

Canosia Township

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

REGULAR MEETING MINUTES **November 5, 2014**

ATTENDING: Chairman Scott Campbell, Supervisor Kevin Comnick, 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 13 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 Comnick, seconded by Lundholm, to add "Theft Restitution" under New Business. Motion carried unanimously, 3-0.

Motion by Comnick, seconded by Lundholm, to approve amended agenda. Motion carried unanimously, 3 – 0.

- B. **MINUTES:** Motion by Lundholm, seconded by Comnick, to approve the regular meeting minutes (10/01/2014). Motion carried unanimously, 3 – 0.

C. **TREASURER'S REPORT**

1. Approve Report

Motion by Lundholm to approve the Treasurer's Report (1/1/14 – 10/31/2014). Motion carried unanimously, 3 – 0.

2. Information from Treasurer

Treasurer Angela Christianson said she attended a training session for CTAS 8. She will transition her computer to the new version once it is available. They will update the clerk's computer after the first of the year.

Christianson believes there will be \$1,380.70 left over in the Pike Lake Inspections account. Once all the paychecks have cleared, etc. the board will issue the remaining funds back to the Pike Lake Association next month.

PUBLIC INPUT

A. Twin Ports Genealogical Society: Cemetery Index

Bobbi Hoyt from the Twin Ports Genealogical Society presented the board with the cemetery index the group compiled this past summer. The index includes a spreadsheet of names, dates, and additional genealogical information along with photos of all the headstones. The index will be on file at the Duluth Public Library as well the Minnesota Historical Society. The board thanked her for their work.

B. Gary Oswell Public Statement

Road Foreman Gary Oswell asked to make a public statement regarding the recent controversy surrounding his work for the township. Oswell said he has lived in Canosia for 64 years, worked here for the past 29 and dug over 60 graves in the township cemetery. He also relayed a story from his senior year in high school: although he was not a star athlete or student, he was given the Good Citizenship Award, an honor decided by the teachers. Ever since that day in 1967, Oswell said he has been trying to live up to that title of good citizen, which makes the recent allegations against him all the more hurtful. He said his integrity has been questioned and he has been the target of local gossip (i.e. people asking whether the township paid for his “new” 11-year-old pickup truck). Oswell reminded everyone that he was the first person (years ago) to bring up the potential conflict of interest and that all bills go through the town board for approval.

Resident Jerry Carlson said Oswell is an asset to our community and deserves more respect; He is the first guy called in an emergency and the first person to react. Tim Walburg added that he is very grateful to have Oswell helping him during his time as P&Z Director.

Chairman Campbell said he considers Oswell a friend and that no one is criticizing the quality of his work; Rather, they are just looking to include other community members in township projects and, as stewards of the taxpayers’ money, the board must consider if they can get things done more cheaply. Resident Bev Beaudette asked whether the board is looking at other areas to save money or just at the work Oswell does. Supervisor Cornick said they are only targeting Gary. However, Chairman Campbell said they have received interest from other local companies (Rodda, Sathers, etc) and they are starting here in their efforts to save township money.

Oswell said he does not take issue with offering work to others or searching for a lower price; Rather it is about the tempers and accusations directed at him which imply he is overcharging, etc. Oswell said if others want work, they should respectfully say what they can do instead of just accusing him of doing something improper. Oswell added that since he is a one-man company, he can offer good service and does not have to coordinate with ten people which can end up costing more.

Resident Dan Jezierski said he is going to submit a “concerned citizens” letter for the next newsletter which will discuss the following topics: the township’s “excessive spending” on roads, supervisor meeting rates, the way appointments are made to various commissions, the

“vendetta” against the fire department, and paying the rec director for 12 months of work, when there is nothing for him to do in the winter. (The rec director’s wife later pointed out that Ellingson handles the ice rink/warming shack all winter long, along with other maintenance issues and is very committed to his job). Jezierski said he also took issue with the past newsletters, calling it a “brag board” for Supervisor Comnick.

