

Canosia Township

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

REGULAR MEETING MINUTES

September 5, 2018

ATTENDING: Chair Dan Golen, Supervisor Kurt Brooks, Supervisor Kevin Connick, 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 nine residents.

Chair Golen called the meeting to order at 7 p.m., and the pledge of allegiance was recited followed by a moment of silence in honor of former town board supervisor Louis Dubla who recently passed away. A celebration of Louis' life and township service will be held at the town hall on Sunday, September 16 from 1-4 p.m.

AGENDA & MINUTES APPROVAL

- A. AGENDA: Motion by Connick, seconded by Brooks, to approve the agenda with one change: Move the county P&Z discussion to after the approval of minutes. Motion carried unanimously.
- B. MINUTES: Motion by Brooks, seconded by Connick, to approve the minutes from the Regular Meeting (8/1/2018) and Special Meeting (8/27/2018). Motion carried unanimously, 3 – 0.

ST. LOUIS COUNTY P&Z DISCUSSION

At the recent special meeting, the board decided to pursue discussions with the county about the possibility of turning over our planning and zoning to SLC. Supervisor Connick summarized the main reasons behind considering this decision:

- The vast majority of our ordinance is no longer more restrictive than the county's
- Zoning legal issues cost us thousands of dollars each year
- The county has the full-time educated resources to better serve our residents

County Land Use Manager Mary Anderson attended the meeting. She was not there to advocate for or against a decision. However, she did outline the process for turning it over: the township would first hold a public hearing and then repeal our ordinance and zoning maps. The county board would then have to hold hearings to amend their ordinance to incorporate the township zoning and maps. If we move forward with this decision, Anderson recommends having an effective date before the next building season to avoid confusion. As a final step, Canosia would have to transfer all our records and permits to the county. All current variances and conditional use permits would be honored. All existing permits, etc. would be scanned and indexed for easier searching and access.

Anderson said she has six full-time employees covering the whole county (four in Virginia, two in Duluth). Their online permitting process is very popular, as is the county Land Explorer app. Their permit turnaround time is typically two days; variances and CUP's take longer. Public hearings are typically held in Virginia since this is the central part of the county, making it fair access for all involved. On occasion hearings are held in Duluth if all issues on the table relate to the southern half of the county. Anderson said driving to Virginia is typically the main downside to county administration.

Another consideration: the county's new comprehensive plan goes into effect in January. The township comp plan is one of 27 that was incorporated into the county version. However, ours would no longer be in effect if we relinquished our own zoning. As pointed out however, comp plans are helpful guides for moving forward; it is the ordinance that has the real teeth.

When asked, Anderson listed other pros of county administration:

- It is inherently difficult for township residents to make decisions which may annoy their neighbors and friends; it is easier and less confrontational when the county acts as the "bad guy."
- Their office (including Mary) has decades of experience; plus, they have the resources of the St. Louis County Attorney's office at their disposal.
- There is no additional cost to the township to have the county administer zoning. There would also be no fee increase for residents since our fees already match theirs.

When asked about loss of control: Anderson noted that zoning changes within the township would never happen without township involvement and input. Plus, if Canosia was adamant about certain restrictions or specific issues, they have the ability to add zoning "overlays" to different areas, allowing them to tighten the regulations in specific districts (e.g. Commercial or lakeshore overlays).

As for enforcement: they do inspections on all CUP's and variances, random spot checks on 10% of permits issued, and investigate any complaints they receive.

Next Steps (discussed later in the meeting): Motion by Brooks, seconded Comnick, to pursue these immediate next steps: 1) publish a newsletter article informing residents of the township's plans to seriously consider county planning and zoning, 2) Next month, the board will set a date for a public hearing on this topic to hear residents' comments and concerns. The date will be included in the newsletter article. *Discussion:* Brooks noted there is a lot of potential upside to pursuing county zoning administration, including full-time resources dedicated to helping residents; plus, the possibility of township overlays eliminates a lot of the downside. The other supervisors agreed. Motion carried unanimously, 3 – 0.

