

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
December 6, 2018

The Board of Supervisors of the Town of May convened their regular monthly meeting on Thursday, December 6, 2018 at the May Town Hall. Those present included: Board members John Adams, John Pazlar and Bill Voedisch; Town Clerk Linda Tibbetts; Town Engineer Mark Erichson; Town Building Official Jack Kramer; Town Attorney David Snyder; residents of the Town of May and others with business before the Town. Absent: Town Treasurer Cheryl Bennett. Voedisch called the meeting to order at 7:06 p.m.

Minutes, Checks, Treasurer's Report

Voedisch moved, seconded by Pazlar, to approve the minutes of the November 1, 2018 regular Town Board Meeting. Motion passed.

Voedisch moved, seconded by Pazlar, to approve checks for December 6, 2018, 19711 and 19760, along with electronic funds transfers EFTS1218 and EFTF1218 to State of Minnesota Department of Revenue and Federal IRS, respectively, as presented. Motion passed.

Pazlar moved, seconded by Adams, to approve the Treasurer's report as presented. Motion passed.

The check register and treasurer's report are attached to these minutes and serve as the official record. Pazlar has reviewed the outstanding bank statements.

Planning Commission

Voedisch reported that the Planning Commission had a lively discussion at their November 29, 2018 meeting regarding amending the garage portion of the town's ordinance wherein buildings within six feet of a house would no longer be considered an attached garage, and that reasonable limits should be placed on attached garages. The Planning Commission agreed with eliminating the "6 foot rule" as well as limits on the maximum square footage allowed compared to the square footage of the house, that being 100% of the "Floor Area" of the house.

There were two other topics discussed at the Planning Commission meeting. A question was posed as to how one would calculate the square footage of a two-story garage. It was proposed the square footage would equate to the "foot print" and only one level of the garage would be counted. Jack Kramer, Town Building Inspector, agreed with this assessment for two-story garages. The Planning Commission would like to see this clarified in the Ordinance and sent the question back to the Board. The second item discussed was what is known as the "free back yard shed," which is currently defined as a 120 square foot structure maximum size, that does not need a building permit. It was pointed out that the State of Minnesota building code has increased the "free shed" square footage to 200. Should the Town adopt 200 square feet for a shed? Steve Magner, who works in the building enforcement department with the City of St. Paul indicated the Town cannot be more restrictive than the state building code in this regard and cited a court case. Mitch Otterson thought we could be more restrictive so that question was remanded back to the Board. Nate

Sparks saw no issues for the Town increasing the “free shed” square footage to 200 but it still had to meet setbacks. Town attorney Dave Snyder mentioned that the town could require an administrative-type building review for the building of a shed. Voedisch proposed having Sparks and Kramer report their recommendations for a possible administrative review for these sheds before the next Town Board meeting, to be discussed at the next meeting before sending to the Planning Commission again. Snyder reminded the board to give notice of the proposed change to the shed ordinance, as well as the continued garage ordinance, before the Planning Commission meeting. Adams and Pazlar stated no objection to Voedisch’s plan as outlined above.

Voedisch moved, seconded by Adams, that the Town Board follow the advice of the Planning Commission and the Town consultants wherein two-story garages, as long as they are stacked one on top of the other, would only be counted as one square footage footprint, and that we increase the “free shed” square footage maximum from 120 to 200, and also include the requirement that these shed are subject to the Town Code for setbacks and the like, and that we change the ordinance according to these decisions, as well as having Sparks and Kramer propose their recommendations before the next board meeting relative to an administrative mechanism such as a zoning permit for such sheds, all to be reviewed at the next board meeting before giving it to the PC again. Motion passed.

201 Sewer System

A citizen questioned whether the pump problem at the bottom on Panorama Avenue had been resolved. Adams reported that the triplex station at the bottom of 133rd Street has a new pump and the job has been completed.

Engineering and Roads

2019 Budget Process – Roads

Voedisch asked that Katie Koscielak, from WSB & Associates, come to the 2019 Budget Meeting, as yet unscheduled, to discuss the key road issues that need attention. From that discussion, the board will budget accordingly.

