

July 11, 2023

Meeting called to order by Chairman Reno C. Wells with members Dennis King, Thomas Boege, Renee Mr Allister and Lynette Emery present. Road crew member Thomas Emery was also in attendance. The Pledge of Allegiance was recited.

Guests present: Greg & Valerie Burmeister, Tim and Sue Anderson and Todd and Nancy Pehrson.

The minutes of the June 13, 2023 meeting were approved as read.

Committee reports were given.

Road issue within the Road Right of Way along Twin Hills Road NW was brought to the attention of the Board. A permit was issued by Cass County Environmental Services Department in May but was not followed. Supervisor King will follow up with Environmental Services Department on the issue. Supervisor King presented information regarding Minnesota Statute 160.2715 regarding road right of way use-misdemeanors. A request is to be made to the township attorney to draft a letter to be distributed to property owners abutting township roads concerning right of way use.

It is highly recommended that governmental entities move their email and/or web sites to .gov. Reno will follow up on this issue.

Due to an irate individual incident and damage occurring to the Township's mowing tractor on the Agency Bay Road NW the board authorized body cameras for employees and dash cameras for all equipment.

MS/P King/Boege that Supervisor Wells attend an American Experiment presentation on last legislative expenditures in Grand Rapids, Minnesota on July 19, 2023.

MS/P Boege/King that 39th Avenue NW (Moondance) be closed to thru traffic except for local traffic from July 20, 21 & 22, 2023 during Moondance Jam due to public safety issues.

Approved: Utility Permit application by Lake Country Power under Hawthorn Trail NW.

The next regular meeting is scheduled for August 8, 2023 at 7:00 pm.

MS/P Boege/King to approve a 4 year Service Agreement for the 672 Motor Grader in the amount of \$17,301.75. Roll Call Vote: Aye-unanimous

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At this time an issue was brought up to those in attendance for which the board would not allow any comments from the audience.

Pursuant to Minnesota Statute 365.40 Town Name In Suit the Chair shall see that the action is defended.

A Complaint and Summons with Timothy R. Anderson and Susan K. Anderson, Plaintiffs vs. Turtle Lake Township Board of Managers, Defendant was served upon Chairman Reno C. Wells on July 10, 2023 by the Cass County Sheriff's Department. (See attached as exhibit A and B). The audience was informed of the counts in the complaint and summons. A request was made for a motion. MS/P King/Boege to deny all counts in the complaint and summons received July 10, 2023 on behalf of Turtle Lake Township and to inform the township's attorney of the denial and that the board would like to receive all costs for damages.

APPROVAL OF CLAIMS

MS/P King/Boege to pay bills presented. Payment authorized for check numbers 11040 to 11063
Total claims paid \$93,891.35. total payroll paid \$6,635.96.

MS/P Boege/King to adjourn.


Lynette Emery, Clerk


Reno C. Wells, Chairman

STATE OF MINNESOTA

Case Type: Other Civil
IN DISTRICT COURT

COUNTY OF CASS

NINTH JUDICIAL DISTRICT

Timothy R. Anderson and Susan K. Anderson,

Court File No.

Plaintiffs,

vs

COMPLAINT

Turtle Lake Township Board of Managers,

Defendant.

Plaintiffs for their Complaint against Defendant states and alleges as follows:

PARTIES

1. Plaintiffs Timothy R. Anderson and Susan K. Anderson, husband and wife, reside at 7418 Smokey Point Road Northwest, Walker, Minnesota 56484.
2. Defendant Turtle Lake Township Board is a township in Cass County, Minnesota organized pursuant to Minnesota Statutes, chapter 366.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to Minn. Stat. § 484.01, which grants general jurisdiction over claims of this type to this Court.
4. Venue and jurisdiction are proper pursuant to Minn. Stat. § 542.01 as the cause of action arose in Cass County, Minnesota.

FACTUAL BACKGROUND

5. Timothy and Susan Anderson (collectively the "Andersons" or the "Plaintiffs") own property (the "Plaintiffs' Property" or the "Andersons' Property") as depicted and described in the deed, attached hereto as **Exhibit A**.
6. Smokey Point Road Northwest is a public road owned, operated, and maintained by Turtle Lake Township.

7. Smokey Point Road Northwest runs approximately North-South within Plaintiffs' Property and is the public access road for Plaintiffs' Property.

8. On or about August 10, 2020, at a public hearing of the Turtle Lake Township Board, Turtle Lake Township (the "Township") acknowledged the prior flooding issues caused by Smokey Point Road Northwest.

9. As a result of the discussion on August 10, the Township hired Northern Engineering to develop a plan to resolve the flooding.

10. The Township received a report and plan from Northern Engineering with the solution to resolve the flooding issue. The plan involved constructing a French Drain alongside Smokey Point Road Northwest.

