

# Canosia Township

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Town Board: Chairman Scott Campbell, Supervisor Kevin Connick, Supervisor Jeff Lundholm  
Clerk Susan Krasaway, Treasurer Angela Christianson

## **REGULAR MEETING MINUTES**

**December 3, 2014**

**ATTENDING:** Chairman Scott Campbell, Supervisor Kevin Connick, Supervisor Jeff Lundholm, Clerk Susan Krasaway, Treasurer Angela Christianson, Road Foreman Gary Oswell, Fire Chief Gene Stevens, Rec Director Mike Ellingson, P&Z Director Tim Walburg and 10 residents.

Chairman Campbell called the meeting to order at 7 p.m., and the pledge of allegiance was recited.

### **APPROVAL OF AGENDA, MINUTES AND TREASURER'S REPORT**

- A. **AGENDA:** Motion by Connick, seconded by Lundholm, to approve the agenda. Motion carried unanimously, 3-0.
- B. **MINUTES:** Motion by Campbell, seconded by Connick, to approve the regular meeting minutes (11/5/2014). **Discussion:** Supervisor Connick referenced a discussion on Page 6 regarding the chairman's decision-making authority. He gave a document to the clerk from the Minnesota Association of Townships stating that the chairperson has no extra powers beyond running the board meetings and signing official checks/documents. Connick also asked for Campbell's documentation showing he was allowed to appoint supervisors to various tasks. (This conversation was continued at the end of meeting under the Supervisors' Comments section). Motion to approve minutes carried unanimously, 3 – 0.
- C. **TREASURER'S REPORT:** Motion by Connick, seconded by Lundholm, to approve the Treasurer's Report (1/1/14 – 11/30/2014). Motion carried unanimously, 3 – 0.

### **PUBLIC INPUT**

#### A. JERI GEORGES: ANIMAL CONTROL ISSUE

Resident Jeri Georges reported that her dog had been attacked on her own property by the neighbor's dogs which were running free. The Georges have had trouble with these neighbors for years and would like the township to consider having an Animal Control Officer on staff who could enforce our animal control ordinance. Georges called the sheriff's department about the attack (Case #14256566) but was frustrated when they told her it was a township issue.

Supervisor Comnick recommended putting this topic back on the table for further discussion and researching options. However, he said it remains difficult to actually catch a dog/owner in the act of violating the ordinance whether we have an officer or not.

Supervisor Lundholm said he recently talked with Rice Lake Township about sharing a control officer, but this discussion was put on hold as Rice Lake deals with their annexation issues.

Resident Tom Amendola (the former township constable) said there was an officer on staff at one point. However he said animal problems (barking, biting, etc) can be considered a violation of public nuisance laws and therefore could and should be enforced by the county. He recommended that the Georges document/show a pattern of problems. Chairman Campbell agreed that the Georges deserved a better response from the county and urged them to contact the sheriff, undersheriff, etc. until they got one. He also said they should compile all their documents on this issue and bring it back to the board. The supervisors can then decide whether to pass those along to the township attorney for review.

#### B. OTHER

Resident Mike Podgornik said he was disappointed by last month's decision to once again hire Oswell Co., Inc. to plow the township parking lot, etc. Podgornik said he doesn't have anything against Gary Oswell, but is frustrated that the township did not follow through on its plans to get other quotes/pricing for these services.

Chairman Campbell said he is trying to be fair and equitable, but that effort fell through last month; however, "he is only one of three supervisors." He added that he will try to reorganize and go down "the correct path in the future."

### OLD BUSINESS

#### A. FIRE DEPARTMENT:

##### 1. Report

| NOVEMBER FIRE DEPARTMENT RESPONSES |          |                                  |
|------------------------------------|----------|----------------------------------|
| TYPE OF CALL                       | #        | NOTES                            |
| EMS                                | 3        |                                  |
| Medical MUA                        | 2        |                                  |
| Township Fire                      | 2        | CO alarm; Smoke in a house       |
| MUA Fire                           | 2        | Rice Lake and Lakewood Townships |
| Service                            | 0        |                                  |
| <b>TOTAL</b>                       | <b>9</b> |                                  |

|                       |            |
|-----------------------|------------|
| <b>TOTAL FOR 2014</b> | <b>128</b> |
|-----------------------|------------|

Training: This month they flooded the rink (which later melted). They also worked with the new "I AM RESPONDING" program which sends pages right to their phones, making it easier to map out locations of the calls. Chief Stevens said this is an added expense but a great tool.

