

Town Board Meeting
September 10, 2009

Roll Call: Present Mary Ann Sironen, Stephen Dahl, Wendy Meierhoff, Dave Mount
Absent Dan Tanner

Pledge of Allegiance

1. Approve Minutes

a. Closed meeting Bieraugel vs town of Duluth April 15, 2009 – Table until October

•

b. Town Board meeting August 13, 2009

- Wendy Meierhoff made a motion to approve the minutes, Stephen Dahl seconded. Minutes approved.

2. Meeting Schedule

a. Posted Meetings

i) 9/18/2009 – Community School Fall Barbecue

ii) 10/10/2009 – Harvest Dinner

iii) 11/4/2009 – Board of Audit and Equalization Training

iv) 11/12/2009 – Meyer Cartway

v) 11/12/2009 – Town Board Meeting

3. Concerns from the Audience

- Gary and Gail Hanson would like to rent the Town Hall on Sundays for church services 9:00 until done. Tabled until October.
 - Is there a policy on renting to faith based groups?
 - Can they be done by 2:00?
 - If we allow if there was a contingency plan in the event there is another gathering – flexibility.

4. Approve Agenda

- Stephen made a motion to approve the agenda, Wendy seconded. Motion passed.

5. Treasurers Report

Beginning Balance \$782,095.60

Receipts \$ 72,066.32

Expenditures \$ 67,911.39

Ending Balance \$786,250.53

- Janet will possibly not be here next month.
- Review Claims List for Approval
 - Question about North Shore Community School Building Fees: Kitchen hood inspection fees. Why are we paying for the inspections to make state standards?
- Pay Bills: Bills approved for payment.

6. Tabled agenda items from previous month

a. Reallocation of \$38,000.00 to fire department for FEMA truck – Tabled until October

7. Department Reports

a. Police

i) Chief's report – nice and quiet

- Dog issues on the West Knife River Road.
- Received truck computer.
- Town Hall computer will become available in 2010.

b. Fire

- i) Chief's report – nice and quiet.

c. Planning and Zoning

i) Directors report

- Permits continue to come in.
- Planning Commission had 2 public hearings for variances last month.
 - Garage set back
 - West side set back
- Planning Commission had a discussion on the criteria for hardship and practical difficulties.
- Variance application for Stoney Point Cottages at the next Planning Commission meeting.
 - Concerns about maintenance of revetment.
 - Homeowners association fees?
- Lengthy discussion on revetment of shoreline, selection of stone.
 - Does the township have any responsibility on this?
 - If that fails and we start to lose shoreline will they want to come in and pour a cement wall?
- Worden Short term rental: Sue Lawson and Dave Mount met with Jay Zink, discussion centered around trying to keep peace and how the Town could work with Jay in dealing with complaints.
- Dave Mount met with Mittlefehldts: they are requesting the Short Term Rental permit be revoked. Revoking would not solve the problem.
- The Worden CUP is up for renewal in January.
- Pine Park Road: Mr. Fischer had questions whether the Home Owners Association for Pine Park Road had legal validity.
- Sue Lawson received an e-mail from an undergraduate research assistant. If we wished we could obtain undergraduate research assistant services. The downside is, we have no extra computers for that person to use.
- Sue has a cell phone she never uses and would like to return to the Town.

d. Legal

- i) No report this meeting.
ii) Nothing new on the Bieraugel lawsuit.

e. Road and Bridge

- i) Stormwater – No report this meeting.
 - We need to hire a professional to assist with Roads; expert advice might be helpful in resolving some Supervisor/Contractor discussion. Supervisors are not technical experts on road maintenance.

f. Community Center

i) Tax issue:

- Our tax bill will be approximately \$49,000.00 as projected by the County Assessor's office; the property value has now gone to the State for their approval.
- Mary Ann Sironen talked to Tom Bakk and gave him a brief overview, Mr. Bakk has offered to help.
- How do we approach this issue, as a tax issue or a legal issue? Do we create an injunction?
- Tim called the MN Department of Revenue Attorney and asked why we aren't a public entity for a public purpose? The interpretation the Department of Revenue is using to determine our property tax status is a later detail to the statute.

- The other issue is, trying to make the case that although we are charging above market rent if we show our expenditures we would prove we are not overcharging rent. We have a building plan that will take us a couple of decades to complete. We are currently not generating income we are using everything we are receiving.
- We need to decide how we want to approach this, shall we submit what we have and tell the State we are already charging a nominal fee? . Shall we have Tim spend 10 – 20 hours researching, evaluating and reporting about the issue to the Supervisors?
- A public entity owns the property as a Community Center, the question is, what is happening with other non-profits?
- George Sundstrom has contacted our State Auditor, while it wasn't her position she has offered to look into the issue.
 - Stephen Dahl and Dave Mount will take care of writing a half page synopsis of bullet points to the Department of Revenue and the Senators
 - A Petition will be created and brought to the following venues:
 - North Shore School Fall barbecue
 - Fire Departments October Fest
 - Homesteaders Meeting
 - A package will be created with a cover letter and sent to the Minnesota Department of Revenue.
 - We are operating with a nominal rent
 - This is a rural area, Schools are the heart of the community, the Township created a Community Center reflecting that wish.
 - Tim will be asked to go ahead with the research.
- ii) The Community Center roof looks incredible. The supplier has inspected the roof, we have the Warranty in hand and Peak Construction received an A+ for a job well done. Twice a year someone needs to go up on the roof and clean to keep our warranty. We need someone like Bob Whitmeyer.
- iii) The Community Center grounds, pavilion and ADA trail look stunning.
- iv) There will be a dedication ceremony at the Fall Barbecue Friday night.
- v) Community Education: There is one teacher with only 5 students, Wendy recommended the teacher take care of her own student and classroom fees.
- vi) We do not have a policy for those who use the Soccer Fields, the joint operating committee needs to agree on policy. Wendy will try to get a JOC meeting together for a policy discussion.

g. Town Hall

- i) Voting Machine
- ii) First Supervisor Desk is broken

h. Recycling

- Pile of junk still at the south end of the parking lot.

i. Cemetery

- No report this meeting

j. Communication

- Web site has been updated
- Calendar has been created, just needs some fine tuning.
- Linda Holliday is setting up forms on the web site.
- Mailing list has been updates, we now have 924 addresses on the list.
- There are 40 people on the e-notification list.
- Mary Ann continues to gather job descriptions.

8. Correspondence

- a. Minnesota Department of Revenue: Unallotment explanation letter
- b. St. Louis County: Tax Forfeit letters (2)
- c. Department of Commerce: Census

9. Old Business

a. Ordinance Revision: Tabled until October

- Question on fee schedule
- Conditional Use Permit fee table 6 – utility corridor
- Question on second from the last page under section E:
 - the town board should conduct public hearings (generally the township only holds one hearing at a time), correct to singular.
 - The Town Board will hold a reasonable time for appeals; you wouldn't want to set a reasonable time, you want to set the time within the 60 day rule. Dave Mount will talk to Tim and clarify.

10. New Business

a. Ordinance #1: Dance Hall Ordinance. Supervisors review and will bring their thoughts to the October Board meeting.

11. Motion to Adjourn: Mary Ann Sironen made a motion to adjourn, Stephen Dahl seconded. Motion passed. 10:10.