

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
September 5th, 2024

The Board of Supervisors of the Town of May convened their regular monthly meeting on Thursday, September 5th, 2024, at the May Town Hall. Those present included: Board members John Pazlar, and Don Rolf. Clerk/Treasurer Bobbi Hummel; Deputy Clerk/Treasurer Marsha Olson; Planner Nate Sparks; Attorney David Snyder; Engineer Mark Erickson, and those with business before the Town. Board member Steve Magner was absent. Chair John Pazlar called the meeting to order at 7:01 p.m.

MINUTES

Pazlar moved, seconded by Rolf to approve the minutes from the August 1st, 2024 Board Meeting. All in favor. Motion passed.

Pazlar moved, seconded by Rolf to approve the reconvened meeting minutes on August 8th, 2024. All in favor. Motion passed.

CHECKS AND TREASURER'S REPORT

Treasurer Marsha Olson presented the Treasurer's Report, showing total cash and investments of \$2,444,427.48 of which \$721,925.82 is in investments. \$1,947,925.82 is committed. \$496,916.88 is non committed.

Old escrow balances need to be cleaned up. The Clerk will work on those this month.

Checks #22177 to #22221 and EFT0924B, EFT0924F, and EFT0924S are also presented.

Pazlar moved, seconded by Rolf to approve the cash control statement and checks from 08/01/2024 to 08/31/2024. All in favor. Motion passed.

PLANNING COMMISSION

Pilla Subdivision. Bass Lake Estates Preliminary Plat

Planning Commission Vice Chair Walt Peterson reports that the Pilla subdivision had no concerns. There was discussion about access to lot 2, currently a farm road. That will need to be addressed with the county when/if the property has a home built on it. The outlots on Bass Lake are not buildable. The Planning Commission recommends approval.

Sparks presents a resolution approving the Preliminary Plat to split the parcel. The final plat has not been reviewed yet. The park dedication fee will need to be collected prior to final approval.

Rolf asks if the farm road access is the intended access. Sparks notes that it could be, but it will need to be discussed when/if a building permit application is submitted.

Pazlar motions to approve Resolution 2024-12. Approving a preliminary plat for a minor sub-division referred to as Pilla Bass Lake Estates. Seconded by Rolf. All in favor. Motion passed.

Zoning Change. Frattalone

Anthony Frattalone, 14259 May Ave. is requesting that zoning on an adjoining parcel that he owns to the north of his current residence be changed from rural residential to agricultural. Changing it from a 1:10 acres to 1:20 acre requirement. With the zoning district change, the comprehensive plan needs to be amended as well. The town is required to keep the comprehensive plan and zoning map consistent. Peterson reports that this is a fairly routine request for the planning commission and they are recommending approval.

Pazlar motions to approve Resolution 2024-13. Amending the town comprehensive plan related to the land use designation of property north of 14259 May Ave. Seconded by Rolf. All in favor. Motion passed.

Pazlar motions to approve Ordinance 2024-03. Amending the town's zoning map to rezone property north of 14259 May Ave from rural residential to agricultural. Seconded by Rolf. All in favor. Motion passed.

201 SEWER SYSTEM

Work to determine exactly how many parcels could be served by the existing township system is in progress. Mapping of the 201 system is almost complete, including lots that are on the system currently and lots that have a potential for future connection. The purpose is to determine capacity levels. The next step is to determine which connections/lots can be sub-divided. Comparing those numbers could determine future expansion of the system.

The county is no longer involved in the permitting of the system. The township must take the lead on all aspects of this process. Policies and procedures must be developed. This should be complete in the next couple months. The county no longer has knowledge of the system so the work has been extensive to get procedures in place.

Former resident (Melanie Zahler) requests clarification of the 201 system.

- The 201 is a septic system with an estimated 89 current connections. The 201 system was installed many years ago with a grant from the federal government to save the lake water quality. The homes on the system were originally small cabin lots without a space for a septic system, currently only about 30-40 homes in the area have their own septic system. The system has a set capacity and the remaining capacity needs to be preserved for the lots that have no option to install a septic system on their own lot. There are surrounding communities that have the same type of system in their city/township, all funded by the grant program in the late 70's/early 80's. It is a collective septic system which acts like a mini-Super System Septic.

ENGINEERING AND ROADS

Engineer Erichson notes that some roads in the township will get gravel, but it will not be able to be complete before the application of calcium chloride. Some gravel budget dollars will carry forward to next year.

