

TOWN OF SILVER CREEK  
COMMITTEE OF THE WHOLE MEETING  
OCTOBER 9, 2018

The Committee of the Whole meeting of the Town Board of the Town of Silver Creek was held on Tuesday October 9, 2018 in the Board Meeting Room for the purpose of discussing all issues before the Board.

Present: Supervisors Greg Hull, Mike Hoops and Dennis Moen; Clerk Alison Oftedahl; Town Operations and Facilities Manager Jody Reineccius, and Equipment Operator Allen Anderson.

Chairman Hull called the meeting to order at 7:00 p.m.

1. Constituent Concerns: None.
2. Gooseberry Village – Hull reported that the MN Department of Revenue will not allow the planned land sale of the tax forfeit Gooseberry Village acres to Silver Creek because they viewed the deal as “property flipping” rather than a sale for the public good. Silver Creek’s stance is that recovery of unpaid assessments for the payment of the PFA loan is a valid public good that should justify the deal. The legality of the transaction will need to be proven. The Township had already been advised to obtain independent legal counsel. Now that the plan may not be allowed, the Board discussed that there is an even stronger need for legal counsel. Tim Strom of Fryberger, Buchanan, Smith, and Frederick had been recommended to Silver Creek, but is now retired. Scott Witty at Fryberger does the same type of work and would also pull in Huck Andresen for the real estate aspects. The Board reviewed an email from Witty with his proposed rate of \$225 per hour, which is a reduced rate for townships. Hoops and Hull are both familiar with the work of Andresen, and Hoops called him very experienced and knowledgeable. There is only one other path to the land sale, which involves seeking special legislation from the Minnesota Legislature in the spring. The attorneys will first try to convince the Department of Revenue that the deal is legal.
3. Hammes Request – In response to an email from Ron Hammes, the Board discussed whether the CDSSD Ordinance allows Hammes’ model home across from Gooseberry Falls State Park to be used for short-term vacation rental. In reading the Ordinance, the Board found no reference to short-term rental in the zone Resort-Commercial where the house is located. Hull suggested that the model home could be considered a “cabin” which is an allowed conditional use listed in our Ordinance. He suggested that one of the conditions could be the requirement to bring the parcel up to conforming size within a year. Hammes is attempting to buy the surrounding 43 acres, which was the Gooseberry Village Tax Forfeit land discussed above. The group was generally supportive of this plan.
4. Road and Safety Report – Anderson reported on completed work including spreading 450 yards of gravel on Press Camp Road and 140 yards on West Castle Danger. A number of culverts on various roads have been replaced, and a quantity of gravel has been transported from the Bear Pit to the Town Garage for easier access. In order to facilitate safe entry for large trucks, the Town Garage driveway entrance was widened. The team has been working on oil and filter changes on all vehicles and equipment. In addition, two gravesite marker locations were staked out and stain was applied to the cemetery kiosk. The sewer installation at the model home on Highway 61 was started but then postponed due to bad weather and site issues. Due to the recent rains, almost all the roads need to be graded, but it is too muddy to grade them. Based upon the weather forecast, the team plans to work overtime to grade roads Friday, Saturday, and Sunday when the rain stops.
5. Anderson Compensation – Hull recognized Allen Anderson for really stepping up after the departure of Town Operations and Facilities Manager Swanson in early September. Noting that Anderson’s wage was actually reduced and then he ended up having to oversee all operations, manage a team of Contractors, and provide training and orientation for the new Facilities Manager, he proposed a wage increase to a rate of \$25 per hour, retroactive to September 6. He explained that the cost to the Township will be minimal because Anderson’s hours will soon be cut in half and once the ground freezes, and then he will only be called in for occasional snow plowing. No objections were voiced.

