

August 12, 2019

**PERCH LAKE TOWNSHIP
MINUTES OF THE REGULAR MONTHLY MEETING**

1. CALL TO ORDER, ROLL CALL AND PLEDGE.

Chair Gary Harms opened the meeting at 7:00 p.m. with the roll call and pledge.

Members Present: Chair Gary Harms, Supervisor Steve Olson, Supervisor Keith DePre, Treasurer Cheri DeMenge, Clerk Lora Eames

2. REVIEW AND APPROVAL OF AGENDA.

MOTION (DePre/Olson): To approve the August 12, 2019, regular agenda with the addition of Old Business Item 7d - "Approval of Compensation/Mileage for Attendance at Planning and Zoning Workshop." Motion carried.

3. REVIEW AND APPROVAL OF MINUTES.

MOTION (DePre/Olson): To approve the July 8, 2019, regular minutes as recorded. Motion carried.

4. TREASURER/CLERK REPORTS.

a. Review/Approve Treasurer's Report.

Treasurer Cheri DeMenge provided a report for the month of July.

MOTION (Olson/DePre): To approve the Treasurer's Report as presented with a cash balance of \$424,296.23 for the month ending July 31, 2019. Motion carried.

b. Informational Clerk's Budget Report.

Clerk Eames reported that the Township recorded \$113,602 in receipts, \$10,553 in disbursements, and a \$103,049 positive difference between receipts and disbursements for the first time this year.

Eames noted that the Township (i) has already received \$111,162.85 for the first half of property tax settlements from the 2018 Levy; and (ii) will receive approximately \$23,000 for the second half in December.

Eames also provided the following budget report:

2019 OPERATING BUDGET TO DATE	
Projected Revenues	\$170,168
Revenues Received YTD	-136,833
Not Yet Received	\$33,335
Projected Expenses	\$171,274
Disbursements Made YTD	-70,321
Not Yet Disbursed	\$100,953

5. **REVIEW AND APPROVAL OF CLAIMS FOR PAYMENT.**

No motion made.

Board members skipped over this item in error and did not approve the following claims for payment. The Clerk will put this on the September agenda for approval.

\$1,450.49	Claims #4161, #4162, and #4163 (from July)
13,239.54	Claims #4164 - 4176 (from August)
<u>2,703.51</u>	Regular payroll
\$17,393.54	Total

6. **REPORTS.**

a. **Cloquet Area Fire District (CAFD).**

Town Chair Gary Harms reported the following:

- CAFD Chief Kevin Schroeder and staff have moved to Station 1 on Cloquet Avenue.
- The District is conducting interviews for Assistant Fire Chief. (They have four candidates.)

b. **Big Lake Area Sanitary District (BLASD)**

Town Supervisor Keith Depre reported that the BLASD Board is trying to get together with the FDL Reservation Business Committee for a mediation session on the sewer project. The RBC agreed to a mediation session with the following conditions:

- The RBC cannot meet until the end of September.
- The RBC does not want a public meeting.

Both RBC conditions pose challenges for the BLASD Board since (i) obtaining an extension from the USDA will be difficult; and (ii) agreeing to a nonpublic meeting does not allow the District to be open with its residents on a major mediation. Depre reported that the BLASD Board will send the RBC a letter asking to move the mediation session up to the end of August or beginning of September, and proposing that the RBC have a closed mediation session and the District have an open session.

c. **Road and Bridge.**

(1) Supervisor Steve Olson reported the following:

- (a) Allan Schmitz called about material washing from the road onto his mom's driveway. Supervisor Olson and Foreman DeLovely inspected the site, and found that the neighbor at 978 Lakeview Drive had built a house on top of the hill without vegetation on the lot and without an approved driveway permit. Heavy rains ran down the roof, driveway and road, and undercut blacktop along the way. (See New Business 8b for details.)
- (b) Olson met with Lynn Roehl, 824 Brower Drive. She complained that the replacement of the culvert would not help her property. DeLovely will fix the dip in the road near her mailbox, and will clean out her ditch.
- (c) Olson researched the surveying and recording of township roads. (See New Business 7c for discussion.)

- (2) Crackpatching/cracksealing Township roads:
Chair Harms inquired about the status of the crackpatching/cracksealing project. Olson responded that he had contacted contractor who had waited for cooler weather. They still plan to complete the project by September 30, the due date on their bid.
- (3) Trapping beavers:
Olson reported that he called Trapper Brett Collier on July 24th and plans to call him again. DeLovely reported a beaver problem in the area east of Steve Jacksie's residence at 3117 Magney Drive. This will back up Magney and the whole area. Olson will contact both Collier and Jacksie.

7. OLD BUSINESS

a. Old Housekeeping Items

None.

b. Status of Fallen Building Owned by Neil McPhail.

Owner: Neil McPhail
 Building Address: 3165 Maple Drive
 Parcel ID: 92-170-0160

Chair Harms reported that Neil McPhail visited with him last week at the recycling shed. Then, Harms contacted him again a couple of days ago. McPhail had obtained an estimate from Matt DeCaigney, but told Harms he thought it was too high and that he planned to get additional estimates. Harms reminded McPhail that regardless, the Town Board's deadline for demolition is still September 1, 2019.

If McPhail does not meet the September 1st deadline Harms recommended that the Board should proceed to the next step in the Town's approved procedure for demolitions.

Town Procedure: Hazardous Buildings and Properties
Adopted by Town Board on January 14, 2019

- Item 3-d: "If the landowner does not meet the established deadline, or does not propose an alternative reasonable deadline, then the Town Board will initiate the procedures outlined in Minnesota Statutes, Sections 463.15 - 463.26 to obtain a court order to authorize the demolition of the hazardous building and recovery of the Town's costs."

c. Discussion/Action on Recording of Roads - Town Board to Select One of Three Options.

