

Town Board of Supervisors
Regular Board Meeting March 12, 2015

Attendance: Dave Edblom, Mary Ann Sironen, Don Sitter, Mary Anne Daniel, Jim Ward

1. Call to order
 - a. A. Pledge of Allegiance
2. Approve Minutes
 - a. February 12, 2015
 - Don Sitter made a motion to approve the minutes, Dave Edblom seconded. Motion passed unanimously
3. Approve Agenda
 - Don Sitter made a motion to approve the agenda with the discussed changes, Mary Anne Daniel seconded. Motion passed unanimously.
 - Changes, moving legal up after public comment and police.
4. Finances
 - a. Treasurers Report
 - i. Review Claims List for Approval
 - ii. Approve Bills: Bills are approved for payment
 - Sign Payroll Net Pay Account Distribution - Signed
5. Public Comment
 - No public comments at this meeting.
6. Department Reports
 - a. Police: Nothing major to report for the month of February.
 - b. Emergency Operations: Meeting 4:00 p.m. March 24, 2015:
 - c. Fire: Pagers are still not working the new repeater has been purchased but not yet installed.
 - d. Planning and Zoning
 - i. Storm Water: Dave Edblom and Sue Lawson attended stormwater training for illicit discharge. Changes to the ordinance have been completed bringing our ordinance up to date with MS-4 requirements. We will need a fee increase to cover the additional MS-4 requirements. There county has a new rule about dumps which means a map change for us. Our Annual Stormwater meeting will be held 6:30 p.m. May 14th.
 - ii. Township Brochure: Sue presented the draft Township Brochure to the Town Board for their review Sue is requesting any comments be sent to her within a week. A formal thank you from the Town Board to Brigid Pajunen and John Schifsky for all of the work they put into this project.
 - iii. Let the minutes reflect our sorrow at the passing of former Assistant Planning Director John Kessler.
 - iv. Directors Report
 - Permits have been coming in all winter.
 - There will be a public notice for two public hearings this month; one for impervious surface and one for increasing a non-conforming structure on a non-conforming lot.
 - e. Recreation: Kevin assumed the supply and maintenance budgets stayed the same as last year. As of now we haven't voted to transfer any funds into that account so we will have to be careful when we make any expenditures.

f. Legal

Mary Ann Sironen: what are the legal aspects of the Electors resolution and how do we spend our money?

Tim Strom: Townships are a creation of the legislature which means townships receive their power by statutes which are created by the legislature. Since 2002 Tim has not found any statutes in the books which allow the town to give any portion of their funds to a school.

Mary Ann Sironen: What happens if we make bad decisions and spend our money unwisely? What would happen to a board member if we spend money without authorization?

Tim Strom: If you have a bad motive you may have criminal charges brought against you. If you don't have a bad motive you could be personally responsible for those funds. Minnesota Association of Townships will not cover if it is deemed personal.

Phil Strom: Tim you are taking a broad interpretation. What is a public purpose is there delineation between levied funds and unlevied funds?

Tim Strom: Levied funds are the funds on your tax bill unlevied funds are not they come from a different revenue source not levies. Once the money was paid as rent then it became township funds it lost the delineation of school funds for student education.

George Sundstrom: What is a public purpose?

Tim Strom: An activity which would benefit the community as a body and relate to the government. The power of the resolution in 2002 and again in 2013 we worked on the "Use Agreement". What are we doing with these community center funds? Those are town funds they can be used for any lawful purpose.

Dan Tanner: do you see any way that this issue can be resolved so this can be settled and not be such a contentious issue.

Tim Strom: It certainly is the desire of many people in the township to get this settled.

Sue Lawson: I would like to see the Town Board, ABC and the School Board get together to try and iron out this issue.

George Sundstrom: I have a hard problem with direct language and interpretation. 365.10 subd 17. If the town board conveyed money to the school would you defend them?

Tim Strom: if the town board went against my advice and conveyed money to the school I would be crippled to defend them as they had already gone against my advice.

Phil Strom: I'm wondering how public purpose is subjectively treated. Your definition of public purpose for the town may be different from mine or someone else. I believe we can discuss public purpose as security to our children.

Tim Strom: you have to have public purpose and statutory authority. I'm not arguing about public purpose.

Don Sitter: we established a process by which when the young gentleman requested new hockey boards it was news to all of us. Bring us the proposals with logic and good thought so when the residents call us and ask why we are doing this we can say because this is a good idea.

Dave Edblom: We don't have the statutory authority but we invite the school to create proposals.