6. FEMA and Town Road Bridge– The Clerk reported that the FEMA disaster declaration was issued for the June 17<sup>th</sup> Flood, and the application for FEMA assistance is underway. The Board then discussed the repair of the Town Road Bridge. There was consensus that it would be best and cheapest to go ahead with repair of both sides of the bridge abutments. The bridge has a long history of scouring and is a safety concern. Nordic Group will be sending a new estimate for the cost of repair to both sides -- the current written estimate is for repair of one side only at a cost of \$13,500. Based on past experience, the Board felt confident that the bridge will support the twenty-five ton excavator that will need to cross it for repair of the far side. This repair is tentatively scheduled for mid-November pending the DNR permit.
7. Personnel – The Board discussed staffing levels and needs. Town Operations and Facilities Manager Reineccius and Supervisor Hull were tasked to work on a plan and come back to the regular meeting with details.

Chairman Hull recessed the meeting at 8:27.

The Meeting was then reconvened by Hull at 8:31.

8. Stewart River Sewer – Brett Ballavance of Wenck represented Silver Creek at a meeting with Two Harbors regarding Stewart River's sewer needs. Hoops reported that he has been unable to reach Ballavance this week. Hoops recounted a call he received from Two Harbors Mayor Chris Swanson who stated that although they want Silver Creek to be a part of their plan, it looks like it may be cost prohibitive. Hoops encouraged the Mayor to seriously consider a wider regional solution such as having Two Harbors, and Stewart River wastewater run down to be processed at the Western Lake Superior Sanitary District Treatment Plant. He suggested that during the day, wastewater could be held in a tank in Two Harbors, and then piped down to WLSSD at night.
9. Financial Assistance Agreement with Lake County – Hull has not spoken to Rich Sve about this.
10. CDSSD Land Use Ordinance Transition Plan – Hoops suggested we need to draft a resolution and formal letter requesting that Lake County to take over the administration of land use in the CDSSD. Hull asked Hoops to work on same.
11. Election Judges – Motion by Hoops, second Moen to approve the following individuals to serve as Election Judges on November 6 for the General Election: Sue Hilliard, Valerie Johnson, Jennifer Havlick, John Bathke, John Carr, Jon Norine, Joan Rheineck, and Brenda Melquist.
12. Mowing Bids Status – A request for bids for the town cemetery and sewer mowing contract was advertised in the Northshore Journal. The Clerk reported that no bids have yet been received, but interested parties have until the end of the month.
13. Seasonal Storage Planning – The list of individuals reserving space for storage of campers, boats or other items in Silver Creek Pavilion was reviewed. Items will be loaded in on Saturday October 20<sup>th</sup>. Arrival times were agreed to by the group.
14. Town Hall Maintenance Items – The Board members agreed that money should not be spent on renovation of a building unless there is true public good and the renovation will result in expanded use of the facilities. Some time was spent discussing the Finland Community Center because it has many diverse uses including basketball, Farmer's Market, a commercial kitchen and event space. It was felt, however that with Silver Creek being so close to Two Harbors, residents are likely using many of Two Harbors community resources and might not be as motivated to pay for Silver Creek facilities. Concern was also expressed that hosting events such as for weddings requires staff time on the weekends and might even require an Event Coordinator to be hired. After discussion, Hoops suggested having a line item on the levy presented at next year's Annual Meeting to allow the constituents to debate whether taxpayer funds should be spent on renovations.
15. Cemetery Issues – The need to have a plan for rental of a mini-excavator for grave opening was discussed with several names provided to Reineccius. Moen reported good progress on the directory for the cemetery kiosk and brought in a sample of his design. The Clerk was asked to check of any changes to the cemetery since August to make sure that all names are included. The group also

considered when would be the best time to hold a special meeting to consider updates to the cemetery rules. The group agreed that January might be the best month to hold that meeting.

16. Road Signs for Township Buildings – The Clerk reported that Dick Bohr of Silver Creek Signworks hopes to have a proposed design ready to show the Board by the October 23<sup>rd</sup> meeting. Supervisors asked the Clerk to verify that Lake County would allow the proposed signs to be posted on Highway 3.

There being no further business, the meeting was adjourned at 9:25 p.m. upon motion by Hoops, second Moen. The next regular meeting of the Town Board will be held on Tuesday, October 23, 2018 at 7:00 p.m.

Respectfully submitted,  
Alison Oftedahl, Clerk