

**TOWN OF MAY  
WASHINGTON COUNTY  
OFFICIAL TOWN BOARD MINUTES  
January 7, 2010**

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, January 7, 2010, at the May Town Hall. Those present included Bill Voedisch, Board Chairman; John Pazlar, Supervisor; John Adams, Supervisor; Peter Kluegel, Building Inspector; Diane Hankee, Engineer; Dave Snyder, Town Attorney; Linda Klein, Town Clerk; and residents of the Town of May. Absent: Cheryl Bennett, Town Treasurer. Chairman Voedisch called the meeting to order at 7:00 pm.

Voedisch moved, seconded by Pazlar, to approve the minutes of the December 3, 2009, Town Board meeting as presented. All approved. Voedisch moved, seconded by Adams, to approve a cost share on the clerk's computer of \$320. All approved.

Voedisch moved, seconded by Pazlar, to approve checks issued in December, checks #15825 through 15834. Adams moved, seconded by Voedisch, to approve January checks #15835 through 15868 (voiding 15860 and 15861), including EFTF110 and EFTS 110 transfer to IRS and State respectively. All approved. Voedisch 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.

## **Planning Commission**

### **Public Hearing**

#### **Arcola Mills Historic Foundation**

#### **Amendments to CUP**

A Place of Grace has withdrawn their request to locate on the Arcola Mills site; however, Arcola Mills is still requesting amendments to the existing conditional use permit, in regards to hours of operation, signage, usage numbers, and parking. Planning Commission Chairman John Arnason reported on the public hearing and the variety of requests for additional numbers of visitor visits, new signage, and enhanced parking. He noted that the situation with the septic system remains the same, with 3,000 gallons of holding tank capacity and no drain field. He concluded that the Planning Commission recommended approval with a list of conditions, to be included in the Town resolution, if approved.

Chairman Voedisch brought forward Resolution 2010-01 approving amendments to the Conditional Use Permit as presented by Arnason, restating hours of operation, signage, daily head counts and parking. Pazlar questioned the ability of the existing septic system to handle a crowd of 300 people, especially considering the location in the St. Croix River protected district. He is looking for a professional engineering opinion on the system and the parameters that must be put around it. Snyder suggested that the engineering data be gathered by the Town Engineer prior to signing the CUP. Voedisch suggested doing the research independently as opposed to getting an engineering study.

Voedisch moved, via Resolution 2010-01, seconded by Pazlar, to approve the request for Conditional Use Permit amendments as stated in the resolution with the conditions as stated by

the Planning Commission as well as additional conditions stated in the resolution, with an additional action item that the Town initiate additional research regarding the capability of the septic system to handle large events and include that detail in the CUP. On a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Resolution is adopted.

### **Public Hearing**

#### **Arcola Mills Historic Foundation**

##### **Ordinance to Add a New Conditional Use in Conservancy District**

Chairman Arnason reported on the need for an additional Conditional Use in the Conservancy District to better define Arcola Mills, and they recommended approval of the new ordinance adding the new definition to the Town Code. Voedisch brought forward a proposed ordinance to include educational retreat center as a conditional use and to add a definition of educational retreat center to the definitions section of the Conservancy District in the Town Code. Voedisch moved, seconded by Adams, to adopt Ordinance 2009-07 amending the conditional uses allowed in the Conservancy District defined in the Town Code, by the addition of a new use that more properly fits the uses of "Arcola Mills", and adding a definition of the use to Chapter 7 of the Town Code. On a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Resolution is adopted.

### **Public Hearing**

#### **Paul Bergmann – Withrow Ballroom**

##### **Ordinance to Add Conditional Uses to the General Business/Commercial District**

Chairman Arnason reported on the Planning Commission discussion of the proposed new conditional uses to the General Business/Commercial District. Adams moved, seconded by Voedisch, to approve Ordinance 2009-08 amending Section 708.04 of the Code to allow the Withrow Ballroom site to expand commercial uses to include a garden center, greenhouse, agri-entertainment, and limited ancillary business activities, as accessory uses to the principal use of the site as an operating ballroom in the General Business/Commercial District of the code. On a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Ordinance is adopted.

### **Public Hearing**

#### **Paul Bergmann – Withrow Ballroom**

##### **Ordinance to Add Agri-entertainment as an Interim Use in the RR & AG Districts**

Chairman Arnason reported on the commission's recommendation to approve the new ordinance. Voedisch moved, seconded by Pazlar, to approve Ordinance 2008-09 amending Section 708.01 Agriculture District and Section 708.02 Rural Residential district of the Town's zoning ordinances to allow certain agri-entertainment uses as interim uses in those districts, and to establish that interim use permits are subject to the same review and standards and procedures as Conditional Use Permits. On a roll call vote: Adams, NO; Pazlar, yes; Voedisch, yes. Ordinance is adopted.

#### **Paul Bergmann – Withrow Ballroom**

##### **Resolution to add Bergmann Greenhouse & Garden Center uses to Comp Plan 2030 in 4 locations**

Chairman Voedisch brought forward the resolution for the board's review. Adams moved, seconded by Pazlar, via Resolution 2009-15, to amend the Comprehensive Plan 2030 allowing

intensification of the commercial uses and expansion of the existing business on the commercially zoned Withrow Ballroom site, to include the Germann Greenhouse and Garden Center. On a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Resolution is adopted.