Panorama Water Issues

Koscielak has been in contact with Carl Almer, engineer for Carnelian-Marine-St. Croix Watershed District. Voedisch explained that now is the time to get details worked out since we are in the winter season. Voedisch reported that there was a positive on-site meeting with three of the watershed managers, where he showed photos of water flowing in heavy rains. He feels the watershed now understands the severity of the water problems and how it needs a solution sooner, rather than later. We are working on figuring out how large this project will be and how it could be funded. Panorama resident Jim Brockberg mentioned that the latest Carnelian-Marine-St. Croix Watershed District newsletter indicates Jim Shaver, the current administrator, is retiring the beginning of 2019. Voedisch mentioned that the change of administrator should not have any effect on the Panorama project.

Mailbox Safety on Panorama

Jim Brockberg asked for input from the Town on Panorama Avenue residents installing cluster mailboxes to reduce the chance for stolen mail and identity theft. The unit would have multiple boxes installed on a cement pad wherein the local post office would enter from the back of the unit depositing mail in individual's boxes. They want to install it on the Panorama road edge area and do they need a permit from the Town. Voedisch asked why the unit couldn't be installed where the current row of mailboxes is located. Brockberg mentioned that some of those mailboxes will stay as they belong to seasonal residents. Voedisch mentioned the township right-of-way and how all mailboxes are already installed in that right-of-way. Brockberg will do research with the Stillwater Post Office and come back to the town with a plan.

Snow Plow Safety

A resident mentioned that the snow plow with a wing is driving too fast down Panorama Avenue. Voedisch said he would talk to the snow plow supervisor about keeping speeds low on our narrow roads and cul-de-sacs.

Violations/Complaints

Dilapidated Buildings at Science Museum of Minnesota – Research Station

A letter was sent to the manager at the Research Station confirming a telephone call with Voedisch regarding the Research Station's agreement to demolish said buildings. The letter asks for a plan and a date-certain when the work would be done.

Complaint from Homeowners Anderson and Harri

A couple was concerned with Pat Poshek, the town's assessor, entering their property unannounced. The couple asked Poshek to leave. A letter was sent to the couple that said by Minnesota State Statute, an assessor has the right to enter a property to assess without calling ahead of time to schedule. If a homeowner denies access to an assessor, the assessor can only make an assumption about the property as to how it may be finished relative to what similar homes in the surrounding area. The homeowners then have no right-of-appeal to the assessment until they let him on their property.

Collova Duplex Issue

Dave Snyder has been in contact with Collova regarding the property that is a duplex wherein the Town Code doesn't allow for a duplex. Snyder reported that he had a telephone conversation with Collova wherein Collova stated he doesn't use the property as a duplex and was reluctant to eliminate the dual gas meters, the second access door to the garage, and the lockable door between the two living spaces. He stated that as long as he wasn't using the property as a duplex, he should not have to eliminate said issues. Snyder was disappointed in this turn of events since Collova had made a commitment to eliminate the duplex identifiers in the past and has not followed through. Snyder's last communication from Collova was a message left stating Collova was going to be "sending a letter outlining his position."

Old Business

Request for Sign at Park – Jonathan Muehleck

Jonathan Muehleck was present with his father, Chris. Jonathan and Chris came before the Board October 4, 2018 requesting permission to make a sign asking park attendees to pick up their trash. Jonathan is a fifth Grader at St. Croix Catholic School. He is participating in a community service marathon where each student was challenged to do 26 acts of service in support of the school and the community. For his part, Jonathan chose to pick up litter and clean up the May Town Park. He noticed there was quite a bit of litter. Jonathan presented his sign to the Town Board. Voedisch said the sign will be placed on the park pavilion, after the renovation is completed.

Ballot Question for March Election – Resolution 2018-14

Washington County rejected Resolution 2018-14 as it did not outline the specific question to place on the March 2019 ballot regarding combining the Clerk and Treasurer positions. An amended Resolution 2018-14 was presented to the board that includes the actual question to be asked on the ballot.

Voedisch moved, seconded by Adams, that the Town Board adopt revised Resolution 2018-14 as presented which has an attachment with the ballot question which has been approved by Washington County. By roll call vote: Adams, YES; Pazlar, YES; Voedisch, YES. Resolution adopted.

Number of Lots Allowed on a Private Drive

Tabled to next meeting pending further research.