TREASURER'S REPORT & BILLS

- A. **TREASURER'S REPORT:** Motion by Comnick, seconded by Golen, to approve the Treasurer's Report (1/1/18 – 8/31/18). Motion carried unanimously, 3 – 0. Treasurer Borndal reported that the both the AIS reimbursement and Recycling grant money have been received. The FD/treasurer have figured out the confusion with Airgas and autopay.
- B. **PAY BILLS:** Motion by Comnick, seconded by Brooks, to pay bills #19990 – 20048 and MA-2018-11 & 12, with the exception of claim #8175, paying \$2,453.84 to Asphalt of Duluth to seal coat the town hall parking lot and the fire hall apron.

Seal Coat Discussion: Brooks was extremely frustrated that there had been no town board discussion or pre-approval of this project before Comnick arranged to have the work done in July. Comnick and Road Foreman Oswell insisted that the board had discussed it at the July meeting, but neither Golen nor Brooks remember it and it is not in the minutes.

Brooks was doubly frustrated since he said WLSSD would have covered some of the cost of the project; WLSSD had suggested this option to him after we missed out on the Improvement Grant money last year since we had the parking lot paved before applying for the grant. Neither Comnick nor Golen remember Brooks ever mentioning this WLSSD seal coating opportunity at a previous meeting.

Comnick also believed the parking lot seal coat would fall within his between-meeting spending limit for roads. Brooks stated the parking lot is not a road; plus, he noted this authority was intended for emergencies

or routine maintenance and the supervisors are supposed to make good-faith efforts to bring all major projects before the board and get multiple quotes when possible.

Connick insisted this was a misunderstanding and stood by his belief that the board had discussed the project. He was also adamant that something like this would not happen again and that he would make every effort to improve communication and fix the process. Regardless, Brooks would not approve paying for the work or sign the claim. The motion to approve all bills with the exception of claim #8175 carried unanimously, 3 – 0.

Motion by Connick, seconded by Golen, to pay the seal coat claim #8175. Discussion: Golen agreed to pay the contractor with the understanding that the township has corrected the process and moving forward a misunderstanding like this would not happen again. Motion carried 2 to 1, with Brooks voting against it for the reasons mentioned above.

PUBLIC INPUT

- A. Resident Dan Jezierski again requested to have a dead-end sign placed on his road; google maps is mistakenly direct traffic down there which is problematic for large machines that do not have space to turn around. The board said they are planning to stick with the sign policy for now for the reasons explained at previous meetings.
- B. Resident Jim Gilmore asked for follow up information from last month's meeting. Dust Control: Golen confirmed he contacted the MPCA's Dan Palzkill who confirmed the dust could be a problem if it is leaving the Waste Wood property. Waste Wood Recycling owner Garret Campbell has made efforts with chloride and water, but he too has been looking for guidance from the MPCA and hasn't heard back.

The board reiterated that we are doing our due diligence but we are not responsible for enforcing state and federal laws. As part of the CUP, Waste Wood has until February to present the township with either an air quality permit or letter stating they do not need one.

Motion Brooks, seconded by Connick, to send the MPCA a letter saying some residents are concerned about the dust and ask for guidance on how to solve this. Motion carried unanimously, 3 – 0. Gilmore was also encouraged to contact the MPCA with his concerns as well.

Petitions: Brooks thought this discussion was on hold due to the results of the special meeting; he will contact MAT asking if petitions can be submitted at public hearing as official testimony.

- C. Resident Yulia Mader asked what could be done about loud profanity coming from a nearby property. The supervisors suggested she discuss the problem with the person or contact the sheriff if she feels it is disturbing the peace.
- D. Resident Meghan Blair spoke on behalf of the Canosia Historical Society who has some activities planned in remembrance of the 1918 fire. Motion by Connick, seconded by Brooks, approving the historical society's use of the town hall on Saturday, October 13, at 10 a.m. for an open house. Discussion: the society will have their archives out available for viewing. This will be followed by a tour of the Kolojeski farm at 1 p.m. Motion carried unanimously, 3 – 0.