### **Planning Commission Appointments**

Voedisch moved, seconded by to re-appoint planning commission terms of Chad Nelson, Mark Dupre, and Jyneen Thatcher. All approved.

### **Public Hearing**

#### **Ordinance to Rezone Stifter land from RR to Agricultural & Resolution supporting enrollment in Agricultural Preserve program**

Chairman Arnason reported on the Planning Commission discussion of this issue. They did recommend approval of the ordinance to rezone the land from RR to Agricultural in preparation for enrolling in the Ag Preserve program. Voedisch explained the reasoning behind the proposed ordinance, and that rezoning a rural residential property to agriculture and support of the Agricultural Preserve program is consistent with the Comprehensive Plan.

Voedisch moved, seconded by Adams, to approve Ordinance 2009-06 amending Section 707.01 of the May Town Code and amending the Town's zoning map as contained in the Comprehensive Plan 2030, to include real property into the agricultural zoning district from the current zoning designation of Rural Residential. On a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Ordinance is adopted.

Voedisch moved, seconded by Pazlar to approve Resolution 2010-02 supporting the enrollment of the Eugene and Mary Anne Stifter farm into the Metropolitan Agricultural Preserve Program. On a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Resolution is adopted.

Adams moved, seconded by Pazlar, to approve the restricted covenant and execution of all the documents necessary for enrollment into Agricultural Preserve program.

### **New Business**

#### **Potential Building Violations**

The Creagers brought forward pictures disputing the height of their neighbor's (Chris Niskanen) fence on 136<sup>th</sup> Street, saying it devalues their property. Pete Kluegel, building inspector, met with the property owners and noted it is a 7 ½ foot fence. Snyder advised that when a person asks for a building permit for an 8 foot fence, they usually will receive one if it fits with the setbacks, etc. Voedisch noted, however, that the maximum height of an interior fence is 6' and anything higher needs a variance.

Creagers contend the Niskanen fence is also too close to the ordinary high water level of the lake. The Board indicated that Niskanen should reduce the fence to 6', and that according to the Washington Conservation District, the OHW cannot be determined until spring.

### **Engineering Projects**

The Board discussed engineering projects. Diane Hankee updated the Board on her list of potential road projects. She noted that federally mandated sign replacement will be required at some point in the next few years, and this could total \$30,000.00 to \$50,000.00. The Board inquired about ways of minimizing signage expense and Diane is to provide detail on when updates must be made and how to go about doing them in the most cost-effective manner as possible. She noted that she was recommending \$35,000.00 for crack seal budgets and \$100,000.00 for the paving budget for 2011.

### **201 County Sewer Contract**

John Adams introduced the 201 Sewer Maintenance Contract with Washington County. Adams moved, seconded by Pazlar, to approve the contract. All approved. John will have it executed and forwarded to the County.

### **Website Discussion**

The Board noted that the website is still not findable on Google. John Adams will look into it. It may take a couple of months to have it read by Google.

### **Plow Truck Sale**

The Board approved an ad to sell the truck, both by bid or for the first offer of \$10,000.00.

### **Contract with Washington County Conservation District**

Motion was made by Pazlar, seconded by Voedisch, to approve the contract with Washington County Conservation District. All approved.

### **Newsletter Subjects**

The Board discussed possible newsletter subjects. These include:

1. Consideration of adoption of a flat fee for the 201 system; Adams to write.
2. An update on the wood boiler ordinance as approved; Pazlar to write
3. Status of the Withrow Ballroom;
4. Status of the park and its improvements by Mr. Klein;
5. Budget and levy; Voedisch to write

### **Outdoor Wood Boiler Fees**

Based on citizen feedback as reported by Mr. Kluegel, Voedisch moved, seconded by Pazlar, to reduce the fee for wood boilers to \$ 40.00 for issuance of the permit and \$15.00 for renewal. All approved.

### **Budget and Levy Special Meeting**

The Board set a special meeting to discuss budget and levy issues on Tuesday, January 26, 2010, at 8:00 am. A motion was made by Adams, seconded by Voedisch to continue the Board meeting until the 26<sup>th</sup> of January. All approved.

**Meeting Continuation  
Budget and Levy**

The Town Board reconvened at 8 am on January 26 to discuss budget 2010 and budget and levy for 2011. They discussed ways of covering the State Aid shortfall. After considerable discussion and adjusting of line items, the Board decided to levy \$150,000 for asphalt roads in 2011, while still providing a 4.6% reduction in the 2011 levy compared to the adjusted 2010 levy. They did this by (a) a one year hiatus on asphalt road projects and (b) tapping the "County Gravel Tax" fund to buy gravel, since it is no longer dedicated to May Avenue. The proposed budgets and levy will be further discussed and decided upon at the February meeting.

Hearing no further business, Adams moved, seconded by Pazlar, to adjourn. All approved.

ATTEST: \_\_\_\_\_  
Linda Klein  
Town Clerk

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Respectfully submitted,  
William K. Voedisch, Chairman