

Canosia Township

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Town Board: Chair Kurt Brooks, Supervisor Kevin Connick, Supervisor Dan Golen
Clerk Susan Krasaway, Treasurer Cheryl Borndal

REGULAR MEETING MINUTES

January 3, 2018

ATTENDING: Chair Kurt Brooks, Supervisor Kevin Connick, Supervisor Dan Golen, Clerk Susan Krasaway, Treasurer Cheryl Borndal, Road Foreman Gary Oswell, Fire Chief Gene Stevens, Assistant Chief Clyde Mortinsen, P&Z Director Tim Walburg, Rec Director Mike Ellingson, and twelve residents.

Chair Brooks called the meeting to order at 7 p.m., and the pledge of allegiance was recited.

APPROVAL OF AGENDA, MINUTES AND TREASURER'S REPORT

- A. **AGENDA**: Motion by Golen, seconded by Connick, to approve the agenda with the following additions: Snowmobile club letter (Trails), SLC Comp Plan letter (New Business) and proposed 10K race (New Business). Motion carried unanimously, 3-0.
- B. **MINUTES**: Motion by Golen, seconded by Connick, to approve the Regular Meeting Minutes (12/6/2017) with one typo correction and three wording changes. Motion carried unanimously, 3 – 0.
- C. **TREASURER'S REPORT**: Motion by Connick, seconded by Golen, to approve the Treasurer's Report (1/1/17 –12/31/17). Motion carried unanimously, 3 – 0. Note: the new IRS mileage rate for 2018 is .545.

PUBLIC INPUT

- A. Waste Wood Recycling CUP Issue

Resident Jim Gilmore presented the board with a detailed request to put a moratorium on issuing Conditional Use Permits. His argument was based mainly on a contradiction within the township zoning ordinance: In Article V, Section 5.6, "Industrial Use Class II" is not specifically listed as an allowable MUNS use with a permit, although it is listed later in Article VI, Section 6.23 as allowable with a permit.

Chair Brooks said the P&Z Commission addressed this contradiction in July. Their interpretation: not including Industrial Use Class II in Section 5.6 was simply a typo. They used the following reasoning:

- Industrial Class II is *not* included in the list of uses that are "not allowed."
- Industrial Class II is listed as allowable with a permit in the same section of the St. Louis County ordinance on which ours is based.
- Industrial Class II is clearly included in Section 6.23 as an allowable use with a permit.

Although the commission made a motion to correct the typo in July, there was no formal correction made to the ordinance. Supervisor Connick would like clarification about the process for updating the ordinance in situations like this.

Commnick would also like to know whether MN state statute allows for P&Z commissions created by townships to have independent decision-making authority OR if they are only allowed to act as an advisory capacity to the

town board. His interpretation of state law is that zoning commissions must have additional town board oversight. Brooks countered that our township attorney has always reviewed the ordinances before going into effect and this has never been a concern.

Connick would also like to define a process for residents to be heard if they disagree with decisions made by the P&Z commission.

Moratorium Motion: Motion by Connick, seconded by Golen, to put in a place a short-term moratorium on issuing Conditional Use Permits while the town board gets opinions from our attorney on two issues:

1. Did the P&Z commission correctly interpret the typo/contradiction issue detailed above?
2. Do township P&Z commissions have the authority to independently make decisions and not just act as an advisory group to the town board?

Discussion: With a moratorium in place, the CUP hearing for Waste Wood Recyclers scheduled for tomorrow would need to be postponed. The board will act with some urgency to get their questions answered: The P&Z Director accepted the permit application on December 19. If it is not acted upon within 60 days of that, then it will be approved automatically (60-Day Rule). Once we hear back from the attorney, the board will likely have a special meeting to discuss the opinions. Any future public hearings will need to be re-published and notices mailed to nearby residents.

Motion on the moratorium passed 2 to 1, with Chair Brooks voting against it.

The clerk will notify P&Z Secretary Amber Madoll who will then have to attempt to reach everyone involved. Brooks will contact Township Attorney Orman about the first issue; Connick will contact him about the second.

Resident Dave Kukowski commended the decision to get legal advice as this unfolds and voiced additional concerns about the proposed recycling facility (i.e. year-round noise and traffic). He also asked for clarification about how residents are notified of hearings (*Answer*: In addition to publishing/posting, letters are sent to all homes within 500 feet of the perimeter of the property. There must be at least ten letters sent out. In this case, there were 16). Kukowski also expressed some concern that the P&Z members were unfairly biased in this matter.

Resident Gary Oswell took issue with the bias comment and spoke about how hard commission members work to impartially follow the ordinance. He also cautioned against espousing a “Not in My Backyard” mentality.

