

September 13, 2021

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

1. CALL TO ORDER AND ROLL CALL

Chair Gary Harms opened the meeting at 7:00 p.m. with a roll call. Supervisor Keith Depre hosted the meeting on Zoom.

Roll Call Chair Gary Harms, Supervisor Steve Olson, Supervisor Keith Depre,
Members: Treasurer Cheri DeMenge, Clerk Lora Eames

Guests & Assistant Police Chief Mike Diver; Carlton County Sheriff Kelly Lake
Others: Tom DeLovely, Foreman, Pat Anderson, Building Caretaker

2. REVIEW AND APPROVAL OF AGENDA.

MOTION (Depre/Olson): To approve the September 13, 2021, agenda with one change - the removal of Old Business 9-b, "Proposal for Lakeview Drive Erosion." Motion carried.

3. REVIEW AND APPROVAL OF MINUTES.

MOTION (Olson/Depre): To approve the August 9, 2021, regular meeting minutes as recorded. Motion carried.

4. ACKNOWLEDGE RECEIPT OF RECESSED ANNUAL MEETING MINUTES.

Chair Harms acknowledged receipt of the September 7, 2021, Annual Meeting (recessed) minutes.

**5. DISCUSSION OF TOWNSHIP'S ROAD ORDINANCE AS APPLIED TO MAGNEY DRIVE.
(Assistant FDL Police Chief Mike Diver, Carlton County Sheriff Kelly Lake)**

a. Enforcement on Magney Drive

Lake reported that two things had to happen before local law enforcement could issue parking citations on Magney Drive:

- The State Court System recently certified the ordinance; then entered it into their case management System.
- Local law enforcement units "established" the road right-of-way. Most road rights of way recorded at the County are 33 feet from center. In this case, Diver and Lake found that Magney Drive was not recorded; so, they determined from case-law research that the ROW could be legally defined by how it is plowed and maintained.

Diver reported that FDL officers proceeded to notify protesters ahead of time; then proceeded to issue citations. They had issued nine citations as of the date of this meeting.

Depre asked about the camper with a tongue sitting on the edge of the road. Driver responded that officers took pictures of the camper and will determine how best to remove the junk-filled vehicle, while charging any fees back to the owner. (Assuming that the owner is an FDL enrollee, the FDL Police must follow their own procedures.)

b. Campers in Wetland

Lake discussed the campers in the wetland on Magney Drive. She and Diver confirmed that the FDL Reservation Business Committee is in the process of summoning Taysha Martineau to tribal court to discuss her land use. (No firm date has been set.) the County Zoning does not have authority. The FDL Zoning ordinance applies here.

c. Animal Control.

Depre raised the issue of dogs chasing after people on Magney Drive. Diver reported that he has noticed dogs out on the road on his way to work, but neither he nor Lake recalled receiving complaints. They encouraged residents to call 911 to register their complaints on dogs. As a side note, Lake explained that a complaint about an aggressive dog – one that attacks people or another dog – can be handled under the state’s “dangerous dog statute.” A dog just running about is another matter, since police have no place to bring the animal.

Both Diver and Lake asked if Perch Lake has an animal leash law. The supervisors replied in the negative, saying that they had delayed developing an animal control ordinance because the FDL (with whom they would contract) lacked enforcement or a shelter. Diver responded that the FDL is working on this situation. Both Diver and Lake recommended that the Town Board pass its own ordinance. The supervisors asked the Clerk to put this on the October agenda to consider developing an ordinance first; then contracting later with the FDL for enforcement.

Board members thanked Lake and Diver for their cooperation and efforts.

6. **TREASURER/CLERK REPORTS.**

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

Treasurer Cheri DeMenge provided the Treasurer’s Report for August 2021.

MOTION (Depre/Olson): To approve the Treasurer’s Report as presented with a cash balance of \$517,351.88 for the month ending August 31, 2021. Motion carried.

Supervisor commented that he would like to see a bigger reserve in the Road & Bridge Capital Improvements CI Fund. (The Enbridge payback is no longer a threat.) Eames and DeMenge will submit a recommendation next month.