Tim Strom: we can spend money for community center purposes. It is of benefit to the town as a community center.

Darcy Rolf: 366.01 subd 1, the town can spend the money for any other purpose?

Don Sitter: The subject came up at the Annual Meeting, what power do the electors have?

Tim Strom: they have the power to set the maximum amount of money the town board may spend.

Phil Strom: I am representing ABC and the school. We live in this community and we want to have accomplished something good. We recognize the Supervisors role in managing the town's funds in a prudent manner; the school has some passionate views but does not want to be at logger heads with the town. This needs to be put behind us in a positive way.

Dave Edblom made a motion that the town board takes the community center fund of 408,000.00 split it in half and giving half to the School Don Sitter seconded for discussion sake. Mary Ann Sironen We would take half of the community center fund with the intent to help NSCS and ABC in an appropriate manner.

Tim Strom advised the town Board against this motion.

Dave Edblom: it would be a non- binding resolution.

Val Brady: there is already a better resolution on board let's not limit it to 200,000.00, let's find a way to get a sub-committee together to find a project.

Mary Anne Daniel: when we sold this property and we sold it for "Use", how bound are we by this?

Tim Strom: this is a contract with the town and the school I don't see how any of this violates that. Hockey boards are a great idea.

Dave Edblom maybe I should withdraw the motion?

Don Sitter: no not yet, is there a way to work together? Would ABC be interested in working together?

Phil Strom: the town should use some of the money but not all of the money. We need to find a meeting place.

Don Sitter: I whole heartedly support a compromise; I would love to find some middle ground.

Darcy Rolf: I wonder how the whole addition we are putting on now is not a benefit to the community.

Tim Strom: do the security systems satisfy the community purpose?

Wayne Dahlberg: a number of us were on a Committee called the Building Assessment Team (BAT) when we first purchased the Community Center. Our first priority had to do with the gymnasium and its short comings but the gymnasium was put aside when the classroom issue became more of a priority.

Dave Edblom: I would like to either withdraw the motion or amend the motion. Could we create a resolution that would set aside funds for community use? Don Sitter I will withdraw my second to the motion. Dave Edblom withdrew his motion.

Mary Ann Sironen, as chair of the Town Board suggested ABC and North Shore Community School hire an attorney to assist them with the complexities of this issue.

- Phil Strom invited Don Sitter and Mary Anne Daniel to tour the new addition to the school.
 - Jim Ward will come back to the Town Board with a proposal for the hockey boards.
 - Attached to this document are the following copies for reference: Town Attorney Tim Strom's E-mail regarding the Annual Meeting resolution made by George Sundstrom and seconded by Wendy Gutofson; the resolution; George Sundstrom's letter to the Minnesota Attorney General's Office and the response from the Attorney General's office.
- g. Roads: Road bans are coming on. Dave will sit down with Jo Thompson and Bob Rodda to find out what we should be doing to comply with stormwater MS-4 requirements. Val Brady offered to print the computerized sheets created this past summer on water proof paper as a road resource.
- h. Joint Use Committee: No issues. A decision was made on the matrix.
- i. Town Hall
- Facilities Project: We will put off signing a contract until April. Don Sitter made a motion to include the following items in the contract: general construction bid, kitchen upgrade and special ceiling with indirect lights for phase 1 Mary Anne Daniel seconded. Motion passed unanimously
 - Don Sitter made a motion to authorize \$1400 to SAS associates to create a stormwater management plan for the facility site; funding to come from the Township capital improvement fund, Dave Edblom seconded. Motion passed unanimously.
 - Septic system froze, cost to thaw \$425.00. The new addition will solve the septic freezing issue.

- j. Materials Management: Dave Hooey has submitted his resignation as substitute shed keeper. WLSSD felt the small shed was fine and will add another 12 yard dump. Carolyn's contact will get back to her regarding the issue.
 - k. Cemetery: No Report this meeting.
 - l. Communications: No Report this meeting.
 - m. Personnel:
- 7. Old Business:
 - 8. New Business: Sue Lawson thanked Mary Ann Sironen and Jim Ward for their time as Supervisors.
 - 9. Correspondence
 - Lake Connections Open House
 - Board of Appeal and Equalization training opportunity
 - SLCAT: Minutes
 - "Speak your Peace" project
 - Minnesota Department of Health
 - 10. Meeting Schedule
 - a. Board of Appeal and Equalization: April 7, 2015
 - b. Town Board Meeting April 9, 2015
 - 11. Adjournment: Don Sitter made a motion to adjourn Dave Edblom seconded. Motion passed. At 9:25 p.m.