

**Town of Duluth
Planning Commission
Approved Meeting Minutes
1/27/11**

The meeting was called to order just after 7 p.m.

Roll call:

Present: Dave Chura, Michael Kahl, Jan Green, Yvonne Rutford, Bill Lannon, Barb Crow and Brigid Pajunen

Absent: No one

Also present: Sue Lawson, Planning Director; John Kessler, Assistant Planning Director; and Dave Mount, Town Board Supervisor

The Planning and Zoning meeting immediately followed a joint meeting of the Town Board and the Commission regarding short-term rentals (STR) in the Township. (See attached minutes from that meeting.)

The agenda was approved with the change of “approve minutes from October meeting” to “approve minutes from December meeting.”

The minutes from December were approved without change.

Larry Killien, Harbor Program Coordinator from the MN DNR, Cheryl Erickson, a planner working with the DNR and North Shore Harbors Program, were present to update the Township on their plans for an information center at the McQuade Safe Harbor. Stan Linnell, MN DNR, and Al Katz, who has been involved with the project, were also present.

Larry and Cheryl had given a presentation on October 28 on the information center. Larry said that they listened to what was said at that meeting. They met with the designers and decreased the height of the structure from 21 ft to about 13 ft (a beam will stick up an additional 2 ft) and changed the roof color from red to a flat gray that blends with the color of the lake. They then went to the site and set up a tent where they plan to locate the structure. They moved the location of the structure more landward, based on the comments they got at the last meeting. The current planned location is in the green space below the highway.

They distributed a handout describing the project and its location on the site (see attached).

Cheryl showed the required setbacks for the zone district and showed how the project met the setbacks. They looked at the Township's Ordinance and Comprehensive Land Use Plan (CLUP) and felt that the project was compatible with the Township's vision and regulations. Cheryl said that we allow other similar structures in this district such as saunas, fish cleaning houses, gazebos, etc. She compared the proposed structure with the Ordinance parameters for these other structures. The proposed structure is similar in most ways to buildings like these and meets most of the requirements in the Ordinance for these buildings.

There were concerns that the structure would block the view from the highway, and from the Beachway Motel, negatively impacting the “sweep” of the view.

So they put a 20 ft by 20 ft tent up, 17.5 ft tall at its peak, coming down to 8 ft at the sides. They then took a lot of pictures (see attached) to get a sense of what it would look like in place. They placed the tent in the original location, which is closer to the lake than they are now planning. They also created some computer generated pictures of what it would look like in the new location. They showed both of these sets of pictures. There were a surprising number of highway signs as you approach the Harbor from the south. These were very evident in the photographs.

There were no questions from the Commission.

Stan Linnell said that the next step is to consider any additional concerns. They consider this a public service and would like to have concurrence. It is a nice focal point for what is a popular site.

Al Katz said that he appreciates the design of the shelter but said that the point of it is to provide information – historical information about the area. It is designed not to block views of the lake.

Concerns from the audience.

Will there be trash receptacles and who will maintain them if there are?

Larry said that it is a state-wide policy not to provide trash receptacles on-site. Such amenities have been abused in the past. There will be Greenview employees to open the restroom, pick up, mow, etc. in the morning and then to close up at night. The open hours will change with the seasons and daylight. Site caretakers will not be there all the time, but will be there at least two times per day

How often is the portable toilet emptied?

Larry thought that it is twice a week, but he was not sure. He said that they are trying to get them to add more service, but he doesn't know about winter.

Bill Lannon asked if there were any longer term plans for the site. Larry said they hope to put in two docks where the concrete abutments stick out. People will be able to tie their boats there and then get their vehicles, so they won't be tying up the ramp. It will be day use only. They are also considering putting in some donated benches. They will add two or three more benches by restrooms and may add more panels to the solar array.

Stan Linnell said that they would continue to look at the lighting. He said that they are continuing to reduce the general amount of light there and also to lower the power lights.

Larry said that they are looking at lights that produce less stray light and lower power.

Stan said they might put in a gravel parking lot if the demand for parking increases.

Bill Lannon asked who was using the site primarily now – local people or out-of-towners?

Larry said that they haven't kept track of that information. They have done traffic counts. Based on those, the count for May through October of this year was 200,000 people. The DNR does creel counts and may have some more detailed information.

An audience member asked why the structure isn't being put on the upper side of the road where it would not obstruct the view. There is plenty of land on that side and there would not be as many people crossing the road. Not everybody will use the tunnels.

Stan said that a lot of the interpretative material will talk about the breakwater, the ships, the lake, etc. and they thought that the lake side was an appropriate spot to present this information. It is also a location that people are drawn to.

Don McTavish asked if they have a copy of the interpretive material.

Cheryl said that it is still being drafted.

Jan said that she, too, would prefer that the structure be on other side of road. She felt that they have improved the structure. She suggested that they look at stormwater issues in the parking lot. She said that as it is, it cannot be meeting stormwater demands and the State should be setting an example. She said that it is not a good advertisement for how the State looks at water quality.

Stan said that the parking lot is not what would be built today. If it were built today they would put in filtration areas.

Larry said that the parking lot was approved and permitted by the MPCA, DNR and the Army Corps of Engineers. They had to do a lot of extra work to get the permit. It is an innovative design. There is a long drain that runs through the parking lot that goes to a drop box and a sediment trap. There are three of those before the drainage crosses McQuade and then goes across a swale to another drop box before reaching the lake. There are also four mounds of small stone that slow and filter the water. It is an innovative design. It is a challenge dealing with the clay in the area. He appreciates Jan's comment and said that it is important to set an example.

Planning Director Report

Sue announced that John Kessler would be stepping down from his position as Planning Director. There will be a going away party for him at the March Town Board meeting. He has been a valuable member of the Planning team and will be missed.

