

Duluth Township
Annual Meeting
Tuesday March 10, 2015

The Clerk called the meeting to order at 8:15p.m.

Pledge of Allegiance

Nomination of Moderator

Darcy Rolf nominated Lars Fladmark Seth Levanen seconded
Don Sitter nominated Dave Chura, Beth Mullan seconded

On Hand Count Lars Fladmark 29 votes, Dave Chura 21 votes. Lars Fladmark moderator

Approval of Minutes from the 2014 Annual meeting:

A Motion to dispense with the reading of the minutes was made by Ellen O'Neil, seconded by Judith Torrence.

George Sundstrom made a motion to approve the minutes, Bruce Lotti seconded. Motion passed.

George Sundstrom correction to the minutes page 4: Change the last sentence from a question to a statement "This town board had the opportunity to stand up for Mary Murphy's law and you tabled it."

Call for Bank of Deposit: Currently the Lake Bank and North Shore Bank of Commerce: Phil Strom made a motion to keep the two banks of deposit. Sherry Camper seconded Motion passed.

Call for Newspaper of Publication: Currently the Duluth News Tribune: George Sundstrom made a motion of the same, Bruce Lotti seconded. Motion passed

Call for Official Posting Places: Currently the Town Hall, New Scenic Café, Fire Hall #1 and the North Shore Community School. Darcy Rolf so moved to retain the current posting places, Judy Sundstrom seconded. Motion passed

Presentation: Don Sitter presented Mary Ann Sironen with a small gift for 6 years of dedicated service to the Township.

Town Hall expansion plans presented by Don Sitter.

Presentation of Budgets

Don Sitter made a motion to approve the total budget of **\$344,065.00**, Beth Mullan seconded

Police Department budget of **\$56,315.00** was presented by Police Chief Shawn Padden (Shawn's 27th annual town meeting). Last year we upped the fuel budget which came in just about right, Escrow for new squad will remain about the same. There were no burglaries in 2014.

Fire Department budget of **\$58,020.00** was presented by Jason Bruckelmyer. Jason gave highlights of the 2014 fire department budget. Don McTavish spoke to the impressive amount of time the volunteers put into responding to calls.

General Township budget of **\$112,425.00** was presented by Mary Ann Sironen (Skipper). Snowplowing and lawn mowing at the community center is no longer our responsibility we gave ABC the lawn tractor. Thank you to our Web Master Linda Hollinday who retired this year, we have begun working with "anySite hosting", Janet Johansen will be coordinating that project. We no longer have to pay for assessor services to St. Louis County.

Planning and Zoning budget of **\$21,605.00** was presented by Sue Lawson. Sue invited the planning commission members to please stand: John Schifsky, Brigid Pajunen, Paul Voge, Wayne Dahlberg, Larry

Zanko, Jerry Hauge, Jo Thompson Thank you to the entire Planning Commission also to our Town Board liaison Don Sitter and Secretary Beth Mullan. Unlike other townships our our Planning Commission actually does planning. Duluth Township is a MS-4 permitted township right now we are looking at things we have to do to keep in compliance. We had 29 permits, 2 variances and 1 conditional use permit. Our assumed receipts are \$9,500.00 and part of the wages and mileage reflected in our proposed budget is for MS-4. As part of the MS-4 we are dealing with disturbed acreage for new houses. If you disturb greater than 1 acre of land you will need a MPCA permit and be required to maintain it forever, if you disturb less than 1 acre of land you will need only a township permit. Agriculture and Logging are not included under this mandate however driveways and septic systems are. Our goal is to try to meet what the MPCA needs but approach it with a little common sense.

Question: Are we the only township under MS-4?

Answer: No Rice Lake Township is also an MS-4, they are paying around \$20,000.00 for a firm to manage their MS-4 permit.

Question: Have we approached the PCA to see if there are state grants to partially fund?

Dr. Val Brady spoke to this question: Yes but those are only for special projects they are not for the day to day managing of the permit. One of the requirements we recently did was to map all of our ditches and culverts, we did receive a grant for that project.