Both Gilmore and Kukowski mentioned the 2014 Comprehensive Plan survey results as evidence that many residents may not support development outside of the four-corners business district. The board reiterated that the Comp Plan is a helpful tool, but in no way binds the township to any decisions.

B. Other

Resident Dan Jezierski said he received two phone calls: the first was from a woman who had concerns about snowplowing (the board said the woman should come to a meeting or send a letter to express her concerns); the second was from the snowmobile club regarding the trail plan (this will be discussed more during Trails).

OLD BUSINESS

A. PLANNING & ZONING

Director’s Report: P&Z Director Tim Walburg issued 30 permits total in 2017; one so far in 2018.

CUP Issue: The CUP application was re-completed on December 17 and accepted on December 19. The public hearing scheduled for tomorrow will need to be postponed (see public input).

P&Z Commission Appointment: Motion by Connick, seconded by Golen, to appoint Dan Jezierski for a three-year term (term expires in January 2021) on the P&Z Commission. *Discussion:* this was the spot vacated by Mark Lockhart’s resignation. There were no other applicants. By appointing Jezierski to a three-year term (instead of just completing Lockhart’s remaining two years), the appointments will now be staggered rather than having three openings in January of 2020. Motion carried unanimously, 3 – 0.

P&Z Town Board Seat Appointment: Motion by Connick, seconded by Golen, to appoint Kurt Brooks to another one-year term as the town board representative on the P&Z commission. *Discussion:* this will be Brooks’ third consecutive *full* term, which is the maximum allowed. A different supervisor will need to be appointed next year. Motion carried unanimously, 3 – 0.

B. ANTI-BLIGHT ORDINANCE: Tabled (still waiting on updated draft from town attorney)

C. FIRE DEPARTMENT

2017 FIRE DEPT. RESPONSES			
Call Type	DEC #'s	Notes	Total for 2017
EMS	8		87
Medical MUA	0		3
Twp Fire	0		13
MUA Fire	1		20
Service	0		10
TOTAL	9		133

This month the firefighters took a class on setting up at highway accidents. They also cleaned the hall floor drains and flooded the rink several times. In the extreme cold, a part broke on Engine #1 so it will be out of service until Friday. Until then, the one remaining engine will not leave the township for mutual aid calls. The FD is also still pricing out some needed tools, gear, and thermal imaging cameras.

D. FIRE RELIEF: The investments have been transferred, but still waiting on paperwork.

E. ROADS

Road Supervisor Connick said the roads are in good shape, and he is happy with Asphalt of Duluth’s plowing.

SLC Crushing & Striping: We will not need to take part in the county’s 2018 crushing and striping program.

Turnarounds: Nothing new to report on the Christianson Rd. easement. The Wilderness Rd. turnaround projects (i.e. stump removal) are complete.

Kehtel Rd. ROW: Road Foreman Gary Oswell gave the board a map he got from Duane Kyrola. The clerk and Chair Brooks will look through the old road files this month as well.

Alder Rd. Mailboxes: SLC would like us to contact residents on Alder Rd. asking them to install mailboxes and posts that meet the county standards. The clerk will review the county policy and draft a letter this week. This information will also go in the upcoming newsletter.

F. RECYCLE SHED:

Treasurer Borndal will fill out the grant application paperwork this month. Borndal and Brooks attended WLSSD's recycling meeting last month: both plastic film and food waste recycling are still in the works. Frank Bolos (and hopefully Jeff Swansen) will attend the attendant meeting on January 15.

G. RECREATION AREA

Rec Director Mike Ellingson thanked the FD for flooding the rink; kids have using the rink and warming shed.

Proposed 10K Race: Motion by Brooks, seconded by Connick, to go on record in support of the proposed 10K race around Pike Lake on the evening of May 19. *Discussion:* Connick received an email today from the General Manager of the Duluth Running Co (Tony Stensland) proposing the race idea. Stensland hopes the race would attract about 500-1,000 racers. He also hopes it will be a fun community event with food, etc. at the finish line. The logistical details (parking, traffic control, safety, etc) will still need to be ironed out in the coming months, but the board is in definitely in support of the idea. Ellingson will act as Stensland's main township contact. Motion carried unanimously, 3 – 0.

H. AIS

AIS Grant Update: The SLC Planning Department is recommending the county board approve our full \$22,500 grant request. The county commissioners will make a final decision later this month. SLC's Michael Scharenbroich reported they received a lot more grant requests this year than money available.

