

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

February 7, 2018

ATTENDING: Chair Kurt Brooks, Supervisor Kevin Connick, Supervisor Dan Golen, Clerk Susan Krasaway, Treasurer Cheryl Borndal, Road Foreman Gary Oswell, Assistant Chief Clyde Mortinsen, P&Z Director Tim Walburg, Rec Director Mike Ellingson, and ten 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 Connick, seconded by Golen, to approve the agenda with one addition: Under New Business, discuss date for Board of Appeal & Equalization meeting. Motion carried unanimously, 3-0.
- B. **MINUTES**: Motion by Golen, seconded by Connick, to approve the minutes from the Regular Meeting (1/3/2018), Special Meeting (1/17/2018), Board of Audit (1/31/2018), and Budget Meeting. Motion carried unanimously, 3 - 0.
- C. **TREASURER'S REPORT**: Motion by Connick, seconded by Golen, to approve the Treasurer's Report (1/1/17 -1/31/2018). Motion carried unanimously, 3 - 0.

The Treasurer said she will wait to pay the credit card bill until the FD can find two missing receipts. The board also signed an additional copy of the Board of Audit report to post at the Annual Meeting.

PUBLIC INPUT

A. PIKE LAKE 10K

Tony Stensland and Clint Agar from the Duluth Running Co. updated the board on the 10K race scheduled for the evening of May 19: they provided a draft course map and they are working with St. Louis County on the road closures. The finish line may be at township rec area or (ideally) at the Pike Lake Beach & Golf Club if it's open; future owner Roger Anderson said he is open to the idea, but the property might still not be his at that point. As part of the festivities, there will be a kids run as well as food & beverages.

B. JIM GILMORE

Resident Jim Gilmore provided the board with three documents regarding the ongoing P&Z CUP dispute. The first document refuted the "typo" interpretation discussed previously.

The second document asked for the moratorium to be reinstated and expressed dismay that the board did not to allow public comment during the January 17 special meeting or allow him access to our confidential attorney opinion on the topic. The board reiterated that special meetings are required to have a narrow scope/purpose; therefore, Public Input is not typically an agenda item. In this case, the purpose was solely to determine if the moratorium should be lifted based on the privileged opinion of our attorney.

The third document asked for the immediate removal of three P&Z members based on their meeting minutes from July. Gilmore believes the commission violated the ordinance by not following the correct amendment process when they made a motion to fix the “typo” in question.

The supervisors explained that the motion to “change” the ordinance at that P&Z meeting was the *first* step in the amendment process, not the process in its entirety. In other words, the motion formalized their acknowledgement of the problem and their desire to add it to our list of things to change when the board decides to formally update the ordinance.

Chair Brooks explained that there is no set schedule for ordinance updates; it depends on the number and magnitude of necessary changes and the public interest. The timeline also depends on whether we need to make updates to stay in line with the County updates.

Comnick noted he is confident P&Z did their job and that attorney Michael Orman’s interpretations were correct. The board said they could not reasonably process all of Gilmore’s documents during this meeting, but would add it to the agenda for next month.

C. RYAN CREUER

Resident Ryan Creuer asked for clarification about whether composting will be allowed at the Wastewood Recycling facility. Brooks said the CUP does not allow for composting, but does allow for the sale of compost. It also allows for mulching.

D. DAVE KUKOWSKI

Resident Dave Kukowski read a letter expressing his disappointment with how the entire CUP process was handled by the township. He felt the town did not adequately take into consideration the neighbors’ opposition to the project.

Chair Brooks acknowledged there is room for process improvements and better communication moving forward. He also felt that the concerns raised by the project opponents resulted in a much more thorough evaluation of the Wastewood business and related environmental and road safety concerns. Brooks said the township welcomes public involvement and is hoping they will all continue to work together to ensure the CUP conditions are met.

Comnick also reiterated: according to statute, neighbors opposing a permit is not a valid reason for denying it.

