

Town Board meeting  
November 8, 2007

Pledge of Allegiance

Roll Call: Dave Mount, Jeff Cook, Dan Tanner, Wendy Meierhoff

1. Approve Minutes

- Wendy made a motion to approve the minutes, Jeff seconded. Motion passed

2. Concerns from the Audience - None

3. Approve Agenda

- Recycling/Shed (Jeff)
- Billing/Roads (Jeff)
- Jeff made a motion to approve the agenda as amended, Wendy seconded. Motion passed

4. Correspondence

- a. St. Louis County Tax Forfeit Lands
  - the town board has no objection to the County selling this property
- b. WLSSD – Notice of Public Hearing
- c. WLSSD – District Wide Budget – will be increased next year.

5. Treasurers Report

- a. Review Claims List for approval.
  - Mr. Rodda has not submitted a bill for the completion of his 2007 road work.
  - Wendy will contact Janet re: CD

6. Department Reports

- a. Police Report
  - No report at this time
- b. Fire Report
  - Furnace in Hall #2 needs to be replaced or repaired; we have been having issues with ignition.
  - Truck continues to progress towards completion at Equipment Rental Company. Wiring and frame boxes are next to be completed.
- c. Road and Bridge
  - Rodda Construction bill to complete 2007 should be approximately \$7227 for brushing.
  - MS4: A map of the township with creek crossing overlay of our roads is required for our MS4. Jeff will talk to the DNR or Sue Lawson.
  - Sherry Camper: please consider school buses when you build new township roads.
- d. Community Center
  - Principal Report
    - Need more space in the building.
  - Community Education
  - BAT committee
  - Septic system is going well, one small problem. There will be an extra charge for an additional manhole.
- e. Legal
  - Elden Cartway Petition: For the first time in Duluth Township we have a cartway petition. Town Attorney Tim Strom gave an overview of what a cartway is and why they exist. The town does not pay to construct or maintain the cartway. Tim presented resolution 110807 to the Board for its approval:

The Town of Duluth has received a Cartway Petition from Thomas Elden and Cynthia Elden, hereafter “petitioners.”

The Petition seeks to establish a cartway pursuant to the Cartway Statute, Minn. Stat. 164.08, subd.2, across land owned by Gregory T. Bolf.

The Cartway Statute, Minn. Stat. 164.08, subd. 2 (c), provides that cartway petitioners must pay “damages” before a cartway is opened, and that “damages” means “[1] the compensation, if any, awarded to the owner of the land upon which the cartway is established together with [2] the costs of professional and other services, hearing costs, administrative costs, recording costs, and other costs and expenses which the town may incur in connection with the proceedings . . . “

That same section provides that the “town board may by resolution require the petitioner to post a bond or other security acceptable to the board for the total estimated damages before the board takes action on the petition.”

At this early stage of the proceedings, the only information the town board has received about the proceedings is what is contained in the petition. The board has no way of precisely estimating the amount of (1) damages that the petitioners would owe to Mr. Bolf if the cartway they seek was established or (2) the costs and expenses that the town may incur as costs and expenses during these proceedings. Those amounts vary from one cartway proceeding to another, and at times vary dramatically.

That said, the town board makes the following estimates:

1. Town’s Legal Fees	\$3,000
2. Supervisor, Clerk, Treasurer’s time (assume two meetings)	\$1,500
3. Survey	\$
4. Appraiser	\$
5. Compensation to Neighboring Property Owner	\$7,500
6. Miscellaneous (Postage, Posting, Filing)	\$150
7. Other	\$
<b>TOTAL:</b>	<b>\$12,150</b>

In light of the foregoing, **IT IS RESOLVED:**

1. Petitioners shall post security in the amount of \$12,150 as total estimated damages for these proceedings;
2. Pursuant to Minn. Stat. 168.04 subd. 2 (c), the board will take no further action on the petition until this security has been posted;
3. The town treasurer shall, for bookkeeping purposes, establish a system that will show the receipt of the security, the receipt of any future security that is required, and all payments made out of or against the security;
4. The security that is acceptable to the town board is cash, a certified or cashier’s check, or a personal check, provided that any such check clears;
5. The town attorney, supervisors, clerk, and treasurer are directed to request payment of any reasonable fees, costs, or expenses incurred in connection with these proceedings from the security that has been deposited with the treasurer, and the treasurer is directed to pay all such fees, costs, and expenses out of the deposited security and keep a record of the same;

6. The board reserves the right to direct the petitioners to deposit additional security if (a) in the board's judgment, the estimated amount of security is or becomes inadequate for the proceedings or (b) the amount of security has been exhausted:

7. At the conclusion of the proceedings, the treasurer shall make a reasonable accounting of the amounts paid in as security and the amounts paid out as fees, costs, or expenses. If a positive balance remains, it shall be refunded to the petitioners. If there is a negative balance, the petitioners shall pay that amount before any cartway is opened, worked, constructed, maintained or used.

8. The treasurer shall inform the Chair when the security is deposited (or, in case of a check, when the check has cleared). At that point, the Chair and town attorney are authorized to attend to moving the proceeding forward.

Dave mount made a motion to approve resolution 110807, Wendy Meierhoff seconded. Motion passed.

- Jeff Cook: washed out roads and culverts. In 1998 the law changed, the township is no longer required to provide a free culvert , unless changed by board resolution.
- John Schifsky requested information on platted roads (Pine Tree Road).
- Jeff Cook: had Tim looked further into the McQuade Joint Powers Board? No, further research has not been done.

f. Town Hall

- Time to have the furnace cleaned.
- Septic system has been cleaned, we need straw or hay on the tank
- Shingle repair has been done. The shingles on the town hall are a set of defective shingles installed in approximately 1984. The fire hall shingles were not replaced in 1984, it is unknown when the fire hall roof was last re-shingled. We have received a bid from Miller Roofing: \$10,975.00 for the town hall and \$4250.00 for the fire hall. Because the cost is over \$10,000.00 a second bid will be sought.
- The Town hall is on concrete peers not on wood posts as first thought. The ground surface under the entire town hall is lower than the ground surface outside, which causes rainwater to pour directly into the basement. Dave Mount suggested we invite Daryl Bruckelmyer to the December Board meeting to discuss our options.
- Johnny Hagglund will assist Dave Mount in addressing our immediate drainage needs. The cement stairs will be removed from the kitchen door as they have tipped and are impeding exit due to the drainage problem.
- A trench will be dug between the fire hall and the town hall.

g. Planning and Zoning

- Stoneworks Conditional Use Permit was denied. The scale and type of business did not fit the zone district.
- Possibly have a planning secretary.
- Nothing on the Planning Director position

h. Recycling

- Someone has broken the spot light on the recycling shed again. Carolyn has asked Keith Darsow to repair the light.
- Marlis Livingston has started her winter 2:00 to 6:00 hours.
- South Recycling Shed at the McQuade harbor site: it sounds as if we might have to have the shed removed. WLSSD states we cannot sell, or give the shed away. Wendy has told WLSSD they may then have the shed back.
- DNR at the McQuade harbor site would like to put a historical plaque. They should talk to Rich Sill or Todd Lindahl.

i. Cemetery

- Rain barrels removed, drain lined installed
- A cemetery marker knocked off its pedestal

7. Old Business

- a. D/NSSD – Board of Managers Election: Signed

8. New Business

No new business at this meeting

9. Pay Bills

Bills have been paid

10. Wendy Meierhoff made a motion to adjourn, Dave Mount seconded. Motion passed 8:55 p.m.