

**TOWN OF MAY
WASHINGTON COUNTY
OFFICIAL TOWN BOARD MINUTES
June 11, 2009**

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, June 11, 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; Diane Hankee, Town Engineer; Linda Klein, Town Clerk; and residents of the Town of May. Absent: Cheryl Bennett, Town Treasurer. Chairman Voedisch called the board meeting to order at 7:00 pm.

Voedisch moved, seconded by Adams, to approve the minutes of the May 7, 2009, Town Board meeting as presented. All approved.

The Board discussed the fact that DCI added calcium chloride to the Vet's Camp Road, even though it was not in the original estimate, which resulted in an additional cost of \$1,000. Pazlar suggested discussing the issue with the individuals at the Vet's Camp. Adams moved, seconded by Voedisch, to approve checks #15587 through 15619. All approved.

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

Zillmer 201 Sewer Hookup Request

Mr. Zillmer appeared to request a hookup to the 201 sewer system for a new home on Lake Carnelian. They have received a variance from Washington County with a condition that they hook up to the system. They are located on 130th Street near the point. Voedisch advised him of the Township \$2,600 hookup, which is separate from the costs that will be incurred when he hires someone to install the tanks and hook up to the system. Cost of improvements and maintenance are to be borne by the residents. Voedisch moved, seconded by Adams, to approve the 201 sewer hookup. All approved.

Proposal to Improve 201 Sewer Holding Tank Area on Panorama

Judy Baker appeared to request approval to put a perennial garden on the holding tank for the 201 sewer system, which is located near the entrance to the community of lakeshore owners. This request is on behalf of the Carnelian Heights homeowner's association. Adams moved, seconded by Pazlar, to approve the plan as presented to improve the appearance of the lift station on Panorama. All approved.

John Harvey Access

John Harvey appeared to ask the board for advice regarding access to his 40 acres, so that when the property sells, the buyers will know if they have access or not into the property to build 1, 2 or 3 new homes. The property also includes a Minnesota Land Trust easement for a trail, along with a conservation easement, both sitting where the east access exists, even though Harvey's access predates this. Attorney Snyder advised the Board that this is a complicated issue and

suggested that the Board work with staff and address this at a subsequent meeting. Voedisch suggested collecting an escrow for this work, which Attorney Snyder took under advisement.

Planning Commission

Public Hearing

Larson Variance

Larry Larson has requested approval of a variance to allow the construction of an addition to a detached accessory building that is within the required 150 foot setback to the centerline of an arterial road. The property is located at 15120 Square Lake Trail North/CSAH 7, is located within the Shoreland District of Square Lake, and is zoned Rural Residential.

Washington County would normally deal with a variance within the shoreland, but the existing building and its expansion are compliant with the County's arterial road setbacks. The Town is more restrictive in this aspect, and thus, the Town is handling the variance request. The parcel is 0.67 acres in size and is located directly on Square Lake. It contains a single family home; a detached garage between the home and the road; and two sheds (one located between the lake and the home, and the other located between the garage and the road). The applicant is proposing an addition onto the detached garage, which includes adding space to the front of the garage and above the garage (attic space) for storage. The existing garage is 22 feet, 10 inches long by 21 feet wide, or approximately 480 square feet in size, according to the applicants. The proposed addition to the front of the garage is 5 feet long by 21 feet wide, equaling 105 square feet, and it would increase the size of the building footprint to approximately 584 square feet.

The applicant is also proposing to remove the existing garage trusses and replace them with attic trusses. The garage currently contains 8 foot high walls, and the roof measures 12 feet to the peak. The proposed garage would contain 8 foot high walls also, but the roof would measure to 18 feet, 10 inches at the peak.

