

June 15, 2010

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The Duenoche town board met June 15 with all members present at 7:00 p.m. at the town hall.

Chairman Robert Wentz called the meeting to order and the pledge was said. Clerk was asked to read the May minutes & they were read and Greg <sup>Hanger</sup> ~~Harold~~ to accept and Richard Moore moved. Approved.

Mr. Attendants Duane Judickson asking about a sign ordinance in regard to size & location. He said he would draft one from what he has been working with. May have done by next meeting.

Dale Odette has moved in a house & has talked to Richard Moore. Moved because he wanted to get in between rains. Will get a permit later.

Hauling is underway but not finished because of weather. Too much rain. Kilmeyer trucks are not working with Otte Construction. Not notifying when loads are dropped so grade can hold. So far no weight tickets. Richard Moore said he will call them. Hauling with 6 trucks.

Checked David Medina's house and

still not finished

Nackunas road. Present were John Ophaug - David Huistendahl Scott & LeAnn Nackunas. Edoune Clay, Craig Braun & Mike Denver.

Atty John Ophaug presented a letter to board regarding road in question & giving options the board has. Letter is attached. Is a road, vacated properly, when last maintained and such.

Atty Huistendahl has several County maps where road was indicated.

1969 - 1972 - 1977

Township records show vacation was talked about in 1993. Needed 8 petitions to ask for vacation.

Edoune Clay said her Mom, Dad (Art & Bernice Sorenson) bought farm in 1965. Cliff Helmer previous supervisor paid township stopped maintaining when Charlie & Hannah Alme moved out. They did not go out much.

Scott Nackunas signed a paper saying he would buy up the road as his own driveway. Township agreed.

Now there is some issue with

DATE: June 15, 2010  
TO: Greenvale Town Board  
RE: Norkunas Petition

- The Norkunas have requested the township to declare the road to be a township road. There is no statutory procedure for doing this. Minnesota Stat. §160.05 states that any road which has been used and continually kept in repair for at least 6 consecutive years is a public road until lawfully vacated.
- Unlike a petition for a cartway, the township is not required to take any action on a request to declare a road a public road.
- Kent Sulem, the staff attorney for the Minnesota Association of Townships, suggested that the matters the township should consider would be: Any written records concerning inspection, maintenance or graveling, any oral testimony of people who had maintained the road, any town board members who remember maintenance of the road, and other credible evidence. Attorney Hvistendahl has also provided an old plat map showing the existence of a road.
- I received a call from attorney Harvey Jones of Hastings today. Mr. Jones represents landowner Craig Braun. Because the petition was only received by his client in the past few days, he requested that no final decision be made tonight. Mr. Jones could not attend the hearing on such short notice.
- I also received a call today from attorney Glenn Nord, representing Mr. Devney. He was planning on contacting attorney Dave Hvistendahl to discuss the matter.
- What is the effect of the 1993 road vacation? Was this completed? There is a statute, §164.07, which does cover vacation. If the road was officially vacated, then the procedure to indicate that a town road does exist would be inappropriate.
- If a town road is established, you should consider whether you will require a survey of the property and the payment of any costs incurred by the township, including attorneys' fees, to be paid prior to approving that resolution.

adjoining land owners. More information will be gathered and presented at July meeting. Cartography - resolution.

Richard Moore asked about spraying weeds in parking lot.

OK'd

Collins will try to cut brush by fall. Bob Wenthe will check on spraying road sides  
will get on list for chloride as soon as gravel is complete  
Otis will call.

Bills were acted on and