

Town Board Meeting
June 11, 2009

Roll Call: Mary Ann Sironen, Stephen Dahl, Dave Mount, Dave Tanner, Wendy Meierhoff
Pledge of Allegiance:

1. Approve Minutes

- Closed meeting: Bieraugel Vs Town of Duluth April 15, 2009
 - Tabled until July
- Town Board meeting May 14, 2009
 - Correction: page 2 toward bottom, second open bullet under Dave Mount made a motion. Change reappointed to reappoint.
 - Dan Tanner made a motion to approve the amended minutes, Wendy Meierhoff seconded. Motion passed.

2. Meeting Schedule

- Posted meetings
 - July 9, 2009 7:00 p.m. Town board meeting
 - July 22, 2009 6:30 p.m. Meyer Cartway
- Unposted Meetings
 - June 25, 2009 7:00 p.m. Planning Commission Meeting

3. Concerns from the Audience

- John Bowen: Road Grading; Mr. Rodda does one heck of a job but the first grading should happen after Grandma's Marathon, the large buses ruin the road.
- George Sundstrom: Would like the Township to adopt a prevailing wage agreement.
- Lynn Sternberg 6492 Homestead Road: Neighbor is putting a road and a parking lot on a shared driveway for what is intended to be a 12 month business. Lynn is having a problem with additional traffic using the driveway and theft. So far his well has been pulled up and everything including the casing was removed, copper wire was removed from the property and wires cut. Lynn plans on putting a fence down the middle of the driveway to stop some of the problems and would like to know what his rights are for installing a fence. Zoning Director Sue Lawson said the neighbor is subject to a Conditional Use Permit for his business. Dave Mount suggested Lynn talk to our Zoning Director for fence information and suggested the Planning Commission look at the boundaries established by the Zoning Ordinance.

4. Approve Agenda

- Additions
 - Stephen Dahl made a motion to approve the agenda, Dan Tanner seconded. Motion passed.

5. Treasurers Report

Beginning Balance	\$866,062.23
Receipts	\$ 41,229.06
Expenditures	\$ 35,122.50
Ending Balance	\$872,168.79

- a. Review Claims List for Approval: claims reviewed #9645, and #9634.
- b. Pay bills

6. Tabled agenda items from Previous Month

- a. Tabled until August: reallocation of \$38,000.00 to Fire Department for FEMA truck

7. Department Reports

- a. Police Report
 - Busy month

- We will receive Federal stimulus funds of \$5000.00 towards meth intervention equipment.
- b. Fire Report
 - One brush fire.
 - We have not yet heard anything from the successful bidder of the tanker.
 - Don McTavish has been taking samples of the oil in fire trucks, sending it to a company to be tested. We then receive a report back telling us whether the oil needs to be replaced or not. This is a Bruce Liberty and Don McTavish initiative.
- c. Planning Director Report
 - Towers are a popular item this month. T mobile will be applying for a Land Use Permit for the tower at the end of the Shilhon Road. They would like to replace two antennas with four.
 - At the last meeting we had a gentleman from Greenwood Road talking about a vertical wind generator he wishes to install. The Commission is going to look into alternative energy.
 - One possible variance request.
 - The Commission talked about conditions for a variance and how to deal with the hardship question. The Commission will look into case law on the issue.
 - ARDC is putting on a forum about "Erosion on the North Shore" June 18 from 10:00 – 3:00, Supervisor Dan Tanner will be attending.
 - There is a Coastal program organized by Sea Grant which sponsors a boat which takes people out to see the shore.
 - Worden issue might be over, the property was to close this month.
 - A few permits coming in.
 - Add Ordinance Changes to Old Business.
- d. Legal
 - We recently heard from Mr. Kerry Welsh, Assistant St. Louis County Assessor. The Assessor's office is taking the position that the Community Center grounds are subject to property taxes. Mr. Welsh is not happy with the situation from a policy standpoint, he made it clear that he doesn't feel it is good policy, however he talked with the State and the Department of Revenue who believe it is taxable. Mr. Welsh wishes to come to the Community Center in July to begin the assessment process.

At a recent Community Center/Town Board meeting Michelle Lampela provided a letter to all assessors the Community School received in March citing statute 207.42 which in essence said if you rent your property to a charter school for anything but nominal rent you can be subject to taxes. Tim went to the statute, it has 89 different exemptions but the 8th subdivision exemption is that you will be exempt if you are using the property for public use. Dave Mount suggested Tim talk to Mr. Welsh while we continue to work with Mr. Welsh as he begins the assessment process. The property is a Charter School, when it isn't a Charter School it is a Community Center, both are public uses.

George Sundstrom: who is pushing this? Tim can only assume it is the Department of Revenue. Mr. Welsh suggested we contact our legislature (David Dill or Tom Bakk) and discuss it with them.