How should the Town record its roads?

Supervisor Olson discussed the obvious facts - that most questions are solved by obtaining road orders; that the current statute sets roads at 66 feet wide; and that if roads are not specified as such, then the Township must go by actual width used. (If the Township wants the road to be 66 feet, then it must reimburse propertyowners along the road.)

Olson and the other supervisors reviewed the options presented on page 5 of a handout from the Minnesota Association of Township's online library. These options included:

- Option 1 - Record using the amended map recording procedure;
- Option 2 - Record the roads at "actual width";
- Option 3 - Establish and record roads per procedure in Minnesota Statute §164.07.
- Option 4 - Do nothing.

Board members determined that they do not have to use the same option for all roads. They could begin by focusing first on roads with existing road orders. Supervisor Olson noted that the Town could use Option 3, if they varied the width based on how the road was established. After some discussion, Board members approved Option 3.

MOTION (Depre/Olson): To approve the use of Option 3 from the article: "Recording Town Roads (Responding to the Wabedo Decision)" to record Township roads: "The Board uses the traditional establishment procedure contained in Minnesota Statute §164.07 to establish its use and maintenance roads. The board determines what it has acquired by use and maintenance, or otherwise, then obtains whatever footage that is needed by gift, purchase or eminent domain. Once the purpose is completed, the roads are recorded by road orders and are usually not developed into a map." Motion carried.

d. **Approval of Compensation/Mileage for Attendance at Planning and Zoning Workshop**

MOTION (Olson/Depre): To approve compensation and mileage for officers who attend the Planning and Zoning Workshop on October 1, 2019, at the Minnesota Association of Township's Training Center in St. Michael, Minnesota. Motion carried.

8. **NEW BUSINESS**

a. **New Housekeeping Items.**

None.

b. **Driveway Access Permit - Brandon R. Gager, 978 Lakeview Drive.**

After some discussion, Town supervisors decided to send Gager a letter, explaining the consequences of his failure to apply for a driveway permit, and a bill for remedial action taken by the Town. (It was noted during the discussion that the County may not have informed him of his need to obtain a driveway permit from local authorities.)

MOTION (Depre/Olson): To obtain guidance from the Town's Attorney regarding the preparation of a letter to Brandon Gager, 978 Lakeview Drive, and the charging of a penalty for his noncompliant driveway; and to allow Supervisor Steve Olson to take the recommended action. Motion carried.

Tom DeLovely noted the existence of another noncompliant driveway on Homestead Road.

c. **Approval of Enbridge's Request for Dewatering of Line 3 Construction Site.**

Supervisor Olson reported that Patrick DeChant from Enbridge contacted him about the need to dewater three Line 3 construction sites – Strand, Reponen, and Magney. They need a place to set up pumps. This is in addition to what was approved last month. After some discussion, Board members approved the request.

MOTION (Depre/Olson): To approve Enbridge's request to dewater Line 3 construction sites. Motion carried.

d. **Discussion/Action: Minimum Maintenance Roads with Resolutions.**

Supervisor Olson reported that the Township had a resolution designating Ditchbank Road as a minimum maintenance road, but none for T535 and T536. After some discussion, Board

members approved the following resolutions designating Township Roads T535 and T536 as minimum maintenance roads, and closing these two roads during the winter months.

MOTION (Depre/Olson): To approve the following resolutions, designating the specified Perch Lake Township roads as minimum maintenance roads in accordance with Minnesota Statute §160.095:

- Resolution No. 2019-11 (Township Road T535);
- Resolution No. 2019-12 (Township Road T536).

Motion carried.

MOTION (Olson/Depre): To approve Resolution No. 2019-13, closing the following roads or road segments during the winter months of December, January, February, and March: Township Road T535 and Township Road T536. Motion carried.

e. **Discussion/Action: Owner Obligation to Remove Snow and Ice from Township Roads.**

Should the Town submit the question of making owners responsible for snow and ice removal as provided for in Minnesota Statute 366.06 to the electors at the next town election?

Supervisor Olson recommended that the Township consider charging residents who illegally dump or push their snow and leaves onto Township roads. The first step is to bring this up at the Annual Meeting for further discussion.

MOTION (Depre/Olson): To approve putting this question before the electors at the 2020 Annual Meeting: "Should the Town submit the question of making owners responsible for snow and ice removal as provided for in Minnesota Statute 366.06 to the electors at the next town election?" Motion carried.

f. **Discussion: Public Hearings by Carlton County Board of Adjustment.**

Supervisors acknowledged receipt of hearing notices for the following variance requests, but decided not to comment or send a response to the County Board of Adjustment.

- Christine & Charles Watkins, August 20, 2019, 7:00 p.m.
- Ron and Jennifer Fuchs, August 21, 2019, 7:00 p.m.

9. **VISITOR COMMENTS.**

Supervisor Keith Depre suggested holding an event for National Night Out, always the first Tuesday in August. The next event would be on August 4, 2020, and could be held at the Perch Lake Town Hall. Supervisors asked the Clerk to put this item on the agenda in January for monthly planning.

NNO is an annual community-building campaign in which neighborhoods and municipalities host events, often in an effort to build camaraderie with police.

10. **ADJOURNMENT.**

Chair Harms adjourned the meeting at approximately 8:00 p.m.

Respectfully submitted,

Approved by Town Board

Lora Eames, Clerk

Gary Harms, Chair