

**TOWN OF MAY  
WASHINGTON COUNTY  
OFFICIAL TOWN BOARD MINUTES  
May 1, 2014**

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, May 1, 2014, at the May Town Hall. Those present included: Bill Voedisch, Board Chair; John Adams, Supervisor; John Pazlar, Supervisor; Dave Snyder, Town Attorney; Diane Hankee, Town Engineer; Linda Klein, Town Clerk; Pete Kluegel, Building Inspector and residents of the Town of May. Town Treasurer, Cheryl Bennett had to leave after checks were signed. Chairman Voedisch called the meeting to order at 7:00.

**Minutes, Checks, Treasurer's Report**

Voedisch moved, seconded by Pazlar, to approve the regular minutes of the April 3, 2014, board meeting. All approved. Voedisch reminded the clerk to send her draft minutes from the Board of Adjustments and Appeal to both himself and Pat Poshek so Poshek can complete the minutes regarding his action from that meeting.

After review by Pazlar, Voedisch moved, seconded by Pazlar, to approve the Treasurer's Report and check register and disbursements as presented. All approved.

Voedisch moved, seconded by Pazlar, to purchase a CD with the \$2500 Midcontinent dollars. All approved.

Voedisch moved, seconded by Adams, to assign the dollars for the year 2013 in the 201 sewer pumping fund, to be used for pumping septic tanks every three years. All approved.

Voedisch moved, seconded by Pazlar, to approve checks 17711 through 17745 as well as electronic funds transfers EFTS514, EFTF514 to the State and IRS, respectively as presented. All approved. The check register and treasurer's report are attached to these minutes and serve as the official record.

**Planning Commission Report**

**Holt Variance**

Todd and Cheryl Holt have made an application for a variance to place an addition on to a detached accessory building that would be used to house horses. The building is located 72 feet from the south property line and the addition would place the building about 10 feet closer. The ordinance requires a 100 foot setback to property lines for buildings intended to house animals. The purpose of the request is to add on to the building to allow for the housing of three horses on the site year round.

The 10 acre property is located at 13533 Manning Trail. There is a house, a 600 sq foot detached garage, and barn on the property. The barn to be expanded is currently 30 x 36 in size which is 1080 square feet. There are a large number of trees on the south property line which will provide

screening. The applicant also owns the 40 acre parcel south of the subject site at 13411 Manning Trail. That property consists of farmland and a house. The applicant is proposing to add a 16 x 30 addition on to the barn. This would increase the size of the barn to 1560 square feet in area. The barn is currently located about 72 feet from the south property line. The addition would make the barn 62 feet from the south property line.

The barn is approximately 16 feet in height. The applicant intends to re-side the entire barn. Therefore, the barn and addition will have the same exterior finish. The barn addition would have no impact on the septic or well sites. Both are located north of the house. The detached garage and barn give two accessory buildings, the limit for this parcel, so they cannot place another structure on the parcel. The current barn is totally usable but is just too small. Their request is to allow for an addition to the barn keeps the building count to 2 and the total sq footage well under 2,500 limit. Their desire to continue the use of the barn (not tear it down) may be viewed as a “practical difficulty.”

If the building proposed for the addition were not used to house horses, the addition would be conforming and no variance would be needed. Nate Sparks, Town Planner, stated that having a third building and more than 2,500 sq feet of buildings would be more out of harmony with the Zoning Ordinance than a setback variance. The impact of the three horses that will be housed in this building on the property to the south will already be relatively minor. The large number of trees between the building and the property line will further lessen the impact. Therefore, due to these conditions, Sparks felt that the request appears to be reasonable in nature.

Planning Commission Chairman John Arnason reported on the Planning Commission decision regarding this request. The commission determined that the configuration of the property could be viewed as a practical difficulty, and they voted unanimously to recommend approval.

Voedisch moved, seconded by Pazlar, via Resolution 2014-04, with additional Findings of Fact, to adopt this resolution approving a variance for Todd and Cheryl Holt to construct an addition to an existing accessory structure for the housing of horses closer than 100 feet of a property line at 13533 Manning Trail. On a roll call vote: Adams, yes; Voedisch, yes; Pazlar, yes. Motion passes.