E. MIKE PODGORNIK

P&Z member Mike Podgornik thanked the board for their support of the commission and reiterated that the P&Z members take their job seriously, as indicated by the 4+ hour hearing last week. He also asked to establish a “reasonable” time frame (e.g. 5-7 days) for the secretary to respond to resident requests for information; there were some demands for immediate information during this process which Podgornik felt was not fair.

*It should be noted that a quorum of the P&Z commission was in attendance at the town board meeting although it was not posted.

OLD BUSINESS

A. BUDGET MEETING RECAP

The board held their annual Budget Meeting on January 31. Their recommended levy (as compared to this year's actual levy) is as follows:

Fund	2018 Actual Levy	2019 Recommended Levy
General	\$117,200	\$117,200
Fire Department	\$100,00	\$82,000
Road & Bridge	\$80,000	\$98,000
TOTAL	\$297,200	\$297,200

As part of this recommendation, the FD levy amount would be temporarily reduced for two years in order to even out the reserve fund totals and fund some upcoming road projects. To be clear, the FD's budget would stay the same even if their levy went down.

B. PLANNING & ZONING

P&Z Director Tim Walburg wanted to go on the record with his thoughts on the contentious CUP process: he is proud to serve with the P&Z commission and was extremely frustrated that they were victim to libelous accusations and forced to operate under a perception of bias; in his opinion, these unreasonable accusations inhibited the true democratic process.

There were no zoning permits issued in January.

C. ANTI-BLIGHT ORDINANCE:

Chair Brooks will put together a draft outline for the step-by-step notice and enforcement procedure for the anti-blight ordinance. The clerk will research/draft an outline for properly approving an ordinance.

D. FIRE DEPARTMENT:

Assistant Chief Clyde Mortinsen reported they have had twenty calls so far in 2018, including eleven medical and four mutual aid fires.

E. FIRE RELIEF: Nothing to report

F. ROADS

Road Supervisor Kevin Connick said the roads are in decent condition, and the remaining road signs are now in compliance with all standards.

Plowing: In the coming months, the board will need to decide whether to invest in major turnaround improvements to accommodate county plows on township roads or if they will use a private contractor for plowing for the foreseeable future. Connick will put together an (estimated) cost comparison of the two options for the board to review.

Kehtel Road ROW: we were able to find three road orders from the 1920's and 1930's that were filed with the auditor (Brooks will send an email with exact dates for our records). Therefore, the next step is to secure an easement for the uncovered portion (centerline to south edge) and record that easement. Connick will talk to the neighboring property owners.

G. RECYCLING: The treasurer has submitted the grant application and necessary financial reports.

H. RECREATION AREA

Rec Director Mike Ellingson reported there has been a fair amount of skating at the rink. Supervisor Golen is drafting a letter to Sinnott asking about the tennis court cracks.

I. AIS: Still waiting on grant approval from the SLC board.

J. TRAILS: MIC Planner Chris Belden is still revising the draft.

K. CEMETERY

Non-resident request: Motion by Connick, seconded by Golen, approving Curtis and Kris Teberg's request to reserve plots in the Canosia cemetery. Discussion: non-resident requests must come before the board for approval. The clerk will have the Tebergs contact cemetery administrator Gary Oswell in the spring to determine if they would like to reserve specific plots. Motion carried unanimously, 3-0.

L. WEBSITE: Centurylink finally removed our old site which should reduce confusion.

M. NEWSLETTER

Note: Chair Brooks removed himself from this discussion to avoid any conflict of interest.

In the candidate introduction articles submitted for the newsletter, Jim Gilmore's article contained several allegations that Supervisors Connick and Golen felt were untrue and incendiary in tone. Connick publicly refuted each claim. Gilmore said he would re-write his article. The board gave their approval of the rest of the content.

(Note: at a special meeting the following week, Supervisors Golen and Connick decided the township will no longer publish candidate introductions from this point forward in order to protect the free speech rights of everyone involved).

