

December 12, 2022

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

1. CALL TO ORDER AND ROLL CALL

Chair Gary Harms opened the December 12, 2022, regular meeting at 7:00 p.m. calling for a roll call and moment of silence for resident Jeanette Worgren, who passed away on December 6, 2022. Supervisor Keith Depre hosted the meeting on Zoom.

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

Contractor: Tom DeLovely

2. REVIEW AND APPROVAL OF AGENDA.

MOTION (Depre/Olson): To approve the December 12, 2022, agenda as amended with the deletion of New Business 8-d, "Review Drain Quotes for Turnout Gear Extractor." Motion carried.

3. RECEIPT/APPROVAL OF MINUTES

MOTION (Olson/Depre): To approve the November 14, 2022, regular meeting minutes as recorded. Motion carried.

MOTION (Depre/Olson): To approve the November 14, 2022, Board of Canvass meeting minutes as recorded. Motion carried.

MOTION (Depre/Olson): To approve the December 5, 2022, Special Budget Meeting minutes as recorded. Motion carried.

RECEIVED: December 5, 2022, ARPA (American Rescue Plan Act) Committee meeting notes.

4. TREASURER/CLERK REPORTS.

a. Review/Approve Treasurer's Report

Treasurer Cheri DeMenge provided the Treasurer's Report for November 2022.

MOTION (Olson/Depre): To approve the Treasurer's Report as presented with a cash balance of \$411,375.78 for the period ending November 30, 2022. Motion carried.

b. Informational Clerk's Budget Report.

Clerk Eames reported that the Township received \$37,166.01 in property tax settlements.

Monthly Operating Budget as of November 30, 2022

Projected Revenues, incl. ARPA \$	\$255,367
Revenues Received YTD, incl. ARPA \$	<u>-258,399</u>
Over Budget Received YTD	\$-3,032

Projected Expenses	\$396,712
Disbursements Made YTD	-352,096
Under Budget YTD	<u>\$44,616</u>

5. REVIEW AND APPROVAL OF CLAIMS FOR PAYMENT

The supervisors approved the following claims for payment:

a. Regular Claims

MOTION (Olson/Depre): To approve payment of regular claims for December 2022.
Motion carried.

\$1,697.96	Late claims list for November 2022: #4815-#4817.
16,685.99	Regular claims list for December 1-December 31: Claim Nos. #4818-#4833.
963.11	Employee payroll for December 2022
3,012.59	Regular payroll for December 2022
<u>\$22,359.65</u>	Total

b. American Rescue Plan Act (ARPA) Claims.

Clerk Eames reported that she had not had time to prepare a list of ARPA claims for approval.

6. REPORTS.

a. Cloquet Area Fire District (CAFD).

Chair Harms reported that the CAFD held its Truth and Taxation Hearing on December 8, 2022, at the Cloquet Public Library. The previous consultant, Fitch and Associates, was there to explain the study done some time ago. Only a few persons attended.

b. Big Lake Area Sanitary District (BLASD)

Supervisor Depre had nothing to report, except to say that he would call a meeting before the end of the year to declare BLASD as “dormant.”

c. Road and Bridge.

(1) Supervisor Olson reported on the following items:

(a) Complaint about obstruction in Pine Grove right-of-way

Olson received a complaint that the Jankowskis, 3243 Pine Grove Drive, had erected an obstruction in the road right-of-way. Olson investigated, then met with the Jankowskis and asked them to remove the obstruction. They agreed to remove the obstruction but have not yet done so. So, on November 28, 2022, Eames emailed a request to Township Attorney Troy Gilchrist, asking him to send Jankowskis a letter. (See Old Business 7-e.)

- (b) Miscellaneous Items.
 - Olson received a call from Enbridge about sanding Ditchbank Hill; he forwarded the Enbridge request to Carlton County.
 - Olson removed two trees down, including a big one from Lakeview Drive.
- (c) Lakeview Drive Project.

Olson reminded DeLovely about the Lakeview Drive Project estimate, asking specifically about the concrete. DeLovely responded that he would provide that cost closer to spring.

7. OLD BUSINESS

a. Old Housekeeping Items.

None.

b. American Rescue Plan (ARPA) Committee – Clerk Eames/Treasurer Cheri DeMenge.

Clerk Eames reported that the ARPA Committee held its meeting on December 5, 2022. She provided minutes and financial information:

Estimated as of December 12, 2022

▪ ARPA Funds – Estimated balance	\$2,044.59
▪ ARPA Committee Budget – Estimated balance	\$6,017.62

Eames asked DeMenge to discuss the recent class taught by Connie Ekholm on Wednesday, December 7, 2022. DeMenge described the class participation as successful. When Harms asked if she thought that the classes were the most successful aspect of opening the Town Hall to the community, she responded affirmatively.

Eames said the plan is to abandon Wednesday coffee sessions after January 1, 2023, continue to hold classes if instructors are available, and make plans for the farmers market and craft fair to include a brief presentation at the Annual Meeting.

c. Discussion of Weight Limit and Special Use on Ditchbank Road Review of Advice from Town Attorney

- (1) Action from November 14, 2022, meeting.