SeaGrant Partnership: Motion by Brooks, seconded by Connick, to go on record as supporting the proposed partnership between the Minnesota Sea Grant team and Canosia Township. *Discussion:* AIS Supervisor Connick was approached this month by the Minnesota Sea Grant and U of M. They would like to partner with us to improve AIS education efforts at Pike Lake and compile more data using the CD3 station. They would provide us with signage, outreach materials, and an intern to help with education efforts. There would be no out-of-pocket cost us; Sea Grant has budgeted roughly \$12,000 of their own grant money for our portion of the two-year project. The Pike Lake Association expressed their interest in being involved as well. Motion carried unanimously, 3 – 0.

I. TRAILS

There was no committee meeting tonight; we are waiting on draft plan updates from MIC Planner Chris Belden.

Snowmobile Club Concerns: Supervisor Connick read an email we received from Ryan Hernesman from the Hermantown Snow Club. He is worried our proposed CWMA biking trail designations would interfere with the designated winter snowmobile trails. Joe Bullyan and Dale Reno attended the meeting on behalf of the snowmobile club and expressed concerns about safety issues about sharing the trails.

Connick explained the history and efforts of the trail committee and stressed that the plan is a long-term planning document. The board also emphasized the collaborative nature of the project: we have reached out in many ways to as many people as possible, and we are working with the DNR as well. The township welcomes the input from the snowmobilers, but noted that most the hiking/biking trails proposed for the CWMA would not be used in the winter. Bullyan and Reno will be kept in the loop moving forward.

J. CEMETERY: The clerk will follow up again with a non-resident who showed interested in reserving plots.

K. NEWSLETTER

Articles will be approved at the February meeting with the goal of sending out the newsletters shortly after. It will include: Budget/Levy/Election info, candidate introductions (with disclaimers that the township is not endorsing any candidate), smoke detector reminders, fire dept. numbers, PLAWCS article, recycling info, road and AIS updates (Kevin), PFC follow up (Dan), a trails update and a historical society article.

L. BROADBAND: No updates from CenturyLink, but WildBlue is improving their satellite service in our area.

M. NOXIOUS WEEDS: Weed Inspector Gary Oswell filled out the annual report; the clerk will send it in.

N. AIRPORT ZONING

Motion by Connick, seconded by Golen, to approve Resolution #2018-1 supporting proposed state legislation that would increase local control for the Joint Airport Zoning Board. Discussion: Supervisor Connick explained the bills and how they would help the Duluth JAZB adopt a custom zoning plan specifically for our airport and surrounding communities. Motion carried unanimously, 3 – 0.

O. BUILDING MAINTENANCE: Oswell installed a new mailbox on Midway Rd.

{Nothing new to report: website, RSPT, PLAWCS, PFC, meeting recaps}

NEW BUSINESS

A. FINE SHARING DOCUMENTS

Township Attorney Michael Orman researched how to secure an ORI number for the township and enroll in the fine-sharing program through the county:

Motion by Connick, seconded by Golen, to approve and sign the State of Minnesota Joint Powers Agreement Authorized Agency form and the Court Data Services Subscriber Amendment to CJDN Subscriber Agreement. Motion carried unanimously, 3 – 0.

Motion by Connick, seconded by Golen, to approve Resolution #2018-2 approving the State of Minnesota Joint Powers Agreement with the Township of Canosia on Behalf of its Prosecuting Attorney. Motion carried unanimously, 3 – 0.

The clerk will submit the signed documents to the BCA contact and add to our calendar that the agreements will need to be renewed in five years (January of 2023).

B. BOARD OF AUDIT/BUDGET MEETING DATE SET

Motion by Connick, seconded by Golen, to schedule the Board of Audit meeting for Tuesday, February 6 at 6 p.m. The budget meeting will immediately follow. Motion carried unanimously, 3 – 0. *(Note this date was changed later in the month to avoid conflict with Minnesota Caucus Night)*

C. 10-K RACE: Discussed in Recreation Area

D. SLC COMP PLAN LETTER

St. Louis County sent a letter stating they are updating their Comprehensive Land Use plan and would like copies of all surrounding township's comp plans. The clerk sent our 2014 plan to Mary Anderson.

CORRESPONDENCE

- MN Power’s annual notice asking for permission to enter the cemetery to check the meter (no reply needed)
- MN Energy Resources notice of rate increase hearings
- Holiday card from MSA
- Fundraising request from Northland Law Enforcement K-9 Foundation
- Solway and Fredenberg Newsletters
- Community Ed. Newsletter

MOTIONS TO PAY BILLS/ADJOURNMENT

Motion by Cornick, seconded by Golen, to pay bills #19654 – 19690 & MA-2018-1. Motion carried unanimously, 3 – 0.

Motion by Cornick, seconded by Golen, to adjourn the meeting at 9:22 p.m. Motion carried unanimously, 3 – 0.

Respectfully submitted,

APPROVED:

Susan Krasaway, Clerk
February 7, 2018

Kurt Brooks, Chair
February 7, 2018