The other concern with the letter is, they are perhaps going to look at the flow of rental dollars and try to tax those.

 - Did we make any changes to the Community Center lease other than money? No there were no changes other than a strong suggestion to get a second lawnmower in place.
- e. Road and Bridge
 - Dan Tanner ordered the same amount of Calcium Chloride as last year for \$6524.00. A copy of the Chloride Road report will be needed before the Chloride arrives.
 - There are a few roads which need additional grading during the year, we will review our funds next month.

- When we look at roads and discuss issues on each road we look at the criteria as public health and safety. If we had a tremendous wash out we would need to react swiftly.
 - Velkommen road is public until the road turns north.
 - Stormwater:
 - Our MS4 permit is due at the end of June.
 - In the Ordinance there are a few of pages on stormwater. As part of the stormwater education process the Planning Commission could include a few portions of the stormwater ordinance with each Land Use Permit.
- f. Community Center
- Roof: There were changes with the soffit panels, we went with another company so we have an increase in cost. Dave Mount made a motion that the Board authorizes Wendy Meierhoff and Stephen Dahl to approve change orders to the Community Center roofing contract up to a total of 5% of the contract value contingent on their joint agreement of the change, Dan Tanner seconded. Wendy Meierhoff made a friendly to change the 5% to 10%. The friendly amendment was accepted. George Sundstrom is concerned that whoever the contractor is, if they can request additional funds they will. Dave Mount clarified the intent of the motion: we aren't opening anything to the contractor or advocating oversight of the contract. The only thing this does is authorize Wendy and Stephen to authorize changes to materials. The issue is to not have to pull the whole Board together to deal with a request. We are holding the contractor to the contract, we are paying them what we signed to be paid. As they go into the roof they are finding issues which need to be dealt with as they are found. The Motion passed.
 - LP Grant and Walton grants total about \$3745.00 short of what is needed. Wendy Meierhoff made a motion that the Board approves \$3500.00 for playground equipment, Stephen Dahl seconded. Stephen made a friendly amendment that the funds would come from the Capital Improvement account. Wendy accepted that friendly amendment. Motion passed.
 - Wendy Meierhoff made a motion that we send \$4000.00 to the Community School for the services of Dan Schutte who will oversee the Musser Grant, Dan Tanner seconded. Dave made a friendly amendment to enter into an agreement for \$4000.00 with Dan Schutte. Motion passed. Dave Mount requested a matrix with work elements and which portion of which grant and whom is paying which portion of each bill. Wendy Meierhoff will write up the scope of services for approximately 125 hours of Dan Schuttes time.
 - Dave Mount made a motion to commit \$10,000.00 from the Community Center funds towards the earth work and re-vegetation associated with the LP/Landscape improvement project at the Community Center Dan Tanner seconded. Motion passed.
 - Electricity to the pavilion: Dave Mount made a motion that Stephen Dahl and Wendy Meierhoff be authorized to contract for surveying services to support the landscape services at the Community Center at an amount not to exceed \$3000.00, Wendy Meierhoff seconded. Motion passed
- g. Town Hall
- Dan Tanner will contact Trico services for our yearly furnace cleaning.
- h. Recycling
- The recycling grant was approved.
- i. Cemetery
- No real issues
- j. Communication
- Next newsletter going out in July, information needs to be in the editors hands by June 23rd. Wendy Meierhoff will e-mail the Community Center insert to Mary Ann Sironen.
 - There has been a request for advertising from outside the Township, at this time we do not have guidelines, generally it is simply done if space is available. The Town Board recommended we leave it in the judgment of our newsletter editor.

8. Correspondence

- a. St. Louis County: Our Eagle Ballot Counters are obsolete it was recommended by the County that we change machines.
- b. MAT: Membership cards were received.
- c. MasTec: buried phone cable, signed and will be mailed.
- d. Grandma's Marathon award presentation: noted
- e. St. Louis County Attorney 2008 Annual Report: Noted
- f. State of Minnesota: D/NSSD annual report; Noted
- g. St. Louis County: retro reflectivity tool kit survey: Dan Tanner will take the survey.

9. Old Business

Ordinance Changes:

- o BoA: discussion of assigning most of the Statute authorities of the BoA to the Town Board. Attorney Tim Strom advised us the Town Board cannot unilaterally make the changes. The Town Board will refer the recommended changes back to the Planning Commission. The Town Board would become the Appeal Body.
- o Removal for Cause: One word change from "shall" to "may".
- o Short term rental: the proposal is to forbid short term rental outright in all zones. Wendy Meierhoff would like to possibly add the line "dwellings not permitted in LIU" and table the other half.

10. New Business

No new business at this meeting.

11. Motion to Adjourn. Dave Mount made a motion to adjourn Stephen Dahl seconded. Motion approved 9:50 p.m.