

Town Board Meeting  
December 11, 2008

Roll Call: Dan Tanner, Jeff Cook, David Mount, Stephen Dahl, Wendy Meierhoff  
Pledge of Allegiance

1. Approve Minutes

- Board Meeting November 13, 2008
  - Jeff Cook made a motion to approve the amended minutes, Wendy Meyerhoff seconded.
    - Corrections:
      - Page 2 line 4: Dave Mount does not believe the amount of \$28.00 is correct but isn't sure what the correct amount might be.
      - Page 2 line 21: In reality it is not a new tax "for Lake County", just St. Louis County residents.
    - Micro corrections:
      - Page 2 line 11: Governments' should be governance.
      - Page 2 line 13: Governments' should be governance.
      - Page 2 line 24: change you to we.
      - Page 2 line 30: correct preference to prefer.
      - Page 2 line 43: correct there to they.
      - Page 3 line 38: remove prices replace with money.
      - Page 4 line 3: replace taxation with tax valuation
      - Page 4 line 13: spelling correction boarder to border.
  - Stephen Dahl abstained. Motion passed.
- Grant Meeting November 25, 2008
  - Jeff Cook made the motion to approve the amended minutes, Dan Tanner seconded. Motion passed

2. Concerns from the Audience

- Road Maintenance personnel Bob Rodda came to say Thank You and request the board let the bid out a bit earlier. A brief Road and Bridge discussion followed; Road bid on the agenda for January.

3. Approve Agenda

a. Additions:

- Legal Issues
- Under Old Business: Insurance - Stephen Dahl
- Move correspondence to the bottom of the agenda for this meeting.
- Old Business: Ambulance – Dave Mount
- Correspondence: MPCA and TALU – Jeff Cook

David Mount made a motion to approve the amended agenda, Dan Tanner seconded Motion passed

4. Correspondence

- a. MPCA: Notice of Public Comment Period - *noted*
- b. City of Duluth: Board of Mangers Election Results for D/NSSD - *verifying*
- c. Office of the Commissioner: MPAC Joint Powers Board – *David Mount signed the resolution*

Dave Mount made a motion to adopt the following resolution:

Whereas; on or about November 18, 2008, the McQuade Public Access Joint Powers Board met in open session and agree that it has completed its mission stated in the Joint Powers Agreement, and Whereas; a unanimous vote of the board members recommended that the Joint Powers Board be dissolved, and

Whereas; the agreement set forth a process which includes an independent vote by the governing body of each party.

Now Therefore Be It Resolved; that Duluth Township agrees that the McQuade Public Access Joint Powers Board be terminated in accordance with the procedures outlined in the agreement.

Dan Tanner seconded. Motion carried. Dave signed the resolution.

- d. WLSSD 2009 budget report – *stayed the same paying the same.*
- e. Boundary Annexation Survey and Map - *Dave Mount will complete.*

5. Treasurers Report

Beginning Balance	\$770,984.39
Receipts	\$168,338.60
Expenditures	\$ 33,351.34
Ending Balance	\$905,971.65

- a. Review Claims List for Approval –
  - Hagglund bill did not include electricity for the recycling shed.
- b. Wendy reviewed the FHLB letter of credit, the township is fine.

6. Tabled Agenda Items from previous Month

None

7. Department Reports

- Police
  - Call report was e-mailed and received by the Supervisors.
  - Insurance: Police liability insurance has doubled with coverage now at 2 million. Shawn would prefer staying with the current 1 million dollar coverage but it is no longer offered through MATIT. Shawn or Stephen Dahl will contact MATIT and find out what options are available and if such insurance coverage is even required.
  - Firearms Ordinance: David Mount presented a density map of the Highway 61 corridor between the expressway and Lake Superior through Duluth Township. If we were to ban firearms from that space we would essentially ban those who have large amounts of property from hunting on their own property. The point is personal safety; it is generally not the people who live here who are causing the problem, it is people who are driving up and hunting along the railroad right of way. The ban does not have to cover the entire 61 corridor, it could be just from the McQuade Road to the Homestead Road or the most densely developed area. At this time we do not have an ordinance created, the question is, should we go forth with an ordinance or not? 7:00 p.m. January 29, 2009 we will have an open house, we wish residents to understand we are considering such an ordinance and would appreciate input and opinions.
- Fire Report
  - Engine #1 will go to Lino Lakes for a 7 – 10 day repair. A check for initial repair to the Engine has been received; the estimate was based on pictures and might change once the repair is begun.
  - 1978 Bean was taken to Maney International for repair of a broken spring. As a temporary replacement, the 1978 will replace Engine #1 in Hall #1 until Engine #1 is back in service.