According to Section 705.05.E. of the May Zoning Ordinance, parcels of less than one acre are allowed a maximum of one detached accessory structure. One single story shed of one hundred twenty (120) square feet is also permitted in addition to the detached accessory structure. The parcel currently contains two sheds under 120 square feet (97 square feet in size and 73 square feet in size), creating a non-conforming situation. Planner Carie Fuhrman noted that if the Town were to approve the variance request, the non-conforming situation should be corrected.

Planning Commission Chairman John Arnason reported on their review of this request and noted that they recommended approval, and they did not believe either of the existing sheds should be removed. Chairman Voedisch asked the applicant about the site plan, and he was of the opinion that the applicant could go out 8 feet as opposed to 5 feet. He noted that he had reviewed the Planner's report, was aware of the concern for the 40 foot setback, and noted that one of the existing sheds was 16 feet from Square Lake Trail. After considerable discussion, the board agreed that this shed needs to be moved or removed, and that the applicant would be allowed to add this structure (or a new structure) to his existing garage, and then treat it as part of the garage, such that the garage does not to exceed the Town Ordinance maximum of 720 square feet.

Voedisch moved, seconded by Adams, via Resolution 2009-05A, to approve the request for variance for Larry Larson, 15120 Square Lake Trail N., to add onto an existing accessory structure at his home that does not meet the Town's setback requirement, with the Findings of Fact and Conditions as presented in the resolution. Approved on a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Motion passes.

Michaelis Conditional Use Permit Small Business and Variance

Mark Michaelis has submitted an application for a conditional use permit to operate a small business on his property, and a variance to the accessory building setback requirement. The small business request involves automotive maintenance and repair. The variance request is to allow the accessory building in which the business is to be operated may be closer than 100 feet to the north property line/right-of-way of 150th Street.

The parcel is located at 14970 Saint Croix Trail North and is zoned RR, Rural Residential. The applicant has recently purchased the property and is interested in starting his own small business at this property, which is his primary residence.

The subject parcel measures 15.6 acres in size and contains frontage on State Highway 95/St. Croix Trail North to the east and 150th Street North to the north, with an existing driveway access off of St. Croix Trail North. It is located within the Shoreland Management District of "Willow Brook". The parcel is zoned RR, Rural Residential, and is designated as Rural Residential in the 2030 Comprehensive Plan. The garage is located in the NE corner of the parcel, and the house is located to the south of the garage.

Variance The applicant would like to operate the business within the existing detached garage located on the property; however, it does not meet the 100 foot property line setback requirement for accessory buildings in which a business operation is being conducted (Section 402.03.B.2). The detached garage is approximately 14 feet from the north property line/right-of-way of 150th Street:

The applicant points out the following factors in the Variance Request Narrative:

1. A dead end dirt road (150th Street) runs along my north property line, which is about 20 feet wide.
2. To the north of the dead-end road is open land that is currently farmed – no occupied residence.
3. My garage is at least 500 feet from any residence.
4. The north side of the garage is a solid wall.
5. The 2 operating garage doors face east and west, limiting exposure to the north property line.
6. This is a pre-existing garage. When it was built by a previous owner, operating a small business was apparently not considered. Moving the garage to another location or building a new garage to meet setback requirements is not financially possible for me and would definitely create a hardship.

Chairman Arnason reported on the Planning Commission's deliberations regarding this request and concluded with a Planning Commission recommendation of approval. Pazlar noted that it is a reasonable request well within the ordinances. He stated that the substance of the meeting involved minimizing any impacts on neighbors. The applicant stated that he plans on only

working on cars in two bays in the garage and reserving two bays for his personal vehicles. He brought forward a site plan with various pictures showing location of the road in and proximity to neighbors. Voedisch noted that closing the shed doors for noisy activities and after 6 pm, plus a prohibition against deliveries and vehicle drops off after 6 pm, should mediate impacts to neighbors during the evening.

