

Mayor George Deiss
Council Member Jessie Gibbs
Council Member Mark Lunde
Council Member Wade Miller
Council Member Dan Sartell



Special City Council Meeting Agenda
June 4, 2024
4:00 pm

1. New Business

- A. Cannabis Retail & Cultivation Discussion
- B. Action 24-37: Highway 10 Underground Municipal Utility Easements
- C. Action 24-38: 9th Street Right-of-Way and Utility Easements

2. Police & Fire Department Work Sessions

3. Closed Meeting

- A. Close Meeting Pursuant to Minnesota Statute 13D.05 Subd.3(b): Attorney-Client Privilege for Negotiations

**City of Wadena
Action Memorandum 24-37**

Subject: Highway 10 Underground Municipal Utility Easements

From: Kim Schroeder, City Administrator

Agenda of: June 4, 2024

Background Information:

During Highway 10 discussions the city had to determine where to place underground municipal utilities. It's been decided that the best long-term interest is to place outside of MnDOT right-of-way (ROW) on private property.

By remaining outside MnDOT ROW it allows the city to perform maintenance without MnDOT permitting requirements and timelines.

In order to achieve this, permanent easements are necessary. Property owners along the affected corridor area were contacted between Birch Avenue and 11th Street, see attached mapped area. All affected owners agreed to work with the city.

Historically easement agreements have been entered into at no cost to the city.

In this particular case, communications and property owner's concerns rose to a level that the city should consider compensating property owners in order to remain out of MnDOT ROW.

Action Requested:

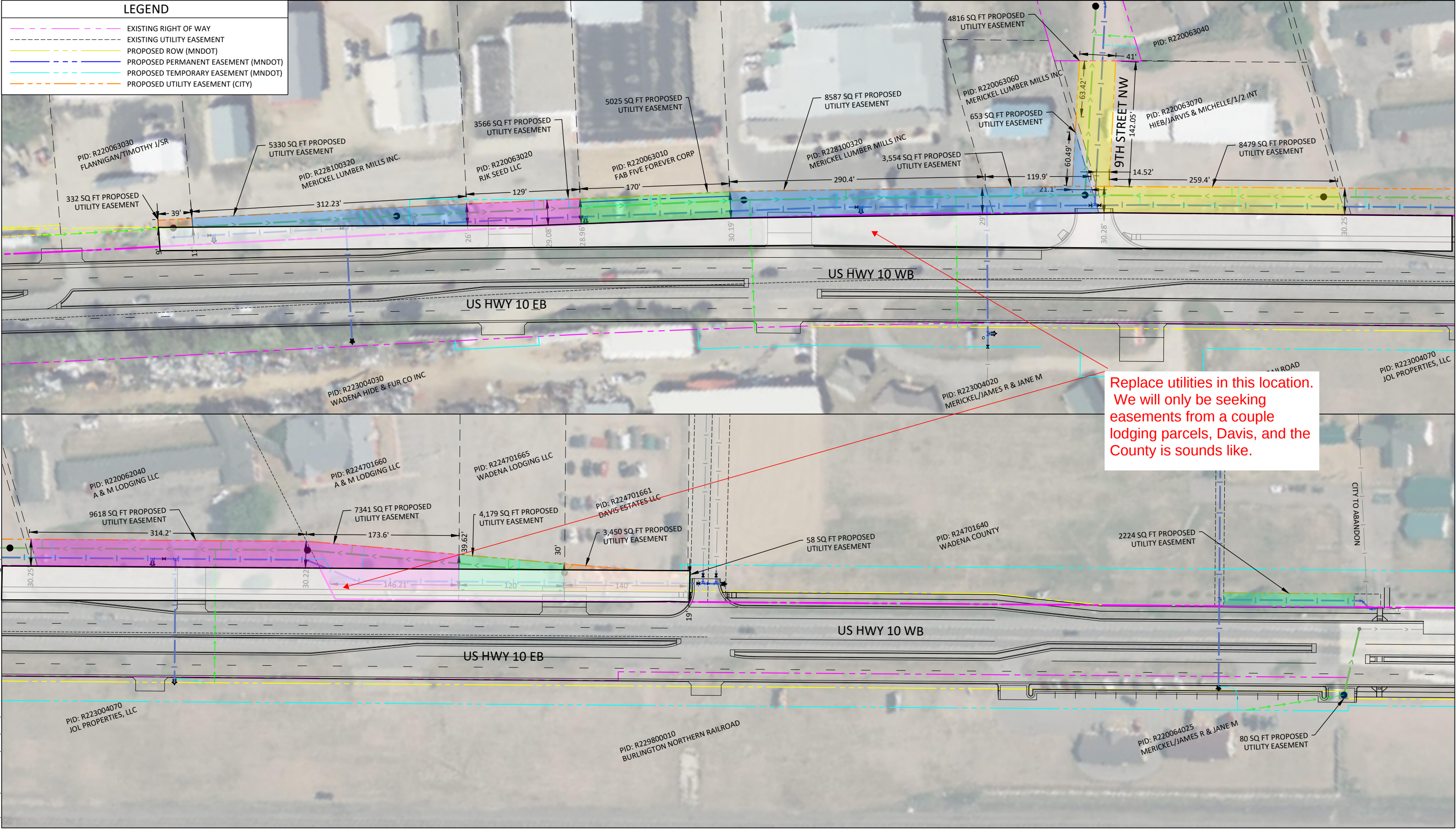
Staff recommendation:

- Compensate affected property owners at a rate of \$.55 per square foot for permanent utility easement and approve associated easement documents for each affected property.

Council Action: ☐ **Approved**

☐ **Defeated**

☐ **Amended:** _____



**City of Wadena
Action Memorandum 24-38**

Subject: 9th Street Right-of-Way and Utility Easements

From: Kim Schroeder, City Administrator

Agenda of: June 4, 2024

Background Information:

During Highway 10 discussions it's been determined that the City has permanent 9th Street road interests for the southern portions of the road currently owned by Merickel Lumber Company and Westside Sports, see attached easement documents.

The property has been used as a road thruway for greater than 7 years authorizing the City the ability to work with the property owners for permanent road use.

Wadena County's assessed base rate for commercial property per square foot is \$2.65.

Action Requested:

Staff recommendation:

- Compensate at a rate of \$2.65 per square foot for 9th Street permanent right-of-way easement.
- Approve Hieb/Jetenberg and Merickel Lumber right-of-way and utility easement documents.

Council Action: ☐ **Approved**

☐ **Defeated**

☐ **Amended:** _____

RIGHT OF WAY AND UTILITY EASEMENT

Dated: _____, 2024

FOR VALUABLE CONSIDERATION, **Jarvis Hieb and Michelle Hieb**, husband and wife, as to an undivided $\frac{1}{2}$ interest, and **David Jetenberg**, single, as to an undivided $\frac{1}{2}$ interest, Grantors, hereby convey and grant unto the **City of Wadena**, a municipal corporation under the laws of the State of Minnesota, its successors and assigns, Grantee, an easement for a right of way for purposes of construction and maintenance of a public street, including the right to enter upon the hereinafter described land and grade, level, fill, drain, pave, build, maintain, repair, and rebuild such street together with the right of the City of Wadena or any public utility company franchised or authorized by the City, to install and maintain all utilities, including but not limited to sewer, water, gas mains, T.V. signal, power, telephone lines and fire hydrants, over, under and across the following described property in Wadena County, Minnesota, legally and more particularly described as follows, to-wit:

PERMANENT RIGHT OF WAY AND UTILITY EASEMENT

A permanent easement as described above over, under and across real property in Wadena County, Minnesota described on attached Exhibit A.