The township newsletter will not go out in time to publicize this event, so the society will send out their own mailing. The clerk will provide them with the township address list.

OLD BUSINESS

A. PLANNING & ZONING

P&Z Director Tim Walburg issued four permits in the month of August; the Jugovich variance hearing is on September 19 at 7 p.m.

5109 Lindahl: Walburg reported there was an old camper and a few vehicles, but no actionable P&Z ordinance violations.

5483 Shady Ln: the board reviewed the Zillow real estate listing for this property which describes it as a licensed vacation rental. Walburg will research the difference between a state license vs. a CUP from the township; he will contact the realtor to have the ad changed if need be.

4846 Midway Rd: Comnick had asked the P&Z commission to review whether this property needed a permit for a home business; the commission wanted further information about the following questions: was there a written complaint? What is the issue we are trying to fix? What rule is broken? Comnick clarified his request: since Jim Perrault Construction office is operated out of this property, the issue is a non-payment of a business permit.

Motion by Comnick, seconded by Brooks, to have the P&Z Director investigate the property use at 4846 Midway Rd and report to the P&Z Commission to have them determine if a permit is necessary for either a home business or commercial business, etc. Motion carried unanimously, 3 – 0.

Comnick also thinks the township should enforce all permitting/fee rules for seasonal vegetable stands.

5720 N. Pike Lake Rd.: this issue was resolved; the accessory dwelling is in compliance since it is less than 700 square feet.

Comnick and Walburg both received complaints on various topics, but the board decided complaints should either be in-person at a meeting or in writing whenever possible.

5197 Lavaque Rd. Multiple Addresses: Brooks called Dale Cich after we received no response to our latest email. Cich says he will take care of 911 addresses and provide a map of the property shortly. Brooks will call Dewey Johnson to get clarity about 911 addresses; a letter to the county may be necessary. Motion by Golen, seconded by Comnick, authorizing Brooks to write a follow up letter if needed. Motion carried unanimously, 3 – 0.

B. URBAN VS. RURAL TOWNSHIP DISCUSSION

Motion by Brooks, seconded by Comnick, to allocate the following assignments as we keep investigating whether Canosia is an urban or rural township: Comnick will ask the county commissioners for advice, contact the legislature and MAT. The clerk will compile all the paperwork we have in our files on this topic as well as look back at the Annual Meeting minutes from year's past to see if other ordinances ever came before the electorate before they were pursued/enacted. She will also check the previous comp plans as well.

Discussion: Township Attorney Michael Orman was not able to provide a quick answer to the question; John Powers, who drafted the 2014 Comp Plan for the Township, has not responded to the email we sent. Motion carried unanimously, 3 – 0.

C. ANTI-BLIGHT

5323 Shady Ln will be removed from the agenda; it does not qualify as blight. We also received an email about the burned down trailer at 4773 Lavaque Rd. Both the township and WLSSD has reached our limitations for enforcing its clean up; therefore, the email will be noted, but there is no further action we can take.

D. FIRE RELIEF

The township received an overdue notice that the relief association's annual reports have not been submitted to the state yet; this delay typically happens every year as the association waits on their accountant to finish/submit.

E. FIRE DEPARTMENT

2018 FIRE DEPT. RESPONSES			
Call Type	August #'s	Notes	Total for 2018
EMS	14		95
Medical MUA	1		7
Twp Fire	3		13
MUA Fire	3	1 Grand Lake, 2 Hermantown	18
Service	0		1
TOTAL	21		134

The FD had pumping and driving class this month along with medical refreshers on airways and blood sugars. They also purchased two handheld thermal imaging cameras that can be used during active fires, and search/rescue missions. The cameras will be paid for by the generous donation from the late Mrs. Anderson.