### **Rick Roth Property**

Voedisch brought forward the past history of the Roth property, enumerated in Resolution 2009-04A of May 2009. Voedisch noted that when he recently visited the site, 3 individuals, including Roth, were working on a vehicle in the out building. Voedisch stated that they appeared to be employees, but Roth contended that the men working were friends, working without pay, to help him fix a car and remove it. Later, an employee of Nate Spark’s office (Northwest Associated Consultants) visited the site as well. The planner then submitted a memo to the board itemizing confirmed and suspected violations, which is attached to these minutes. NAC’s inspection showed more than 40 vehicles on the property, and noted that Roth is in violation of several Town ordinances, including storing of inoperable vehicles.

Joe Palilic 14199 135<sup>th</sup> Street, asked if there is a limit on the number of cars a person can store on their property. Voedisch stated that the critical factor is outside storage. Peter Nord 14423

136<sup>th</sup> Street stated that 8 years ago he applied for a permit to build a garage, the site was inspected and the process cost him \$900 plus one construction season. He believes that the lesson Roth has taught others is that he should just proceed with what he wants to do, given there will be no consequences and the Board is powerless. Irene Elkins on 150<sup>th</sup> Street stated that she has been in the township all her life. She stated that Rick is her snow plow driver, and she looked at his property and couldn't determine what the problem is. Todd Clarkowski 13665 Oldfield Road N., noted that in 2009, all the same neighbors were in the Town Hall for a hearing regarding the use of the property as a salvage yard. The permit request was denied by both the Planning Commission and the Town Board. He noted that all the conditions of the 2009 ordinance have not been followed. Voedisch noted that no permit was issued for the woodworking business and that he is in violation of the denying Resolution 2009-04A. The Resolution did approve a permit for his cabinet making business, which Roth never pursued. Clarkowski also found Working Boy Motors on the Internet, which was advertised as a used car lot at the Roth Square Lake Trail address. He concluded by saying neighbors are against a salvage yard in their neighborhood, given the hazardous materials, the potential to decrease property values, and the commercial nature of the property's use.

Attorney Snyder stated that this property is obviously operating as a business, and the property is in violation of a variety of ordinances. Vehicles stored like this must be on hard surfaces; the distance between cars is not adequate; the operation of a business is in violation of ordinances and the 2009 resolution. The attorney concluded that the Town does expect people to be compliant when the Town asks them to. In this case, compliance has not been followed. He said the Town Board is now in a position where they are required to act on these violations. He suggested that the Board set the matter for a violation hearing at the next possible opportunity. Jason DeMoe, Country Messenger, asked what an end remedy would be for a violation hearing.

Voedisch moved, seconded by Adams, to set a violation hearing for the June board meeting, giving Roth 30 days to get into compliance, that the planner complete his overall assessment of the violations, and that the hearing be properly noticed. At that point, depending on Roth's success, the Board can then decide on further action in terms of getting the property into compliance by instigating enforcement.

Mr. Roth stated that he needed to take down his lean-to's and the fence, and they have been reconstructed. He stated that it is obvious he must do something. He hopes to make use of the land in a way that is suitable for a rural residential property.

Pazlar stated that it is true that situations exist in the township that are perhaps questionable, and the Town Board does not go looking for violations. However, when a complaint comes in from neighbors, the Town Board needs to act.

## **Engineering and Roads**

### **Monthly Engineering Report**

**Annual Road Tour:** A tentative date has been set for the annual road tour for June 18, 2014. WSB will coordinate reserving a vehicle to be used for the day to accommodate those interested in attending the tour.

**Arcola Trail Drainage (border of Stillwater Township and May Township at the Arcola Trail trestle bridge):** The Engineer Kasper, Voedisch and Marv were on site to discuss the drainage issues from the south and ponding within the roadway. Possible solutions include extending the pavement at the border to direct water off the roadway to a bituminous swale. The area will be reviewed at the annual road tour.