The Chief said he needs answers about a recent security issue: The chief typically puts receipts for the treasurer inside a folder in the clerk/treasurer's office; this month the folder disappeared for several days and then reappeared before the meeting. He also said other receipts disappeared in the past as well. The chief and treasurer decided they will now scan the receipts and send them to the treasurer's email address instead of giving hard copies.

The board discussed the possibility of getting a locksmith to re-key the various doors. They also want to research key-card security systems which would track and limit who goes in and out.

Motion by Lundholm, seconded by Campbell, to get estimates for a key-card entry system at the town hall. Motion carried unanimously, 3 – 0.

Chief Stevens asked for permission to use the town hall for the fire department's annual dinner.

Motion by Campbell, seconded by Lundholm, to grant permission for the department party on Saturday, December 13, 2014. Motion carried 2 – 0, with Comnick abstaining.

Stevens said the department has begun looking into the possibility of purchasing a medium duty rescue truck (with water, foam, etc) in early 2016. The chief said it would likely cost \$200,000 - \$230,000. Right now there is \$80,000+ in the truck replacement fund and more will be coming in next year as well; there is also the slight possibility of getting a FEMA grant. Stevens said he wanted to bring it up now to put it on the radar and get the discussion started.

## 2. Fire Relief Discussion

Fire Relief Assoc. Treasurer Scott Mercier asked why the association only received a \$10,000 contribution from the township this year instead of the \$16,000+ they were expecting (exact amount would have been based on a specific formula involving the mill levy). Mercier said the board was well aware the association wanted the extra contribution they had received in years past. Chairman Campbell said the \$16,000 contribution one year had been to help offset the association's increased out-of-pocket costs. He also stated that the budget is a yearly process and the current board cannot bind a future board to financial decisions (i.e. they could not say "we will give you the mill levy formula rate for the next X amount of years").

Supervisor Comnick said the additional \$6,000 would have been a voluntary contribution based on the solvency of the association. Comnick said he asked months ago to see the relief association's specific numbers (total liability vs. total amount they currently have). Mercier said it is impossible to get definite numbers because of the all the variables/projections; he also added that he gave them everything he had when he reported to the board in August. He did state there is no surplus on the fund and they run "really close between red and black."

Comnick read from the past budget meeting minutes: *Chief Stevens asked whether the board had considered increasing the fire relief fund from \$10,000, as had been discussed in the past. Chairman Campbell said the town is committed to keeping the solvency of the fund and will come to the aid if needed. However, there is no need at this time, especially since the fire relief association no longer has to pay for annual audits which should save them thousands of dollars*

*annually. The township contribution is also based on the value of the township, which is an unknown factor at this point.*

Department Member Percy Johnson said Chairman Campbell had in fact been aware of the department's wishes for the extra money since Campbell attended the relief association meetings. Chief Stevens asked whether the electorate at the annual meeting can vote on the township contribution to the association, just like they do on the annual levy. Lundholm said he will research it.

## **B. RECREATION FACILITY:**

### 1. Report

Rec Director Mike Ellingson thanked the fire dept for attempting to flood the rink.

Supervisor Comnick said the Proctor superintendent is still interested in sharing the cost of the rec area renovation. Comnick will notify everyone of any upcoming meetings on this topic. Chairman Campbell said he sent/received a letter from Asst. County Engineer Brian Boder: the county will notify Canosia when the contractor is selected for the Martin Road project; we can then contact the contractor and ask about possible collaboration options. Mike Podgornik noted that resident Jerry Carlson may be interested in submitting a bid for the concrete for the courts as well.

### 2. Grant Writing Update?

Supervisor Lundholm said he is still waiting to get specific information from the Rec Director before proceeding with the grant writing process. There was some confusion about who should be making the decision about what a new dugout/concession stand should include (should we keep it the same? Just have a concrete slab with a bench, chain link fencing, sheet-metal dugout? etc). Supervisor Comnick said he would work with Mike Ellingson and put together a preliminary plan after the holidays for the board to review.

## **C. ROADS**

Several people noted that the roads have been more slippery this winter and wondered whether the county has changed its sanding policy.

