

September 9, 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 September 9, 2019, regular agenda as presented.
Motion carried.

3. **REVIEW AND APPROVAL OF MINUTES.**

MOTION (DePre/Olson): To approve the August 12, 2019, regular minutes with a minor correction.
Motion carried.

4. **TREASURER/CLERK REPORTS.**

a. **Review/Approve Treasurer's Report.**

Treasurer Cheri DeMenge provided a report for the month of August, and reported that the Township's CD (Certificate of Deposit) had earned quarterly interest of \$470.97.

MOTION (Olson/DePre): To approve the Treasurer's Report as presented with a cash balance of \$408,638.33 for the month ending August 31, 2019. Motion carried.

b. **Informational Clerk's Budget Report.**

Clerk Eames reported the following for August: \$627 in receipts, \$16,285 in disbursements, and a \$15,658.00 negative difference between receipts and disbursements.

Eames reported that she (i) plans to bill the Cloquet Area Fire District in early October for the reimbursement of Station 2 costs; and (ii) expects a check for approximately \$23,000 from Carlton County in early December for property tax settlements.

Eames also provided the following budget report:

2019 OPERATING BUDGET TO DATE	
Projected Revenues	\$170,168
Revenues Received YTD	-137,923
Not Yet Received	\$32,245
Projected Expenses	\$171,274
Disbursements Made YTD	-86,605
Not Yet Disbursed	\$84,669

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

MOTION (Depre/Olson): To approve payment of the following claims. Motion carried.

\$341.07	Supplemental claims list for August: #4177 - #4178
1,762.03	Regular claims list for September: #4179 - #4184
145.28	Claims #4185 & #4186 (received same date of meeting)
2,697.51	Regular payroll
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\$4,945.89	Total

6. **REPORTS.**

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

Town Chair Gary Harms reported that Roger Waters, the new Training Administrator, was appointed as the new Interim Assistant Fire Chief.

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

Town Supervisor Keith Depre attended the Wednesday, September 4th meeting, and reported the following:

- The FDL Reservation Business Committee has lost interest in a mediation session with the BLASD Board.
- Chair Fredrickson will send another letter to the RBC (i) outlining the RBC's past positions; (ii) citing the RBC's letters over time; (iii) and asking them to reconsider their current position of indifference before all is lost. In addition, Fredrickson plans to release a copy of the letter to the media and the BLASD website by week's end (unless something significant happens).
- The BLASD Board set its 2020 Levy to repay the district's outstanding loan balance of approximately \$160,000 within one year. (The loan was previously obtained to cover the District/s operating expenses. The loan can be paid off with grant funding if the project goes through, not if the project is dead.)

Depre reported that he encouraged the BLASD Board to spread the pain of a levy increase over a two-year period. However, the board approved the payback for one year with the possibility of changing the levy before the end of the year.

Town Board supervisors discussed the impact of the District's increased property tax levy on top of other tax increases and issues faced by residents. Supervisors wondered aloud if BLASD Board time spent on letters to the RBC would have been better spent developing relationships with RBC members, or encouraging tribal residents to talk to their representatives about the project. The Town Board supervisors considered changing its representatives on the BLASD Board, but decided to wait for two weeks.

Depre responded to questions.

- (1) Isn't it too late for Town supervisors to do anything to retain its funds?
Depre responded that the District has the possibility of retaining its state funding; but it must also consider what will happen if it has to shut down. In that case, it should be the District's goal to (i) manage the payback of the outstanding loan over two years (not one); and (ii) seek to have the MSA refund some fees paid for an unfinished job.
- (2) Would the BLASD try to go it alone without the RBC?
Depre responded with a no. The RBC would not support the effort, or provide the signatures needed to release the BLASD to keep the funds and proceed on its own.

c. **Road and Bridge.**

(1) Supervisor Steve Olson reported the following:

(a) Dale Soukkala.

Soukkala called asking for new speed limit signs on Maple Drive. The only sign there is a yellow advisory sign on the curve.

(b) New construction on Homestead Road.

Olson checked with County Planning and Zoning to find out who was building on Homestead Road. P&Z had a building permit. Olson will send the owner a letter and driveway permit application.

(c) George Meger, 802 Salmi Road.

Meger called complaining that the ditch alongside his property was too deep for mowing. Olson found Meger's ditch to be comparable to his own and not too deep to mow. He will send Meger a letter.

(d) Foreman DeLovely.

Olson reported that DeLovely had called to inform him that he had ordered two culverts which should be delivered midmonth. Olson recalled that DeLovely will be working on two culverts for Brower Drive.

