

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 **December 6, 2017**

ATTENDING: Chair Kurt Brooks, Supervisor Kevin Connick, Supervisor Dan Golen, Deputy Clerk Amber Madoll, 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 22 residents.

Chair Brooks called the meeting to order at 6:58 p.m., and the pledge of allegiance was recited.

APPROVAL OF AGENDA, MINUTES AND TREASURER'S REPORT

- A. **AGENDA:** Motion by Supervisor Connick, seconded by Supervisor Golen, to approve the agenda. Motion carried unanimously, 3-0.
- B. **MINUTES:** Motion by Supervisor Connick, seconded by Supervisor Golen, to approve the Regular Meeting Minutes (11/1/2017) and Special Meeting Minutes (11/15/17) with the minor correction within the 11/1/17 Regular Meeting Minutes under New Business A. "Supervisor Golen will try to get the ORI..." rather than "Supervisor Golen will get the ORI..." Motion carried unanimously, 3 – 0.
- C. **TREASURER'S REPORT:** Motion by Supervisor Connick, seconded by Supervisor Golen, to approve the Treasurer's Report (11/1/17 –11/30/17). Motion carried unanimously, 3 – 0.
1. The township did receive the second half of the assessments and they are in the bank.
 2. \$7,958 invoice from Peterson Excavating was previously paid. As such, check # 19645 will be voided.
 3. The charges from the work on Spruce Lane were higher than expected. This might be due to overtime charges.
 4. Recreation Director Mike Ellingson will look into the purchasing of lawn mower blades to determine why the increase in quantity purchased.
 5. There is still one more reimbursement request for AIS inspections to be made.
 6. The township is receiving county invoices for PLAWCS easements. The Ahlers' easement was paid to the county and PLAWCS will need to reimburse the township. Future invoices from the county will be forwarded to PLAWCS.

PUBLIC INPUT

- A. Ms. And Mr. Creurer presented their concerns related to the recent Canosia Township Planning and Zoning Hearing conducted on 11/29/17 for Waste Wood Recyclers. They stated that the public hearing process lacked transparency, that the application contained errors, and that the Planning and Zoning board had complete disregard for the constituents. Concerning errors in the application, they stated the following: that the property was owned by someone else but signed by Waste Wood Recylers; that the response to the question on increase traffic was inadequate; that the application stating no water use was inaccurate' that the application stating there would be no waste was inaccurate; that the response to the question on lighting was inadequate; and that there was no attached plan with a detailed graph. It was clarified that there was a plan provided with the application. It was

present during the hearing on 11/29/17. They brought up concerns for Midway Road speed, the water table and dust control, and the economic impact to the neighborhood. They believed that the Planning and Zoning board were not impartial and had already decided to grant the permit prior to the hearing.

- B. Victor Lund, traffic engineer with St. Louis County, was present and stated that the county does not believe that there are any negative impacts with the use of truck weight or speed on any of the township roads. He went on record stating, "There will be no change in risk for users on Midway Road." He explained Statute 169, the role of MDOT in traffic studies and how they are conducted, as well as, road speed determination. In 2022 Midway Road is expected to be graded and repaved from North Pike Lake Road to Kehtel Road. This upgrade will not expand the width of the road.
- C. The board explained that water usage, as well as any needed DNR permits, are not overseen by Canosia Township.
- D. It was clarified that Waste Wood Recyclers' location on Jean Duluth Road was a rented site to store equipment. Most of their work is conducted offsite within the county.
- E. PZ Secretary Amber Madoll reiterated that Waste Wood Recyclers did submit a complete application and that all pages were available at the hearing. There were three pages and a site plan.
- F. It was clarified that if Waste Wood Recyclers want to build a maintenance building, home, or other building on the site, a separate permit is issued. Waste and water use, lighting, and other features related to buildings would be addressed through those permits.
- G. A constituent raised the concern over noise levels. He brought up that during the 11/29/17 hearing, PZ board members would ask constituents whether they were for or against the permit prior to speaking. He was concerned that the Planning and Zoning board members did not have the health of the entire township in mind when considering the permit. He felt that it was a done deal prior to the hearing. Chairman Brooks reiterated that he was sorry if there was a perception that it was a done deal. He believes that this concern arose when the PZ board was trying to explain the 60 Day Rule.
- H. A constituent stated that he believed that the application could have been filled out better, but that the reality is that it was completed by a small business with limited resources. While there are concerns about the application, the constituent stated that he believes that residents should want the kind of people that this business processes rather than a large, non-local establishment. He also thanked the Planning and Zoning board for their service to the township going on to state that the job is often thankless and that residents who are concerned with planning and zoning within their community should volunteer for the board. He recommended that the process be started over.
- I. Land reclamation was brought up by Mr. and Ms. Creurer. They believe that there is an obligation for the land to be reclaimed. They went on to state that the process was "rammed through" without consideration for reclamation.
- J. Supervisor Comnick spoke with Commissioner Stauber and St. Louis County employee Victor Lund about the resident's concerns. He does not believe that the application is complete. Chairman Brooks clarifies that the Canosia Town Board does not approve nor decline CUP applications. That is the responsibility of the Planning and Zoning board.
- K. Supervisor Golen stated there are holes in the application but inquired about what conditions were placed on the CUP to address many of the resident's concerns.