11. On or about July 13, 2021, at a public meeting of the Turtle Lake Township Board, the Township Board stated they would start to get bids for the project developed by Northern Engineering.

12. On or about August 11, 2021, at a public meeting of the Turtle Lake Township Board, the Township Board rescinded the motion to solicit bids.

13. On or about September 14, 2021, at a public meeting of the Turtle Lake Township Board, the Township Board tabled the water abatement issue on Smokey Point Road Northwest and as a temporary fix the Township Board approved a 6-inch gravel lift from the manholes in just past 74th Street NW.

14. On or about June 14, 2022, at a public meeting of the Turtle Lake Township Board, the Township Board reported a 3-inch lift was placed on Smokey Point Road Northwest.

15. In or around the spring of 2022, after the 3-inch gravel lift had been placed on Smokey Point Road Northwest by Turtle Lake Township, the Anderson Property began to experience massive, increased flooding and water runoff from Smokey Point Road Northwest.

16. In 2022, the Andersons paid \$4,000 to remedy the immediate damage caused by the excessive flooding and runoff.

17. In Fall of 2022, the Andersons paid \$32,000 to have blacktop placed in lieu of a completely gravel road to combat the excessive flooding and runoff caused by the 3-inch gravel lift placed on Smokey Point Road Northwest by Turtle Lake Township.

COUNT I: Inverse Condemnation

18. Plaintiffs reallege and reincorporate the allegations set forth in the above paragraphs of this Complaint.

19. Turtle Lake Township placed three inches of gravel on Smokey Point Road Northwest.

20. The three inches of gravel placed on Smokey Point Road Northwest caused water and runoff from the road to flood the Andersons' Property in excess of what occurred prior to the three inches of gravel.

21. The Minnesota Constitution, Article 1, Section 13 requires the government to compensate a property owner when it takes the owner's property.

22. Turtle Lake Township never paid the Andersons for the excessive and increased flooding on the Anderson Property.

23. By redirecting the road runoff and excess water to Plaintiffs' Property, Turtle Lake Township has effectively taken a portion of the Andersons' Property.

24. As such, Plaintiffs desire the Court to issue a writ of mandamus for inverse condemnation.

COUNT II: Nuisance

25. Plaintiffs reallege and reincorporate the allegations set forth in the above paragraphs of this Complaint.

26. The three inches of gravel installed on Smokey Point Road Northwest by Turtle Lake Township changed the flow of water and affected the normal and natural flow.

27. Since Turtle Lake Township installed 3 inches of gravel on Smokey Point Road Northwest, the Plaintiffs have experienced increased and excessive water and runoff flooding onto their property.

28. The excess water and runoff are unreasonable and cause unnecessary harm to the Andersons' Property.

29. Since discovering the damage caused by the excessive water and runoff, the Plaintiffs have spent approximately \$36,000 to remedy the damage.

COUNT III: Trespass

30. Plaintiffs reallege and reincorporate the allegations set forth in the above paragraphs of this Complaint.

31. The three inches of gravel installed on Smokey Point Road Northwest by Turtle Lake Township changed the flow of water and affected the normal and natural flow.

32. Excess water and runoff entered onto Plaintiffs' Property as a result of the construction work completed by Defendant.

33. The excess water and runoff caused damage to Plaintiffs' Property as a result of the construction work completed by Defendant.

34. The excess water and runoff are unreasonable and cause unnecessary harm.

35. Since discovering the damage caused by the excessive water and runoff, the Plaintiffs have spent approximately \$36,000 to remedy the damage.

WHEREFORE, Plaintiffs request judgment as follows:

1. On Count I, grant a writ of mandamus in favor of Plaintiffs to require Defendant to pay Plaintiffs for the unlawful taking of their property in an inverse condemnation action.

2. On Count II, judgment in favor of Plaintiffs, against Defendant, finding that Defendant acted negligently.

3. On Count II, judgment in excess of \$36,000 to make Plaintiffs whole for all damages caused by Defendant's negligence.

4. On Count II, judgment awarding punitive damages to Plaintiffs, against Defendant.

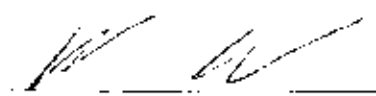
5. On Count III, judgment in favor of Plaintiffs, against Defendant, finding that Defendant caused trespass on Plaintiffs' Property.

6. On Count III, judgment in excess of \$36,000 to make Plaintiffs whole for all damages caused by Defendant's trespass.

7. On Count III, judgment awarding punitive damages to Plaintiffs, against Defendants
8. For such other and further relief as the Court may find proper.

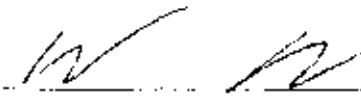
Dated: June 29, 2023

RINKE NOONAN, L.L.P.