Question: What makes us an MS-4?

Answer: The density on Greenwood Road.

Question: Is there a guideline or a stipulation determining what makes us an MS-4?

Answer: Yes the MCPA.

Cemetery budget of **\$7,000.00** was presented by Mary Anne Daniel: In August Cemetery Sexton Molly Tillotson attended the Homesteaders meeting for a discussion on the cemetery, fallen monuments and the difficulty in locating older plots and gravesites. Later in the fall Molly held a work session at the cemetery giving her the opportunity to visit with families updating our maps and data base for some of the older plots and gravesites. Molly has begun doing some research into green burials and during the summer was able to attend a free workshop to learn how to clean stone surfaces. 30 plots were measured and marked, there were 9 burials, 7 plots sold and 17 monuments set. We would like our budget for the upcoming year to remain the same, we will be resetting 6 more upright monuments and 12 flat stones which have depressed over time, resupply the gravel and black dirt, remove some of the clay piles and do some more brushing. I would like to take this time, as the liaison to the Police Department and the Fire Department to thank them for their hard work they are a great group of people to work with.

Question: Have you been able to get some software to help keep better track or is everything still on paper?

Answer: No Molly is looking into software packages but cost is a factor. The problem is the software changes so quickly.

Question: are the fees still the same?

Yes.

George Sundstrom: you have a \$23,400.00 plus ending balance and are now proposing an additional budget of \$7000.00. How much reserve do you think is prudent? I think the reserve is way over what is needed to run the cemetery.

Question: what is a green burial?

Answer: An area where there wouldn't be a vault maybe a non-traditional burial such as just a pine box.

Road and Bridge budget of **\$85,000.00** was presented by David Edblom. We have just over 11 miles of township roads and all were graded twice this year. We put in two driveway culverts and a cross culvert did extensive ditching on the Beck and Clover Valley roads. The Johnson road had a major lift a top dressing of

class 5 will be put on this year. Ditching the Alseth Road is planned for 2015. Chloride happened late we got it as soon as we could get it. Thank you to Bob Rodda for the good job keeping our roads maintained.

Recreation budget of **\$3,700.00** was presented by Don Sitter. The recreation program as we know it today will be going through a bit of a change. Last year we transferred the lawn tractor to ABC, we now have had to reevaluate the recreation program by first looking at our goals and the types of recreation use: casual users, renters and formal recreation programs. In 2014 we had hundreds of casual users, 18 rental groups needing rental coordination services to secure time and space and 12 formal recreation participants. Beginning in June of 2015 we will have a new position of "rental coordinator". Recreation budget was presented. Dan Tanner discussed how the original recreation budget was set and how the current recreation program morphed into something entirely different. Dan thought the proposed changes to the recreation program sounded good, it will guide the program back to what it was intended to be in the first place.

Vote on Motion to approve the total budget of **\$344,065.00**. Shane Stolp made a motion to see \$7000.00 move from cemetery to recreation for the upkeep of the hockey boards Darcy Rolf seconded. Following a brief discussion Phil Strom called for the question, Wendy Gustofson seconded, Vote on the question: 29 Yes 24 No vote on the question carries. Motion on approval of the total budget passed. Note: with the approval of the motion for the total levy, the town board will consider the advisory motion of moving \$7,000.00 from the Cemetery budget to the Recreation budget which would bring that budget for 2016 to \$10,700.00.

Set time and date of the 2016 Annual Town Meeting: 2016 Annual Town Meeting 8:15 p.m. March 8, 2016

Election results.

Michael Kahl 124

Travis Stolp 130

Wendy Gustofson 130

Jim Ward 128

Concerns from the Audience:

George Sundstrom: Resolution (see attached) George Sundstrom made a motion that the electors assembled on March 8, 2016 convey the sum of to \$390,000 from the Town's Community Center fund (or its successor) to the North Shore Community School on or before April 10, 2015. Wendy Gustofson Seconded.