Jarvis Hieb

Michelle Hieb

David Jetenberg

State of Minnesota, County of **Wadena**

This instrument was acknowledged before me on this _____ day of _____, 2024 by **Jarvis Hieb and Michelle Hieb**, husband and wife and by **David Jetenberg**, single, Grantors.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Jeffrey D. Pederson

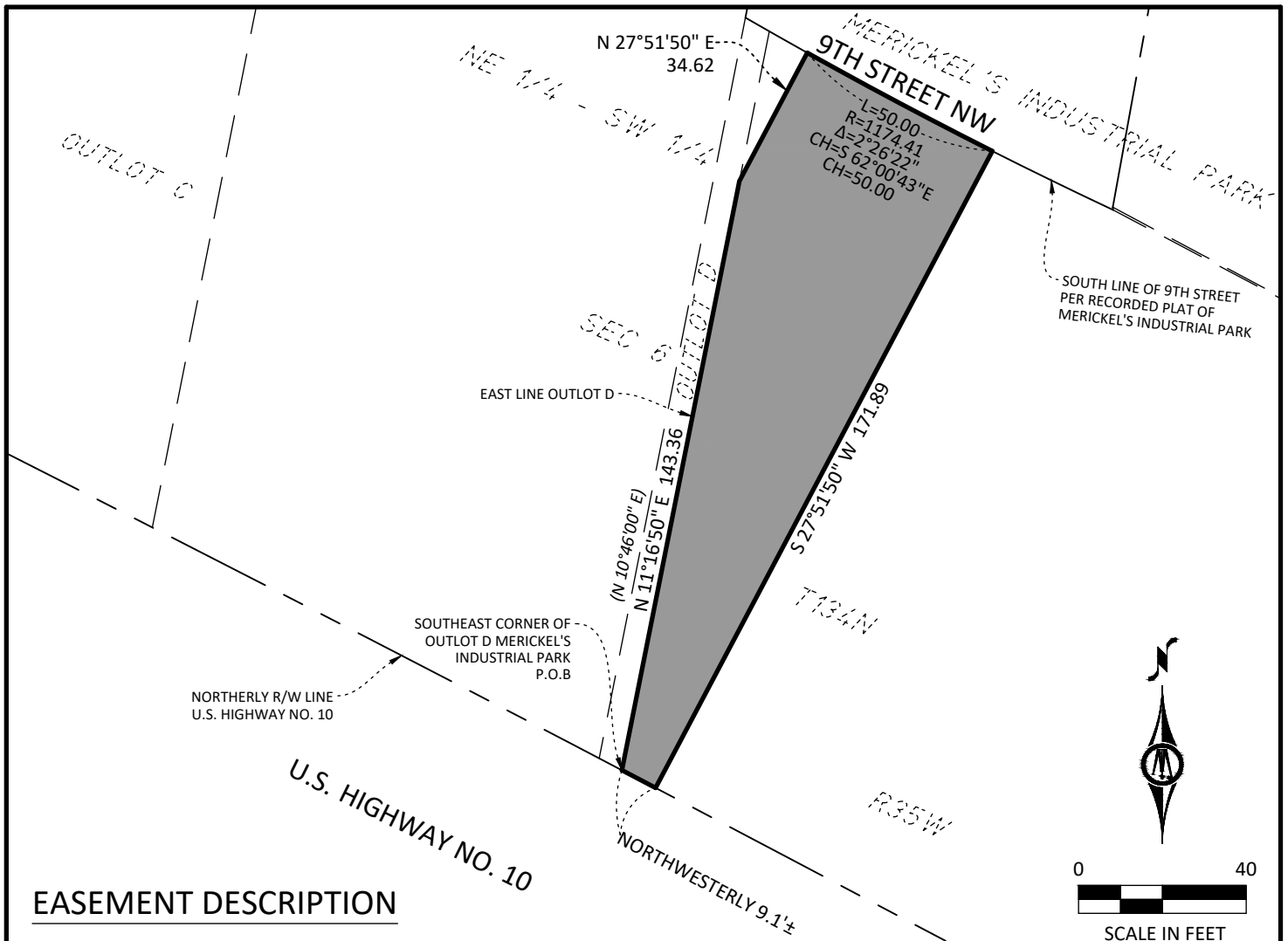
Pederson & Pederson, P.A.

