

**TOWN OF MAY  
WASHINGTON COUNTY  
OFFICIAL TOWN BOARD MINUTES  
November 5, 2009**

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, November 5, 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, Christine Eid, Attorney; Diane Hankee, Town Engineer; Linda Klein, Town Clerk; Cheryl Bennett, Town Treasurer and residents of the Town of May. Chairman Voedisch called the board meeting to order at 7:00 pm.

Voedisch moved, seconded by Adams, to approve the minutes of the October 1, 2009, Town Board meeting as presented. All approved.

Pazlar moved, seconded by Adams, to approve checks #15747 through 15785, including EFT transfer 1109 to IRS. All approved. Adams moved, seconded by Pazlar, to approve the Treasurer's report as presented. The official cash control has been amended per the Treasurer's direction. The report is attached to these minutes and serves as the official record. All approved.

## Planning Commission

### Public Hearing

#### Variance

Jerome Jablonski has submitted an application for a variance to construct a detached accessory building closer to the front lot line than the principal building. The property is located at 14355 Old Guslander Trail North, is 9.26 acres in size, and is zoned Rural Residential. The proposed building will be 1,800 square foot (30 by 60 foot). The parcel currently contains a single family home and attached garage.

A 9.26 acre site is allowed two (2) detached accessory buildings, along with one single story shed of up to one hundred twenty (120) square feet. This application meets the accessory building number regulation as the property does not currently contain any detached accessory buildings.

According to the site plan, the home is located 327 feet from the front lot line and 104 feet from the west property line. The accessory structure is proposed to be located northwest of the existing home: 267 feet from the front lot line and 50 feet from the west property line.

The parcel is 326 feet wide and approximately 1,270 feet long. It is heavily-wooded between the road and house location. The grade of the lot slopes down from the front of the home to the back (the home is a walk-out), and there is a clearing located behind the home. However, two issues of concern are raised in regards to placing the accessory building in this location. First, the septic system (septic tank and drainfield) is located behind the home. Second, placing the accessory building in the rear of the home would

require either a new driveway, or extension of the existing driveway. Locating a driveway access would be difficult: the slope from the front of the home to the rear is short, but steep, raising safety concerns. In addition, the amount of grading and site preparation, including dirt-moving and tree removal, would be significantly more than in the proposed location. Finally, a rear site would be at least 350' from the house, quite inconvenient. All of these features limit the ability to locate the accessory building behind the principal building.

As of now, the attached garage is barely visible from the road because of the screening provided by the evergreen trees. Being the accessory building will be located to the side of the home, it appears that the building will be well-screened from the road.

Based upon the stated limitations of the property, and the screening provided, the planner recommended approval of the variance. The spirit and intent of the Ordinance is to protect the appearance and rural character of the community when being viewed from a public road. The proposed location of the building and the heavily-wooded surroundings prevent the building from being seen from neighboring homes or from the public road.

Planning Commission Chairman John Arnason presented the board with an overview of the Planning Commission's deliberations regarding this request. He advised the Board that the Commission agreed that this building fits the spirit of the ordinance and they recommended approval.

Adams moved, seconded by Pazlar, via Resolution 2009-12, with supporting Findings of Fact, to approve a variance to allow the construction of a detached accessory building nearer the front lot line than the principal structure, located at 14355 Old Guslander Trail N. with the conditions recommended by the Planning Commission. On a roll call vote: Voedisch, yes; Pazlar, yes; Adams, yes. Resolution is adopted.

## **Public Hearing**

### **Conditional Use Permit Amendment**

#### **Arcola Mills Historical Foundation (continued to November PC meeting)**

Chairman John Arnason presented a brief review of the Planning Commission's discussion of this request.

Arcola Mills Historical Foundation has applied for an amendment to their existing conditional use permit (CUP) in order to allow A Place of Grace (APOG) and its associated services/uses to occur on the subject site. The property is approximately 54 acres in size and has frontage on State Highway 95 and Arcola Trail North. The property is zoned Conservancy District and is located within the St. Croix River Management District. Arcola Mills seeks to lease space to APOG, a newly incorporated Minnesota non-profit corporation with a mission to bring healing services to people who have not found help elsewhere. The Town of May issued a CUP for a non-profit conservancy area to Arcola Mills Historical Foundation in 2004. A CUP amendment is needed to allow the proposed uses and changes

Upon further review of APOG's operational details, the planner noted that a text amendment to Section 708.03 of the Zoning Ordinance would also be needed. The uses/services proposed by APOG do not appear to fit in with the listed permitted uses, accessory uses, or conditional uses in the Conservancy District and would require an Ordinance amendment. Should the plan move forward, the public hearing for the text amendment would be held at a later date, after publication and notification of property owners. The text amendment shall be considered in "concept-form" in relationship to the CUP amendment at this time. The public hearing (for the text amendment) would not be heard until a future date after public notice was published and mailed.

**A Place of Grace (APOG): A Sanctuary of Hope, Health & Healing** has a mission of providing healing services to people who have not found help elsewhere, addressing the many levels of pain, whether it is physical, emotional, mental, or spiritual, through traditional medicine, mental health services, alternative healing, and spiritual healing. The organization seeks to provide education, consultation, and therapy programs. Their "generous service model allows clients time to tell their whole story to highly qualified professional staff...so that a complete picture of all the stressors that may be impacting an individual's total health can be revealed." They will offer educational training and hope to attract health care professionals, spiritual seekers, and the open-minded and curious who want to learn more about life.

