

Town Board Meeting
May 13, 2010

Present: Mary Ann Sironen, Stephen Dahl, Danny Tanner, Dave Mount
Absent: Wendy Meierhoff

Pledge of Allegiance

1. Approve Minutes

- Town Board Meeting April 8, 2010
 - Danny Tanner made a motion to approve the minutes, Mary Ann Sironen seconded. Motion passed.
- Program of Work April 13, 2010
 - Danny Tanner made a motion to approve the minutes, Stephen Dahl seconded. Motion passed

2. Meeting Schedule

- June 10, 2010 Town Board Meeting
- July 8, 2010 Town Board Meeting

3. Concerns from the Audience

- Dale Solstrom: problem with a supplier who is charging Duluth City sales tax even though the materials are being delivered outside the city limits. Dale is requesting a "To Whom It May Concern" letter on township stationery requesting exemption from Municipal Sales Tax. Dave Mount will write letter.
- Jim Sage
 - Would like to have the newspaper machine at the town hall removed. Danny Tanner will check into the issue.
 - McQuade Road North of the Pioneer Road in Normanna Township is becoming a parking lot, request for the Duluth Township Police Department to review the issue.
 - Small wooden trailer in Normanna Township also needs attention; Duluth Township Police Department will review the issue.

4. Approve Agenda

- Under Community Center: Community Education - Mary Ann Sironen.
- Under Communications: D/NSSD - Mary Ann Sironen.
- Mary Ann Sironen made a motion to approve the amended agenda, Stephen Dahl seconded. Motion passed

5. Treasurers Report

- Review Claims List for Approval
- Claims #1418 &1419
 - #1418 is hold pending clerk's approval
 - #1419 delete, duplicate payment
- Pay Bills with the exception of claims #1418 and 1419, bills are approved for payment.
 - Janet will be asked if the \$30,000.00 check has been deposited.
 - #1421 Animal Humane Society: restitution will cover the payment of this claim.

6. Tabled agenda items from previous month

- Welcome to Duluth Signs – keep on table
- LED Signs – Dave has been in contact with Vic Lund, Mr. Lund was under a misunderstanding that there were stop signs right before the Community School. Mr. Lund will conduct a speed study in front of the school and is open to possibly installing a speed sign. The speed sign will be time constrained

and active only during school hours. Dave Mount asked Shawn Padden contact Mr. Lund for a police perspective of the issue.

7. Department Reports

a. Police

- Chief's Report

b. Fire

- Chief's Report

c. Planning and Zoning

- Directors Report
- Bieraugels attorney continues to communicate with the Town Board instead of the Planning Commission. Bieraugels most recent proposal was close to the last they were offered by the Township. Aside from cost, if we proceed, responses should come from the Planning and Zoning Commission as decided by the Judge. If there is a hearing MATIT will pay for our attorney to attend, there is a certain appeal to having the decision made in an open forum as opposed to holding a closed meeting with our attorney to discuss their proposal. Mary Ann Sironen recues herself from this issue.
- Alseth Road Re-zoning
 - Process: The Planning Commission has made a recommendation to the Town Board to deny the rezoning. Dave Mount proposes if Mr. Abrahams attends tonight's meeting we hear his arguments, decide whether to accept the Planning Commission's decision to deny the request or if the Board thinks this is not a clear decision, hold another public hearing. Our attorney reminds us to watch the 60 day rule which gives us until June 15th as the fee was paid February 15th.
 - Mr. Abrahams has not attended this meeting; our options are to take action or have the action contingent upon him waiting and require that he grant the town another 60 day extension.
 - Options: Mr. Abrahams request would not be spot zoning, it would be a continuation of commercial zoning from Tom's Logging Camp. The property is shoreland mixed use, you can't add a use to a zone unless you change the ordinance and Mr. Abrahams doesn't meet any of the criteria (reasons for denial in the Planning Commissions recommendation). Dave Mount made a motion to deny the requested rezoning, the request is not for a specific business proposal but in-tails all of the potential land uses associated with a commercial zone some of which would not be consistent with surrounding land use and the vision of the comprehensive plan. That the request does not arise because of a mistake of the original zoning there has not been a substantial change in the community since the adoption of the comprehensive plan and the need for the rezoning is driven by the needs of the individual and not by a public need that could not otherwise be met through use of existing commercial zones. And therefore is not justifiable under the required conditions for a rezoning as stated in the ordinance. Danny Tanner seconded. Motion passed unopposed
- 5249 Greenwood Road letter to Attorney
 - The Planning Commission will deal with this issue.