24 Colfax Avenue Southwest

P.O. Box 623

Wadena, MN 56482

218-631-1228



EASEMENT DESCRIPTION

That part of the northeast quarter of the southeast quarter Section 6, Township 134 North, Range 35 West, in the City of Wadena, Wadena County, Minnesota, described as follows:

Beginning at the southeast corner of Outlot D of plat of MERICKEL'S INDUSTRIAL PARK according to the plat thereof on file and of record in the Office of the County Recorder; thence North 11 degrees 16 minutes 50 seconds East, along the East line of said Outlot D, a distance of 143.36 feet; thence North 27 degrees 51 minutes 50 seconds East, a distance of 34.62 feet to a point on the south line of 9th Street per said plat; thence southeasterly a distance of 50.00 feet along a non-tangential circular curve concave southerly having a radius of 1174.41, a central angle of 2 degrees 26 minutes 22 seconds and a 50.00 chord which bears South 62 degrees 00 minutes 43 seconds East; thence South 27 degrees 51 minutes 50 seconds West, not tangent to said curve, a distance of 171.89 feet to the southeasterly extension of the South line of Outlot D (northerly highway right-of-way line of U.S. Highway No. 10); thence northwesterly, along said southeasterly extension and highway right-of-way line, a distance of 9.1 feet, more or less, to the point of beginning.

Containing 5,778 square feet, more or less.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Joseph A. Haefner

License Number 43909

5/3/2024

Date

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CERTIFICATE OF EASEMENT
610 ASH AVENUE, WADENA, MINNESOTA



7656 DESIGN ROAD, SUITE 200
BAXTER, MN 56425
(218) 825-0684

PART OF THE NE 1/4 OF THE SW 1/4
SECTION 6, TOWNSHIP 134 NORTH, RANGE 35 WEST

FOR: CITY OF WADENA

RIGHT OF WAY AND UTILITY EASEMENT

Dated: _____, 2024

FOR VALUABLE CONSIDERATION, **Merickel Lumber Mills, Inc.**, a corporation under the laws of the State of Minnesota, Grantor, hereby convey and grant unto the **City of Wadena**, a municipal corporation under the laws of Minnesota, its successors and assigns, Grantee, an easement for a right of way for purposes of construction and maintenance of a public street, including the right to enter upon the hereinafter described land and grade, level, fill, drain, pave, build, maintain, repair, and rebuild such street together with the right of the City of Wadena or any public utility company franchised or authorized by the City, to install and maintain all utilities, including but not limited to sewer, water, gas mains, T.V. signal, power, telephone lines and fire hydrants, over, under and across the following described property in Wadena County, Minnesota, legally and more particularly described as follows, to-wit:

PERMANENT RIGHT OF WAY AND UTILITY EASEMENT

A permanent easement as described above over, under and across real property in Wadena County, Minnesota described on attached Exhibit A.

Merickel Lumber Mills, Inc.

By _____
James R. Merickel
Its President

State of Minnesota, County of **Wadena**

This instrument was acknowledged before me on this _____ day of _____, 2024 by **James R. Merickel**, as President of **Merickel Lumber Mills, Inc.**, a corporation under the laws of Minnesota, Grantor.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Jeffrey D. Pederson

