

Town of Duluth  
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Town Board of Supervisors  
Regular Board Meeting April 9, 2015

Attendance: Present: Travis Stolp, Mary Anne Daniel, Don Sitter, Dave Edblom

Absent: Wendy Gustofson

1. Call to order
  - Pledge of Allegiance
  - Board Reorganization: Dave Edblom nominated Don Sitter as Chair of the Town Board, Mary Anne Daniel seconded. Motion approved unanimously. Mary Anne Daniel nominated Dave Edblom for vice chair, Don Sitter seconded. Motion approved unanimously.
2. Approve Minutes
  - March 12, 2015: Dave Edblom made a motion to approve the minutes, Travis Stolp seconded. Minutes approved unanimously.
3. Approve Agenda
  - Mary Anne Daniel made a motion to approve the agenda, Dave Edblom seconded. Motion passed unanimously.
4. Finances
  - a. Treasurers Report
    - Beginning Balance: \$1,143,330.73
    - Deposits: \$ 8,055.50
    - Expenses: \$ 28,737.66
    - Ending Balance \$1,122,648.57
  - i. Review Claims list for approval
  - ii. Approve Bills
  - iii. Two signatures are required for checks. Clerk and Treasurer are check signees.
    - Net Pay Account Distribution: Signed
5. Public Comment
  - George Sundstrom: He is looking for a Memorial Day Speaker. Memorial Day service at the Palmer's Lakeview Cemetery will be 11:00 a.m.
6. Department Reports
  - a. Police
  - b. Emergency Operations
    - Operations Plan update: All of the suggested changes have been incorporated into the new version. Thank you to Don McTavish for his hard work in compiling all of the information. Don Sitter requested addendums and an index as the document continues to evolve. Travis Stolp made a motion to approve the Emergency Operations manual, Dave Edblom seconded. Motion passed unopposed.
  - c. Fire
    - Don McTavish was impressed by the fire departments process by which they discuss calls they have had focusing on what went well and what could have been improved upon. It was handled very professionally.
    - Garage door opening when power is out is a problem that needs to be resolved.
  - d. Planning and Zoning
    - i. Storm Water

- ii. Directors Report:
  - The Town Hall variance was approved with the following condition “Post construction management BMP’s will be in place by the end of summer 2016. Until the post-construction stormwater management BMP’s are fully in place, all construction erosion control measures will be maintained.” The Town is strongly urged to be a model for the rest of the township.
  - April Planning Commission meeting: A subordinate housing conditional use permit hearing.
  - Stormwater ordinance: Annual public comment meeting 6:30 p.m. just prior to the May Town Board meeting. Annual report is due in June. Updated ordinances will be brought before the Planning Commission in May or June and the Town Board in July. Stormwater ordinance will be separate from the Land Use ordinance. The Town Board will attend the June 25<sup>th</sup> Planning Commission meeting (POST).
  - Letter from MAT regarding a legal short course on MS4’s.
  - Sue received an e-mail from the Metropolitan interstate commission, we are now on their list and will be allowed to work with them.
  - The former Nokomis would like to put up a temporary sign selling the cabins. Their project is moving forward.
- e. Recreation
  - Kevin’s report is attached.
  - Draft Rental Coordinator job description: review for discussion at the Program of Work.
- f. Legal: No report.
- g. Roads:
  - Checked Inventory and reviewed projects for the year getting a written document is the goal.
  - All is quiet.
  - We need a process for driveway permits.
  - Clover Valley Road, new residence on south side of the road it doesn’t appear to have a culvert in his driveway. Dave Edblom will go talk to the family. We have an Ordinance #050808 “Regulating Surface Water run-off from driveways and Blacktop Obstructions from driveways upon Duluth Township Roads”.
  - We continue to receive complaints about the Ryan Road stop signs. Voyager busing was the catalyst for the change. All complaints should be made to Vic Lund St. Louis County Engineer.
- h. Joint Use Committee: It was suggested at the last Town Board meeting that the Town Board, North Shore School Board and ABC board should all meet. Sue Lawson would provide an agenda, the Town Board could initiate the invitation and all three boards would approve a facilitator. No one has a clear vision of what “community benefit” means. There should also be a review of the Building Assessment Team proposal. Don Sitter and Sue Lawson will work out the logistics and then send out invitations.
- i. Town Hall
  - Erickson Wedding: There were cleanup issues after the wedding. Cables were run above the ceiling tiles, some tiles remained dislodged, floors were not cleaned glass bottles were broken against an outside post and not cleaned up. A minimum of an hour was put in by our custodial staff to clean up the mess. Security deposit will be held, Don Sitter will contact the Ericksons to discuss an appropriate solution.
  - Cutting Edge Lawnmowing: Dave Edblom made a motion to retain the Cutting Edge lawn services for 2015, Mary Anne Daniel seconded. Motion passed unanimously.
  - Facilites Project: Don Sitter made a motion that we authorize Supervisor Sitter or Supervisor Edblom to sign the contract with Holm Construction for the expansion of the town hall as soon as the appeal period for the approved variance dated March 26, 2015 has expired (April 10<sup>th</sup>,