d. Legal

- Attorney's report
 - Nothing from legal
 - Lease agreement looks like what we have had in the past, it is consistent.
 - Bdp Architect agreement between owner and architect is a standard form.

e. Road and Bridge

- Mr. Rodda will be grading the roads soon.
- Calcium Chloride has been ordered.
- Stormwater

- RSPT: Danny Tanner will volunteer to help with WLSSD's Rain Barrel/Compost Unit sale.
 - Knife River TMDL: Duluth Township's zoning ordinances are stronger than anywhere else in the watershed.
- f. Community Center
- General Report
 - Dave Sletten has gone, interviews are currently taking place.
 - There is no timeline for the Art Room/Kiln.
 - Hand washing sink will be replaced
 - Exterior brick maintenance.
 - Mary Ann Sironen and Stephen Dahl will remove trees damaged this past winter.
 - Larger cooler will be added to the kitchen, food needs to be lifted off the floor.
 - Lease
 - signed
 - Addition
 - Get the project managed so timelines are met, our goal is mid September.
 - Wayne Dahlberg presented the architect designs of the new addition to the Community Center to Board members.
 - Bid opening: Dave Mount proposed the following resolution:

WHEREAS, the Duluth Town Board has evaluated the Duluth Township Community Center and reached the following analysis:

The Town of Duluth owns the Duluth Township Community Center (DTCC) at 5926 Ryan Road, and maintains this facility for the benefit of the community. The North Shore Community School (NSCS) is the primary tenant of the DTCC. Income from the associated lease is maintained by the Town in a separate account which provides the Town with the financial resources necessary to maintain, repair, and improve the DTCC. This fund is maintained separately from funds levied by the Town and, per the intent of prior Town Boards involved in the acquisition of the DTCC, is used by the Town Board to offset costs related to the DTCC. In recent years, the Town has undertaken major renovations of the septic system and roof of the DTCC, costs which have been paid entirely out of the Town's Community Center fund. In addition, The Town sought and received a professional assessment of the anticipated major maintenance and repair items in the foreseeable future, and has incorporated these into financial projections. After paying in full for past repairs to the septic system and roof, the balance of the Community Center fund is as of May 2010 in excess of \$720,000. This balance is sufficient to allow an expenditure of roughly \$500,000 while maintaining a balance sufficient to accommodate substantial unanticipated repairs should the need arise.

The Town Board previously commissioned a Building Assessment Team (BAT) to review the current and future uses of the DTCC, the services it currently provides to the community, and those services it could provide in the future. In a past presentation to the Town Board, the BAT concluded that building additional space at the DTCC would enhance the ability of the facility to provide benefits to the community. In subsequent work, the BAT developed a Master Plan for the DTCC, which included phased construction of additional spaces to facilitate the continued development of the DTCC.

In early 2010, the Board of the NSCS approached the Town Board with a request to add additional space to the DTCC to facilitate increasing their academic program from 2 to 3 class sections in kindergarten and first grade. The School Board presented evidence to the Board that adding this capacity would provide several important benefits. Key among these is that it would provide a means to allow larger matriculation of students into the kindergarten and 1st grades, which for educational reasons are maintained at a smaller size per classroom than higher grades. Increasing this capacity would allow the NSCS to accept more students applying from Duluth Township and the surrounding community, students which would otherwise have to be turned away from attending elementary school in the immediate area of their home. In addition, increasing the matriculation into kindergarten and first grades would facilitate maintaining sections of upper grades near their

design capacity. The past demographics of the school, and analyses completed by the BAT, indicate to the Town Board that it is reasonable to expect matriculation at the NSCS to remain high for the foreseeable future

Operating near their design capacity provides the NSCS with greater ability to operate in a financially sustainable manner. While the financial stability of the NSCS is not a direct concern of the Town's, it is an indirect concern because failure of the NSCS would eliminate the lease income to the Town that provides for the costs to maintain the DTCC. Without that lease income, it is unlikely that the Town could find a feasible mechanism to afford the costs associated with owning the DTCC.

