

**Town of Duluth  
Planning Commission  
Meeting Minutes  
February 27, 2025**

The meeting was called to order at 6:30 by Angela.

In attendance: Angela Wilson, Justin Osadjan, Dave Meyer, Tony Mancuso, Nate Nesgoda, and Ken Peterson.

Absent: Pam West.

Also attending: Liz Strohmayr, Planning Director; ArMand Nelson, Town Board liaison to the Planning Commission; Beth Mullan, Secretary; and Laura Herzog, incoming secretary.

The agenda was approved as presented.

Old Business

Les Grumdahl Window and Siding

Liz said that she has received applications from the Grumdahls for the shipping containers and the vegetation management plan. The second sign has been removed. There are still six lights on. They plan to install motion detection lights for security reasons, crews coming in late, and early morning snow plowing. They anticipate having that done by the end of March and want to leave the lights on until then.

Regarding the vegetation plan, they would like to put a fence in along the far side of the property along the line shared with Dave Neuenfeldt. She asked the Commission if they put that fence in, will they still need to put 4 ft trees in? There will be vegetation and trees coming up on the other side of the fence.

Angela asked if that meant there would not be trees between the fence and the neighboring property. Or would there just be trees inside the fence line?

Ryan said their intention was to place the fence just a couple of feet in from the property line to allow for maintenance which is a customary practice. So there would not be trees between the fence and the neighbor's property.

Liz said that once the vegetation is established, no one will see the fence except that neighbor.

Angela asked if the fence would satisfy the neighbor's concerns.

Liz said that she didn't know and he was not present.

Tony said that within a few years, the popple will be large. It didn't make sense to him to require that they plant slow growing conifers behind the fence.

Dave asked Ryan if he had spoken to the neighbor about it.

Ryan said he had not. Dave's driveway is only 5 to 10 ft from the property line, so it seemed like a win-win to him.

Liz said that Dave had expressed interest in a fence at one point.

Tony said that his property is kitty-corner to the Grumdahl property. When the CUP was originally heard, he testified in favor of the proposal because he thought a showroom was a more innocuous proposal than some of the

other ideas that had been floated for the property. His understanding was that there was going to be a buffer. They have been good neighbors – there isn't dust or activity at night or alarms - but now he'd like to see the lights taken care of. He said when he worked for St Louis County, there was a lot of concern regarding light trespass. They worked with lighting engineers to keep light from spilling past property lines. Lenses are readily available that can be adjusted as to the shape of the cone of light and amount of spillage. But if they are going to turn the lights off or put them on motion sensors, it won't be an issue. He also noticed that the neighbor has a bright light.

Liz said she contacted the Department of Labor and Industry and there is code that says every egress has to have a light that must be in operating use during operating hours. Energy code says the light only has to be one foot-candle. Outside of operating hours, the Town can require that the lights be turned off. Her opinion is that motion detection lights would be a way to meet in the middle. The sensors might pick up wildlife, but once the vegetation has grown up more that would be reduced. The lights they have now are not dimmable.

Justin asked if they have contacted the electrician yet.

Ryan said that they had and the electrician indicated he could have it done by the end of March. It could be sooner depending on work and material availability.

Nate asked what security issues they have had.

Ryan said they have had trailers broken into and catalytic converters stolen off of vehicles.

Nate said that they had said on their original application that trailers were going to be stored inside.

It was asked if they had a gate and/or video surveillance.

Ryan said they have a gate, but people walk around it. He said lights are more effective than the infrared cameras. He thought that motion sensor lights would solve the problem. The lights would be off 99% of the time after 9.

Ken said that he is generally in favor of what has been discussed. He wanted to set a deadline before the March meeting so that the Commission can act on it at that meeting if necessary.

Liz said that they have asked for an extension on the deadline for some aspects of the vegetation plan. They propose to get the buffer strips and fence in by this September and then plant the interior trees.

Ryan said that the buffer was the most important part. Planting the interior trees is important, but when the trees arrive, they will be bare root and will need to go in right away. The fence and buffer would be this year. The fence, if agreed to, is a substantial project on its own.

The Commission called on comments from the audience. There were approximately 9 people in the audience.

Ben Hatfield spoke. He said he lives about a half mile away. He was frustrated with the conversation because the Grumdahls have violated their original conditional use permit and he doesn't understand why the Commission is talking about making accommodations for them. The clearcutting has caused his property to lose \$100,000 in value. Motion detector lights will come on every time a deer comes by. The lights were supposed to have been off three months ago. If the Town can't get them to turn off the lights over three months, how will they manage to enforce planting deadlines? An 8 ft fence will never be taller than 8 ft. Vegetation was required for the buffer zone. A fence is fine, but a vegetation barrier needs to be put in as well. Trees will be nice for 50 years. There is a long list of violations. The Grumdahls have not followed the CUP since the beginning. We shouldn't be looking to accommodate them.

