

**Planning Commission  
Planning Commission Meeting  
Zoom - Meeting ID 2670942170  
6:30 PM on Monday, January 25, 2021**

- 1. Call to Order**
- 2. Agenda Additions or Deletions**
- 3. Minutes of November 23, 2020**
- 4. Old Business**
- 5. Nuisance Properties**
- 6. Comprehensive Plan**
- 7. 88 Park View Drive -City Easment**
- 8. Townline Road Easement**
- 9. Meeting**
  - a. Set Date and Time
  - b. Member
    - i. Elect Chairman
    - ii. Elect Vice Chairman
- 10. New Business**

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**3. Minutes of November 23, 2020**

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**Files Attached**

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- 11-23-2020 Planning Commission Meeting minutes.pdf

CITY OF VERGAS  
PLANNING COMMISSION MINUTES  
Monday, November 23, 2020  
6:30 pm  
Zoom Meeting

The City of Vergas Planning Commission was held on Monday, November 23, 2020 at 6:30 pm on Zoom with the following members present Logan Dahlgren, Robert Jacoby, Natalie Fischer and Paul Pinke. Absent: Van Bruhn. Also, present Clerk-Treasurer Julie Lammers, Joel Quanbeck Kolbinger of KLJ, Engineering and Barbie Porter of the Frazee-Vergas Forum.

Chairperson Dahlgren opened public hearing at 6:30 p.m.

Motion by Dahlgren, seconded by Fischer to accept the agenda with the following addition: December meeting. Voting yes: Pinke, Jacoby, Fischer and Dahlgren. Voting No: none. Motion carried.

Motion by Fischer, seconded by Pinke to approve the minutes of the October 26, 2020 meeting. Voting yes: Pinke, Jacoby, Fischer and Dahlgren. Voting No: none. Motion carried.

**Old Business:**

Discussed nuisance properties.

Joel Quanbeck reviewed the comprehensive plan and costs of providing the plan. Discussed several different ways to pay for the plan.

Adam and Tara Dresen, owners of 88 Park View Drive, have not provided an estimate for the berm, the city engineer has recommended for the drainage on their property.

Townline Road easement was discussed. Information needed before we can move forward: Is this a minimum maintenance road, how do we get road right-of-way, is this a township road and who built the road.

**Follow Up Actions:**

Lammers to discuss Vergas Truck Route and parking on 1<sup>st</sup> Avenue with County Engineer.  
Lammers will look into finding grants for Comprehensive plan.

**Actions Completed and Removed from Follow up:**

Quote for comprehensive plan-will be provided at the November 23, 2020 meeting.

**Council recommendations:**

There were no recommendations to Council.

The next meeting will be January 25, 2020 at 6:30 pm.

Meeting adjourned at 7:40 pm.

Secretary,

Julie Lammers, CMC  
Clerk-Treasurer  
City of Vergas

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**6. Comprehensive Plan**

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**Files Attached**

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- Comperhesive Plan letter from KLJ Enginneering.pdf

Hello Julie –

Please see below for my recommendations on preparing the Comprehensive Plan for Vergas in a way that addresses the questions/topics you provided.

The questions/topics that have been identified as things for the Comprehensive Plan to accomplish include:

How to make Vergas attractive to young families?  
What senior needs are not being met? Do we need senior housing?  
Is there room/possibilities for expansion? Is housing desired? Is industry desired?  
Is rental/multi-family housing needed? If so, what type of housing?  
What businesses are needed that would be utilized?  
Is a motel/motel needed?  
What does Vergas look like from an outside point of view?  
What does Vergas need to be a viable "tourist community?"  
Can Vergas increase winter tourism?  
What can be done to make Vergas a stronger tourist destination?  
How to increase community involvement?  
Support help to make repairs and beautify present homes in Vergas  
What does Vergas have to offer people that does not live here?  
Does Vergas want more traffic?  
What would a developer see in a comp plan that would make them want to spend their dollars here?  
What is the water/sewer capacity of Vergas?  
Is there a need to annex property into Vergas?  
What City services will be needed if the City grows? What capacity will be needed for these services?  
Is there any environmental concerns with growth?