Attorney Snyder advised that, when considering hours of operation, perhaps it makes sense for the board to be more restrictive on hours, with the thought this can be amended in the future. The board spent considerable time discussing hours of operation. Pazlar was very much in favor of restricting hours, based upon this being in a Rural Residential neighborhood, and he would like to protect the citizens. The applicant stressed that being able to work evenings will be critical to his business, and he is a long distance from most neighbors. He will do everything he can to be a good neighbor and limit noise.

Adams moved, seconded by Voedisch, via Resolution 2009-06, with supporting Findings of Fact, to approve a Conditional Use Permit to operate an automotive maintenance and repair small business, including a variance to the 100 foot property line setback requirement for an accessory building in which a business operation is being conducted, located at 14970 St. Croix Trail N., in the Town of May, including friendly amendments that the garage doors be closed after 6 pm every day, that no more than 5 vehicles will be parked outside at any time with hours of operation of 7 am to 10 pm (M-F) and 7 am to 2 pm Saturday, and subject to further board restrictions, as warranted. On a roll call vote: Adams, yes; Pazlar, nay; Voedisch, yes. Motion passes.

Public Hearing

Wood Fired Boilers Ordinance

Town Board Supervisor John Pazlar brought forward the proposed ordinance restricting the use of wood fired boilers in the Town. His goal is not to ban them, and existing boilers would be grandfathered. The ordinance relates to any new boilers being built. The newer units now have EPA standards that must be met, and that is the goal of this ordinance – to make certain that all new boilers adhere to EPA standards.

Arnason reported that the Commission could not reach consensus on this ordinance and passed it on to the board without recommendation. Pazlar suggested discussing the ordinance and giving people in the audience a chance to speak. He then suggested approving the ordinance as written. Voedisch stated that he believes it will take more time to go through the ordinance to make sure it is addressing the right issues. Voedisch suggested more discussion at the next meeting, specifically on stack height, and he suggested that board members send any questions to the consultants. No further action was taken.

Roads and Engineering

Road Projects

2009 Sealcoating

Pazlar moved, seconded by Adams, to award the 2009 sealcoating work to Allied Blacktop at a cost of \$ 30,385. All approved.

New Business

David Leonard

Leonard appeared not only to ask for a reduction of his 201 sewer billings, but also to discuss flooding on their property. Mr. Leonard has been billed for 3 bedrooms, and he has one bedroom. Pazlar moved, seconded by Voedisch, to reduce his payment for the 2009 year. All approved. Leonard asked for reimbursement for all the years he was overbilled, but the Board advised him that our policy is to correct billings in the current year only. He will return next month to further discuss the billings and his flooding. The Board directed the engineer to take a look at this property and assess flooding mitigation.

Withrow Ballroom

John Rawson appeared before the board to discuss a proposal for the Withrow Ballroom. He is setting up a non-profit corporation in the event the bank cannot find a buyer and decides to give it to someone. He proposed that the Withrow Historical Society would operate it as a ballroom/dance hall and event center and the existing CUP would be adequate. His intent is to maintain the historical nature of the building. Dr. David Howe, a veterinarian, and Chris Reed would be his partners in the venture. They are looking to develop a philanthropic advisory board.

County Truck Voedisch reported ongoing negotiations with the County, and they are now offering a newer truck with lower mileage, in keeping with their earlier commitment. He will report back next month.

Roth Violations Voedisch suggested a site visit to the Roth property with Pete Kluegel to make a total assessment of his violations.

Hoffer CUP Billing Voedisch suggested waiving Mr. Hoffer’s application fee and asking consultants to attempt to use previous reports, etc. so as to minimize the use of Hoffer’s escrow, and that the Town could pick up half of Mr. Hoffer’s billings. This is done in recognition of the fact that Mr. Hoffer has spent significant dollars with the Town in an attempt to get his wind energy tower permit.

Hearing no further business, Adams moved, seconded by Voedisch, to adjourn the meeting. All approved.

ATTEST: _____
Linda Klein
Town Clerk

Respectfully submitted,
William K. Voedisch, Chairman