Phil Strom thanked George for the motion and then spoke on the motion. The surplus would be used for capital improvements. These are unlevied funds that were State Aid intended for academic purposes.

Brigid Pajunen: what is a public corporation?

Phil Strom: it is defined by its purpose they are often also non- profits which is the case of ABC. ABC is a public not for profit corporation.

George Sundstrom held up a copy of a letter he received from the Minnesota Attorney General where it purported that it is perfectly legal for Duluth Township to convey any money they wish to a public corporation such as the North Shore Community School.

Dave Mount: George the letter you received from the state was it provided to the Town Board? (George answered No) So the Town Board and the Town attorney have not yet seen this letter. Our attorney's consistent interpretation was that this is not an approved use of the funds. It would be very appropriate to provide the letter from the State to the Town Attorney so he can review the information.

George Sundstrom: if I gave you the statute they gave me, the Attorney General gave me the correct statutes.

Val Brady if we are wrong? The Town Board members themselves can be held liable, that is what we have been told by Tim in the past.

Janet McTavish: I have a different concern there are some truths in this but there are a lot of truths being left out. The Town Board is responsible for all its citizens and there are a lot of other needs in our township. The town boards have been very good to its citizens they put on additions at North Shore, bought temporary classrooms, put time in for solar collectors what other landlords would do that? The State pays the school to rent space we were the landlords and gave everything back since the building was transferred the town has been asked to keep picking up projects, repair and maintain things that we don't even own. The Town Board handed over the lawn mower they keep doing things to help the school. I would like to see a win win situation where we are allowed to have a little community space put into the building. It was always the objective of the Community Fund to have a community center but it turned out to only be a school not a community space. I think those truths are not being spoken here.

Lars Fladmark: I would like to see how much money the township spent to support the school I know the intent was not to make money for the township. What makes the community the school is the most progressive thing going for us.

Ron Sundberg: it is almost a half a million dollars not just a little bit would it be there if the school wasn't there?

Brigid Pajunen: would the school?

Beth Mullan: this is something that should be thought about over time.

Mary Ann Sironen: this resolution is not binding. Mary Ann Sironen read the following portion from an article printed in the January/February 2015 Minnesota Township News by Attorney Kyle Hartnett.

"Residents at the annual meeting voted to mandate a specific action of the town board does the board have to abide by this vote?

The electors at the annual meeting only have very specific authorities. Like town officers, any action the electors take at the annual meeting must be authorized by statute. The majority of the elector's authority is listed in Minn. Stat. §365.10. The most direct authority voters have at the annual meeting is setting the tax levy. No other form of government allows its residents to directly set the levy. Once the levy is set, it is then up for the town board to decide how to spend those funds. The public does not have the authority to mandate a specific board expenditure.

There are other matters in which the electors may authorize the board to take particular actions. For example, the electors can authorize the board to spend funds on town celebrations, or purchase grounds for a cemetery. Once the electors authorize the board to take a specific action, it is up to the board to use its discretion and decide whether to follow through with the authorization. For instance, if the voters authorize the board to build a new town hall, the board can still determine that the building is not in the best interests of the town and refuse to build the hall.

The annual meeting is often a time for the electors to voice opinions on many different issues. This is an opportunity for the town board to hear what the electors think is important. The electors may even make recommendations to the board. Ultimately, the board must decide what is best for the town and in most cases cannot be forced to take a particular action."

Dave Mount: the issue is not the objective, it is the process. I would seek the advice of a professional rather than have us interpreting the statute. We should seek an opinion.

Phil Strom: the first resolution was not Georges it was Corlis West's resolution.

Seth Levanen: I just want to do what is right, ethical and moral.

Ann Cox called for the question, Judy Sundstrom seconded. 2/3rds to call the vote, on hand count 41 has the majority.

Vote on the Resolution: Resolution passes 33 Yes, 29 No

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Draft

Motion to adjourn: Phil Strom made a motion to adjourn, George Sundstrom seconded. Motion passed 10:20 p.m.