F. ROADS

2019 Road Projects: Motion by Cornnick, seconded by Brooks, to approve the following 2019 county road projects:

Scrub sealing: Holly Ln., Shady Ln., S. Pike Lake Rd. and Spruce Ln.

Striping: Vaux Rd, Lakeway Dr. and Kehtel Rd.

Discussion: these projects will complete the 5-year plan currently in place. Cornnick and Oswell will arrange a meeting with SLC engineer Steve Krasaway to begin discussions about projects starting in 2020. Motion carried unanimously, 3 – 0.

2019 SLC Cooperative Agreement: Motion by Cornnick, seconded by Brooks, to approve Resolution #2018-6. *Discussion*: The county requires resolutions of this type to ensure townships will pay the county for the work they complete next summer. The clerk amended the draft resolution to identify exactly which roads will be scrub sealed and striped in 2019. Motion carried unanimously, 3 – 0.

The clerk will submit to the county our resolution, the required striping/scrub seal application, and letter detailing our requests.

Traffic Signs on Private Property: Cornnick removed the dead-end sign placed on Kehtel Rd. by some residents. He cited MN Statute 169.07 and a letter from the MAT attorney outlining the township's rights to do so.

Snowplowing: Motion by Cornnick, seconded by Brooks, to send out RFQ's to Asphalt of Duluth, Peterson's Excavating and Jake's Grading for the 2018-2019 snowplowing of Holly Ln, Birchway Rd, Pike Lane, and Kehtel Rd (west of Shady Ln). *Discussion*: we are assuming the Christianson Rd. turnaround will still accommodate county plows since we have not heard differently. The RFQ's will request both hourly rates for various equipment AND lump sum event rates for different snowfalls. Motion carried unanimously, 3 – 0.

G. RECYCLING

Additional streams: Plastic film has been added; food waste has not.

Back up attendants: Motion by Brooks, seconded by Connick, to rescind Jeff Swansen's resignation since he is still willing to serve as the "back up to the back up" if he is available. Motion carried unanimously, 3 – 0.

Motion by Brooks, seconded by Connick, to officially hire Robert Kuettel as the backup recycling attendant. *Discussion*: Kuettel is attendant Frank's Bolos' good friend; last month the board directed Brooks to find out if Kuettel was available and would be a good fit for the position. Kuettel filled out the new hire paperwork earlier this month and began training already. Motion carried unanimously, 3-0.

H. RECREATION AREA

Rec Director Report: Mike Ellingson has ordered additional gravel for the playground. The dugout is nearing completion. We will thank everyone in the newsletter who donated time, money, materials, signage, etc.

Other news:

- The board discussed spending roughly \$500 to paint the skating rink to make the ice last longer
- Golen will get a hold of Sinnott regarding the tennis court cracks
- The plywood tennis wall is partially done
- Ellingson will have a sign made acknowledging the volunteer groups who installed the scoreboards well as the township taxpayers' contribution to the purchase

Garage Proposal: Connick asked for permission to get quotes for constructing an additional garage at the rec area, as detailed last month. Golen said he would prefer to use rec area money to get buried electrical on the property, which would allow us to apply for grants for additional projects. Brooks asked for additional details on estimated maintenance and operating costs of such a garage and information on the size of the storage areas it would take the place of, to ensure everything would in fact fit. The proposal is on hold for the time being.

I. AIS/LANDINGS

Inspections: Connick and Landing Manager Alyssa Hagemeyer are compiling the year-end report requested by the county. Connick is having a year-end wrap up meeting with the inspectors on September 17.

CD3: The board will need to decide if we want to keep the CD3 station. The company is offering the software and maintenance at a \$700/year cost; it's unclear if grant money would cover this. Everyone agreed we would like to see some usage reports before deciding.

Lundeen Memorial: Connick will get an update.