These questions/topics can be grouped into three major elements:

- **Infill and Physical Growth/Development Potential**
- **Economic Development/Market Potential**
- **Community Values and Choices**

In order to address these questions and topics, I recommend the following approach:

- A. **Pursue Supplemental Funding.** Basic answers to address these questions and topics can be obtained through some local and regional funding support. But some questions, especially related to the market potential for Vergas, could be answered more completely with additional funding. We recommend identifying potential supplemental funding details such as:

1. Type of activity that can be funded
2. Timeframe for application, award, and use of funds

3. What aspects of the potential funding might serve additional purposes outside the completion of the Comprehensive Plan

Some of the answers from this task could be beneficial in the analysis of options pertaining to the old grocery store. Others may help define particular details to be addressed as part of the Comprehensive Plan in order to set the community up for future funding. We have identified over a dozen potential funding sources and believe there are many more. Once we know what additional funding sources to pursue, we will determine the timing for the other activities so as to use any potential grants where they can be used in the process. During this activity, we will also look to leverage existing studies and efforts that could help to address the topics. Minimum Cost: \$3,600

- B. **Define Infill and Physical Growth Potential.** The fundamental analysis of capacity for infill and growth is a straightforward process that can be completed in a relatively short timeframe. We will build on the work already completed in the housing study and meet with key stakeholders from the community to define opportunities for infill and growth by location, availability of services, and planning level cost estimates for providing needed infrastructure. Minimum Cost: \$4,800
- C. **Community Engagement.** Several of the questions/topics noted above are about community values. We need to give opportunity to explore and define those values with community members. In order to supplement the results of the survey taken during the housing study, we will work with the city to develop cost effective ways to get community members thinking about what they want for the community now and in the future. The majority of this effort will be done during the spring and early summer after the summer residents have returned. Ideally, this will include face to face interaction, but during the pandemic we have developed multiple options that can be used if needed. Minimum Cost: \$2,400
- D. **Strategy Development.** We will work with a group of city officials and key stakeholders to evaluate potential future scenarios for the City of Vergas and then collectively identify the best path forward. As part of this process we will use a new analysis tool that helps show where community taxable value is strongest, and choices for the future will have positive returns on investment. It is during this stage where we will complete the economic development/market analysis activities that will help to answer several of the questions noted above. The level of funding available will determine the level of detail for this analysis. Minimum Cost: \$8,000

**Total Cost Estimate: \$18,800**

As noted previously, if additional funding can be found, we can provide additional detail and develop a comprehensive plan that includes more analysis and more detailed direction for the future. The following additional funding amounts could well be used for the following specific objectives:

- \$4,000 for future land use and development detail with maps and illustrations
- \$4,000 for additional community outreach activities
- \$10,000 for additional market analysis
- \$6,000 for additional scenario analysis that summarizes potential return on community investment

I will be happy to visit with you and the City about details for the suggested approach.

Best Regards,  
Joel

Joel Quanbeck, AICP

701-271-5018 **Direct**

218-443-0681 **Cell**

728 East Beaton Drive, Suite 101

West Fargo, ND 58078

[kljeng.com](http://kljeng.com)



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**8. Townline Road Easement**

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**Files Attached**

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- Court rules for Becker County in West Lake Drive right-of-way dispute \_ Detroit Lakes Tribune.pdf

**Trending Articles**

**BUSINESS** | Jan 10th 2019 - 10am

Healing from within: Naturopathic doctor opens clinic in Detroit Lakes

**MILESTONES** | Apr 5th 2011 - 12am

Kuhl 90th birthday

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GOVERNMENT AND POLITICS

## Court rules for Becker County in West Lake Drive right-of-way dispute

The judge's ruling makes clear that the county's case was strongly bolstered by the accidental discovery of old road records held by Lakeview Township. Next is determining the path for road expansion along Little Detroit Lake.

Written By: Nathan Bowe | Dec 18th 2020 - 7am.





Becker County Highway Engineer Jim Olson, left, and County Surveyor Roy Smith brought several historic road documents to a County Board meeting earlier this year. The 1872 'road area' document sits on top of the 1924 highway blueprint for what is now West Lake Drive. (Nathan Bowe/Tribune)

## An Otter Tail County district judge has ruled in favor of Becker County (and by default, the city of Detroit Lakes) on a right-of-way dispute involving West Lake Drive in Detroit Lakes.