Comnick asked to respond to the allegations made by Jezierski: He took issue with being singled out for attending outside meetings when all three supervisors do so; Plus, he said the state mandates that our township participate in the airport zoning process. He also asked Jezierski to point out anything in the newsletter that wasn’t factual.

Comnick said that since the election, another supervisor has tried to discredit him and take over Comnick’s responsibility as road supervisor. He also said that the majority of citizens are happy with the way their taxes are spent on roads and that the board seems to only want to listen to four vocal opponents of the way things run. He said that using Gary Oswell and Oswell Company is the best deal for the township. He also asked whether Supervisor Lundholm knew what they typically spend on snowplowing each year. When Lundholm said he did not, Comnick said that he should know this type of information before trying to take a man’s job away from him. Chairman Campbell said this is a democracy and they all make the decisions that come before the board.

OLD BUSINESS

A. CARMEN’S WAY LANDING PROJECT

Chairman Campbell suggested sending a letter to St. Louis County regarding the county’s plans for the Martin Road reconstruction this coming summer. Campbell hopes the township can use the same contractor and thereby save money on asphalt, etc. when we re-do Carmen’s Way and the tennis and basketball courts.

As the rec area supervisor, Comnick said he already contacted the county and he read their email response out loud. In essence, Comnick was told we could not tie our projects to the Martin Road work since the county will be using federal funds to pay for it and is therefore held to federal regulations which would not be in the township’s best interest (i.e. prevailing wages, environmental reviews, etc). Chairman Campbell clarified that he did not want to “piggyback”, but rather just contact the contractor independently and see if there were ways we could save money by doing our projects simultaneously. Chairman Campbell said he was told by County Commissioner Pete Stauber to try to engage the county and contractor in this type of conversation.

Motion by Cambell, seconded by Lundholm, to send a letter to County Engineer Jim Foldesi and Asst. County Engineer Brian Boder advising them of our plans and asking to be notified of the contractor they choose for the Martin Road project. Discussion: Comnick said we already had the answer to our questions. He also noted that we have the right to talk to any contractor we’d like, but they will likely need to use a different mix of asphalt for streets and courts. Supervisor Lundholm said there was no harm in sending a letter. Motion carried 2 to 1, with Comnick voting against it.

B. FIRE DEPARTMENT:

OCTOBER 2014 FIRE DEPARTMENT RESPONSES		
TYPE OF CALL	#	NOTES
EMS	11	
Medical MUA	1	
Township Fire	1	
MUA Fire	2	Rice Lake and Solway Townships
Service	0	
TOTAL	15	

TOTAL FOR 2014	119
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Training: This month an RN from St. Lukes gave the department a class on cold weather emergencies. They also got the trucks and equipment ready for winter.

Chief Gene Stevens said their new radios arrived but they have not yet been programmed. He also said the new antenna was more expensive than they originally thought (\$300 total).

C. PARKING ORDINANCE ENFORCEMENT: No new information

D. RECREATION FACILITY:

Rec Director Mike Ellingson said he has cleaned up the rec area for winter.

There was also some discussion about the bill for the portable toilet at the rec area. The bill is typically split between the township and the various groups who use the fields (soccer and little league).

Motion by Campbell, seconded by Lundholm, to pay the township's portion of the bill once it has been split and sent to the town hall. Motion carried unanimously, 3 – 0.

E. ROADS

1. Road Foreman Report

Road Foreman Gary Oswell said he inspected the roads and there were no major issues. However, he believes it would have been an improvement to get the extra gravel on the roads as he had recommended.

Resident Jerry Carlson said he received a letter about a potential Ulland Brothers gravel operation on the north end of Midway Road. Carlson believed the road could not handle heavy trucks on a regular basis. Chairman Campbell asked Carlson for a copy of the letter and said he would look into it. Supervisor Comnick said he could also bring the letter when he meets with a county commissioner. Comnick said that the P&Z Commission should look into it and make sure there are no surprises.