Loss of the DTCC would result in the Town losing all of the benefits associated with the DTCC. Aside from the community benefits that accrue directly from having an option to attend elementary school locally, the presence of the DTCC provides a number of additional benefits to the community, as detailed in the previous report of the BAT. Community use of the DTCC outside of direct school functions has increased greatly, with tremendous enhancements of the surrounding recreational and social facilities. For example, the extensive grounds improvements made last summer, including improved recreational fields, improved draining and safety, the construction of a picnic pavilion available for public use, and provision of outdoor restroom facilities were all community benefits made possible only through a partnership of the NSCS and the Town. These benefits were provided to the community without the use of Township levied funds, because of the availability of grants and lease money to support these improvements.

To meet the needs expressed by the NSCS, the Town evaluated options of purchasing temporary buildings ("portables") or building a permanent addition to the DTCC in accordance with the previously developed Master Plan for the facility. While meeting the near-term needs of the NSCS will require that the planned phases in the Master Plan be resequenced, the Town Board determined that it was in the long-term best interests of the Town to invest in building permanent space rather than installing temporary facilities that would depreciate rapidly. Further, it was decided that because initiating construction involves a number of fixed costs beyond the "per square foot" costs of construction, an addition of three large rooms and accompanying support spaces would be more appropriate in the long run and would be more consistent with the goals of the facility Master Plan. As part of increasing the project from 2 to 3 large rooms, it is anticipated that this expansion will increase the flexibility of the NSCS and Town to accommodate additional uses of the facility, such as educational, recreational, or social services to the community outside of the core school functions.

Initial cost estimates for such a project (approximately 4,200 square feet) were approximately \$500,000, a scope which is compatible with the current balance of the Community Center fund. As stated above, this project would be funded entirely with funds from the Community Center fund and would not therefore require use of Township levied funds.

NOW, THEREFORE, BE IT RESOLVED that, based on the analysis above, the Duluth Town Board will solicit bid proposals for the construction of an approximately 4,200 square foot addition to the Duluth Township Community Center with an estimated pre-bid cost of \$500,000 (+/- 10%), to be constructed during the summer/fall of 2010. This resolution commits the Town Board to seeking bids from prospective contractors, but does not commit the Board to accepting a bid unless, following analysis of bids received and consideration of circumstances at that time, the Town Board continues to believe that undertaking construction is in the best interests of the Town.

Dave Mount made a motion to accept this resolution, Danny Tanner seconded. Motion passed unopposed. Many thanks to Wayne Dahlberg.

- Supervisors Dahl, and Sironen are hereby authorized to approve the final bid package for bidding.
- Hockey Rink
 - A request for funds to improve the hockey rink. The annual budget for recreation is \$7500.00, if we provide the requested \$7250.00 there will be no further funding for the rest of the fields and property. Dave Mount made a motion that Mary Ann Sironen and

Stephen Dahl are approved to expend up to \$4500.00 to renovate the hockey boards at the existing rink at the Duluth Township Community Center with the funds to be taken from the Capital Improvement funds. Motion carried.

- Jo Thompson and Michele Libby would like to work together on Community Education.
- Code of conduct for the Community Center (rules).
- Start working on the scheduling issue.
- Forming a recreation board. We need to know how a recreation board interacts with Community Education before it can be created.
- Distributing the \$7500.00 salary allotment. This could possibly be self funding through Community Education. If we wish to do recruiting for the Recreation Board we need to move forward.

g. Town Hall

- New Voting machine is in township.
- Riverside flooring: Danny Tanner will call, the date is incorrect.
- Windows are continually opened at the top and need to be repaired.

h. Recycling

- busy

i. Cemetery

- Many thanks to Valerie Brady for all of her hard work putting together the lost cemetery information. Danny Tanner will write a letter to all funeral homes and have all checks routed to the town office. An article will be included in the next newsletter.

j. Communication

- Report: procedure report.
- SLCATO: summary of the mission, review February bill.
- D/NSSD: maintenance on their lines this week.
- Memorial Day service May 31, 11:00 p.m.

8. Correspondence

- E-mail: MN Dept. of agriculture re: Emerald Ash Borer - *Noted*
- St. Louis County: Renewal for CDBG and HOME programs - *Noted*
- MDH – Food and Beverage at Tom’s Logging Camp - *Noted*

9. Old Business

10. New Business

- Check policy: table until June

11. Motion to adjourn:

- Dave Mount made a motion to adjourn 10:30 p.m., all attending supervisors seconded. Motion passed.