- The new FEMA grant truck will be here in January. Once we put the new truck in service we will remove the white milk truck from service as required by the grant agreement. Our intent is to sell the white milk truck.
- We applied for and received a DNR grant for \$3500.00 matching funds for a total of \$7000.00. Three copies of the contract will be signed tonight by the Board Chair and Clerk then returned to DNR within 30 days.
- The Fire Department has discussed desire to have a third stall added to fire hall #2. There are currently 4 trucks in hall #1 but only 3 doors which means jockeying vehicles around depending on immediate need. We would like to move our rescue rig to Hall #2. David Mount suggested bringing it to the Annual Town Meeting although it might possibly require a variance. Stephen Dahl suggested that since we have a vision for the Community Center it would be nice to have a vision for the Township Property. Planning Director Sue Lawson suggested we could probably do some planning in 2009. Bob Engelson did look into a FEMA grant as they do have building grants but they do not grant for new fire halls, just improvements to existing halls.
- Wendy Meierhoff: Dave Dahlberg, Keith Darsow and Adam Hendrickson are flooding the Community Center skating and hockey rinks this year.
- Road and Bridge
  - Storm Water: SWPPP plan is now open for public viewing and comment. MPCA is very impressed with storm water protection items in our zoning ordinance.
  - TALU has to do with Storm Water education; there will be a meeting in Duluth in January, Jeff Cook will bring the report back to the town board.
- Community Center
  - Two bills from BDP architects are to be paid this month.
  - Township fees: Michelle Lampela created a worksheet of estimated annual fees some of which are the Townships responsibility. The total sum of fees increased from \$300.00 a year to \$2816.66 per year. Dave Mount made a motion that the Town Board approve reimbursement to NSCS for the annual fees specified by the accompanying list of annual inspection and license fees pending final approval by Stephen Dahl, Jeff Cook seconded.
    - Annual inspection of generator \$787.16
    - Air tank inspection \$143.00
    - Boiler inspection \$40.00
    - Sprinkler inspection \$480.00
    - Seimi annual asbestos inspection \$258.00
    - Kitchen hook/cleaning \$350.00
    - Kitchen ansele system \$260.00
    - Septic and well license \$109.00
    - Hazardous materials filing fee \$25.00
    - Annual fee back flow systems \$300.00
    - Fire Extinguisher inspection \$64.50

Total \$2816.66
  - Wendy Meierhoff made a friendly amendment that the fees are paid from the Community Center fund, Dave Mount and Jeff Cook accepted the friendly amendment.
- Legal no legal report this meeting.
- Planning and Zoning
  - Meyer Cartway public hearing will be held December 17.
  - Bieraugel Appeal: The Board of Adjustment upheld the Planning Commission decision, opposing council has guaranteed he will take us to court.
  - There will be a facilitated discussion with Odyssey and the Planning Commission Saturday December 13.