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

(1) Clerk Eames reported that the Township could receive a property tax settlement of as much as \$30,000 in December.

(2) Monthly Operating Budget

Projected Revenues	\$171,967	
Revenues Received YTD	<u>-138,484</u>	Not incl. funds from Enbridge & ARPA
Revenues Not Yet Received	\$33,483	
Projected Expenses	\$185,396	
Disbursements Made YTD	<u>-109,925</u>	
Under Budget YTD	\$75,471	

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

The supervisors approved the following claims for payment for September.

MOTION (Depre/Olson): To approve payment of claims for September 13, 2021. Motion carried.

\$184.66	Late claims list for August 2021: Claim Nos. #4561-#4562
5,642.53	Regular claims list for September 1-September 30, 2021: Claim Nos. #4550-#4560
806.86	Employee payroll for September 5, 2021
3,050.40	Regular officer payroll for September 13, 2021
<u>\$9,684.45</u>	Total

8. **REPORTS.**

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

Harms reported that he and Steve attended a retreat at the Cloquet Public Library. He deferred discussion until later in the agenda, under New Business.

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

Supervisor Depre reported that he had nothing new to report.

c. **Road and Bridge.**

(1) Foreman DeLovely

DeLovely reported that he contacted Dave Berthiaume to unplug the culvert on Reponen Road. There is road damage there due to flooding. In addition, he has been removing downed trees on Strand Road, due to beaver activity. The water levels are so low, beavers are even migrating to Big Lake and other lakes for water.

DeLovely reported having to return some patching material he purchased at L&M; he found it to be “rock hard” when opened.

(2) Supervisor Olson

(a) Olson reported receiving a call from Aaniin (FDL Communications Inc.) about working in the right-of-way on Lyndhurst Bay Drive. Olson informed them about Perch Lake’s new ordinance; they would need a utility permit.

(b) Olson reported speaking with the trapper (Brett) and heard that he got three beavers out of Reponen Road.

(3) Maple Drive

After some discussion, supervisors decided to add Maple Drive to Sinnott Blacktop’s crackpatching contract for 2021. (Maple Drive was done three years ago.) Olson will contact Kevin Smalley tomorrow.

MOTION (Harms/Depre): To add Maple Drive to the Township’s crackpatching contract with Sinnott Blacktop, LLC (Kevin Smalley) to be completed in 2021. Motion carried.

9. **OLD BUSINESS**

a. **Old Housekeeping Items**

None.

b. **Tom DeLovely's Proposal for Lakeview Drive Erosion**

Board members removed this item from the agenda and transferred it to the October agenda.

c. **Report on American Rescue Plan Act Funds**

Clerk Eames reported that special taxing districts cannot apply directly for ARPA funds. (She had been wrong thinking that they could apply funds.) However, the Tow Board can always donate funds like they did last year to the Cloquet Area Fire District.

d. **Loose Ends from September 7, 2021, Recessed Annual Meeting**

The Board had previously considered the formation of a committee, consisting of Board members and residents, to generate ideas for spending the ARPA funds. Eames also discussed the committee at the Recessed Annual Meeting. Since then, she has received two volunteers - Kevin Hamre and Eileen Kristopherson. In addition, both she and Treasurer DeMenge will serve as the Board's representatives on the committee. The supervisors declined to advertise to recruit for additional committee members. Further, their consensus was (i) that committee members should be paid; and (ii) that they should wait one month before meeting.

10. **NEW BUSINESS**

a. **New Housekeeping**

Chair Harms will contact Al Soukkala regarding a flickering outside light.

b. **Discussion/Action on Chair Communications**

(1) Chair Memo to Board members: Future of CAFD Station 2 Facility.

Harms discussed items raised during the district's retreat at the Cloquet Public Library and detailed in his August 25, 2021, memo:

(a) Option 1 – To move ahead with upgrades and improvements here at Station 2, to make it suitable for 24/7 staffing:

- Purchase one acre east of the Town Hall to allow for a new septic system and building expansion.
- Finance new construction and lease it back to the CAFD. (The CAFD cannot bond for or finance improvements on land it does not own.)