Patching quotes are in and all exempt one project is set to be complete next week. The project at 130th and CR 57 is more expensive than anticipated. The incline up to the roadway is currently a 7% grade and new pavement was recently added. Adding gravel to the dip in the gravel portion would not solve the issue and would cover the new pavement. The project involves cutting the new pavement and would lessen the grade to 4%. It would cost about \$10,000 and he would like to Board to review the project details.

Pazlar is in favor of trying to come up with a solution. Magner may like to speak to this as well at next month's meeting. If a decision can be made next month, there may be time to fix it this year.

Rolf would like Mr. Erichson to meet with the property owner and make sure everyone is on the same page. Cost on this project may need to be discussed as well as costs for road projects throughout the township.

Mr. Erichson will meet with the property owner on-site before next month.

Chloride Application on Roads

Ted Nesse, resident. Mr. Nesse asks the Board to consider an equitable way to reduce the calcium/chloride on some town roads. The calcium causes corrosion, makes a mess on cars, and adds unwanted chemicals to the environment. Also acknowledging, some roads need it so they can enjoy their yards, open their windows, and it provides benefits to the preservation of the road. There are roads that could go without treatment, freeing up funds for other road projects. He suggests an opportunity for residents to provide input on calcium/chloride application on roads with the hope to reduce application on some areas where dust control is not essential.

Pazlar is open to all suggestions, but this has been an issue for all of the 27 years he has been on the Board. In his opinion, every option has been tried and he can't promise to take budget money away from something that falls under road safety. The township did omit an application one year, the results were poor. The dust (road fines) that hold the road together blew away. The result is a road with more gravel than hard pack. Essentially, turning the road into pebbles, grading results in washboards or potholes within days, creating a road with no traction and vehicles that can slide off the roads around curves. Other municipalities have tried to eliminate dust control and have found that they need to re-gravel every road, a far more expensive fix than continuing dust control services. Furthermore, if the road is potholed or wash boarded when it freezes, it stays that way for the entire winter. Pazlar is mindful of the request but hasn't found a way around dust control. Paving is also a huge expense for the township, far exceeding the cost of dust control. He understands the concerns but, is not open to reducing this service, reasonable minds can differ. Eliminating and/or reducing dust control has resulted in numerous complaints. He is open to discussing a solution where the roads can be maintained/preserved.

Killian Robbins, 14490 Oldfield Road N. Reports a tree on top of a portable electric fence next to the road. He is requesting someone to help him salvage what is left of the fence.

Pazlar will make sure to drive by and look at it.

VIOLATIONS/COMPLAINTS

Sparks reports that the code complaint at 17750 Olinda Trail N. has been resolved. Building Official, Jack Kramer, visited the site this week and found the owner has brought the property into compliance. The debris/waste/junk has been removed, and the cars are now all licensed. No further action is necessary.

The owner reports that the last load of scrap was hauled away today. Pazlar thanks him for the work and voluntary compliance.

OLD BUSINESS

Appert/Dana Escrow

There is an outstanding balance owed for a sub-division application from several years ago. Voluntary payment has not been made to zero the balance. Snyder suggests one final formal demand may suffice and, if not, it is his recommendation that it then be pursued formally. A demand letter from the attorney will be sent, followed by a lawsuit. Under the application that was signed by the applicant and developer, they would be responsible for the township costs with the formal enforcement action. It would be beneficial to get it taken care of voluntarily rather than the added costs of a collection action. The difference with this escrow is that there is a developer and a land owner involved and has added to the length of this collection process.

Pazlar motions to direct Dave Snyder to send a final request to Appert and Dana demanding payment of outstanding escrow funds. Seconded by Rolf. All in favor. Motion passed.

NEW BUSINESS

Ordinance 2024-02. Discussion of Moratorium Timeline

A 12-month moratorium was passed in July to partially authorize a study on zoning in the rural residential district and how to handle non-residential and non-agricultural uses. As well as how that corresponds with other zoning districts. Planner Sparks presents a multi-step process to include public input and engagement. Starting with staff technical research. Then, staff analysis of the comprehensive plan and zoning ordinances and how those fit in with the rural residential district and within the township. It would then be presented to the town board and take public input. A framework for a possible ordinance amendment would then be drafted and formal public testimony gathered. The Planning Commission would host this stage of public input and could work on creating a draft ordinance amendment. The last step is a Board action to adopt those amendments. Option A is to discuss the steps outlined above that could wrap up in early May 2025. Option B is a streamlined procedure that would conclude in February 2025. Another option would be to leave the moratorium set at 12 months with a target to complete it earlier. The abbreviated versions of the moratorium use the structure of existing Board meetings to host all discussions. If the agendas are

busy any month during this timeframe, an earlier start or after meeting discussion could be considered.