(2) Questions/comments from others:

(a) Clerk Eames reported that resident Bruce Lynnes had told her about pieces of road pavement broken off from the Salmi Road shoulder near his yard across from the Church. Lynnes suggested that numerous turnarounds from cars and buses have had an impact. Olson will check further.

(b) Resident Kurt Besser asked who is responsible for moving a fallen tree on Maple Drive, and supervisors responded that the Town is responsible. Evidently, the owner has removed only part of the tree. Olson will check.

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 the building was demolished on or about September 2. Harms and Eames sent him a letter thanking him for his cooperation.

c. **Comments on District 10 Meeting by MAT (Minnesota Association of Townships) August 22, 2019, in Twig.**

DeMenge, Olson, and Eames attended.

Eames reported the following:

- Jayson Hron, Port Director of Communications and Marketing, gave a presentation on the Duluth Seaway Port Authority.
- Steve Fenske, MAT Attorney, provided an update on legislative bills and new laws, including the new wage theft law (effective July 1, 2019). Fenske discussed recent court cases and the need for sexual harassment training and properly abandoned town roads.
- Legislative representatives provided updates, including Mary Murphy (State-District 03b), and a spokesman for Pete Stauber (US-District 8).

DeMenge and Olson mentioned that MAT will likely offer a class on sexual harassment and encourage townships to develop policies. In addition, Olson recalled that elected officials are not considered "employees" under the new wage theft law, but are considered employees under the worker's compensation law.

d. **Driveway Access Permit: Brandon Gager, 978 Lakeview Drive.**

Last month, Board members discussed how Gager's driveway caused a washout on Lakeview Drive. Road Foreman DeLovely had repaired the damage and billed the Township. Then, Supervisor Olson had Clerk Eames forward an email Troy Gilchrist, the Town's attorney, inquiring whether the Township could charge Gager for the cost of repairing the washout. Based on Gilchrist's email response of September 8, 2019, the answer is yes, provided that the Township has good evidence, including photos and is willing to go to small claims court to recover the costs. (The Town does not have the authority to collect damages simply by placing it on the offender's taxes.)

Olson offered a different approach whereby the Township requires Gager to reconfigure his driveway to avoid another washout. The Township has some leverage here, since it can seek to recover the costs and file a complaint with the County regarding the property's excessive impervious surface. Olson recommended sending Gager a letter, stating that the town has no permit on file; that the driveway constructed has damaged the town's road; and that he must correct the problem as required by the Town. Olson will get an estimate from DeLovely.

Olson will also send a letter to the propertyowner who is building on Homestead Road.

Supervisors discussed ideas for preventing future problems with driveways:

- Adopting a policy of penalizing for noncompliance with driveway permits.
- Putting stories in the newsletter (without names) to inform residents of their responsibility to contact township officials to obtain driveway permits and the consequences of not building compliant driveways.
- Preparing a letter to Heather Cunningham, Director of Zoning and Environmental Services, requesting that her department advise the Township of all new construction permits on township roads.

e. **Planning for National Night Out, August 4, 2020.**

Clerk Eames reported that she had approached B&B Market about the Town Board's intent to celebrate National Night Out on Tuesday, August 4, 2020, and to have B&B cater the event. She asked for a motion from the Town Board.

MOTION (Depre/Olson): To contact B&B Market regarding the Town's Board's intent to celebrate National Night Out on Tuesday, August 4, 2020; and to have B&B cater the event for a minimum of 350 attendees. Motion carried.

f. **Approve Last Month's August Claims for Payment (Item Skipped Over).**

MOTION (Olson/Depre): To approve payment of the following claims. Motion carried.

\$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

g. **Update on Watkins Spur Project.**

Supervisor Olson reported that the County Engineers have done the topography, but not the preliminary design. They will likely recommend a one-way road to make it within standards. The Board will hold a public meeting when the preliminary design is available.

h. **Update on Request for Proposals for Developing Legal Descriptions for Roads.**

Eames and Olson have prepared and mailed an RFP (Request for Proposals) with a due date of October 14, 2019. The mailing list included both engineers and surveyors.

8. **NEW BUSINESS**

a. **New Housekeeping Items.**

None.

b. **Approval of Driveway Access Permit: Steve Olson & Jeanette Olson, Simian Creek Drive.**

MOTION (Depre/Harms): To approve the driveway access permit for Steve and Jeanette Olson, 2771 Simian Creek Drive, pending payment and final inspection. Motion carried.
2-Yes. 1-Abstain (Olson)

9. **VISITOR COMMENTS.**

Resident Kurt Besser reported on recent incidents of thievery and car prowling in Pine Grove Drive neighborhoods.

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