Hannah Schacher (#0403739)
Suite 900 US Bank Plaza
10.5 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
(320) 251-6700
(320) 656-3500 fax
Email: HSchacher@rinke Noonan.com

ACKNOWLEDGMENT

The party on whose behalf the attached document is served acknowledges through its undersigned counsel that sanctions, including reasonable attorney fees and other expenses, may be awarded to the opposite party or parties pursuant to Minn. Stat. § 549.211.


Hannah J. Schacher (#0403739)

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023020
 TAXED
 DEED
 STAMP
 TAX
 HD. 11580
 198.00
 TAXATION
 DEPT. OF
 Cass County

Subject to easements, reservations and restrictions, if any, of record North Half of North Half of Northeast Quarter of Southeast Quarter (NW1/4SE1/4) This deed is given in full satisfaction of that certain contract for deed between the parties filed December 30, 1988 as Document #309653.

Northwest Quarter of Southeast Quarter (NW1/4SE1/4), Government Lot 5, Section 35, Township 142 Range 30, described as follows, to-wit: All that part of Lot 5 and the North Half of the Southeast Quarter of Southeast Quarter (NW1/4SE1/4), and Sec. 35-142-30 more particularly described as follows: Starting at the quarter post between Sections 35 and 36, thence South a distance of 30 rods more or less to an iron corner-stake; thence West a distance of 1056 feet, more or less, which is 4/5 of the distance East and West of the above-described land which point is the point of beginning; thence West a distance of 264 feet, more or less, to the west line of the above-described land; thence North along said line to a point on the shore of Leech Lake where said line intersects the lake; thence Easterly along said shoreline a distance of 264 feet, more or less; thence South to the point of beginning. Also that portion of Gov. Lot 6 and the NW1/4SE1/4 of said Section 35-142-30 lying and being east of a line drawn parallel with and 1000 feet east of the west boundary line of the NW1/4SE1/4 of Section 35, Cass County, Minnesota.

real property in Cass County, Minnesota, described as follows:
 Grantor, Timothy R. Anderson
 as Personal Representative of the Estate of Raymond Dougherty
 Decedent, single married at the time of death, hereby conveys to Grantee/Assignee

FOR VALUABLE CONSIDERATION, Ronald R. Dougherty

Date: August 3, 1989
 STATE DEED TAX DUE HEREON: \$198.⁰⁰
 No delinquent taxes; certificate of real estate value received; and transfer entered on August 14, 1989
 County Auditor
 Deputy

OFFICE OF COUNTY RECORDER
 State of Minnesota, County of Cass
 I hereby certify that the within instrument was filed in this office for record on the 14 day of August A.D. 1989 at 4:00 O'clock P.M. and was duly recorded as Micro Doc. No. 314242
Blaine R. Boyer
 COUNTY RECORDER
 (reserved for recording data)

together with all hereditaments and appurtenances belonging thereto.

CALIFORNIA
STATE OF ~~MINNESOTA~~ CALIF. }
COUNTY OF SAN BERNARDINO } ss.

Ronald R. Dougherty
Ronald R. Dougherty

The foregoing instrument was acknowledged before me this 7th day of AUGUST, 1989,
by Ronald R. Dougherty

Representative of the Estate of Raymond Dougherty, as Personal Decedent.



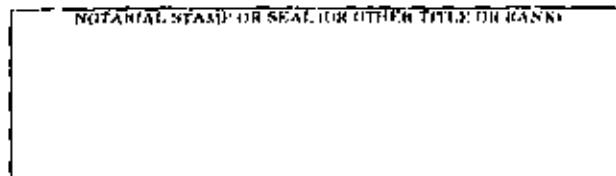
Don Prince
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL.
Ronald R. Dougherty

None, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

Signature of Spouse _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Decedent.



Signature of Notary Public or Other Official _____

THIS INSTRUMENT WAS DRAFTED BY:
LAW OFFICE OF STEPHEN M. BAKER
BOX 586 - WALKER MN 56484
Pursuant to descriptions provided

Statements for real estate taxes on the real property described herein should be sent to:
Timothy R. Anderson
HCR 84, Box 376
Walker, MN 56484

STATE OF MINNESOTA

Case Type: Other Civil
IN DISTRICT COURT

COUNTY OF CASS

NINTH JUDICIAL DISTRICT

Timothy R. Anderson and Susan K. Anderson, Court File No.

Plaintiffs,

vs.

SUMMONS

Turtle Lake Township Board of Managers,

Defendant.

THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANT.

1. **YOU ARE BEING SUED.** The Plaintiffs have started a lawsuit against you. The Plaintiffs' Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. **YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a written response called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at: Rinke Noonan, Ltd., 1015 West St. Germain Street, Suite 300, P.O. Box 1497, St. Cloud, MN 56302-1497.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiffs Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiffs should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiffs everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: June 29, 2023

RINKE NOONAN, LTD



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