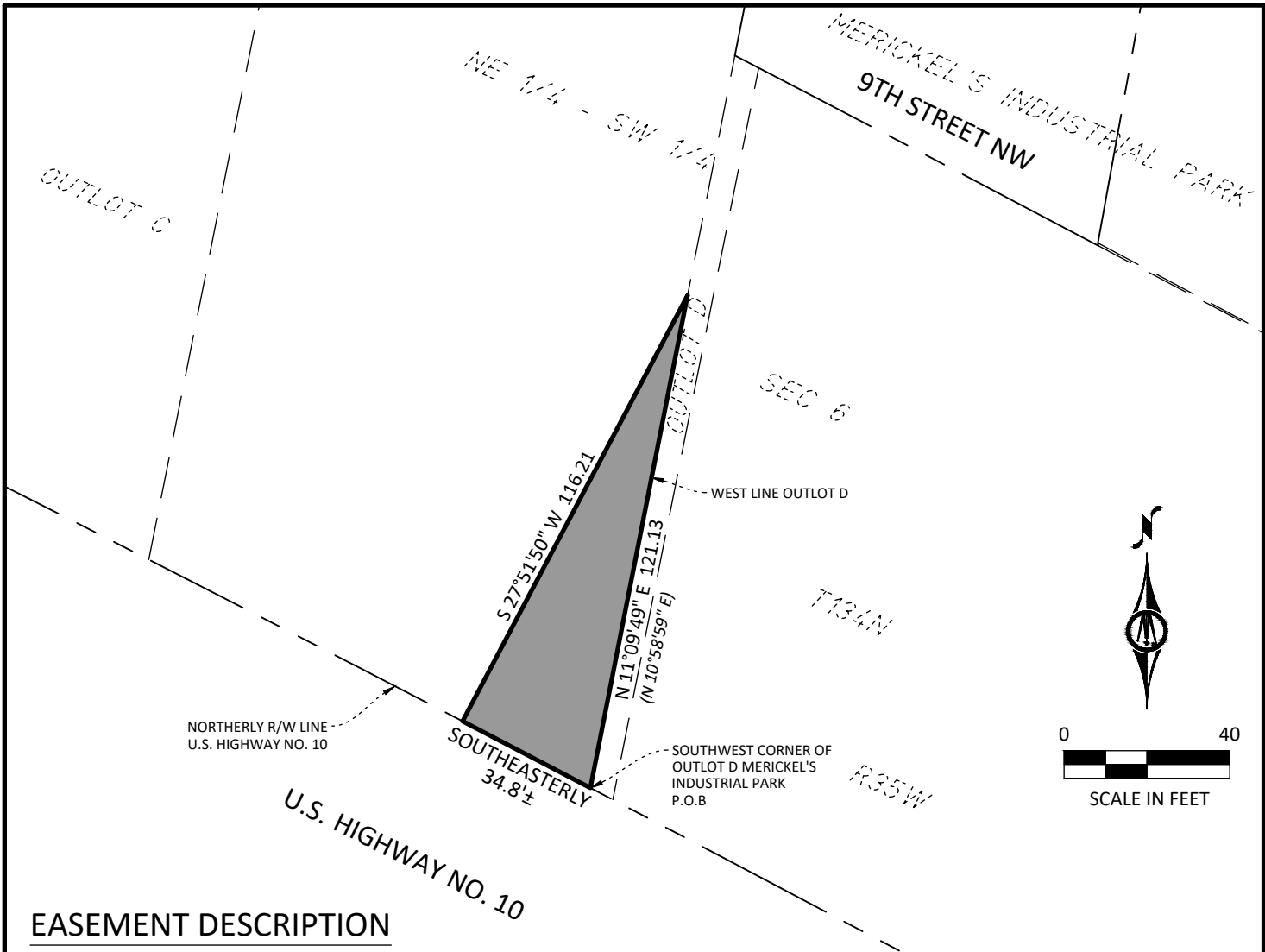
Pederson & Pederson, P.A.

24 Colfax Avenue Southwest

P.O. Box 623

Wadena, MN 56482

218-631-1228



EASEMENT DESCRIPTION

That part of the northeast quarter of the southeast quarter Section 6, Township 134 North, Range 35 West, in the City of Wadena, Wadena County, Minnesota, described as follows:

Beginning at the southwest corner of Outlot D of plat of MERICKEL'S INDUSTRIAL PARK according to the plat thereof on file and of record in the Office of the County recorder; thence North 11 degrees 09 minutes 49 seconds East, along the west line of said Outlot D, a distance of 121.13 feet; thence South 27 degrees 51 minutes 50 seconds East, a distance of 116.21 feet to the northwesterly extension of the south line of said Outlot D (northerly highway right-of-way line of U.S. Highway No. 10); thence southeasterly, along said northwesterly extension and highway right-of-way line, a distance of 34.8 feet, more or less, to the point of beginning.

Containing 2,022 square feet, more or less.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Joseph A. Haefner
Joseph A. Haefner
License Number 43909

5/3/2024
Date

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CERTIFICATE OF EASEMENT
CITY OF WADENA, MINNESOTA



**BOLTON
& MENK**

7656 DESIGN ROAD, SUITE 200
BAXTER, MN 56425
(218) 825-0684

PART OF THE NE 1/4 OF THE SW 1/4
SECTION 6, TOWNSHIP 134 NORTH, RANGE 35 WEST
CITY OF WADENA, MN

FOR: CITY OF WADENA