Dave said that there is not a system in place to police everything such that these types of things can be prevented. It's unfortunate that the trees were cut down. The forest will regrow. At this point we are trying to work with them to get them back to where they said they were going to be.

Ben said that anyone who violates the Ordinance or their permit is responsible for damages. He has initiated a class action lawsuit on that matter. They've continued to make the property even worse since this all started with trailers and pallets and garbage all over the place. He doesn't believe they deserve empathy when it comes to the lights or replanting. They don't need lights on every garage door. The six floodlights are very bright, even from a half mile away.

Nate agreed that the lights were bright. He thought that the Grumdahls would have been more responsive, if only out of respect for their neighbors. They are contractors – they should be able to get an electrician quickly. He didn't understand why they weren't trying to get this taken care of more quickly.

Ben said that the neighbor's driveway is right there on the boundary of the Grumdahl property. An eight-foot fence will not block the lights from the business for him. It will be 10-15 years before saplings mature. Saplings don't have a high survival rate. Four-foot trees will live and grow. He believes that the closer neighbor would appeal a decision to allow a fence instead of trees. Sound and lights from the freeway have also become an issue. Northbound car lights shine in on him. An 8-foot fence won't shield the lights or the noise from the freeway.

Liz said the revegetation language refers to the buffer zone and doesn't specify tree species or the spacing of the trees. The Grumdahls have indicated what trees they are going to put in and at what spacing. It will be years before the trees grow in enough to provide screening, but expectations have to be reasonable. It is not reasonable to expect not to see the business or any light from it. If trees are planted close enough to create a screen, they will choke each other out. A fence does meet the purpose of screening.

Les said that they want to be able to manage the regrowth in the interior of the property. Their intention from the beginning has been to have a mixed forest and not just popple growing wild.

Justin asked if the trees that were left along the expressway were adequate for buffering.

Liz said that the trees that were left are in the highway right-of-way. If the State were to cut those trees, that could become an issue. But the use is freeway, not residential, so she wasn't sure what would be required in the way of buffering.

Ben asked if they planned to plant along the creek this year. He reiterated that he expects the Town to establish strict deadlines and enforce them.

Les said that all the trees would go in this summer.

Liz said that she has done a lot of non-compliance work in the past year. It doesn't always move as fast as some folks would like. The Town's and her approach is to try to work with property owners. There is a process and there is a lot more flexibility when people are working together. There is also a process for appealing decisions. The Town's legal team is aware of the situation and has a document prepared if necessary. She prefers not to take that approach. The Grumdahls have been responsive and willing to meet. There is a plan moving forward. Whether that plan and timeline is adequate for the community and the Commission is not up to her. Another option would be to consider revoking their CUP. It would be up to the Commission to initiate that process. The Commission has been in agreement to date to continue with the current process with deadlines in place. It can appear as though no one is really working on it because the Commission only meets once a month to discuss it.

Justin said that he would be satisfied if the lights were resolved before the March Commission meeting. He was not in agreement with the fence instead of the vegetation buffer. He was also not happy relying on the State to leave the trees along the expressway. His understanding was that the screening should be on the Grumdahls' property, not the neighboring property.

Dave said that obviously it's been winter, so revegetation cannot be started. Now that the property is wide open, everyone is aware that there's an issue. The Grumdahls are under a microscope and that's likely to keep the wheels turning. When progress can be seen, it will help.

Angela said that the first time anything came to the Commission regarding violations on this property was last month. The Grumdahls first got notification from the Town regarding the violations in December. There is a plan in place. It is not as though there has been a long-running situation of violations that have been ignored. No one thinks what happened was a good thing. From the Grumdahls' perspective, they were managing their property. She doesn't have the impression they didn't care; it just wasn't on their radar. If the Town pursues revocation of the permit, we lose some of our ability to mandate compliance. We are left with a vacant business and a deforested lot that will grow up in wild popple. Perhaps a conversation six months ago could have prevented this situation. Revoking the permit does not unwind the problem. She sees the end goal as having trees across the property, the watercourse protected and taller trees between the business portion of the Grumdahl property and the surrounding residences. Revoking the CUP does not move us towards that goal.

Nate agreed. Litigation and years of fighting won't help anyone.

Ben said that he doesn't blame the Commission. The violations were reported in real time. When they were cutting, they were told to quit but kept going.

