

**TOWN OF MAY
WASHINGTON COUNTY
OFFICIAL TOWN BOARD MINUTES
October 1, 2009**

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, October 1, 2009, at the May Town Hall. Those present included Bill Voedisch, Board Chairman; John Pazlar, Supervisor; John Adams, Supervisor; Peter Kluegel, Building Inspector; Dave Snyder, Town Attorney, and Christine Eid, Eckberg Lammers; Diane Hankee, Town Engineer; Cheryl Bennett, Town Treasurer, and residents of the Town of May. Absent: Linda Klein, Town Clerk. Chairman Voedisch called the board meeting to order at 7:00 pm.

Voedisch moved, seconded by Adams, to approve the minutes of the September 3, 2009, Town Board meeting as presented. All approved.

Adams moved, seconded by Pazlar, to approve the following correction to the August 6, 2009, minutes, page 1. "Pazlar moved, seconded by Adams, to move \$350 from General Fund to Levied Park Fund. All approved." Should read: "...move \$350 from General Fund Budget to Levied Park Fund Budget." Treasurer Bennett explained that this is the Town Park garbage pickup amount that is being moved.

Pazlar moved, seconded by Adams, to approve checks #15719 through 15746, including EFT transfer 1009 to IRS. All approved.

Adams moved, seconded by Pazlar, to approve the Treasurer's report as presented. The report is attached to these minutes and serves as the official record. All approved.

Arcola Trail Traffic

John Pazlar brought forward the document from residents along Arcola Trail complaining about excessive traffic and speeding, although none of the property owners were in attendance. Adams suggested asking for additional patrols during road construction. Pazlar brought up the speed limit, and the board discussed moving the speed limit from 40 to 35. Pazlar will check into the posted speed limit and report back.

Planning Commission

Public Hearing

Richard Clauson Variances

Richard Clauson has requested approval of a variance to allow a detached accessory building to be located closer to the front lot line than the principal building and to exceed the maximum square footage allowed for detached accessory buildings on a parcel of such size. The property is located at 16955 Kimbro Avenue North and is zoned Rural Residential. The parcel is 4.91 acres (213,768 square feet) in size and is surrounded by three public rights-of-way. The property currently contains a single family home with an attached garage and a detached accessory building. The applicant is proposing to

construct a new log home with an attached garage and carport and remove the existing home and construct a second accessory building on the foundation of the existing home.

The proposed accessory building and home meet the property line setback requirements. The required wetland setback is being determined by the Washington County Conservation District. The existing accessory building would be located closer to the west property line than where the home is proposed to be located, and the second accessory structure will be located closer to the west and south property lines than where the home is proposed to be located.

Planning Commission Chairman John Arnason reported to the board regarding this variance request. He stated that, after considerable discussion, the Commission advised the applicant that a more acceptable plan would be to adjust the placement of his house and add onto the existing building, which would provide adequate space for storage of his vehicles, etc. The applicant stated that he is agreeable to expanding the existing structure to the east and north. Consequently, the Commission denied the request for variance to place a new structure closer to 169th Street.

Pazlar asked if the neighbors were amendable to this solution, and Arnason stated that all people involved considered this a better solution. Mr. Clauson presented an updated drawing to the board. Voedisch moved, seconded by Pazlar, via Resolution 2009-10 and additional Findings of Fact to approve a variance allowing the expansion of the existing detached accessory building, denying a variance to construct a new accessory building on the existing home's foundation, and denying a variance to allow the total square footage of detached accessory buildings to exceed 2,000 square feet. On a roll call vote: Voedisch, yes; Pazlar, yes; Adams, yes. Motion passes. Mr. Clauson questioned removing all utilities, in particular the well. Voedisch pointed out that the well is not part of the utilities. Clauson provided a letter of credit in the amount of \$20,000, which expires in one year with automatic renewal. Attorney Snyder will review. Mr. Clauson must also enter into a "tear down" agreement with the Town.

Public Hearing

Small Business/Kennel – CUP to IUP

Arnason provided an introduction to the reasoning behind this ordinance change. In the past, a CUP for small business or kennel would transfer with the land to a new owner. An Interim Use Permit, however, would sunset when the existing owner sells the property (or after a time certain), and a new owner would need to reapply if they wish to continue operating such a business or kennel.

Voedisch moved, seconded by Pazlar, to approve Ordinance 2009-04 redefining Conditional Use Permits as Interim Use Permits for Small Business, Kennels, Mines, and any other uses where Interim Use would be more appropriate. . On a roll call vote: Voedisch, yes; Pazlar, yes; Adams, yes. Motion passes.

