

October 14, 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

Harms announced the 7:00 deadline of accepting proposals for the RFP (Request for Proposals) "Developing Legal Descriptions for Specified Township Roads."

2. **REVIEW AND APPROVAL OF AGENDA.**

MOTION (DePre/Olson): To approve the October 14, 2019, regular agenda as presented.
Motion carried.

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

MOTION (Olson/DePre): To approve the September 9, 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 September.

MOTION (DePre/Olson): To approve the Treasurer's Report as presented with a cash balance of \$404,044.50 for the month ending September 30, 2019. Motion carried.

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

Clerk Eames reported the following for:

- September: \$300 in receipts and \$4,894 in disbursements, with a \$4,594 negative difference between receipts and disbursements; and
- December: The possibility of receiving approximately \$23,000 from Carlton County for the second half of property tax settlements from the 2018 Levy.

In addition, Eames provided the following budget report:

2019 OPERATING BUDGET TO DATE	
Projected Revenues	\$170,168
Revenues Received YTD	-138,223
Not Yet Received	\$31,945
Projected Expenses	\$171,274
Disbursements Made YTD	-91,499
Not Yet Disbursed	\$79,775

Eames projected that the Township may be able to move \$10,000 to \$30,000 over to the Road and Bridge Capital Improvements Fund at the end of the year.

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

Board members approved an extension to the contract with Sinnott Blacktop, LLC, and the payment of all outstanding claims, including a final payment to Sinnott.

MOTION (Olson/Depre): To authorize an extension of the contract with Sinnott Blacktop, LLC, beyond the deadline of September 30, 2019. The delay was unavoidable due to the bad weather. Motion carried.

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

\$289.04	Late claims list for September: #4187 - #4188
29,353.58	Regular claims list for October: #4189 - #4208
<u>2,629.79</u>	Regular payroll
\$32,272.41	Total

6. **REPORTS.**

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

Town Chair Harms opposed an increase in the District's proposed 2020 Levy; and noted the lack of support among CAFD Board members to "hold the line."

The Truth in Taxation public hearing will be held at 7:00 p.m., December 12, 2019, in the Scanlon Community Center Council Chambers at 2801 Dewey Avenue.

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

(1) Town Supervisor Depre attended the October 10, 2019, BLASD Board meeting, and reported on the following:

(a) Status of BLASD Project.

The BLASD Board is still trying to work out a joint powers agreement (JPA) with the FDL Reservation Business Committee (RBC). The RBC plans to meet with the County at the end of the month to discuss their concerns about the BLASD and development around Big Lake.

(b) Increase in BLASD Levy to repay outstanding loan.

Last month, the BLASD Board voted to increase the levy to repay the District's outstanding loan within one year if they fail to reach an agreement with the RBC. Depre called the levy "unrealistic."

The BLASD Board has the option of reducing the levy by December if they reach an agreement with the RBC, or if the RBC was willing to help them extend the funding by send a letter to the USDA supporting the idea that the sewer project would benefit the lake. (The outstanding loan could be repaid by funds if the project was extended.)

(c) Overdevelopment on Big Lake.

BLASD Board members and residents discussed their dissatisfaction with the County's granting of variances for development around Big Lake, and how this

was impacting the quality of the lake. DePre expressed the view that the BLASD Board should lead the public discussion in opposing new construction or at least having the County follow its' planning and zoning rules.

(d) Chair John Fredrickson drafted a letter to the County Board of Commissioners regarding development on Big Lake, but he put a temporary hold on that letter.

(2) Reaction by Town Board and others.

(a) Town supervisors expressed their own dissatisfaction with the County's handling of variances for development on Big Lake. After some discussion, they decided to sign a letter in support of the letter to be drafted by BLASD Chair Fredrickson; and defer any discussion about replacing the Township's representative on the BLASD Board.

(b) Resident Kurt Besser shared a letter to be sent by the Big Lake Improvement Association to Minnesota Governor Tim Walz, asking state and local leaders to help resolve the communication differences over the BLASD sewer project.

c. **Road and Bridge.**

(1) Road and Bridge Supervisor Steve Olson reported that Sinnott Blacktop completed crackpatching on specified roads. He and Foreman DeLovely spoke with Trapper Collier about beaver activity by the Berthiaumes. Also, he visited with Brandon Gager, 978 Lakeview Drive regarding his drainage and driveway. (See Item 7c.)

(2) Foreman Tom DeLovely reported that he had installed culverts on Strand and Kotiranta Roads. Also, he tracked beaver activity in areas near the Berthiaumes and John Angell, and spoke with Brett Collier (trapper) who has been busy removing beaver from these and other areas. DeLovely also removed a tree felled by beaver across a road. Overall, he reported that everything is plugged up due to excess rain and beaver activity.

(3) Resident Kurt Besser reported that beavers dropped two trees in the narrows on Buskala's Point.

(4) Speed limits and signage.
Olson reopened discussion from last month about speed limit signs on Maple Drive. His contact with the County revealed that the State (i) handles the setting of speed limits; (ii) does a speed study to determine the speed limit; and (iii) is currently three years behind. Olson found from his research that the Town may be able to designate a road as "rural residential" if driveways have intervals of 300 feet or less for a quarter of a mile. This option is available only to townships and the speed limit for a rural residential road cannot exceed 35 miles. Olson emailed the Duluth DOT (State Department of Transportation) regarding this option to see if a simple resolution (without a study) will suffice. He will report back next month.

Harms asked about the status of signage the County is supposed to replace. Per Olson and DeLovely, nothing has been done.