Rolf likes the structure and the proposal. Timing depends on the upfront work to get things pulled together. Staff is familiar with the code book and where to look and does not see any need to drag the process out longer than necessary. This can be done fairly quickly with dedicated time and focused work. It might be a good idea to have staff estimate the billable time it will take to complete the work.

Pazlar notes that state statute allows 12 months and in several cases that makes sense. It is many planning hours and an increased township expense. While a large task, a shorter window can help speed up the process and allow for a focused project. The process to amend the conservancy zone language was fairly efficient and it went well. It is reasonable that this process can be done on a condensed timeframe and is in favor of it. Eight months seems like a doable timeframe and encourages staff set it at eight months, the sooner the better for everyone involved. The next step is to pick an option and get a timeframe estimate and also take a look at potential costs, but if a stage may take longer for some reason, we should account for that and make sure to stay on track. It is the goal of the township to complete the work in a timely manner while being mindful of taxpayer dollars.

Resident asks what exactly needs to be studied.

- Planner Sparks answers that a study allows the town to evaluate uses and determine if the town wants to make changes. It includes looking at all the documents and identifying all the items in the documents that you want changed, as well as the items you don't want changed. The process takes time and research. In a moratorium, it is important to be methodical, thoughtful, and objective.

Sue Kelly, resident. Why limit the timeframe? Why wouldn't you go with the 12 months and if it is done sooner, all the better.

- Pazlar sees the 12-month allowable timeframe and sees it as just a number pasted in statute. 12 months is vastly more time than the township needs. He'd like to have a goal for the township that focus' on getting the job done. Rolf agrees, in is day to day work, he focus' on budget, schedules, timelines, and efficiency. Having a timeline and the details of the work. Rolf can't see this taking 12 months, understanding that other unknowns may push the timeline out.

There may be instances that sections of the codebook that reference the rural residential district also reference other sections of the codebook, but the focus is on the rural residential district. There may be some overlap, but this is not a re-write of the entire codebook.

Shelly (*inaudible*). Lynch Road. Asks that the Board allow adequate time to complete it thoroughly. Is the idea to draft a framework and then bring it to the public for input?

- Initially, Sparks looks for conflicts within the comprehensive plan and the consistency of statements, goals, and policies with the zoning ordinance. For example: The comprehensive plan talks about the rural character...is the township internally consistent with those statements? Then, we also look if the township is externally consistent, which is what is in the zoning ordinance. We also need to identify what is in the zoning ordinance, what is a

potential conflict or precedes a potential conflict with things in the comprehensive plan. The code language from 60 years ago looks much different than it does today, as does the surrounding area. The idea is to identify the potential conflicts, present them to the Board, and allow the Board to hear the concerns of the residents. Based on that information gathering, the Board comes up with the framework for additions/subtractions from the code and then works with the planning commission to flush out the code aspects, and present it to the Board in a hearing format.

For clarification, the moratorium is on rural residential uses in the rural residential district, not agricultural uses. Pazlar notes that the township has always been pro-agriculture, pro-equine and the goal is to keep May Township out the development phase that has been seen in neighboring communities.

A copy of the current comprehensive plan is available on the website.

If the Board runs out of time, can they extend the moratorium?

- Yes, if more time is needed the township would need to pass another ordinance at that time to extend it to 12 months. There are allowances to extend a moratorium beyond 12 months, but it is unlikely to be applicable/allowable in this situation.

Pazlar motions to direct staff to compose and ordinance to amend the existing 12-month moratorium to 8 months in length and further quantify the estimated timeline to complete the work. Seconded by Rolf. All in favor. Motion passed.

Address Assignment. Joshua Hanson Property. 16055-126th St. N.

Planner Sparks explains that the township is responsible for addressing properties, following a 1972 policy that takes Washington County's recommendation based on the proper range and street name in a grid-based system. In this particular situation, the property owner gave himself an address that is not in the correct range and off the wrong street. The owner has been requesting to keep the address, although it is not the correct address assignment. Information provided by Mr. Hanson is illustrative of the use of the address, but not illustrative of it being the correct address. The street (stub road) that the access to his house is off of is 126th Street and the address recommended is off of that street. The owner wishes to use an address off of Queens Way. Some of the street names were re-named in the area in 1981, 124th and 126th were not renamed in the east/west portion. The renaming of Queens/Quail (north/south names) was because the address ranges would have been incorrect off of 124th and 126th (east/west names) north/south addresses. Mr. Hanson has expressed concerns that the 126th address does not correlate to his home location. Washington County has indicated that once the address is finalized, the systems will be populated and will be updated to locate the exact location.