The decision is important to the county and city because they want to upgrade that stretch of West Lake Drive, but can't do so until a clear right to the 66-foot stretch is obtained, either by court action or the legal taking of private property through eminent domain.

About 50 homes are affected by the \$3.5 million West Lake Drive project, which will rebuild the street, add a multi-use trail on the lake side (separated from the street by a buffer strip) add curb and gutter, bury the utility lines, and add buried stormwater treatment infrastructure.

Thirty of those residents earlier signed an agreement stipulating the county's 66-foot right of way, and received a flat fee of \$1,500 each.

The remaining 20 property owners did not sign the agreement, and about a dozen didn't agree that the county has a 66-foot right of way on that stretch of roadway, and hired Twin Cities attorney Steve Quam to contest the taking of their property.


[LISTEN LIVE](#)
[WATCH LIVE](#)


## Judge wants input on where the right-of-way should be centered

On Dec. 11, Otter Tail County District Judge Sharon G. Benson granted Becker County's motion for summary judgment on the 66-foot width of the right-of-way of West Lake Drive.

week after that for anyone to respond to those briefs.

She will then take the matter under advisement.

## A right-of-way, or just an easement?

There are 35 defendants listed in the quiet title action, including property owners (with most family members listed separately), banks, trusts, holding companies, mortgage finance firms and, for some reason, the Minnesota Department of Labor and Industry.

The gist of the legal question was whether West Lake Drive included a dedicated 66-foot right-of-way easement, or whether the road was simply a prescriptive easement, limited to the area actually used by the road authority.

The county and city argued that the roadway has a dedicated right-of-way based on an 1873 township road order.

The property owners argued that the road was never dedicated, that the road order was void for procedural irregularities, that it was void for uncertainty of location, and that the right-of-way was lost because it was not included on deeds and property titles along the roadway.

## Some undisputed facts from the quiet title dispute

- West Lake Drive runs along the west shore of Little Detroit Lake, and the strip in question lies between Legion Road and County Road 6. The road has been in continuous use for at least 100 years, and there is evidence that the road itself is even older.
- In 1912, the road became part of a state highway known as Trunk Highway No. 30 or Trunk Highway No. 59.
- In 1966, the highway route was altered, and an area containing West Lake Drive was released back to the county. The road is currently a county road. The paved portion of West Lake Drive is currently about 30 to 36 feet wide in most places, and the area that has historically been maintained is significantly less than 66 feet wide.

The judge's ruling makes clear that the county's case was strongly bolstered by the accidental

clearly evidencing the establishment of a dedicated road easement. Set against those records are ambiguous or inconclusive documents that cast a shadow of doubt over those official records, but which do not flatly contradict them.”

**Read the full ruling below:**

Electronically Served  
 12/11/2020 9:34 AM  
 Becker County, MN

03-CV-20-691

**Filed in District Court**  
**State of Minnesota**  
 December 10, 2020

**IN DISTRICT C**  
**SEVENTH JUDICIAL DIS**

STATE OF MINNESOTA  
 COUNTY OF BECKER

County of Becker,  
  
 Plaintiff,  
  
 vs.  
  
 Richard E. Stelter; MERSCORP Holdings, Inc. a/k/a Mortgage Electronic Registration Systems, Inc.; Bremer Bank National Association; Gayle M. Seter a/k/a Gayle H. Seter; Wells Fargo Bank, N.A.; CalDak Properties, LLC; First State Bank; Kelly S. Kylo; Kay M. Kylo; Western State Bank; Lane R. Engberg; Barbara A. Engberg; Lyle C. Leegard; Margaret E. Leegard; Monte R. Ashmore; Debra J. Ashmore; Bell State Bank & Trust; Jeffrey Byrd; Quicken Loans, Inc.; Julie A. Herman a/k/a Julie Ann Herman a/k/a Julie Ann Herman-McMichael; Trent D. Bartells a/k/a Trent Douglas Bartells; Nationstar Mortgage LLC DBA Mr. Cooper; State of Minnesota, Department of Labor and Industry; Nancy J. Vyborny.; Bonnie A. Juma; Mary Hubbard Erdrich; Mark Erdrich; Paul Day Hubbard; Cheryl Hubbard; John Stephen Hubbard a/k/a Steve Hubbard; Thomas W. Disse and Susan L. Disse, individually and as Trustees