Road Foreman Gary Oswell asked what the procedure should be after his company shuts down on January first. For example, if there is a tree down, what action should he take (in the past, he would have taken care of the tree as Oswell Co. Inc. (not as Road Foreman) since the Road Foreman does not have any township-owned equipment or insurance coverage). Chairman Campbell said the Road Foreman will continue to act as the "eyes and ears" for the town board, but they should establish a list of local companies for Gary to contact in an emergency (ie. Tree cutting services, culvert replacement). Oswell said the list should put together asap so the companies can submit their insurance paperwork before any work is needed.

## **D. PLANNING AND ZONING**

### 1. Report

P&Z Director Tim Walburg said the conditional use permit was granted last month for Ulland Brothers. There were no additional permits in November. Walburg plans on attending a meeting for airport zoning deputies at the airport on December 8 at 3:30 p.m.

### 2. Appointments to P&Z Commission

Walburg read from the ordinance book (Article 9, sections 3.01 and 3.02) stating that *“The township board shall fill all expired terms prior to the first regularly scheduled meeting of the Planning & Zoning Commission in January of each year,”* and *“...each member of the Planning & Zoning Commission shall be appointed to serve for a period of three calendar years. No person shall be appointed for more than three consecutive full terms of office if possible.”*

Following those guidelines, Walburg recommended appointing township residents Kyle Anderson and Dave Evanson to the commission for 3-year terms starting next month.

Chairman Campbell said there was only one possible opening and asked Gary Oswell whether he planned on leaving the commission since he was first appointed in January of 2008 and therefore his second term would now be up.

Walburg took issue with this and said there are two other commission members who have served longer than the allowable term-limits: Dan Jezierski (appointed in September of 2007) and Tom Amendola (appointed in July of 2000). Both Jezierski and Amendola were reappointed in May of 2014 in a controversial 2 to 1 board vote. Walburg said there was no reason or justification for their re-appointment and it was his duty to follow the rules as written in the township ordinance book.

Supervisor Comnick re-read an email from the MAT attorney agreeing that the May appointments were in violation of the ordinances; the email also stated that improper appointments can jeopardize the decisions made by the commission. Comnick added that he was never contacted about the May reappointments ahead of time; According to him, the other two supervisors just came to the meeting and did it without discussion.

Motion by Comnick to appoint Kyle Anderson and Deanna Nordeen to the Planning & Zoning Commission starting in January of 2014. There was no second and the motion failed.

Tom Amendola said that his term should have been up this past year, but they couldn't find anyone to take his spot. Therefore he was re-appointed and others now interested will have to wait.

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When asked by Walburg, Chairman Campbell said he believed he was in fact acting in the best interests of the town. He also said that trying to remove the recently appointed members was “vindictive, retaliatory and punitive.” Supervisor Lundholm agreed.

When the discussion turned heated, Supervisor Connick said he would ask the sheriff’s office to have Mike Podgornik removed from the meeting for speaking out of turn.

Chairman Campbell asked Oswell whether the town has ever complied with the zoning ordinance’s recommendations for term-limits. Oswell said it was never brought to their attention before. He also said he did not feel obligated to resign based on these rules, but would comply with the board’s decision either way.

There was also a discussion about the potential conflict of interest of having Oswell (who is also road foreman and therefore a town employee) serve on the P&Z commission since the rules (article 9, 202) state that no more than one member should be an officer or employee of the township. This led to a discussion about whether the one employee/officer on the commission is the town board supervisor or Oswell (as road foreman).

Chairman Campbell said the ordinances at this point are not enforceable anyway and that the township needs to actively remodel them so they can be utilized properly.

### 3. Redoing Ordinance Book

Lundholm again said they were waiting on the bylaws, but both Campbell and Connick said they should proceed without them. Lundholm said each P&Z member was given homework, and when complete they will bring the draft before the board; the book will then be given to the attorney for review, followed by a public hearing. Deputy Clerk Sue Brooks also reminded the commission to compare our ordinances with the county’s since the township’s must be at least as restrictive.

## **E. AIRPORT ZONING**

Supervisor Connick said the airport zoning board is set to submit their draft ordinance to MnDot this coming April.