Mr. Hanson explains that there were some oddities in the access to Queens Way and the property that he was unaware of during the purchase of the land. There is an easement agreement that allows Mr. Hanson to get from Queens Way to his property, a short sub road (126th). As part of the agreement, he is responsible for maintaining it. That easement was completed with the Board in 2022 and indicates 1258X Queens Way N. as the address. Currently 12583 Queens Way N. is the address they are using and it is found on google maps. (*Sparks notes the document Mr. Hanson has indicating 1258x was supplied by a surveyor of Mr. Hanson's, not the township*). He denies

reaching out to the fire department and sheriff's department regarding the address. But did have a conversation the County with regards to the address and was told that switching an address creates confusion for emergency responders. On a township map, Mr. Hanson shows 126th as located 8.2 miles away from his current home and states there is not a 126th Street located in the township. He asks that the township approve 12583 Queens Way north as his address.

Allen Bachman, family member to Mr. Hanson. Has concerns about safety. He located the house tonight on google maps (GPS) easily tonight using the Queens Way address. Homes on either side of the house are addressed as Queens Way. He does not understand rationale for the desire to change an address.

Snyder states that the address had always been set up and proposed as 126th St. When purchased, the lot did not have the required public road frontage, as an accommodation to Mr. Hanson, the township Board executed a development agreement that allowed Mr. Hanson develop a driveway within the right-of-way. Now, Mr. Hanson has demanded the removal of the development agreement. Around that same time, the address question was raised and the Queens Way address was proposed by Mr. Hanson. The proposed address is actually 2 houses off what would be the address if it was in fact on Queens Way. The City Engineer, the development agreement, and the subdivision surveys have all identified the address as 126th Street. The road Mr. Hanson built to access his property was a sub-road partially to township standards and then a driveway, not an improved public road. The township allowed a private driveway to accommodate Mr. Hanson and allow him to build his single-family home to a property that did not have adequate frontage on the public road.

Communications from emergency service providers came to the township, noting an ambiguity raised by the property owner regarding the Queens Way address. This is in the face of an accommodation the township provided to Mr. Hanson. Mr. Snyder is happy to provide information that the township believes pertinent to this question, but the ambiguity regarding the address has been caused by the applicant's injection of a Queens Way address that would otherwise be a routine addressing process.

Pazlar asks what the typical process for addressing properties. Is it a subjective process?

- Sparks states the typical procedure is that a county representative puts the location of the property on an address grid (at the time of building permit application) and they recommend an address, that address is then put on the building permit application. In this case, 124th (off of Hwy 95 east/west) splits into Queens Way and Quail Way (north/south) and the stub road off Queens is 126th. Hanson's driveway is off of 126th (east/west). 126th is an existing and platted road in the township. The addressing policy states that it is the townships decision, it also states that the township must conform to the procedure. The addressing grid must be used. It is not subjective.

Snyder notes that it is not uncommon for a someone to ask for a different street name. A petition for a street re-naming can be submitted to the county. It is different than asking for a specific address as is the case in this request. It is inappropriate to suggest that anything the township has done has put anyone in peril. The town included this on the agenda tonight to get it resolved.

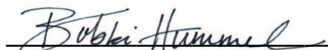
The Board is compelled to act tonight to avoid further ambiguity with the address of this property, eliminate a safety liability, and rather than create a precedent for future asks Pazlar is compelled to conform with the existing process for address assignments and protect the township and respect the process already in place. A petition to re-name the street is an option for Mr. Hanson in the future.

Rolf agrees that it is important to get this resolved for safety concerns and prefers not to change a township and county process that has been set up for decades and is working.

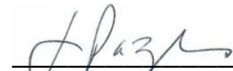
Pazlar motions that staff follow existing procedures at have the property addressed as 16055-126th St. N. Seconded by Rolf. Motion passed.

Staff is directed to notify local authorities in the county for the official address of this property as soon as possible.

Meeting adjourned at 9:31 p.m. without objection.



Bobbi Hummel
Clerk/Treasurer



John Pazlar
Board Supervisor, Chair