Keller Cove Subdivision – Resolution 2018-16

Voedisch reviewed Resolution 2018-16 rescinding the approval of the Keller Cove Subdivision. Adams moved, seconded by Pazlar, to approve Resolution 2018-16 as presented. By roll call vote: Adams, YES; Pazlar, YES; Voedisch, YES. Resolution adopted.

New Business

Permit Application Forms

All permit applications, including Building Permit Application, Street or Driveway Access Permit Application, Plumbing Permit Application and Heating-Air Conditioning Permit Application, have been updated and these forms will be added to the website.

Document Organization/Preservation

Tibbetts attended the Minnesota Association of Townships' Annual Meeting in November where she met a representative of ArcaSearch, a document organization/preservation company. Tibbetts has set up a consultation for review of the files located in the basement of the Town Hall. She will report back to the board with her findings and a proposal for services.

Review 2019 Consultant Rate Changes

The board reviewed the specific town attorney and town planner rate increase proposals. However, the board was waiting on a rate proposal from the town engineering firm that was specific to the WSB folks who actually work for us, since the WSB rate letter provided only an average rate increase number for all WSB positions. WSB will present updated 2019 rates for Katie, Mark etc. for our consideration in January.


Treasurer Position

Tabled to next meeting pending the background check of proposed Deputy Treasurer.

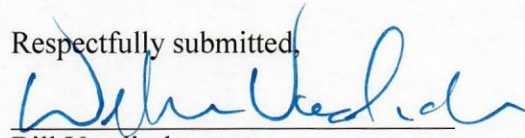
Adams moved, seconded by Pazlar, to adjourn the meeting. Motion passed.

The meeting adjourned at 7:55 p.m.

Attest,


Linda Tibbetts
Town Clerk

Respectfully submitted,


Bill Voedisch
Board Chair

**TOWN OF MAY
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2018-14**

**A RESOLUTION FOR ADDING A QUESTION TO THE MARCH 2019 TOWNSHIP
ELECTION BALLOT ON COMBINING THE POSITIONS OF CLERK AND
TREASURER INTO ONE POSITION, CLERK/TREASURER**

WHEREAS, the Board of Supervisors of Town of May (the "Board"), County of Washington, State of Minnesota ("Township") have deemed it advisable and necessary and in the best interests of the Township and its residents to combine the currently appointed Clerk and Treasurer positions into one appointed position, "Clerk/Treasurer"; and

WHEREAS, the Township's next township election is March 12, 2019; and

WHEREAS, the Township will abide by Minn. Stat. Sec. 367.30; and

WHEREAS, the Township has proposed to combine the positions of clerk and treasurer into one position; and

WHEREAS, the Township requests a question be added to the March 12, 2019 ballot as follows: "Shall Option D, pursuant to Minn. Stat. Sec. 367.30, Subd. 4, providing for the combining of the offices of clerk and treasurer as a single, appointed position, be adopted for the government of the Town of May?";

WHEREAS, Washington County required a resolution stating the question to be on the ballot;

BE IT FURTHER RESOLVED, that the question be placed on the ballot shall read as follows: Shall the Town of May combine the positions of Town Clerk and Town Treasurer into one position, Town Clerk/Treasurer?;

NOW THEREFORE BE IT RESOLVED that the Township Board adopts this resolution and requests the ballot question stated herein be submitted to the electors on the March 2019 ballot.

BY ROLL CALL VOTE OF THE MAY TOWN BOARD: ADAMS YES; PAZLAR YES; VOEDISCH YES; THIS RESOLUTION IS HEREBY ADOPTED THIS 6TH DAY OF DECEMBER, 2018.


Attest: Linda Tibbetts, Clerk


William Voedisch, Board Chair

See attached Ballot Question

Town of May Ballot

March 12, 2019

Instructions to Voters

To vote, completely fill in the oval(s) next to your choice(s) like this:

To vote for a question, fill in the oval next to the word "Yes" for that question.

To vote against a question, fill in the oval next to the word "No" for that question.

Town of May Question

Combine Clerk and Treasurer Positions

The May Town Board has proposed to combine the positions of clerk and treasurer into one position.