## **F. HISTORICAL SOCIETY**

The board and many in attendance expressed their sadness when learning of the passing of longtime resident Audrey Eaton. For decades, Mrs. Eaton was actively involved in the township government and historical society (i.e. She was the first woman to be elected to the town board). Clerk Krasaway will send a sympathy note to the Eaton family.

## **G. TECH COMMITTEE**

Chairman Campbell said the newsletter has become a way for Connick to push his “personal political agenda” and “an embarrassment to the community.” He proposed two options: 1.

establishing a policy the clerk can use when reviewing content, or 2. The town board must approve the content before it is published.

Motion by Campbell, seconded by Lundholm, to require town board approval before the newsletter is sent out. Motion carried 2 to 1, with Comnick voting against it. Clerk Krasaway said the next newsletter will likely come before the board at the February meeting.

Deanna Nordeen said she will continue to put the minutes on the website as instructed. However, she will not continue to propose changes to the site; if the board wants something done they will need to suggest it.

## **H. CEMETERY**

Once Oswell Company, Inc. is disbanded after the first of the year, the town board will have to find someone else to dig the graves. Chairman Campbell said they will continue this discussion over the winter, along with the conversation about marking the newly surveyed gravesites.

Mike Ellingson said he has received a request to keep the cemetery lights on during the winter. The board members all said that was fine.

Resident Tom Amendola asked whether it was mandatory to have a winter burial if someone requested it. Gary Oswell said, according to state law, the township must do it if someone insists; however, the cost of the extra equipment/labor would fall on the family not the township.

## **I. RECYCLE SHED**

Supervisor Comnick said he noticed some trash cans outside the recycle shed. Former attendant Deanna Nordeen said someone had likely just dropped them off which happens on occasion.

## **J. THEFT RESTITUTION**

The former employee who pleaded guilty to theft of township funds has now paid \$100 of the court-ordered \$273 in restitution money.

## **NEW BUSINESS**

### **A. MPCA: MS4 PERMITTING**

Chairman Campbell said MPCA representative Claudia Hochstein has been in contact with the township regarding our request for more information/guidance with the MS4 permitting process. Campbell asked Road Foreman Gary Oswell whether the township roads have any “stormwater collection or conveyance systems.” Oswell said it would depend on the MPCA’s definitions, but we do have ditches and culverts. The supervisors plan to discuss MS4 with other townships at the upcoming Duluth Area Townships meeting. Supervisor Comnick will also ask his contact on the sanitary board for information.

## **B. ELECTION FILING PERIOD**

Clerk Krasaway explained that anyone interested in running for the town board will need to fill out the necessary paperwork with the clerk and pay the two dollar filing fee. The filing period is between December 30 and January 13 at 5 p.m. Krasaway said she will be out of town during a good portion of that time, and asked that potential candidates consider filing with the deputy clerk on January 7, either directly before or after the town board meeting. By law, the clerk's office will also be open from 1 p.m. – 5 p.m. on January 13.

### **SUPERVISORS' COMMENTS**

Chairman Campbell asked that a "Supervisors' Comments" section be added to the end of each meeting during which the board members can address any remaining issues.

Chairman Campbell responded to Comnick's earlier request for documentation showing that a chairman has the authority to make appointments: Campbell presented the reorganization meeting minutes from 2013 and 2014 in which the appointments in question were made. Campbell added that these appointments gave the township direction to run smoother and that Comnick had signed off on them for the past two years. Comnick maintained that Campbell had no authority to "appoint" anyone to anything and that he would like to see some statutory documentation instead of meeting minutes. Campbell said this was a moot point since he never claimed to have additional authority.

Resident Deanna Nordeen asked about the town board's authority/relevancy when our ordinances/rules are more stringent than a state statute.

### **CORRESPONDENCE**

- The auditor's PLAWCS audit for 2013
- Fredenberg Township Newsletter
- Notice of Pike Lake Association's annual dinner

### **MOTIONS TO PAY BILLS/ADJOURNMENT**

Motion by Comnick, seconded by Lundholm, to pay bills #17899- 17948. Motion carried unanimously, 3 – 0.

Motion by Comnick, seconded by Lundholm, to adjourn the meeting at 9:05 p.m. Motion carried unanimously, 3 – 0.

Respectfully submitted,

APPROVED: Feb. 4, 2015

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Susan Krasaway, Clerk

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Chairman Scott Campbell