J. TRAILS

Our applications for trails on tax forfeit land have been submitted to the county.

School Forest: Golen worked with Matt Lind to clear the trails with his excavator. No one else showed up for the volunteer day. Golen said the trails could use some gravel. The board all agreed it is unclear if the school district is ready to make this trail a priority by investing money or committing to consistent upkeep. Until we get some indication from them they want to develop a true partnership with the township, we will hold off on investing any more township resources. Connick will call Superintendent Engelking to gauge their priorities.

K. CEMETERY

Cemetery Administrator Gary Oswell will meet with Louis Dubla's wife next week. Clyde Mortinesen and Mike Ellingson finished repairing the cemetery pillars/angels and the signs are installed. The board discussed the trend of "green burials"; Our current rules do not allow for it.

L. PLAWCS

Pump Purchase: Motion by Brooks, seconded by Connick, to approve Resolution #2018-5*: Approving PLAWCS' recent purchase of six pumps. Motion carried unanimously, 3 – 0.

**Note: the clerk later determined the correct resolution number was #2018-7 (not 5); it was edited on the resolution and in the resolution binder.*

Search for 1999-1 Original PLAWCS Ordinance: The clerk has not been able to locate the original in our files. The board suggested that John Kelley may have an original.

M. FINE SHARING: Progress has stalled for all townships pursuing this.

N. JANE ANDERSON DONATION

Motion by Connick, seconded by Brooks, to accept the donations from Mrs. Jane Anderson: \$22,836.11 for the Rec Area and \$11,418.06 for the Fire Department. Discussion: the board asked the clerk and treasurer to keep a record of how the donation money is spent. Motion carried unanimously, 3 – 0.

O. NOXIOUS WEEDS

Noxious Weeds Inspector Gary Oswell met with Guardian Pest Control to discuss solution for the growing knotweed problem; there is some on Spruce Lane now as well. Guardian is talking with the county and DNR to clarify regulations, etc.

P. AIRPORT ZONING: Meeting tomorrow to begin ordinance discussions

Q. MEETING RECAPS: DAT, MAT & DISTRICT 10

Golen brought up the urban/rural question at DAT and got no significant responses.

Connick said he offered some suggestions to MAT for an annexation agreement resolution and a legislative suggestion of no longer taxing social security. The MAT annual meeting is in Duluth from November 15-17. We do not typically attend these, but the supervisors may attend part of it this year.

{Nothing to report on RSPT, PFC, Website, Building Maintenance}

NEW BUSINESS

NEWSLETTER: The board will review the draft newsletter articles at their October meeting.

- Connick: roads and AIS wrap up
- Brooks: Zoning update and public hearing info
- Golen: Rec area report
- Clerk: Plastic film article, FD open house information and FD #'s/news, various other

CORRESPONDENCE

- WLSSD update on their bonding requests: they may get partial funding for their generator and upcoming infrastructure upgrades (new production facility for oxygen supply and plans to modify their electrical distribution system)
- Notice from Northern Clearing that they will be removing trees near MN Power lines on several surrounding roads.

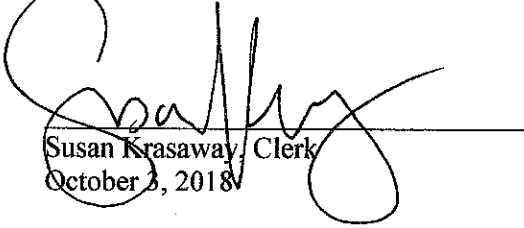
- DAT annual barbeque and meeting notice
- Fredenberg Township newsletter
- Duluth Community Education brochure


ADJOURNMENT

Motion by Connick, seconded by Brooks, to adjourn the meeting at 11:03 p.m. Motion carried unanimously, 3 – 0.

Respectfully submitted,

APPROVED:


Susan Krasaway, Clerk
October 3, 2018


Daniel J. Golen, Chair
October 3, 2018