New Business

Kate Donner has resigned from the Planning Commission. First alternate Chad Nelson will move forward to the regular seat. Voedisch moved, seconded by Adams, to appoint Chad Nelson as a regular planning commission member and to move Mike Dupont to 1st alternate. All approved. Voedisch moved, seconded by Adams, to advertise for a new alternate. All approved.

Arcola Mills Site Visit

Arnason advised the Board that Arcola Mills is coming forward with a proposal to add a new non-profit to their CUP. The planning commission is meeting at Arcola Mills at 6 pm before the October PC meeting.

Rick Roth Lean To's

Richard Roth appeared before the board requesting a lean to onto his garage and also on his machine shed. Pazlar asked if these need a variance. They do not. Based on Roth's history, the board and the building inspector feel Roth should appear before the board to discuss this request. Pazlar questioned if the board should hold off and do a public hearing so the neighbors are in the loop and not surprised by new construction. Adams stated that nothing is being done that would not be normally allowed. Snyder suggested such action would be for informational purposes only. Voedisch moved, seconded by Pazlar, to post notice of Board Consideration regarding the Roth property and notify property owners nearby. All approved.

Withrow Ballroom

Paul Bergmann

Paul Bergmann appeared before the board to ask that the board reconsider his original proposal for operating the ballroom property, but to scale back the operation of the garden center from the previous proposal. No additional acreage will be added and no additional buildings. He would operate the garden center out of the garage. Pazlar suggested that the board sunset some of the previously approved activities rather than leaving an open-ended commitment. Voedisch indicated that the entire 2008 amendment was rescinded.

Voedisch discussed a five-year plan similar to Warner Nature Center. He also stated that these items will need to be put back in the new Comprehensive Plan. Pazlar asked about the time line, and Voedisch indicated the Town should be able to get something done in 60 to 120 days. Bergmann asked if he could run the ballroom right away. Voedisch advised yes, since Bergmann inherits the existing CUP, and Voedisch did not foresee any problems with approval.

Roads and Engineering

Diane Hankee gave an overview of her engineer's report. The Rydeen grading permit has been executed. Regarding the Leonard drainage and 201 system, C & B have provided a quote for \$3,000 to raise and waterproof the tank along with relocating the electrical

panel. Voedisch stated that representatives from the watershed are interested in this site, and Leonard will need to work with them. Attorney Snyder stated that the Town has statutory authority to define a sub-watershed area and create a fund/taxing district to deal with the flooding. Hankee stated that there should be no need for restoration. Adams moved, seconded by Voedisch, to approve \$3,000 from the 201 Replacement Fund to raise and waterproof the holding tank. All approved.

127th Street, 130th Street, 148th Street

The engineer reported that bid opening will be on Monday, October 5, and the Board will continue their meeting to 4 pm on Tuesday, October 6, to award the contracts.

Smith Spirit Guides

Treasurer Bennett advised the Board that she had sent a certified letter to Mr. Smith advising him that the Board would be rescinding his Conditional Use Permit for non-payment. Adams moved, seconded by Pazlar, via Resolution 2009-11, to rescind the Conditional Use Permit for Spirit Guides for failure to pay necessary fees. On a roll call vote: Voedisch, yes; Pazlar, yes; Adams, yes. Resolution passes.

Official newspaper

Kristine Eid reported to the board regarding the need for affidavits of publication. She said that State law does not require them. She advised that the clerk can print out the email and the PDF file as proof of publication. She indicated that the Pioneer Press can be kept as the legal newspaper.

2010 levy

Treasurer Bennett stated she learned that the Town will be short the “unallotment” of \$11,036 from the State for the 2010 levy. She apologized for not checking further into the situation in time for the September special Town meeting. The Board indicated it is not interested in trying to hold another meeting, especially when it looks like \$5,000 may be saved on crack sealing and possibly lower paving bids than budgeted. Bennett asked the Board to consider adding the dollars to the 2011 levy, if needed.

Hearing no further business, Adams moved, seconded by Pazlar, to continue the meeting to October 6 at 4 pm for awarding of paving bids.. All approved.

Paving Bid Opening

The bid opening meeting was moved to October 8 at 4 pm, and a notice of change was placed under the glass at the Town Hall. Engineer Hankee brought forward 7 bids, Tower Asphalt being the lowest responsible bidder. Voedisch moved, seconded by Pazlar, to select Tower as the paving contractor. All approved. Hearing no further business, Voedisch moved, seconded by Pazlar, to adjourn. All approved.

ATTEST:

Linda Klein
Town Clerk

Respectfully submitted,
William K. Voedisch, Chairman