2015) and as soon as the contract has been reviewed and approved by our Town Attorney, Tim Strom from Hanft Fride Law Firm. Construction will commence in 2015 as soon as weather and road conditions permit and contractor schedules can be coordinated. In addition, I move that we approve the funds necessary for the following items: 1. Up to \$15,000 to replace the current fuel oil furnace with a new system that will work in conjunction with the new propane heating system. 2. Up to \$12,000 to implement the storm water management measures required as part of the approved variance, with the additional condition as required by our township planning commission. 3. Up to \$5,000 to remove the old septic tanks and install new septic tanks in the new location. 4. Up to \$2,500 to proceed with the design work required to add the fourth stall on Fire Hall #1 located on Ryan Road. Funding for this project will be a combination of township funds: The Capital Improvement fund, budget surplus from various departments and a portion of the Community Center Fund. This work will be done without incurring debt of any nature to the township. The contract has been sent to Tim Strom for his review. Dave Edblom seconded the motion.

- Bruce Duncan believes there is an error in the variance: Township Zoning Ordinance Article IV, Section 3. A. (3) States: "A non-conforming structure not meeting the required setbacks may only be enlarged by 25% of the original ground floor area of the structure". Bruce is not requesting a formal appeal just informing the town board of their error.
- In answer to this Sue Lawson, Planning Director, stated the variance was granted in accordance with Article IV, Section 3, A. (1 & 2). Conditions for enlargement. A non-conforming structure may be enlarged or altered in a way that does not increase the non-conformity provided that; 1. "The proposed addition meeting the required setbacks for the zone district shall not exceed seventy – five percent (75%) of the original ground floor area of the structure and 2. The height of the completed structure will not exceed that of the original structure".
- Sue Lawson and Wayne Dahlberg, former Zoning Administrator and currently a planning commission member explained that: The proposed addition to the non-conforming structure (existing Town Hall) does not increase the non-conformity. The non-conformity of the existing Town Hall is its proximity to the Homestead Road; the addition will be at the back of the building which will not increase the non-conformity at the Homestead Road. Therefore the variance as approved by the planning commission is not in error.

The current old style septic holding tanks will be replaced with new holding tanks.

Vote on the Motion: Motion passed unanimously.

- The Town Hall sump pump failed the line froze. The sump pump was replaced and a garden hose was run until the line thaws. The new drain will be into a dry well.

j. Materials Management

k. Cemetery

l. Communications

- Electronic Communication
  - E-Mail from Attorney Kyle Hartnett Re Skype: "A board can use skype to attend and vote at board meetings if the proper procedures are followed. MN § 13D.02 sets out the requirements for conducting a meeting via interactive television as long as the following conditions are met:
    - All board members participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
    - Members of the public present at the regular meeting location of the township can hear and see all discussion and testimony and all votes of board members;
    - At least one supervisor is physically present at the regular meeting location; and

- Each location at which a member of the body is present is open and accessible to the public.

If, and only if ALL of these conditions are met, a supervisor can vote and take part in the meeting from a remote location.

The statute also requires that to the extent practical, members of the public must be allowed to monitor the meeting from a remote location. Notice must also be given for these meetings in the same manner as any other township meeting. The notice must state all locations at which supervisors will be taking part in the meeting. “

A plan and procedure with necessary funding will need to be proposed and approved after the internet speed issue has been resolved. Statute 13D.02

- Web Site: We do not have a copy of publisher in the township computers, Don McTavish will check into the cost for 3. E-mails on web site are not working, anySite will charge for this service, Janet received conditional approval to dig into the question Mary Anne Daniel made a motion to authorize up to 3 hours of anySite Hosting to work on e-mail, Dave Edblom seconded. Motion passed unanimously.

m. Personnel

- Shed Keeper open position: Seeking two shed keepers.

7. Old Business

8. New Business

- Schedule Program of Work April 22, 4:00 p.m.
- New Scenic Café and Red Swan Catering liquor licenses - Motion to approve Dave Edblom, Mary Anne Daniel seconded. Motion passed unanimously.

9. Correspondence

- North Shore Management Board – E-Mail
- CenturyLink – 2015 Construction Season
- WLSSD E-Mail: Recycling meeting for Township Officials
- St. Louis County: Public Hearing notice
- SLCAT newsletter: All are now on e-mail and forwarded
- Minnesota Benefit Association
- Legal Short Course Notification April 23, 2015
- Grandma’s Marathon Certificate of Insurance

10. Meeting Schedule

- a. Annual Stormwater Meeting 6:30 P.M. May 14, 2015
- b. Town Board Meeting 7:00 p.m. May 14, 2015

11. Adjournment Dave Edblom made a motion to adjourn, Travis seconded. Motion passed. 9:26 p.m.