N. PLAWCS

At a recent meeting, the sanitary district gave the go ahead for two upcoming projects (the Pike Lake Beach & Golf Club and the development at the Cast Iron Grill). Supervisor Connick also reported that a potential Caribou Lake sewer system is still at least 10-20 years away.

O. PFC WATER CONTAMINATION

Supervisor Golen reported on the recent well testing results from the Minnesota Dept. of Health: Although most results were below detectable level and three had only a trace amount, one property on the west of the airport had a result that exceeded MDH guidance value. The MDH has notified the owner of results and advised action to take. The Air National Guard is continuing to monitor and remediate the former firefighting site.

P. FINE SHARING: Still waiting to hear back from the BCA regarding our ORI number.

Q. AIRPORT ZONING

The clerk sent our resolution supporting upcoming legislation to several local lawmakers and got a handful of responses back. Comnick will report on this at the next JAZB meeting on March 1.

R. MEETING RECAPS

DAT: Snowplowing was discussed; Commissioner Stauber has promised to ask the county to keep one smaller truck to help townships with the burden of having to pay private contractors.

{Nothing to report on RSPT, Broadband, or Noxious Weeds}

NEW BUSINESS

A. ELECTION EQUIPMENT GRANT

Motion by Comnick, seconded by Golen, to accept the \$1,858.01 grant from the Minnesota Secretary of State's office for the purchase of a new electronic ballot counter (DS200) and approve the grant contract. Discussion: the grant amount is less than the maximum possible since there were so many applicants. We have until August of 2019 to purchase the equipment. Motion carried unanimously, 3 – 0.

B. ELECTION JUDGES

Appoint Judges: Motion by Comnick, seconded by Golen, to appoint Barbara Misgen, Nancy Cameron, Judith Kehtel and Jeanne Trush as election judges for the March 13, 2018, township election. Motion carried unanimously, 3 – 0.

Absentee Ballot Board: Motion by Comnick, seconded by Golen, to approve Resolution #2018-3: designating the above-named judges as the Absentee Ballot Board for the March 13, 2018, township election. Motion carried unanimously, 3 – 0.

C. ANNUAL MEETING REPORTS: The clerk asked to have them by March 10.

D. CENSUS

Chair Brooks will attend a training session on February 20 for LUCA (Local Update of Census Addresses). The clerk will attend a webinar on the same topic.

E. SLC COMPREHENSIVE PLAN

There will be a hearing in August regarding the county's Comp Plan. There is some concern theirs will supersede all individual township plans. The board would like to be reminded of the hearing this summer.

CORRESPONDENCE

- Report from the Auditor's office regarding their annual PLAWCS audit
- Notice from SLC about a hearing to discuss their Subdivision ordinance
- Dave Kukowski's letter of concern (discussed earlier in public input)

- WLSSD Biosolids newsletter
- Fredenberg and Duluth Township newsletters
- Duluth ISD community education brochure
- Thank you note regarding our donation to the Proctor all-night grad party

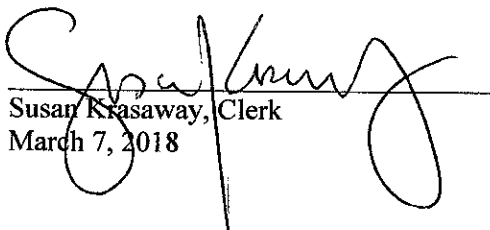
MOTIONS TO PAY BILLS/ADJOURNMENT


Motion by Golen, seconded by Connick, to pay bills #19691- 19735 and MA-2018-2. Discussion: Check #19707 will not be sent until the receipts are found. Motion carried unanimously, 3 – 0.

Motion by Golen, seconded by Connick, to adjourn the meeting at 9:50 p.m. Motion carried unanimously, 3 – 0.

Respectfully submitted,

APPROVED:


Susan Krasaway, Clerk
March 7, 2018


Kurt Brooks, Chair
March 7, 2018