Court File No: 03-CV-20-  
  
**ORDER AND MEMORAN**  
**GRANTING IN PART A**  
**RESERVING IN PAR**  
**PLAINTIFF'S CROSS-MC**  
**FOR SUMMARY JUDGM**  
**AND**  
**ORDER FOR FURTHER**  
**SUBMISSIONS**

1 of 33

Because state and federal law is tilted strongly towards the presumption that old road records are correct, she wrote that “the court holds, as a matter of law, that none of the circumstantial evidence produced by defendant is sufficient to rebut the strong presumption that West Lake Drive was dedicated in 1873, as set forth in the official road order — such that the road easement thus created



It is an incredibly well-reasoned and well-written decision," said Becker County Attorney Brian McDonald.

## So what comes next?

Becker County Highway Engineer Jim Olson said attorneys from both sides will meet in the next few weeks to talk over the results of the judge's order. "We'll make the proposal we just swap those lands, and see if all agree to the initial proposal," he said, regarding the ultimate alignment of the old road plan, the upcoming road project, and the judge's call for briefs on the exact location of the right-of-way centerline.

After the final path of the right-of-way is determined, the design work will wrap up and the plan will go to the Minnesota Department of Transportation for approval, he said. "That takes some time," he said. "We hope to advertise (for construction bids) by the end of February or early March -- by early April at least," he said.

"I'm glad we got that ruling, it sets some clarity," he said.



The pavement on West Lake Drive is in poor condition, one of the reasons city and county engineers would prefer to get it replaced.

BECKER COUNTY

DETROIT LAKES

WEST LAKE DRIVE PROJECT

ROAD CONSTRUCTION

## Suggested Articles

GOVERNMENT AND POLITICS Oct 23rd 2020 - 6am

### West Lake Drive right-of-way case goes to Otter Tail County



GOVERNMENT AND POLITICS Sep 2nd 2020 - 7am

### Uncovered by 'a stroke of luck,' surveyor says old records prove county's case on West Lake Drive



TRAFFIC AND CONSTRUCTION Dec 3rd 2019 - 7am

### Property owners consider legal action over West Lake Drive project



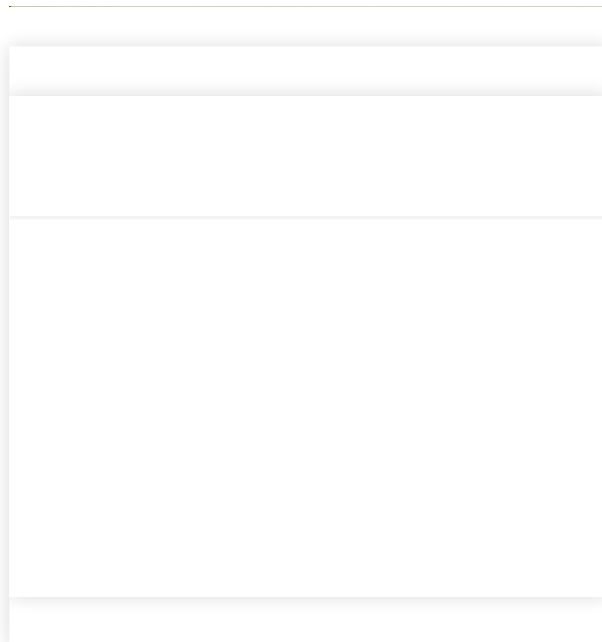
TRAFFIC AND CONSTRUCTION Aug 18th 2020 - 10pm

### County acts on eminent domain appraisals for West Lake Drive project



TRAFFIC AND CONSTRUCTION May 7th 2020 - 7am

## New tree plantings along West Lake Drive intended to improve, not replace existing canopy





15°

## Businesses To Follow

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