- L. It was clarified that once a CUP permit is issued, unless it is revoked by the Planning and Zoning board, residents would need to appeal to a county district court if they wanted the permit appealed.
- M. Garrett Campbell, with Waste Wood Recyclers, stated that he believes that his application is complete. Both Ulland Brothers and Waste Wood Recyclers were listed on the application. Ulland Brother's was present during the signing of the application and gave verbal permission for Waste Wood Recyclers to sign it. Traffic concerns would be addressed by MDOT, not the permit. Water and waste would be addressed under different permits. There is no lighting on the property right now and when there is, there are already restrictions covered under the Township Ordinance 2017-1. Waste Wood Recycling is currently the owner for the property. They invested their entire family nest egg into the property believing that the CUP process was done correctly. He is very concerned about the potential revoking of the permit and the impact that it will have on his business.
- N. Supervisor Comnick believes that the Planning and Zoning board should review the permit at the next regular PZ board meeting.
- O. PZ Director Walburg stated that he believes that the application was completed accurately, that the board did a good job during the hearing, and that the conditions set were appropriate.
- P. Chairman Brooks explained why both Ulland Brothers and Waste Wood Recyclers applied together for the CUP permit. He also explained that reclamation was discussed during the 11/29/17 hearing.
- Q. Motion by Supervisor Comnick to revoke the CUP application of Ulland Brother's/Waste Wood Recyclers and that they submit a new application. There was no second, Motion failed.
- R. Mr. Creurer states that if the permit is not denied, he has engaged a lawyer specializing in planning and zoning and will proceed to meet with him the following morning. Chairman Brooks reiterates that the Canosia Township board does not have the authority to deny a CUP application. It is the responsibility of the Planning and Zoning Board.
- S. Motion by Supervisor Comnick, seconded by Supervisor Golen to request that the Canosia Township Planning and Zoning board revisit the Ulland Brother's/Waste Wood Recyclers CUP application to determine if the application was completed accurately, if the process was followed accurately, and if changes are needed to the application and permit issuance. Motion carried unanimously, 3 – 0.

OLD BUSINESS

A. PLANNING & ZONING:

- 1. Two permits were issued for November 2017. Both were single family dwellings.
- 2. Motions made by Supervisor Comnick, seconded by Supervisor Golen to accept the resignation of Mark Lockhart from the Canosia Township Planning and Zoning board. Motion carried unanimously, 3 – 0. The open position has been posted. There have been no applications to date.

B. ANTI-BLIGHT ORDINANCE:

The township is putting together an anti-blight ordinance. There is a draft ordinance being reviewed by Mr. Orman. There will be a public hearing around the end of January 2018. This ordinance will help the township identify blight and address it appropriately.

C. FIRE DEPARTMENT:

2017 FIRE DEPT. RESPONSES			
Call Type	MONTH #'s	Notes	Total for 2017
EMS	12		79
Medical MUA	0		3
Twp Fire	1		13
MUA Fire	4		20
Service	0		10
TOTAL	17		124

Training: This month they winterized the trucks and had a drafting class.

D. FIRE RELIEF FUND:

1. Canosia Township makes a voluntary contribution to the fire relief fund each year. It has given 10K each year. The fire department makes a request each year for the state maximum, which is \$17,475. It is recommended that the township gives a 20% annual increase, which would be \$12K. The monies for this contribution do not impact residents as they come through the levy. In February 2017, the board made a motion to approve \$17,475 for its 2017 annual contribution. The recommendation on the table is to honor that board's decision and approve the full amount, which would make Canosia Township one of the largest township contributors in the State to the fund.
2. Motion made by Supervisor Comnick, seconded by Chairman Brooks to approve \$17,475, the maximum amount permitted by law, for their 2017 annual contribution, with a plan for each following year contribution being \$12,000. Motion approved unanimously, 3 – 0.