- YES** Shall the Town of May combine the positions of Town Clerk and Town Treasurer into one position, Town Clerk/Treasurer?
- NO**

(Reverse side of ballot)

OFFICIAL BALLOT

March 12, 2019

Judge

Judge

(The ballot is to be initialed by two judges)

**TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2018 - 16**

**A RESOLUTION RESCINDING AN APPROVAL OF A PRELIMINARY PLAT FOR A 5
LOT OPEN SPACE SUBDIVISION REFERRED TO AS "KELLER COVE"**

WHEREAS, Stephen Keller ("the Applicant") received approval for a Preliminary Plat for a 5-lot Open Space Subdivision, "Keller Cove," with out-lot within the Town of May ("the Town") by Resolution 2017-16, adopted September 7, 2017; and

WHEREAS, the subject site is located on the west side of Manning Trail in the 13300 block ("the Property") and is legally described as:

That part of Government Lot 3 lying westerly of the centerline of County State Aid Highway #15 and lying southerly of this center line: Commencing at the southwest corner of Government Lot 3 then North 00 degrees, 1 minute, 43 seconds East bearing oriented to the Washington County Coordinate System, North Zone, along the West line of said Government Lot 3 a distance of 398.06 feet to the point of beginning of the centerline to be described; thence North 69 degrees, 36 minutes, 12 seconds East 321.46 feet; thence Northeasterly along a tangential curve, concave to the southeast, having a radius of 1432.39 feet and a central angle of 10 degrees, 29 minutes, 29 seconds a distance of 262.29 feet; thence North 80 degrees, 05 minutes, 42 seconds East along a tangent 268.86 feet; thence Northeasterly, Easterly and Southeasterly along a tangential curve, concave to the South, having a radius of 330 feet and a central angle of 43 degrees, 17 minutes, 53 seconds a distance of 249.38 feet; thence South 56 degrees, 36 minutes, 26 seconds East along tangent 53 feet, more or less, to the center line of County State Aid Highway #15 as presently traveled and said centerline there terminate.

and

The Northeast Quarter of the Southeast Quarter of Section 30, Township 31, Range 20; and

WHEREAS, May Town Code Section 708.02.H.2 requires that a Final Plat be submitted within 120 days of the Preliminary Plat approval unless otherwise extended by the Town Board; and

WHEREAS, on December 15, 2017, the Applicant requested an extension to submit the final plat to April 6, 2018 which was granted by the Town Board on January 4, 2018, given that the Applicant may not pursue subdivision but rather, may sell the parcel as all one piece; and

WHEREAS, on March 29, 2018, the Applicant requested an additional extension to submit the final plat to October 4, 2018 which was granted by the Town Board on April 5, 2018; and

WHEREAS, the Applicant stated on October 16, 2017 that they were no longer seeking approval of the subdivision would not be submitting the Final Plat; and

WHEREAS, the Applicant may use the Property or convey the Property for use in a manner consistent with the Town of May Code and any other relevant regulations; and


WHEREAS, on November 1, 2018 the Town Board rescinded the approval of the Preliminary Plat of Keller Cove approval by motion, and directed Town Staff to prepare this resolution rescinding the approval, to be considered at its December 6 2018 regular meeting.

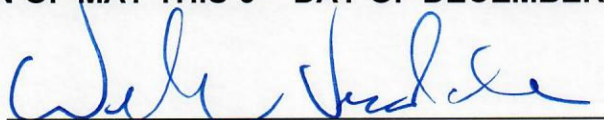
NOW THEREFORE, BE IT RESOLVED, that the Town of May Board of Supervisors hereby rescinds the approval of the Subdivision and its Preliminary Plat, and all related approvals, for Keller Cove as granted in Resolution No. 2017-16 and elsewhere, with the following Findings of Fact:

1. The Applicant is no longer seeking to divide the Property in the manner depicted on the approved Preliminary Plat.
2. The Applicant did not file the Final Plat with the Town of May by the October 4, 2018 deadline required in the last extension.

This action to rescind is effective as of the date this resolution is adopted.

BY VOTE OF THE TOWN BOARD: ADAMS YES, PAZLAR YES,
VOEDISCH YES, THIS RESOLUTION IS ADOPTED / NOT ADOPTED BY THE
BOARD OF SUPERVISORS OF THE TOWN OF MAY THIS 6TH DAY OF DECEMBER,
2018.


Attest: Linda Tibbetts, Clerk


Bill Voedisch, Chairman