

CORINNA TOWNSHIP BOARD MEETING  
Tuesday, July 7, 2020 - 7:00 p.m.  
Corinna Township Hall  
9801 Ireland Avenue NW, Annandale, MN

Minutes Unapproved

This meeting was open to the public.

Chairman: John Dearing  
Vice-Chairman: Larry Smith  
Supervisor: Chuck Carlson

Call to Order and Pledge of Allegiance was at 7:03 p.m.

Present: Chair John Dearing; Vice-Chairman Larry Smith; Supervisor Chuck Carlson; Clerk/Treasurer Mary Barkley Brown; Maintenance Man Mark Miller.

Absent: Deputy Clerk/Treasurer Jean Just and Maintenance Man Steve Jost.

Others in Attendance: McKenna Ewen and Wally McKelvey.

Approve or Amend Agenda, Town Board Meeting, July 7, 2020: A motion was made by Carlson, seconded by Smith, to approve the Agenda with the following addition: McKenna Ewen E-mail of 7/7/2020. Motion carried unanimously. Copies of the previous Meeting Minutes and this Meeting's Agenda are available for those attending this meeting.

Approve or Amend Minutes, Town Board Meeting, June 16, 2020: A motion was made by Smith, seconded by Carlson, to approve June 16, 2020 Meeting Minutes. Motion carried unanimously.

Maintenance Outlook Report: Reviewed. Gowan AVE NW – Mark to dustcoat with Central MN Dust Control - 2,700 feet in front of Corinna Township properties that are normally maintained by Maple Lake Township – but have not been maintained this year. Send bill to Maple Lake Township.

Requests to be on the Agenda: McKenna Ewen addressed the Town Board. McKenna Ewen sent the Town Board an E-Mail on 7/7/2020. The discussion is below – under item "Other Business # 10.

Other Business:

1. Planning and Zoning Administrator's Report: Reviewed. Ben Oleson had asked the Town Board to inspect 10955 Lawrence AVE NW to determine if there is a driveway on the property/adjoining property. The Town Board determined that the path in question did not rise to the level of a driveway – as it has no ditches.
2. Wright County Notice of Public Hearing: Leo Zahler Variance Request was reviewed.
3. Wright County Planning Commission Agenda July 9, 2020: Robert Gruys Rezoning was reviewed. Clerk Brown was directed to send weed violation letter to Gruys for Sugar and Indian Lake properties.
4. Irvine AVE NW - Glaeser: No action taken – waiting for survey.
5. 6400 – 102<sup>nd</sup> ST NW: No action taken.
6. 7155 Imhoff AVE NW – Landscaping/Rocks in Road Right-of-Way: No action taken. Mark Miller will inspect again.
7. Office of State Auditor: Press Release on CARES Act Funding for Local Governments was reviewed. Clerk Brown was directed to look into this.
8. Clean Up Day July Newsletter and Volunteers: Reviewed.
9. Election Judges: A motion was made by Carlson, seconded by Smith, to approve election judges for August 11 and November 3, 2020. Motion carried unanimously.
10. Public Access Paths: McKenna Ewen stated the reasons he feels that there should not be a dock in the water at the end of a path in Sunset Lane that has been dedicated to the public since the 1920's. His father-in-law owns adjoining property to the public path. In response, Clerk Brown read aloud Mike Couri, Township

Attorney's response of 7/2/2020 in response to Mr. Ewen's previous concerns on this issue: *Sunset Lane is a 20-foot road on the original Rutledge Sugar Lake Park plat and is dedicated to the public. It is my understanding that this road has never been constructed (it remains grass) and that the Township has never accepted or maintained this road. Further, it is my understanding that the dock was not put in by the Township, is not owned by the Township and the Township has no idea who does own it.*

*Given these facts, Sunset Lane is a public road, but one that the Township has not accepted and has no legal obligation to maintain. Because it is dedicated to the public, anyone has the legal right to use Sunset Lane to access the lake. Whether someone has the legal right to put a dock at the end of Sunset Lane is unknown, and not necessarily a concern of the Township since it does not maintain this road. Like all other publicly dedicated roads that the Township has not accepted, it is up to the public to determine what rights they may have to use the road.*