E. ROADS:

1. St. Louis County and Asphalt of Duluth are managing the plowing of roads not covered by SLC this year.
2. Victor Lund, with St. Louis County, recommended three lights be removed. They are as follows: Midway/Kehtel intersection, Pike Lane/North Pike Lake Road intersection, and one in the commercial district. Motion made by Supervisor Comnick, seconded by Supervisor Golen to remove the three recommended lights. Motion carried unanimously, 3 – 0.
3. Concerning the Birchway light concern, it was recommended that the home owner put up personal lawn lights rather than a street light being added.
4. The township is trying to get permission from a private resident to extend a turn around on Christenson Road. It will require an easement but will help with road plowing. Supervisor Comnick will follow up on the easement.
5. Concerning Kehtel Road, Chairman Brooks and Clerk Susan Krasaway will go through the road file, easements, etc. to determine where Kehtel Road is. Supervisor Comnick will stake the road right of way and it will be discussed at the next board meeting.

F. RECYCLING SHED:

On 12/14/17 there will be an annual training that Chairman Brooks and Treasurer Cheryl Borndal will attend.

G. RECREATION AREA:

Water is needed for the ice rink. The warming shed is set up. Dugout supplies might be moved to the garage.

H. AIS GRANT APPLICATION:

1. There was a concern brought up last year about Canosia Township providing staff on Birch Point, which is in Grand Lake Township. It was decided that each township would submit an AIS grant and staff their own lake access points in 2018.
2. Canosia Township has submitted a 2018 AIS grant application.

3. Motion made by Supervisor Connick, seconded by Chairman Brooks to approve Resolution 2017-15. Motion carried unanimously, 3 – 0.

I. TRAILS:

1. Board members met with the DNR to discuss multi-use trails in the Canosia Wildlife Area. Some modifications to the trail plan will be needed. There should be a draft by the end of the year.
2. Biking and hiking opportunities are still a priority and the next step in 2018 is choosing which new projects will be started.

J. CEMETERY: Two new plots were requested from outside the township.

K. NEWSLETTER: February 2018 will be the approximate next time for a newsletter.

L. WEBSITE:

The old website was through qwest. The new one www.canosiatownship.org is through SCI.

M. GOAL AND PRIORITIES: Will be deferred until the reorganization meeting.

N. BROADBAND: Centurylink was looking to increase broadband in 2018. No news if that is still on track.

O. PLAWCS:

1. The AAA Club property and the Cast Iron property are interested in expanding their sewer needs. PLAWCS submitted a proposal to WLSSD that requested clarification on WLSSD capacity, explained PLAWCS sewer needs moving forward, and requesting an in person meeting to discuss these concerns. No meeting date has been set.
2. PLAWCS PFA loan will be paid off in 2020.

P. PFC WATER CONTAMINATION:

The Air National Guard had historically used fire foam and there is concern that there might be some chemical leaching into ground water. One home has shown positive for chemicals in their well water. More homes are being tested.

Q. RSPT: Nothing to report.

R. NOXIOUS WEEDS: Nothing to report.

S. AIRPORT ZONING:

One 12/7/17 Tom Warner, the airport director, will conduct a presentation for townships. Afterwards a joint meeting will be held to determine a new airport zoning ordinance.

T. MEETING RECAPS: There was an ordinance meeting and a trail meeting held.

U. MAILBOX:

The mailbox on Midway Road will not stay closed. Motion by Supervisor Connick, seconded by Supervisor Golen to purchase a new mailbox. Motion carried unanimously, 3 – 0.

NEW BUSINESS

A. FINE SHARING UPDATE:

The town board is working with their attorney to get added to the list that will enable them to receive a portion back from county fines issued within Canosia Township.

B. COUNTY TAX FORFEIT LAND:

There were three parcels within the township listed on the county's forfeited land list. One has a possible blight issue with a falling down building. The town board will ask the county to remove the building if the tax forfeit parcel is identified to be the correct parcel.

C. PRE-CENSUS FORMS:

The 2020 Census has sent paperwork to be completed. The town supervisor's will sign the forms and have Clerk Susan Krasaway complete and submit them.

D. CANDIDATE FILING:

There is one opening for a town supervisor in our next election. That position is posted and interested candidates can file for that office with the town clerk between 1/2/18 and 1/16/18.

CORRESPONDENCE

- Newsletters from Town of Fredenberg, Duluth Township, City of Rice Lake, and the MN Noncommunity Public Water Systems.
- An invitation to the Pike Lake School Forest Club's Community Campfire.

MOTIONS TO PAY BILLS/ADJOURNMENT

Motion by Supervisor Comnick, seconded by Supervisor Brooks, to pay bills #19611 – 19653 (with the exception of voided check #19645) and MA-2017-20. Motion carried unanimously, 3 – 0.

Motion by Supervisor Comnick, seconded by Supervisor Golen, to adjourn the meeting at 9:07 p.m. Motion carried unanimously, 3 – 0.

Respectfully submitted,

APPROVED:

Amber Madoll, Deputy Clerk
January 3, 2018

Kurt Brooks, Chair
January 3, 2018