(b) Option 2 – The CAFD could seek a new site within a mile or so to meet its needs and ensure adequate response time. (This would leave Station 2 empty, but the space could be used to store training trailers.)

CAFD Board members, at their Sunday retreat, asked Harms to consider contacting the propertyowner about a purchase of land.

The supervisors, during the ensuing discussion, expressed several concerns. Would investigating the purchase of land “commit” the Township, even if just in the eyes of other CAFD Board members? Perhaps Option 1 is not a good idea since it requires the Township to turn over most of its Town Hall space to the Fire District. Perhaps the Town Board should not take on a major bonding project, even if it has the legal authority. Perhaps the CAFD should seek a site of its own. Will the District’s ISO (Insurance Services Office) rating be affected if the district moves much further east?

Harms saw no harm in contacting the landowner next door. In fact, the Township may want to purchase additional land for its own purposes.

MOTION (Olson/Depre): To contact the propertyowner next door, Scott and Sandy Warpula, to inquire about purchasing land adjacent to the Perch Lake Town Hall. Motion carried.

Supervisors also discussed how the CAFD’s could save money or cut costs in the vehicle purchases of its capital plan.

Harms brought up the district’s use of the Town Hall kitchen – the district would like to use the kitchen more than in the past – and whether the Town should charge for its use. Eames reported that the Township has a 2016 lease agreement with the CAFD; but she could not recall if the kitchen was mentioned. Also, Olson noted that the Board should inform firefighters that customers renting the Town Hall for events have priority in use of the kitchen. The supervisors agreed that this should be in the lease agreement; so, they asked Eames to put this matter on next month’s agenda.

(2) **Chair Memo to Board: Dissolution of BLASD**

Harms recalled how last month’s discussion of the dissolution of the BLASD may have left the impression that the Town Board has unilateral authority to dissolve the district. Therefore, he prepared a memo to supervisors, dated August 25, 2021, and attached a 2011 legal opinion from Town Attorney Troy Gilchrist, “Potential Withdrawal from the Sanitary District.”

Harms noted that the Town Board does not have absolute authority to dissolve the district, and to emphasize his point, he read the following statement from page 5 of the document: “In short, it appears a detachment would not be possible unless the District Board, all other local governments in the district, and the MPCA (Minnesota Pollution Control Agency) supported the detachment.”

Supervisor Depre reiterated what appeared to be the Town Board’s current consensus – that the BLASD should go dormant for a while.

c. **Discussion/Action: Quote for New Meeting Camera from CW Technology**

After some discussion, Board members approved the purchase of a new video camera.

MOTION (Depre/Olson): To approve the purchase of an additional video meeting camera from CW Technology for the price of \$1,818.00. Motion carried.

d. **Report from the August 26, 2021, MAT District 10 Zoom Meeting & Related.**

Attendees commented that they got little from the meeting. Eames found the illustration in applying the ARPA formula for revenue loss helpful.

Olson asked if he (or any Board member) could be compensated for listening to previously recorded virtual meetings and legal seminars on the MAT website. The consensus was yes, that board members can be compensated for this purpose.

e. **Appoint Representative to County Multi-Hazard Mitigation Plan Meeting on Zoom: Thursday, September 23, 2021, 1:00-3:00.**

Supervisor Olson, who was the Board's representative last year, will serve again this year.

11. **VISITOR COMMENTS**

Residents and board members discussed a new water line for Twin Lakes Township.

Supervisor Depre announced his plans to take the Board of Appeals and Equalization training. The Township has completed one requirement for reinstating the BAE – the resolution submitted earlier this year. Now at least one supervisor must go through the training by January 31, 2021.

12. **ADJOURNMENT.**

Chair Harms adjourned the meeting at approximately 8:22 p.m.

Respectfully submitted,

Approved by Town Board

Lora Eames, Clerk

Gary Harms, Chair