

TOWN OF SILVER CREEK  
REGULAR MEETING  
MARCH 19, 2019

The regular meeting of the Town Board of the Town of Silver Creek was held on Tuesday, March 19, 2019 in the Board Meeting Room. Present were Supervisors: Greg Hull, Denny Moen and Mike Hoops; Clerk Alison Oftedahl; Treasurer Jamie Pellman; Town Operations and Facilities Manager Jody Reineccius, Equipment Operator Allen Anderson and Supervisor-Elect Chuck Voss.

Chairman Hull called the meeting to order at 6:01 p.m.

**CONSTITUENTS CONCERNS:** None.

**ROAD & SAFETY:**

- Road Report – Town Operations and Facilities Manager Reineccius reported that all snow banks have been pushed back and all township culverts steamed open. Some culverts were difficult to locate due to the amount of snow in the ditches. Next year stakes will be used to better mark them. Road Restrictions were posted on all township roads because they are getting soft. Reineccius then reported on the shop furnace research. Cavallin quoted \$6,775 to install a Modine overhead heater that produces 200,000 BTU. That compared to Summit who quoted approximately \$4,000 to install a heater from Sterling with the same output. Reineccius stated that he believes Modine is a high-quality brand that is simple to hook up. His preference is to purchase one directly for about a third the quoted cost and install it himself. He noted that a new copper line from the propane tank into the shop must be buried to replace the above ground rubber one that is there now. Finally, he reminded the group that Saturday April 6 is the date for removal and pickup of vehicles and boats stored in the Pavilion for the winter.
- Reineccius Review – Hull reported that per Reineccius' Memorandum of Understanding, he is due a raise upon successful completion of his Probationary Period. This milestone has been reached. Hull stated that he conducted a positive performance review with Reineccius. Motion by Hull, second Moen to approve the performance review and increase Reineccius pay rate to \$30 per hour effective in the next pay period beginning 3/23. Motion carried unanimously.
- Road and Bridge Finances –The Chair asked the Clerk and Treasurer to estimate the current Road and Bridge Fund balance. As of the end of February there was \$53,342. Pellman reported Taconite funds received since then would likely offset recent disbursements. Oftedahl then estimated that the balance is likely still around \$50,000.
- FEMA – No updates from FEMA were received this week.

**SEWER OPERATIONS:**

Sewer Operator Hoops reported on projects that can be done in the next week or so now that warmer temperatures are here. Several panels need electrical work, the safety nets we purchased need to be installed, Lift station generators will be tested, and Reineccius and Thompson will be trained on sampling of influent tomorrow. Hoops reported that the damaged pumps removed from Gooseberry Cabins will be taken to Bob Miller for testing next week, and the results used to determine what repair costs should be billed to the owners.

**STEWART RIVER:**

Hoops sent an inquiry about WIFIA funding to Wenck and has not yet received a response.

**LAND USE:**

- Gooseberry Cabins – In response to many questions, Hoops and Oftedahl met with Jaegers at their resort. They were shown a three-year plan for improvements. The first year includes two requests: first to erect a new sign in a slightly different location and second, to begin renting out a house on the resort that was not rented to guests last year. The resort existed before zoning and is nonconforming but is grandfathered. They do not operate under a conditional use permit. The Board discussed grandfathered use in general. Hoops reported that he attended a training session on land use last week and learned that current use is grandfathered but not expansion. Supervisors were provided with a handout from Minnesota statute 462.357 which states that the grandfathered nonconformity... "may be continued including through repair, replacement, restoration, maintenance or improvement but not including expansion". The Board then discussed the definition of expansion in this case. Hull suggested that if this house was rented to guests in the past even by previous owners, it could be argued that it is not an expansion and would be grandfathered. Hull then suggested that the prior owners could be contacted and asked whether they had rented this house as part of the resort back when they owned it. The others

agreed that this would be a good place to start.

- Transition of CDSSD Land Use Administration to Lake County – Based upon multiple individuals with schedule conflicts and to provide time to consult an Attorney on the process, the Board rescheduled the date of the planned CDSSD Land Use Transition Public Hearing to Saturday June 15 at 9:00 a.m.

