

TOWN OF MAY
WASHINGTON COUNTY
OFFICIAL TOWN BOARD MINUTES
April 7, 2011

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, April 7, 2011, at the May Town Hall. Those present included Bill Voedisch, Board Chairman; John Pazlar, Supervisor; John Adams, Supervisor, Town Attorney Dave Snyder, Town Engineers Diane Hankee and Matt John, Building Official Pete Kluegel and the Town Road Crew, Marv and Tommy Schroeder. Absent: Linda Klein, Town Clerk and Town Treasurer Cheryl Bennett. Chairman Voedisch called the meeting to order at 7:00 pm.

Minutes, Checks, Treasurer's Report

Adams noted two typos in the minutes. Voedisch moved, Adams seconded, to approve the minutes of the March 3rd, 2011 Town Board meeting as presented and corrected. All approved.

Pazlar presented the check register and did a brief review. Pazlar moved, seconded by Adams, to approve checks 16388 to 16423 for April disbursement, plus EFTS411 and EFTF411 electronic funds transfers to the State and IRS, respectively, for withholding. All approved

John Pazlar presented the Treasurer's report showing a balance of \$1,045,871.40 of which \$573,227.57 was investments. Pazlar moved, seconded by Adams, to approve the Treasurer's report as presented. All approved. The check register and treasurer's report are attached to these minutes and serve as the official record.

Rocky Hoffman tear-down project

Voedisch noted during the treasurer's report review that the Hoffman Letter of Credit is to expire on May 1st and asked for a report from Mr. Hoffman and/or Pete Kluegel as to the status of the old house teardown and site restoration project, which was to be completed by this meeting. Mr. Hoffman reported that the house has been burned as a fire department exercise but the site is not yet restored. Pete concurred. Hoffman asked for another 90 days and showed a work estimate from Rick Fuhr to complete the job. On earlier advice from Voedisch, he also submitted a new Letter of Credit that expires Aug 1, 2011. Voedisch moved, seconded by Adams, to accept the new Letter of credit, extend the deadline to completion by 3 months to the July meeting, that we forgo amending the tear down agreement at this time, and ask that Pete continue to keep the board posted on progress. All approved.

Michaelis small business permit – violations

The Michaelis small business permit allows for a maximum of 5 vehicles parked outside at any time for any reason. The Town has noted vehicle counts during the winter of 7 to 13, and a violation letter from Town Planner Fuhrman to Michaelis advised him to attend this meeting to defend his actions. Voedisch presented photos of about 3 weeks ago showing 7 vehicles, and that at least 2 of the winter "snow birds" next to the garage have been removed, or the count would have been 9, and that there are clearly project vehicles outside that never seem to move. Voedisch read from the Town ordinances the provision that any accessory use in the RR zone must appear secondary to the primary use which is residential, and must not stand out. Michaelis was present and indicated that clearly he is having a problem meeting the

5 vehicle limit, but that he would make every effort to do so. Voedisch reminded that a similar letter was sent to Michaelis a year ago. He reduced his car count then just as he has reduced his car count now, but the question is, will he stay in compliance? Again he indicated that he will do his best. The Board asked Attorney Snyder as to the process of rescinding a permit. By notice to the applicant and to the neighbors, and proper published notice, the Board could hold a public hearing on the matter of rescinding the permit. Michaelis could also make an application to increase the vehicle count allowed in the permit, which would also lead to a public hearing, notice to the neighbors etc. The Board decided to take no action at this time but advised Michaelis that it is easy to count his vehicles as he is wide open right on Highway 95, and that the Town would continue to monitor his vehicle count.

Sarah's Cottage Creations – concept proposal for weddings

The Buerkley's were present with a concept proposal to hold weddings on their 10 acres (2 lots). Voedisch asked if he needed to read again the section of the Town code stating that accessory uses must not be prominent in the RR zone. Sarah Buerkley said it didn't need to be read again.

Voedisch said the code is designed to protect residential neighborhoods from small businesses and other accessory uses from becoming prominent, and he asked how a 200 person wedding would not be a prominent use that would overshadow the residential character of the RR zoned neighborhood? Currently weddings are only allowed at the commercially zoned Withrow Ballroom. Ms. Buerkley indicated that there was plenty of screening on both lots and that it would just be weddings, no receptions. Board member Pazlar said that, at only 10 weddings a year, perhaps this would not rise to a level of being "prominent." Voedisch commented that the Square Lake Film Festival is only one weekend a year, but that if they wanted to do 5 a year, he thought the Town would have some concerns. Board member Adams said he would need more information on the specifics of the wedding events.

The Board asked Attorney Snyder his opinion. Rather than offer an opinion, he suggested the zoning administrator should render an informal opinion as to how this new use would fit with both the Town code and the RR zone. The Board agreed, and will direct Planner Fuhrman to do this, at no immediate cost to Buerkley.

Citizen request to pave Ozark (northwest side of Big Carnelian Lake)

Several citizens were at the meeting to discuss the request of some to pave Ozark from CR 11 all the way to where it turns private. William Still was out of town, so Mrs. Still had pictures showing bad potholes and runoff this spring, pictures Voedisch said could have been taken on Old Guslander or a few other gravel roads this spring, which has been especially tough on our gravel roads. The Board first asked the engineer to give a rough estimate of paving Ozark, and based on aerial photos she had on hand, Engineer Hankee estimates \$235,000 just for paving, with no road re-working of any kind.