John said that driving has become an issue for him, so it is necessary to make some changes. He has been in this position for 5 years and has enjoyed it and feels that he has accomplished a lot.

Sue said that she met with Russ Krook. He has submitted his materials for the review of his permit. We will make PDFs and send them out to Commission members in plenty of time so that they can review the documents and let us know if there is additional information they need before the review, which will be at the February meeting.

The Town received letters from concerned citizens about logging on East Shilhon along the Knife River. They are concerned that cutting is taking place too close to the river. There is also a spur of the Lake Superior Hiking Trail that is affected by the cutting. They have since met with the County and feel that some of their concerns are being resolved.

Dan Tanner asked if St Louis County has talked to anyone from Planning and Zoning about the big cut on Ryan Road along the Sucker River. There is no TMDL study yet for the Sucker River. Dave Mount said that it is listed as impaired, though. Dan said that the cut would have a huge impact on the watershed – a much greater impact than what the average landowner can do. The County should give the Township an opportunity for input.

Sue said that makes two large areas in the Township that are being cut and if there are concerns, how do you communicate them to the Land Department?

Dave Chura said that there is nothing wrong with the County being able to manage their forests. If the Township is not inclined to allow the County to manage the land, they are more likely to put it up for sale. It is not practical to expect that the County communicate with every township about every timber sale.

Jan said that as far as she knows, the only way to comment on timber sales in the County is to constantly monitor the County's timber sale web site, which is an obscure website.

Sue said that the Board of Adjustment continued the hearing on the revocation of the Worden's short-term rental conditional use permit.

Dave Mount said that they discussed a number of alternate conditions to be put on the permit. He is going to try to put those conditions together for a vote by the Town Board. He feels that the Board is likely to allow the rental. He said that it has more to do with the specific permitted use and if revocation was felt to be the appropriate response.

Dave Chura asked if they have a license from the state for the rental.

Dave Mount didn't think that they did. Their attorney does not think that they need one. Dave said that his understanding from the MN Department of Health is the same as Barb's – that most vacation home rentals would be subject to licensing.

Wendy Anderson said that she thought it was proposed but did not pass. We need to find out and if it is required, they need to provide it.

Dave Chura thought there was an existing statute on the books that requires a license.

Dave Mount said that the Department of Health determines whether a license is needed. If the Worden's don't need one, the Town will accept a letter from the Department of Health to that effect. He said that a synthesis of the discussion and a proposal will be put together for the Board for the February 3rd meeting. It is likely there will be another round of changes before they come to an agreement.

Chair Report

Dave Chura was sorry to report that he received a letter of resignation from Yvonne, effective tonight.

Yvonne said that she has been on the Commission for 4 years. It has been a wonderful and valuable experience. But she now has increased demands at work and elsewhere. She said that she will try to continue until the Board can replace her.

Dave Chura said that the Commission needs to look at filling John's position, Mike Kahl's, who is done in April, his own in August, and now Yvonne's.

Dave Mount said that they have advertised for Commission members. He doesn't know if they need to advertise for every position or if they can just appoint someone. February 6th is the due date for applications.

Dave Chura asked why terms don't expire at end of the calendar year. The Ordinance language is unclear. He came on as a replacement for someone, so his term is up at a different time from the norm.

Dave Mount said that terms should be ending on December 31. He believes that the intent of what is in the Ordinance is that someone who replaces a member who leaves before his term is up would serve the rest of that calendar year as a replacement and then be eligible to serve the two three-year terms.

New Business

Next on the agenda was to develop a budget for 2012 for the February 17 annual budget meeting. The budgets for 2010 and 2011 were distributed (see attached).

In looking over the current budget, Dave Mount said that for 2010, there is no charge for professional services because legal costs associated with P&Z were put under the Town's budget.

Sue said that that was the only reason we ended the year with a positive balance.

Dave Chura said that he would like to see the overall budget reduced for 2012. He certainly does not want to increase the levy. For this year we had estimated \$10,000 in income from permits, but we only brought in \$6,720. He asked if the Board has made any decisions regarding cost of living increases for staff.

Dave Mount said that the only action the Board has taken so far is to increase the base town wage from \$10 to \$11 per hour. They are continuing to work on the issue. They are working to establish job descriptions and responsibilities to tie with compensation. He believes that cost of living increases have been built into the budget so the only cost of living increase would be whatever inflation is between 2011 and 2012. Inflation is currently at about zero.

Dave Mount also pointed out that what is levied determines what is put on Township residents' tax bills, but not everyone pays their property taxes. The amount that does come in is divided between the Township departments. Levy payments are received in June and December with a small third payment that is late taxes.

Barb said that it would be interesting to know how actual taxes paid is trending.

It was decided to increase wages just \$50 over the 2011 budgeted amount, reduce professional and legal services to \$2,000, reduce phone by \$400, and leave other categories the same as 2011. Income from permits was estimated at \$7,000 for 2012, the same as was actually received for 2010. The levy amount needed to meet this budget would be \$20,750, closer to what we actually received in 2010.

Jan moved to approve the budget and recommend it to the Town Board. Mike seconded and the motion was approved unanimously.

Chair Report

Dave Chura said that we needed to elect a new chair and vice chair at the April meeting. He will be off the Commission in August and Mike Kahl's last meeting is in March.

Old Business

Jan said that the resolution regarding STRs from Dave Chura is still on the table. We need to take it off the table or do something with it. She said that it does not necessarily represent the opinion of the Planning Commission. She does not believe that outlawing STRs will be acceptable to the Board. So we need to think about what to do next.

Dave Chura suggested addressing this at the March meeting.

The meeting adjourned at 8:45.