7. **OLD BUSINESS**

a. **Old Housekeeping Items**

None.

b. **RFP (Request for Proposals): Legal Descriptions for Specified Township Roads.**

Supervisors received two proposals - one from MSA and one from Straightline Surveying.

SUMMARY OF PROPOSALS		
DEVELOPING LEGAL DESCRIPTIONS FOR TOWNSHIP ROADS		
(Bergman Road, Cedar Lake Road, Hardwood Lake Road, Reponen Road, Salmi Road, and Strand Road)		
#	Proposer	Total Project Proposal
1.	MSA Professional Services, Inc.	\$18,950
2.	Straightline Surveying	\$6,000

Supervisors compared the two proposals, found that the Straightline was substantially less than MSA, and heard Olson vouch for Straightline's survey work with the FDL Reservation.

MOTION (Harms/Depre): To approve a contract in the amount of \$6,000 with Straightline Surveying, 500 Folz Blvd, Moose Lake, MN 55767, for developing legal descriptions of specified township roads. This contract has a completion date of June 1, 2020. Motion carried.

c. **Driveway access permit: Brandon R. Gager, 978 Lakeview Drive.**

Olson reported that Gager claimed to have been told by County Transportation that he did not need a driveway permit. Olson discussed Gager's drainage plan, reported that the fix is holding and that Township issues have been mostly resolved.

MOTION (Depre/Olson): To approve the driveway access permit for Brandon Gager, 978 Lakeview Drive. Motion carried.

d. **Comments on Planning and Zoning Seminar, held by the Minnesota Association of Townships, October 1, 2019, in St. Michael.**

Both Eames and Olson attended the class, and commented as follows:

- A township's planning and zoning ordinance must be consistent with the county's ordinance. A township cannot stop the county from enforcing zoning within the township, or require the county to enforce the township's ordinance.
- A township can undertake specific items without having to pass a comprehensive plan.
- As the road authority, the town board should establish an ordinance and noncompliance penalty for driveway permits.
- Most zoning authorities wind up granting variances that are requested.

Eames and Olson recommended working on a better relationship with the County and establishing what is needed for driveway permits. Additionally, Board members recommended having the County notify the Board of all new building permits. (Harms and Eames will work on a letter requesting this notification.)

e. **Review Rental Contract with CAFD and Current Quarterly Billing Process.**

(This item was last reviewed in February of 2019.)

After some discussion, Chair Harms asked supervisors to review the current facilities agreement with the CAFD, and bring their ideas to the next Town Board meeting.

8. **NEW BUSINESS**

a. **New Housekeeping Items.**

Clerk Eames reported that she hopes to have the Fall Newsletter ready for approval at the November 12, 2019, Town Board meeting.

b. **Fall Road Inspection.**

Supervisors decided to conduct a road inspection of township roads to take notes and determine at a later date which projects to include with County bids. They will meet at 1:00 p.m., Saturday, October 19, 2019, at the Town Hall. Supervisors invited Tom DeLovely to join them.

c. **Class V for Berthiaume as Compensation for Unplugging Culverts.**

MOTION (Olson/Depre): To compensate Dave Berthiaume (logger) with two truckloads of Township-owned Class 5 valued at about \$500, for unplugging township culverts. Motion carried.

d. **Discussion/Action: Establish Penalty for Noncompliance with Driveway Permits.**

Supervisors deferred this matter for another time, pending development of an ordinance, fee structure for noncompliance, and procedure. (A formal motion to table was made and seconded, but not voted upon.)

e. **Set Date for Special Budget Meeting in November.**

Board members agreed to hold a Special Budget Meeting to develop the 2020 budget on Wednesday, November 13, 2019, 7:00 p.m.

f. **Rehire David Eames as a Substitute Recycling Shed Operator.**

Chair Harms explained the need to have a second substitute shed operator when Pat Anderson is unavailable. Anderson will continue to be the primary substitute for Harms.

MOTION (Depre/Olson): To rehire David Eames as a Substitute Recycling Shed Operator at the rate of \$11.50 per hour; and to approve Resolution No. 19-014 identifying Clerk Lora Eames as the officer interested in the contract. Motion carried.

g. **Consider Sending a Letter in Support of the BLASD Board Letter to County Board.**

Supervisors tabled this item, pending receipt of a final letter from BLASD Chair Fredrickson.

h. **Public Hearing by Carlton County Board of Adjustment: Tyman**

- (1) Cynthia and Gary Tyman, 1016 Lakeview Drive, October 15, 2019.
Supervisor Depre provided documentation regarding the Tyman variance request and supervisors voiced disappointment in the County's handling of the matter. In particular, Depre expressed concern that the applicants had, in essence, applied for a variance for a house they already built. Supervisor Depre expressed his opposition to the variance request and indicated that he would send a letter to the Board of Adjustment, as he could not attend the hearing.

- (2) Board members discussed the idea of compensating supervisors or nonsupervisory staff for attending Board of Adjustment meetings as needed.

MOTION (Olson/Harms): To approve compensation for a supervisor or nonsupervisory staff to attend Board of Adjustment meetings as needed (whenever the Township has an item of interest on the agenda). Motion carried.

9. **VISITOR COMMENTS.**

Board members continued a general discussion about the County Board of Adjustment.

10. **ADJOURNMENT.**

Chair Harms adjourned the meeting at approximately 8:20 p.m.

Respectfully submitted,

Approved by Town Board

Lora Eames, Clerk

Gary Harms, Chair