*If Mr. Ewen wants to determine what rights he has in relation to the owner of the dock or anyone else, he would probably have to resort to a court action.*

*In answer to Mr. Ewen's questions, I offer the following:*

1) Does a private individual have the right to a private boat slip on the township's dock on Sunset Lane? *I don't know the answer to this. Mr. Ewen should consult his own attorney on this issue.*

2) If so, who has the right to a private slip and who does not? *Also unknown at this point.*

3) Can private lifts interfere with the public's ability to use Sunset Lane for recreational activities, such as fishing and swimming? Can private lifts obstruct the public's ability to safely launch and land non-motorized watercraft? *A court would likely have to determine the answer to these questions. Any interested member of the public will need to consult their attorney for an answer to this question.*

4) How will the township make sure that its public docks are in compliance with DNR regulations, which say that "docks should stay within their lot lines" and cannot include seven or more boats? *The Township does not own this dock and will not be enforcing any regulations regarding this dock as it has no such regulations and is not authorized to enforce State law (the DNR would enforce State law). It is up to the neighboring landowners to police the lot lines and determine if the dock infringes on their use of the lake.*

Clerk Brown stated that attorney Mike Couri's opinion was much the same as previous Corinna Township Attorney Tom Young's opinion on the matter when it was raised in March, 2017. (Young has since retired.)

The Town Board will give Mr. Ewen's questions of 7/7/2020 to Mike Couri for review and will then respond to Mr. Ewen.

In regard to a citizen's question regarding a Cedar Lake path, Township Attorney Mike Couri had the following opinion: *The Township has not maintained 70<sup>th</sup> street beyond the driveway to the Campbell property, meaning that it has not maintained the road to the lake. Since the road is not platted, the Township does not have an easement from the turnaround to the lake and therefore has no jurisdiction over the road past the turnaround.*

*Since the Township has no easement over this area, there is nothing for us to maintain nor can we order someone off of the property as we do not have an interest in it outside of the area we have been maintaining as a road.*

*The public generally may have prescriptive easement rights in the portion of the "road" between the turnaround and the lake, but this would be completely independent of the Township and would be a private matter, not a Township issue.*

11. Resolution Vacating Grunwald AVE NW: A motion was made by Carlson, seconded by Smith, to approve Resolution #2020-08, a Resolution Approving Vacation of a Portion of Grunwald AVE in the Town of Corinna, County of Wright, contingent upon the deeding of property from Ryan & Jennifer Smail to Benjamin & Krystal

Oeth as required by the petition to realign Grunwald Avenue signed by Ryan & Jennifer Smail. Motion carried unanimously.

12. Grunwald AVE NW: Authorize sale of property and transfer of deeds – A motion was made by Carlson, seconded by Smith, to authorize the conveyance of properties to owners listed upon completion of the vacation of Grunwald Avenue: Ryan S. Smail, owner of Lots 5&6, PID 206-060-000060; Larry & Lanette Olson, owners of Lot 7 PID 206-060-000070; Wallace D. Hasse & Diane F. Peterson, owners of Lot 10 PID 206-060-000100; and Arthur C. Roemer, owner of Lot 11 PID 206-060-000110. Motion carried unanimously.

Any Other Business That May Come Before the Board:

Payment of Claims:

Information on File:

Office of the State Auditor: E-Updates of 6/19/2020 and 6/26/2020 were reviewed.

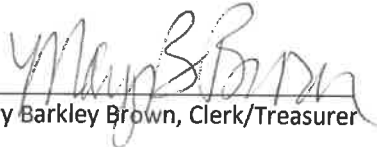
Payment of Claims:

A motion was made by Smith, seconded by Carlson, to approve Direct Deposit Payroll JE 2020-039 through JE 2020-041 (Miller Welle Heiser Payroll Service); Payroll Checks #1452 through #1458 (Miller Welle Heiser Payroll Service); Check #22233 to Check # 22255 in the amount of \$67,061.74. Motion carried unanimously.

A motion was made by Smith, seconded by Carlson, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:50 p.m.

Respectfully submitted,

July 21, 2020

  
Mary Barkley Brown, Clerk/Treasurer

  
John Dearing, Chairman