#### **REVIEW MINUTES:**

Motion by Moen, second Hoops to accept as presented the 2/19 Regular Meeting minutes. Motion by Hull, second Hoops to accept, with amendment noted, the 3/5 Committee of the Whole Meeting minutes. And, motion by Hoops, second Hull to accept as written the 3/13 Board of Canvass minutes. Passed unanimously.

#### **TREASURER'S REPORT:**

The Treasurer's Report was presented by Pellman as follows: TOSC checking: \$81,053.45 and TOSC savings: \$243,118.03 for a total of \$324,171.48. Outstanding Checks totaled \$2,864.96 for a CTAS balance: \$321,306.52. Motion by Hoops, second Moen to authorize the requested transfer of \$33,000. Motion by Hoops, second Moen to accept the February Treasurer's Report as presented.

#### **READING OF THE BILLS:**

The current month's bills were read: claims 5962- 5989 and payrolls through 3/22/2019 totaling \$53,002.78. Motion by Hoops, second Moen, to authorize payment of the bills as presented with Hoops abstaining from 03011909. Motion carried unanimously.

#### **CORRESPONDENCE:**

- North Shore Area Partners – A request for cash donation to North Shore Area Partners for services provided to seniors in our area including transportation, housekeeping, shopping, meals on wheels, etc. was received. After discussion, amended motion by Hoops, second Moen to donate \$500 to the group based upon the good work they do and the benefit it provides to constituents in our township. Passed unanimously.
- Affidavit of Posting – One affidavit was presented and signed by Supervisors.
- Lake County Land Use Applications – Two approved land use applications were reviewed, one for a new parking lot on Fairgrounds Road and the other for a new house on Highway 61.

#### **OLD BUSINESS:**

None

#### **NEW BUSINESS:**

- Old Town Hall Rental Rates – The Board is generally in agreement about raising the rate for winter rental but since it is now spring the issue was tabled for further discussion.

#### **PENDING BUSINESS:**

- MAT Training April 5<sup>th</sup> – Voss, Oftedahl and Moen are planning on attending training in Duluth on April 5th. Oftedahl agreed to verify payment procedures. Hull reminded everyone that all expenses that are necessarily and actually incurred such as mileage to training can be submitted for reimbursement.
- Gooseberry Village Land Sale – Hull reported that he spoke to Attorney Scott Witty today who said that the Title company is awaiting proof that the Quit Claim deed is registered. An actual closing date has not been provided but should be soon.
- Old Town Hall Larger Maintenance Items – The Board reviewed the fact that most attendees of the Annual Meeting supported a levy that included an additional \$25,000 for the old Town Hall and Chapel. This was seen as confirming responsibility to maintain the buildings. These funds are part of the 2020 levy so won't be received until the middle and end of 2020.
- Cemetery Legal Questions – A document received from the Attorney was distributed and summarized by Hull who had spoken to Witty. Our sale of "Right of Interment" is legal but the Attorney recommends changing the wording to "License of Interment" and ensuring that each document is notarized. With regard to ownership of monuments or markers, the Attorney confirmed that they are owned by the person who purchased them and after that person is deceased, ownership passes to their descendants. The Town does not ever own the markers or monuments, but the Township could move or remove a monument or marker for safety or appearance reasons. If a monument was removed, it would have to be

carefully stored for the owner. With regard to liability, if, during maintenance, a monument or marker was broken, the township would be liable for the current cost of that stone.

- Road Sign for Township Buildings – Moen reported signs will be delivered at the end of April.
- Seasonal Mowing – The Clerk is planning to call Marc Wycoff regarding requested paperwork.

There being no further business, a motion was made by Hoops, second Moen, to adjourn the meeting at 7:50 p.m. Motion carried unanimously. The next regular meeting of the Board will be held on Tuesday April 23, 2019 at 7:00 p.m. in the Board Meeting Room.

Respectfully submitted,  
Alison Oftedahl, Clerk