Liz said that regarding Justin's point about the trees along the expressway, the Grumdahls were originally allowed to remove some of the trees along the highway to make the business more visible from the highway. She would be willing to amend the vegetation plan if the Commission thought it were warranted. The Ordinance says that screening is required between adjacent uses that are not the same. The use at the time they got the permit was mixed use. Now it's residential. The requirements around a similar business would be much stricter now.

Ben said his assumption, based on CUP, was that it was up to the Grumdahls to maintain their own buffer on all sides of their property. He is frustrated by the accommodations they have been given. No one has acknowledged the devaluation of his property.

Ken said that both letters the Town sent, the one in December and the second one in January, demanded immediate compliance on lighting. He felt like the Grumdahls have been less than respectful regarding rectifying the lights.

Les said that they did respond to both letters and needing an electrician to do the work has slowed the process.

Ken noted that the lights are still on to this day.

Ryan said that the first letter was regarding the light on the sign and the parking lot lights. They addressed those. Now the discussion is about the lights on the building that are mounted for security and code purposes.

Liz said that they did feel that they responded adequately to the first letter. It then took her awhile to get answers on what was required by code. She wanted to make sure we weren't trying to enforce something that was not allowed elsewhere. It makes sense to give it until next month before turning to other measures.

Angela asked if it were possible to flip a switch and turn off the outside lights.

Nate said that would calm a lot of neighbors.

Ryan said they cannot turn off the lights over the doors and still be compliant with code.

Angela asked if they would they be willing to turn out the lights while they figure out a longer-term solution.

Ryan said that they would be willing to turn off the lights completely until they got the motion sensor lights on.

Ben said that there are two lights that are not over doors. They shouldn't need to be on motion detectors.

Les said that they are there because of equipment.

Ben said there's no code saying lights have to be on for equipment. Nor is there anything in the CUP regarding having lights on for security reasons. Two not being on motion detectors doesn't seem like a big deal.

Angela said that to wrap up, she does not think a public hearing for a revocation is needed at this point. Is a motion needed for what has been decided? It was decided that a motion wasn't necessary.

Ken said that if the lights are not resolved by the March 27 meeting, he will move to hold a public hearing to revoke the permit.

Liz asked again what the Commission's thinking was on the proposed fence on the property line shared with Dave Neuenfeldt. It will only be a couple of feet from the property line, so there won't be new plantings on the outside of the fence, but does the Commission want a buffer of trees to the inside of the fence?

Angela thought that a vegetative barrier was the goal. She agreed with Justin. But it's the Planning Director's decision to make.

Ken read the condition from the permit: "To the maximum extent possible a natural vegetation buffer from the neighbors and road will be maintained but will still allow the business to be seen." So it doesn't have to be vegetation.

Dave said that popples will take care of it. It's redundant to put trees in front of and behind the fence. Evergreens don't grow that quickly.

Ryan said most that most of the complaints were regarding the sightline to the business. It wouldn't make sense to do both the fence and trees. He can't speak for Dave Neuenfeldt, but feels that the fence would be better.

Ken said that in the short term, a fence would accomplish more than 4 ft trees.

The Commission agreed to the fence without additional buffering vegetation.

Ryan said that the lights will be taken care of by next month. He will wait to hear back from Liz about the vegetation plan and will then put the tree planting and fence plan into motion with the agreed upon timelines.

#### New Business

Liz said that St Louis County has updated its floodplain ordinance. The Town defers floodplain administration to the County. She submits permit applications from the Town that are in a floodplain for their review. It would be good to take a look at the new floodplain ordinance in case there's something that is pertinent to our Ordinance.

Ken said he skimmed the document and found that if a structure is in a floodplain, no improvements are allowed. That seemed excessive to him. They also reset the 100-year floodplain. It does impact quite a few properties in the Township. He suggested we let the County know that we find it too stringent.

Angela noted that it's already been approved.

Liz said she didn't see an invitation to comment on it as a draft. She has not been getting a response from the County lately when she submits applications to them. It's not fair to the landowner. She is going to put a seven-day deadline on the County to respond.

The January 23rd minutes were approved as presented.

#### Director's Report

Liz said that Pam and Angela's last Commission meeting is in March. They have both served two full terms. So if anyone knows of someone in the Township who would like to serve, let them know. They would apply to the Board and are appointed by the Board.

Angela said that both she and Pam agreed that they would be willing to stay on until new Commissioners are in place.

Angela noted she has not seen any improvement in the situation on the Zurcher property.

Liz said that's an example of how litigation can take a long time. She reviewed the final litigation document last month and is hoping it can be sent out soon. There are no other updates. There is no court date yet.

The meeting adjourned at 8:46.