

Town Board Meeting  
February 11, 2010

Roll Call: Dave Mount, Danny Tanner, Wendy Meierhoff, Stephen Dahl

Absent: Mary Ann Sironen

Pledge of Allegiance:

1. Approve Minutes

a. Town Board Meeting January 14, 2010

- Wendy Meierhoff, under Planning and Zoning Bieraugel issue: The judge has 90 days to rule.
- Dan Tanner made a motion to approve the amended minutes, Wendy Meierhoff seconded. Motion passed.

2. Meeting Schedule

- No additions

3. Concerns from the Audience

- Don McTavish: The resident feed-back survey has been completed. We received 83 strongly positive feedbacks with no single overwhelming issue needing our attention.
- George Sundstrom : Community Center Tax Issue to be discussed under Community Center
- At the last Planning Commission meeting the document "Duluth Township Community Center Skating Facilities Safety & Functional Improvement Fund" was presented for their consideration. The Planning Commission forwarded the presentation to the Town Board. The group presenting this fund request is seeking \$10,000.00 per year for 3 years to improve the following skating facility items: energy efficient lighting, flooding improvements, maintenance equipment, infrastructure and safety material, equipment storage/utility area, warming building and first aid improvements, Junior approved secondary skating ice sheet area giving the Community Center three rinks with safety equipment and heating. The Town Board suggested bringing the question "What does the Community think about funding this project?" to the Annual Town Meeting. Shall the project be funded by property tax levy or by Community Center funding? Could we fundraise to help cover costs and limit the amount of property tax levied funds requested from the tax payers?
- John Bowen: The Duluth North Shore Sanitary District is audited every year by the State Auditors' office, John will get the auditor information to Mary Ann for the next Town Board meeting.

4. Approve Agenda

- Dan Tanner made a motion to approve the agenda, Stephen seconded. Motion passed with no additions

5. Treasurers Report

Beginning Balance	\$922,564.10
Deposits	\$ 25,919.66
Expenses	\$ 45,667.35
Ending Balance	\$902,816.41

- Claims list was signed

6. Tabled agenda items from previous month

- Community Center Checking account: Tabled
- Welcome to Duluth Signs: Tabled until March

7. Department Reports

a. Police

- i) Chiefs report in supervisor binder

b. Fire

- i) Chiefs report Read by Dave Mount

c. Planning and Zoning

- i) Directors report

- A non permitted structure was built on property owned by Jim Ulland. Mr. Ulland and the Planning Commission are working towards a resolution.
- John Abrahams owns property on the Alseth Road adjacent to Tom's Logging Camp and is requesting the property be rezoned for mixed use business. To rezone will require a public hearing and a map amendment. The rezone would reclassify the property requiring a conditional use permit as well. The Town Board directed the Planning Commission to hold a public hearing on this matter for rezoning and an amendment to the zoning map.
- 5249 Greenwood Road property Conditional Use Permit had a 2 year life which ended January 24, 2010. We received a letter from Attorney Charles Andresen representing the owners saying the Town does not have the right to limit conditional use permits. The Zoning Ordinance says the Town can put in time limits; Mr. Andresen is challenging this authority. Town Attorney Tim Strom raises the possibility that there is no black or white answer to the issue. We have the option to repeal which Mr. Andresen has indicated he will sue or if we accept their request we have the possibility we will be sued by someone opposed to the rental. The Planning Commission is leaving this matter in Town Board hands. If the Minnesota Association of Townships has no opinion either way then Town Attorney Strom will take a look at the issue.
- Bieraugel: The Judges' decision was to remand the issue back to the Planning Commission. The judge says we have the flexibility to tailor the issue and review the hardship. We could appeal the decision or go ahead and follow the judges direction. The Bieraugels attorney has indicated willingness to discuss settlement issues. There is no time line on the judges' order, the Town Board sent it back to the Planning Commission.

- ii) upcoming Planning Commission issues:

- In February the Planning Commission will review the final plat for Odyssey development.
- A possible conditional use on Johnson Road.
- In March there will be a review of the Krook conditional Use Permit.
- The Commission has been looking at short term rental standards. Licensing perhaps instead of land use ordinance. It has been suggested moving from a permitted use to a licensed use. There is a lack of clarity whether time limits can be put on conditional use permits, licensing can have time limits. Town Attorney Tim Strom suggested Dave Mount contact the Minnesota Association of Townships for more information.

d. Legal

- i) Attorney's report

- Nothing to report.

e. Road and Bridge

- i) Stormwater:

- Stormwater meeting April 8<sup>th</sup> 6:30 p.m.
- MS4 form has been received, no due date.

- ii) Road Report

- If there is a road hazard we can request the County to come out and blade the road, at Township expense.

- Greenwood Road has an ice problem.
- Have not heard yet about the Road grant.

f. Community Center

- i) Report in Supervisor Binder
- ii) George updated the Town Board on the Tax issue with an e-mail he received from Gary Eckenberg.

g. Town hall

- i) election grant opportunity

h. Recycling

- i) There was a problem with icing on all the locks.

i. Cemetery

Nothing

j. Communication

8. Correspondence

- a. Spring short course – *reviewed*
- b. E-Mail: Lake/St. Louis County Fiber Project: *Non profit applying for stimulus funds for all of Lake County. They added us to their proposal and suggested a letter of support would be of use to the project. Network would be owned by Lake County.*
- c. Qwest: 2010 Construction Season - *noted*
- d. St. Louis County: Water Plan – *noted*.
- e. MPCA: TMDL letter to Dave Mount with copies to Dan Tanner and Sue Lawson: *reply to Dave Mounts letter regarding turbidity.*
- f. Andresen and Butterworth: Worden 5249
- g. E-Mail: Leo Babeu, Operating levy, mail ballot. *Would like to come to the April board meeting.*
- h. Legal seminar: *held this afternoon.*

9. Old Business

- a. Ordinance Review: Other than the dance hall ordinance there are no others needing to be repealed at this time.

10. New Business

- a. 2010 Budget and Taconite fund

11. Motion to adjourn: Wendy Meierhoff made a motion to adjourn Stephen Dahl seconded. Motion passed. 9:15 p.m.