- A map of the master site plan and building plan with some text for the newsletter has been generated and will be given to our Newsletter Editor.
- Master site plan: Dave Mount and Sue Lawson met to implement the plan and discussed phases of the grant. LP grant; based on the plan we have, can be done immediately next spring then we can move into phases. Grants are actively being sought. Wendy Meierhoff and Sue Lawson will meet Friday to discuss the LP grant. There is a conflict growing with adding to the library off the back of the Community Center.
- There will be an Open house in February for the short term rental ordinance at the regular Planning Commission meeting.
- There might be a Conditional Use Permit hearing in January.
- Dave Mount: there is vagueness in our ordinance about the authorities of the Board of Adjustment (BoA). When the BoA meets are they charged with upholding or not upholding the decision they are holding the appeal for? Do they say we agree or not agree? Or do they say we do not agree with the decision, but use whatever information is on the table? You give powers to the BoA to say yea or nay, what is the process for appealing the BoA? It used to be you could only appeal a variance not a conditional use permit, would it be better to try not appeal a conditional use permit? Would it be better to try and appeal administrative appeal? What happens after that? It's a done deal? You have to go to court? We need to clarify the zoning ordinance. If the Board of Adjustment doesn't uphold the Commissions decision does that then mean those appealing automatically get their variance or conditional use permit? Is the board of adjustment allowed to make recommendations? Jeff Cook; I believe it should be a yes or no thing. Our current BoA chair is confused by the issue. Did the Planning Commission follow the intent of the Comprehensive and Zoning plans? Sue Lawson: it is one more chance to make sure the Planning Commission didn't err before it goes to court. Jeff Cook; you are just checking to see if they did the right thing or not? The question is, if the BoA cannot place conditions then who does? Does it go back to the Planning Commission?
- We have another Worden conditional use permit hearing 7:00 p.m. January 5 2009. Jeff Cook has a conflict of interest so an alternate needs to be appointed for that position. Dave Mount made a motion to have Stephen Dahl serve as the alternate Board of Adjustment member, Dan Tanner seconded. Motion passed, Jeff Cook abstained from voting on this motion.
- Sue Lawson was given a copy of the Planning Commission liability insurance currently held by MATIT. Stephen Dahl is not comfortable with the liability coverage as it only covers litigation costs; MAT hires an attorney to defend us. We cannot change the coverage as this is all we have been offered.
- Building Addition Team: Remove from the Agenda.
- Town Hall
  - Copier: Wendy Meierhoff made a motion to approve the lease with IKON for \$266.16 per quarter to lease a new copier for all departments usage, Dan Tanner seconded. Motion passed.
- Recycling
  - Shed Keeper Report
    - Shed has been moved, there is only one problem. The light is now on the wrong side of the building or perhaps we need lights on both sides of the building. Janet Johansen will have her husband take a look at the wiring.
    - Junk: someone has left a bag of deer guts and deer carcass behind the garbage dumpster.
    - There is another lock on the aluminum can cage, cans continue to be stolen.
- Cemetery

- Supervisor Report: We have a new lawn company doing our town hall and fire hall lawns called “The Cutting Edge”. The Cutting Edge gave Dan Tanner a better bid than Miller Creek Landscaping, Dan would like to get the Community Center included in the lawnmowing bid.

#### 8. Old Business

Special Taxing District: Lake County Ambulance. Dave Mount talked to Gold Cross, they are treading very lightly but they did confirm that if all parties involved wanted them to take over the Lake County Coverage area, they would have the capacity for such coverage. Dave Mount created a graph showing response time to the coverage area in question, by their standards Gold Cross needs to have a 2 minute response time. Dave Mount did not get in touch with Lake County to find out their response time protocols. Level of service: For most calls the certification level of the crews doesn't make a difference however there are times when it does. Gold Cross stated that one of the things which makes a difference is the first responder system. How do you balance the level of service with the length of time getting service? Dave Mount was tasked with the calling the MN regulatory board and wants to make sure he knows what is wanted prior to making the call.

- The wish was to have our entire township served by one ambulance service.
- Citizens wish for a higher level of service.

Dave Mount will clarify the response time issue before making the call.

Animal issue: Our police chief feels there would only be a once or twice a year usage. Wendy Meierhoff will talk to the Lake County Animal board.

#### 9. New Business

Insurance: Dave Mount made a motion that the town board authorize Stephen Dahl to independently pursue the decision regarding liability coverage for the township law enforcement; he will based his decision on additional information from MATIT and decide whether to either decline the coverage, to obtain 1 million of coverage, or to obtain 2 million of coverage Wendy Meierhoff seconded. Motion passed.

10. Motion to adjourn: Wendy Meierhoff made a motion to adjourn 9:50, Dan Tanner seconded. Motion passed.