Previously, Supervisor Olson reported that a log truck on Ditchbank Road hit the jersey barrier of the first bridge. He found that the Township had a 5-ton sign limit at Mission Road at Ditchbank Road, but not at the other end. After some discussion, supervisors decided to post a 5-ton sign at the other end and consult the Township Attorney about requiring a special permit for loggers (to be able to hold them responsible for repairs).

- (2) Review/Discussion of Advice from Town Attorney Gilchrist.

Supervisors reviewed Gilchrist’s email message, dated December 12, 2022, which:

- stated that “the town board has the authority to establish by ordinance and post a permanent weight limit on the road per Minn. Stat.169.87, subd. 1(c).”
- offered some options for dealing with the problem.

Olson reported that the gravel portion of Ditchbank Road is now posted for a 5-ton limit at both ends. In addition, he suggested that requiring permits for loggers hauling out the Ditchbanks would allow the Township to make loggers responsible for repairs; but, according to Statute 169.87, the Township would have to enact an ordinance (which it does not have).

Finally, Olson discussed Gilchrist's other suggestions. In the end, he offered to contact the Minnesota Department of Natural Resources (DNR) to find out who is hauling in the Ditchbanks and to have the DNR remind haulers of the Township's 5-ton limit. DePre suggested sending a letter to known haulers.

Supervisors agreed to continue this discussion next month.

d. Revisit Decision to Hire Glenn Renne as Employee for Plowing Town Hall Parking Lot. Review Insurance Issues.

(1) Actions from Special Budget Meeting of December 5, 2022

Town Board supervisors reported that Tom DeLovely would no longer be plowing the Town Hall parking lot. DeLovely, a Township contractor with his own plow, has commercial liability insurance. The Township does not own a snowplow.

So, the Board hired Glenn Renne conditionally as an employee, not as a contractor, to plow the Town Hall parking lot, pending the Clerk's verification that the Minnesota Association of Townships Insurance Trust (MATIT) would cover errors made by the employee at work, i.e., accidentally damaging another vehicle or town property.

(2) Regular Meeting of December 12, 2022.

Harms asked Eames to discuss her communication with MATIT. Eames presented the following email from Heather Tidmore, MATIT Operations Manager, dated December 6, 2022.

“An insurable interest is essentially what the township is responsible for. Traditionally, interest is created through purchase; however, an interest can also be created through a written agreement. If no agreement exists, because the township does not own the plow itself, it is not covered under any existing coverage. We would cover the hired employee and the damages resulting from his work, as these are considered covered under existing policies.”

In addition, Eames noted that Tidmore explained how the Township could cover damage to the plow by creating a written agreement with Renne; thereby creating an insurable interest in the plow itself. This would allow MATIT to cover damage done to Renne's plow. Supervisors, however, were focused only on covering the operator's errors in the parking lot. If the Clerk could create a simple agreement approved by a MATIT attorney to cover damage to Renne's plow, that was secondary.

After some discussion, supervisors sought to change Renne's employment status from conditional to official.

MOTION (DePre/Olson): To change the status of the hiring of Glenn Renne, from conditional to official, based on verification that the Township's insurer – MATIT – would cover errors made by Renne while using his own truck and plow to remove

snow from the Town Hall parking lot. See motion passed on December 5, 2022 for details of employment. Motion carried.

e. Status of Town Attorney’s Letter to Jankowski re ROW Obstruction.

Olson recently reported that he had visited with Steve and Linda Jankowski, 3143 Pine Grove Drive, asking them to remove fencing they had erected in the road right-of-way. They agreed to remove the obstruction at first; but weeks later, their obstruction remains. So recently, the Board asked Township Attorney Gilchrist to draft a letter to the Jankowskis. In response, Gilchrist sent a draft letter, dated December 12, 2022, for supervisors to review.

Supervisors reviewed the draft letter and asked to include the Olson’s initial meeting with the Jankowskis, the fact that they agreed to remove the obstruction (and have not done so); specific references to the Township’s ROW Ordinance; and warning about potential legal fees.

8. NEW BUSINESS

a. New Housekeeping.

None

b. Review/Approve Operating Budget for 2023.

Eames presented the 2023 Operating Budget for approval. After a brief discussion, supervisors approved and signed the document.

MOTION (Depre/Olson): To approve the 2023 Operating Budget document as presented on December 12, 2022, based on information provided and recommendations from the Special Budget Meeting held on December 5, 2022. Motion carried.

c. Approval of Resolution No. 2022-12, “Designating Annual Polling Place.”

Eames asked supervisors to approve this annual resolution as required by statute.

MOTION (Olson/Depre): To approve Resolution No. 2022-012, designating the Perch Lake Town Hall as the annual polling place for the community. Motion carried.

d. Review/Drain Quote for Turnout Gear Extractor.

Deleted from agenda (more information needed).

9. VISITOR COMMENTS.

None.

10. ADJOURNMENT.

Chair Harms adjourned the meeting at approximately 7:40 p.m.

Respectfully submitted,

Approved by Town Board

Lora Eames, Clerk

Gary Harms, Chair