge; reading of the mission statement.

Discuss Casper Landing- attached is the email from the attorney Mr. Shaw. The board suggested we have the property surveyed, to make sure that it is correct. If it is our property we have no problem leaving the fence and garage where it is, until we need to do something about the property. The board would like to send the homeowner a letter saying they are encroaching the township property, and we are going to have the property surveyed.

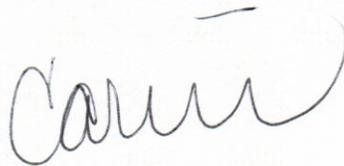
Survey the property is what the board all agreed upon.

The board is slowly looking at the all the properties the townships owns each year. We are going to start looking at budgeting the landings also, to fix one each year.

Motion to move to P & D meeting to get the property surveyed, and notify the land owner, made by Kelley seconded by Schack passed by all.

Public- would like to get the landings done sooner rather than later, because house boats can't get in and out of the landings.

Motion to adjourned Kelley seconded by Schack passed by all.



Last question first:

Can we donate money from the township to give to the city of Grand Rapids to pay for fireworks? I believe you can provided the fireworks exhibition is directly sponsored by Grand Rapids and is a "public use" of funds. Minn. Stat, 471.85 allows the town to transfer its assets, including cash, to another public corporation for public use when authorized by the town Board of Supervisors. This is a blanket authorization to do so without any limitation stated in the statute. It is authority granted beyond the other specific town powers stated in Minnesota law.

What is the legal process for selling a parcel of land that the township owns? I know of no limitation of the ability of the town to sell real property. It does not require a public hearing or any formality beyond the Board of Supervisors determining such sale is in the public interest. The sale of land by the town board is authorized by Minn Stat 365.02(2). The municipal contracting law does not apply and no bid process is required. How do we move forward? First the town board must determine that the sale of this particular property is in the public interest. Secondly, as a matter of due diligence and unless it is a tract of nominal value, an appraisal should be secured to determine the value. While it is not required, I believe it is always good practice to give general public notice that the town desires to sell the parcel, set the sale value based on the appraisal and determine who may be interested. Often there is only one party interested of whom you are already aware, but others may be also. Once a purchaser is found the standard process of entering into a purchase agreement for the sale stating the terms and conditions of the conveyance should be executed by the parties and the sale proceed to conclusion as with any other real estate transaction.

We have a property issue on Casper landing... the fence/garage is actually on Harris township property. How do we move forward? That depends on with the town board desires to do. Do you have a survey proving the improvements are on the public right-of-way? Do you want the people to move the garage/fence? They can have their improvements on town property or within the town right-of-way until the end of time without obtaining any adverse rights to keep the improvements in that location. Public property is not subject to adverse possession. That being stated, however, there are multiple ways for the town to deal with this. First they can demand the parties remove their improvements. Second, they can advise the parties that the improvements are located on public property and demand that they be removed at some point in the future, such as when the improvements would need replacement, at which time they can be relocated to the private property. A third option would be to vacate that part of the public right-of-way and have it revert to the private ownership should that property not be needed for a public use. A town with urban powers has authority to do this on its own motion pursuant to Minnesota statute 368.01, Subd 25. A fourth option, one which I do not favor, is to do nothing. The town at a minimum should send a letter to the landowners advising of the encroachment, providing evidence of the same by the survey, and taking a position on whether or not the encroachment may continue on terms or whether it must be termi