The planner went through the many levels of significant changes that would be required to approve this CUP amendment, including increased levels of usage, need to update the septic system, text amendment(s) to Town Ordinances, and – in general – the fact that the requested usage is not in keeping with the Conservancy District. She also stated that she has spoken with Pete Ganzel at Washington County and Molly Shodeen at the Department of Natural Resources. Both agencies were concerned about the increased usage and its impact on the environment, given the status of the existing septic system. The planner concluded by recommending denial, since the application was not in keeping with the conservancy district.

After considerable discussion, Arnason stated there was interest in the concept, but the big issue was whether or not it is consistent with the permitted uses within the conservancy district. The Commission continued the public hearing, given there was not sufficient support for the project, but they were uncertain regarding how the uses fit in the conservancy district. Arnason also advised the board that many of the accessory structures have fallen into serious disrepair and should be addressed at this time.

Voedisch asked Arnason to come forward at the next PC meeting with suggested ordinance changes that might be indicated by the application from a Place of Grace. Pazlar reminded the PC that the existing CUP is not terribly specific about what they can do on the site. He suggested more closely addressing the vague nature of the existing permit. Arnason stated that this is a good opportunity to make a listing of the exact activities that can take place under the conditions of the new CUP.

Grundtner stated that they are prepared to discuss the disposition of the ancillary

buildings at this meeting. He also stated that they may be considering an alteration to the application before the next PC meeting. Grundtner brought forward a plan of action for stabilizing, documenting and updating all the buildings. He stated that once a building is torn down, the National Park Service only gives them one year to rebuild. Voedisch suggested that one Board member and Building Inspector Kluegel walk the grounds with Mr. Grundtner and assess what is there and what should be done to each structure to preserve them and protect the public until they can be rebuilt. Adams volunteered to be the board representative. They will meet in the next week for the assessment.

## **Roads and Engineering**

### **127<sup>th</sup> Street Project**

Engineer Hanke reported on the paving project. She stated the old pavement has been removed, and they are waiting for proper weather conditions to complete the project.

### **Rydeen Grading Permit**

Hanke stated that this project has been revised and he will be sending a check for the permit.

### **Leonard Drainage/201 System**

Leonard is amenable to having C & B come out and do the work, but both he and his father must sign a right of entry agreement

### **Road Tour**

Hankee reported on the road tour, and Voedisch put together a list of what was observed (attached). He drew the board's attention to the property with all the trailers on Paris Avenue. The Board instructed the attorney to send a letter to the property owner advising of the violations and asking them to remove several of the trailers.

Pazlar brought up the topic of communicating with the road crew. He feels it should be mandatory that the road crew have access to email and it should be checked on a daily basis. He suggested asking the Treasurer to work with the road crew and report back to the Board in 30 days how it will be taken care of.

## **Old Business**

### **Roth Building Request**

Rick Roth appeared to discuss his request to construct two lean-to's on his property, one on the east side of the machine shed and the other attached to the carpentry shop.

Voedisch presented an email from neighbor Todd Clarkowski expressing concerns.

Pazlar stated that, due to the lack of public attendance, his concerns are satisfied. Adams agreed. Voedisch stated that his concern is the addition of a lean-to on the machine shed may suggest a return to restarting the auto business, and he is against this one. Roth stated that his proposed use for this is covering his collectible pickup and his boat.

Adams moved, seconded by Pazlar, to approve the construction of two lean-to's, one on the east side of the machine shed (450 square feet); and one on the side of the carpentry building (400 square feet), and (friendly amendment) uses will not support or foster the

operation of an auto-centered business. Adams accepts the amendment. Pazlar and Adams vote yes; Voedisch votes no.

**Website**

Adams reported that he intends to get the website live on Monday.

**New Business**

**David Johnson Property**

Voedisch advised Mr. Johnson that the Board is concerned about the state of his property, and Pete Kluegel has been on site and has created a list of all the vehicles (25) and machinery that appear to be inoperable. Voedisch advised Johnson that the storing of machinery and vehicles is the most egregious of the nuisance offenses and that removing “trash” is not sufficient. Adams moved, seconded by Pazlar, to give Johnson 90 days to remove all inoperable vehicles, and that only 7 operable and licensed vehicles can remain on the property after the 90 days. The Board will revisit the matter on February 4. All approved.

**Scott Klancke Request**

Klancke is asking to build his new house prior to the teardown of his old home. Voedisch advised that the attorney will draft an agreement regarding the teardown requirements, and he posted \$20,000 as a cash escrow.

**Taxing District Ordinance**

The law firm failed to bring in and explain the ordinance. The issue was tabled.

**Michaelis CUP**

Voedisch moved, seconded by Pazlar, to allow the applicant three additional months in which to pay his remaining escrow balance, at a rate of approximately \$400 per month. His balance should be down to nothing no later than February 1. All approved. His permit should not be mailed until the debt is settled.

**Code Book Update**

The Clerk will work with Deb Barnes to get all the ordinances published so that we can proceed with the code book update process.

**ISTS Ordinance**

Voedisch reported that the County is adopting a new ISTS (septic system) ordinance, and unless we adopt our own, we will be operating under the new County ordinance. The Town has until September 2010 to act.

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

ATTEST:

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Linda L. Klein  
Town Clerk

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Respectfully submitted,  
Bill Voedisch, Chairman