Adams and Attorney Snyder then reviewed the petition process. Those in favor of paving paid for by the residents via assessment would have to get signatures from at least 75% of the residents who would border the paving. Voedisch said the Town does not have an assessment formula and it would have to create one, but for now it might be helpful to assume the each resident who borders the road gets equally assessed no matter their amount of frontage. Pazlar indicated that as soon as you pave, folks will start driving faster. It was at this point that two residents began to speak against paving.

One resident said the Town could bond for the road and assess over 10 years. Voedisch responded that

municipalities who are close to, or may be, defaulting, are in trouble because of bonding when times were good, and are now facing difficulty paying off bond principal and interest during these bad times.

After the paving discussion, attention turned to current maintenance. The road crew was present for the truck discussion, and they were asked how often they grade, and they responded once a week. Marv said he could grade Ozark more frequently. Tommy indicated that the “gravel” material laid down on Ozark this spring was “recycle” which packs much better than class 5. Pazlar wondered if this road was a candidate for crushed lime rock. The road crew noted one of the problems being those places on the road with high banks on each side that did not allow surface water to go anywhere. The engineer noted that her map shows the ROW’s and that in some spots the ROW is less than 30 feet wide so there may be little room to do much reconstruction in those areas.

It was decided we would do a road tour with the engineer, the road crew and the residents.

New truck review

Engineer Matt John invited two truck representatives to give presentations: Gary Lee of Astleford who sells International, and Steve London of I-State who sells Freightliner. Voedisch apologized for the meeting running late, and both understood. It was decided that Gary would go first while Steve would wait outside. During each presentation, Voedisch urged each to get Matt their trade offers on our existing single-axle truck. Voedisch took I-State and Towmaster to task a bit for having us test drive a totally overloaded demo unit that was way over our budget.

After both presentations were done and all questions were asked and answered, the board, engineer and road crew discussed the trucks. Although International said their advanced EGR system to meet pollution standards was superior, it seems they are only able to do this (and not use a Urea treatment to the exhaust) because they have transferred carbon credits from other truck product lines to this product line. Voedisch indicated his MnDOT connection said that International has been sued over this and they will have to go with a Urea-based system anyway. Freightliner said the hotter running International advanced EGR might prove troublesome in the long haul.

Although there were pluses and minuses each way, the Freightliner warranty was quite superior to International. Efficiency also favors Freightliner, and although total cost of operation needs to account for both Diesel and Urea used, the cost of diesel with International is the real unknown.

Voedisch asked Matt what other International and Freightliner dealers were we talking to and he said Boyer (Rodgers, MN) and River States (Roberts, WI) respectively. It’s important to talk to other dealers for issues of selection and trade value. Boyer has already offered \$12,500 in trade while Astleford has mentioned \$4,500, and I-State has not yet reviewed our truck.

Either truck may do the job so the board indicated we should continue to get final pricing, availability and trade from all dealers and make our decision, since lead times can be long for both trucks and add-ons (Towmaster, Aspen and Crysteel.)

New Ordinances

Voedisch re-introduced Ordinance 2011-02, a housekeeping and clean-up ordinance for Article 709, Interim Uses. This was reviewed at the last meeting, but tonight is its official public hearing. The

public hearing was opened, and hearing no comments, the public hearing was closed. The ordinance was adopted on a unanimous roll call vote.

Voedisch re-introduced Ordinance 2011-03, an ordinance lowering the dog impound fees. It too was getting its official public hearing tonight. The public hearing was opened, and hearing no comments, the public hearing was closed. The ordinance was adopted on a unanimous roll call vote.

Old Business

David Johnson - Voedisch asked if the David Johnson property could be tabled for a future meeting.

Brad Smith – Voedisch presented pictures he took in March showing two large storage containers. All such containers were to be removed by Dec 31, 2010 so he is still out of compliance with the Town’s directives. Further, the large burn pile just continues to grow. Voedisch presented a letter from the local fire warden, Bill Klein, who visited the site with his superior at the DNR. The letter indicated that the constriction waste intermixed in the burn pile can not be burned. The Board indicated that the Town Attorney should write another letter to Mr. Smith, directing that that storage containers remain in violation of the Town’s directives and must be removed, and that the burn pile either needs to be hauled away in its entirety, or separated into clean (natural vegetation) burnables, with the remaining construction waste hauled away. In no event shall the pile be burned without a proper burning permit.

Paris Ave – Voedisch passed out pictures of the two large RV trailers which are back again in the front yard, and both extend into the road ROW. According to Attorney Snyder who has been in touch with the owner, only one of the trailers belongs to the owner. Voedisch also handed out the section of the Town code that states that a property must contain no more than one such trailer, not to exceed 25 feet in length, it can not be occupied, and it must be in a building or to the rear of the property no closer to the front lot line than the house. The Attorney is directed to write another letter.

Animal control procedures - The Board felt this needed no further discussion at this time, but that having an alternate shelter for drop off could prove very helpful if AHS fails to deliver the services we expect and need.

New Business

Josephson Ag Preserves Withdrawal – A petition has been received from Attorney for the Josephson family to withdraw a second piece of land from AG Preserves. Voedisch presented Resolution 2011-04 memorializing the Board’s support of this action. It was adopted by unanimous roll call vote.

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

Voedisch moved, seconded by Adams, to open the confidential executive session of the Board. Because of attorney/client privilege and the potential for litigation, the minutes of this meeting are not reported here.

ATTEST: _____

Linda Klein
Town Clerk

Respectfully submitted,
William K. Voedisch, Chairman