It was pointed out that there is a public hearing next week for the renewal of the current Conditional Use Permit for the Ulland Brothers operation on Industrial Road. While the company can be asked questions about their new operation at that time, Campbell pointed out that the township cannot hold up Ulland's current project because of another potential project in a different location. P&Z Director Tim Walburg also said he would call Ulland Brothers to discuss their plans.

2. Finalize Plowing/Sanding Quote Info

Supervisor Lundholm said he was concerned about the safety of the parking lot and asked Gary Oswell whether he was capable of sanding and salting it. Oswell said in the past he was just going using buckets and applying it by hand.

Supervisor Lundholm recommended having Oswell Company continue to plow the parking lot as he has done in years past and then finding someone who can sand/salt it on an on-call basis. They would be notified after Gary was done plowing. Clerk Krasaway said she received one email inquiring about the plowing job (The information was in the last newsletter).

Gary Oswell said he is considering closing down his company except for snowplowing since his liability insurance has increased dramatically. This would also impact the cemetery since he would no longer be able to dig.

Motion by Lundholm, seconded by Campbell, to have Oswell Company Inc. continue to plow the township parking lots at his discretion; they will request quotes for on-call sanding/salting. Discussion: Resident Kurt Brooks said in the past there have always just been buckets of sand and salt available for the employees to apply to parking lot if they see a problem spot.

Supervisor Comnick said he wanted to discuss an issue regarding the request for quotes. According to Comnick, Lundholm emailed the clerk his draft articles for requesting quotes that were going to be put in the newsletter; Lundholm then asked the clerk to forward them on to the other supervisors for their input. Comnick said he contacted MAT about this and was told that this type of "serial meeting" is an Open Meeting Law violation if ideas are exchanged between supervisors. Lundholm said he made an error and was only trying to be proactive. He then retracted his original motion to have Oswell Company plow the lots.

According to Supervisor Comnick, the average snowplowing costs over the past five have been roughly 2% of the road and bridge budget (\$2,700) and asked why they want to change something that works. He then said the township must analyze spending in all departments.

Motion by Comnick, seconded by Lundholm, to hire Oswell Company to do the plowing; the township will have buckets of sand or salt for the employees to use as needed. The county can also sand on occasion if necessary. Discussion: Oswell said he will sand as he has done before and that if it is not enough, he will make an effort to fix the problem. Supervisor Comnick said he will purchase the salt/sand and work with Gary to get the right materials. Motion carried unanimously, 3 – 0.

3. SLC Grading and Sanding: Need Written Request

St. Louis County Public Works notified the township that we need to request in writing our wishes for grading and sanding our roads in 2015. (Plowing is included in a separate, ongoing contract).

Motion by Comnick, seconded by Lundholm, to notify the SLC public works department in writing that the township would like the county to grade and sand our roads at their discretion, and that they should accept calls and specific requests from Road Foreman Gary Oswell. Motion carried unanimously, 3-0.

4. SLC Crack Sealing Maintenance Program

St. Louis County sent a letter outlining the crack sealing program for 2015. Supervisor Comnick said none of our township roads will need sealing next summer so no response is needed.

F. PLANNING AND ZONING

1. Report

P&Z Director Tim Walburg said he has been asked about a potential snowmobile grass drag race gathering on a property on Martin Road. He will bring this up to the P&Z Commission to see if there are any ordinances that would prohibit this type of event on private property.

2. Redoing Ordinance Book

Supervisor Lundholm said he had asked the clerk to contact township attorney Michael Orman to ask about the status of the P&Z bylaws which the board believed Orman was reviewing. Orman told the clerk that he had never been given an assignment in regards to the bylaws so there is some miscommunication in this matter.

Chairman Campbell said the township needs to update its ordinances soon so they can actually be enforceable. He reported that the county attorney's office has declined to charge the Krupps under our current ordinances. Campbell said that Orman is now asking the attorney to charge them for violating state statutes rather than the township's.

G. AIRPORT ZONING

Supervisor Comnick asked that it again be stated for the record that the town board chairman has no additional authority over the other board members and cannot "appoint" supervisors to anything; only the board as a whole can make decisions. Chairman Campbell said he can show documentation that allows the chairman to appoint supervisors to various assignments.

In regards to airport zoning, Comnick said the MnDOT commissioners flew in to meet with the group and the commissioners were open to the group's idea for a new pilot program they designed. Comnick reported that the new zoning ordinance will be given to MnDOT in April.

H. HISTORICAL SOCIETY: Nothing to report

I. TECH COMMITTEE

1. Newsletter – Set Up Account with ShelDon Printing

Clerk Krasaway said she used ShelDon to print the latest newsletter (they were slightly cheaper, and the service was great).

Motion by Lundholm, seconded by Connick, to authorize the opening of a charge account with ShelDon, which allow them to bill us for printing future newsletters instead of having to pay upfront with the township credit card. Motion carried unanimously, 3 – 0. Chairman Campbell signed the account documents.

2. Website: Nothing to report

J. CEMETERY

1. Report

Gary Oswell provided the clerk with the information for one new cemetery plot reservation (Orman: 18, 5, 3&4) and a recent burial (Earl Gorder: 10, 2, 4 west ½). Mr. Gorder was a veteran and his family had asked about the plaque at the veterans' memorial (there is only one spot left for a name). Supervisor Lundholm said they will need to make a new one.

Bob Brooks will be buried this spring. His family is considering purchasing additional lots at that time.

Clerk Krasaway asked for a clarification on the cemetery rules: The rules state that a resident can reserve a specific spot ahead of time for \$500 or a random spot (to-be-determined at time of death) for \$100. A resident asked recently whether they can reserve two spots side-by-side somewhere in the cemetery (they don't care where, as long as they are together). The board gave the go-ahead for that request and agreed the resident should pay \$200 total. When the first grave is needed, the family can determine the location for both graves.

2. Cemetery Manager – Job Description

Gary Oswell said there are typically not many winter burials in our cemetery; if he does choose to close down his company, then someone else will have to do the digging since he will no longer have the necessary insurance or equipment.

The board decided to table this discussion for the time being and continue to work on it this winter.

K. RECYCLE SHED

Supervisor Lundholm said Recycling Attendant Frank Bolos is doing an “outstanding job”. The supervisors agreed they should find a back-up person in case Frank is sick, etc.

NEW BUSINESS

A. BINGO APPLICATION

Motion by Campbell, seconded by Comnick, to approve the bingo application for the annual event at St. Raphael’s church on November 23. Motion carried unanimously, 3 – 0.

B. MPCA: MS4 PERMITTING

The township received a letter from the MPCA stating that the township is a Municipal Stormwater Sewer System (MS4) and may need to get a stormwater permit and meet various requirements. Supervisor Lundholm will help the clerk draft a letter asking for more information.

C. THEFT RESTITUTION

Supervisor Comnick asked whether the former employee who pled guilty to theft of township funds has paid his restitution money. Chairman Campbell explained that the defendant has just recently been ordered by the courts to pay us and he will be held in contempt if he fails to do so.

This will be kept on the agenda until the matter is resolved.

CORRESPONDENCE

- Three copies of a “Field Guide for Maintaining Rural Roadside Ditches” from the U of M Sea Grant Program. One copy was given the road foreman, another will be kept in the office.
- Letters from FEMA regarding Risk MAP Discovery meetings.
- Newsletters from Fredenburg, Lakewood, and Duluth Townships
- Newsletter from the Proctor Public Schools

MOTIONS TO PAY BILLS/ADJOURNMENT

Motion by Comnick, seconded by Lundholm, to pay bills #178367-17898. Motion carried unanimously, 3 – 0.

Motion by Comnick, seconded by Lundholm, to adjourn the meeting at 8:55 p.m. Motion carried unanimously, 3 – 0.

Respectfully submitted,

Susan Krasaway, Clerk
December 3, 2014

APPROVED:

(Scott Campbell, Chairman)

(Date)