**201 Sewer System Management:** To continue the transition from Pete Ganzel, the engineer is still waiting on the following information from Washington County:

- Operation and maintenance manuals
- Easement verification on sample parcels
- GIS – tank data

Staff and Supervisor Adams met with additional operators as summarized:

- Tom Wirtzfeld (Advanced Septic Solutions)  
Met with the company owner, Tom, on 4/16/14 regarding the operations of the 201 system. He provided examples of his work and additional information regarding his company. Advanced Septic Solutions operates out of Northfield and offers expertise in system operations, maintenance/construction, pumping, and monitoring. Tom had expressed a great deal of interest in providing a proposal for the system. He had a draft proposal in hand at the meeting but withheld it so that it could be submitted based on the information obtained during the interview. Tom submitted an email 4/28/14 withdrawing from solicitation due the passing of a friend (enclosed).
- Brian Humpal (Inspect Minnesota & Midwest Soil Testing)  
Met with Brian on 4/16/14 regarding the operations of the system. Brian currently does not hold the required Class D license. Inspect Minnesota & Midwest Soil Testing is a small operating company located in Hugo. Brian expressed interest in providing a proposal to operate the system however he has not submitted a proposal.

Staff is working with both parties to extend the proposal submittal to 5/9/14 and interviews 5/20/14. Tom Birkland with Natural Systems, who met with the engineer in February, has provided the only proposal to operate the system to date. He has expressed interest in coming in for an interview.

The engineer provided an updated draft letter to the existing 201 users. It is the annual letter sent to users with information regarding the change in management, contact information, and billing information.

**201 Sewer System Manual:** The draft of the 201 System Manual has been updated to include comments received from the Town and has been made available to Pete Ganzel for review. WSB has not yet received comments back from Pete. Once comments are received and incorporated into the manual, the manual will be made available to the Town Board for final comment/review.

## **Old Business**

### **201 System Budget**

Adams brought forward a potential budget for the 201 sewer system for the upcoming year. He anticipates that the operating costs will at least double, given that Pete Ganzel had a good deal of

overhead support at the County that the Town was not paying for. According to the treasurer, the 2013 billing amount was \$670 per household. Adams noted that there are funds available in the replacement fund to cover any costs that exceed what the Town bills the residents. Adams moved, seconded by Voedisch, to approve a total budget of \$53,528.20 for a 2014 budget amount. Voedisch suggested a friendly amendment of moving it up to \$55,528.20 (\$2,000 for new manager) and per site billing of \$676.78. Adams accepted the amendment, and all approved.

### **Wilder Property**

Voedisch stated he has nothing to report.

### **Assessor – Proposed Contract**

Attorney will email the contract to board members for their approval.

### **Consideration of Ordinance Changes**

Voedisch brought forward the following suggested new ordinances for consideration by the Board in advance of sending them to the Planning Commission.

Adams moved to not send 2014-02 to the planning commission. Fails for lack of a second.

Pazlar moves, Voedisch seconds, to send the following two ordinances to the Planning Commission for consideration and public hearing. Pazlar and Voedisch approve; Adams does not approve.

- 2014-01 Non AG Buildings larger than 2,500 square feet on parcels of more than 20 acres
- 2014-02 Small Business on less than 10 acres

### **New Business**

#### **Carnelian-Marine-St Croix WD Permit, New Home Construction @ 12375 Otchipwe**

Mr. Gruber applied for a variance for lot size, bluffline setback, lot width to construct a new home on Lake Carnelian. The CMSCWD is currently in litigation to try and bring this property owner into compliance. Jim Shaver, CMSCWD Administrator, stated that the property has completely changed since a permit was issued, and he is uncertain how to get him to comply. Susannah Torseth, the attorney representing the District, stated that the District can bring criminal legal action against Gruber for non-compliance, and they have done so.

### **GASB54 Resolution**

Voedisch brought forward a resolution first offered by Bennett (MAT) to handle this issue. Adams moved, seconded by Pazlar, to approve Resolution 2014-05, establishing fund balance policies as required by GASB54. All approved on roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes.

### **Conservancy Zone – Review**

Attorney Snyder brought forward an interim ordinance protecting the planning process and the health, safety and welfare of Township residents, and establishing a temporary development,

permitting and application moratorium on subdivisions and applications for uses, variances, permits within the Conservancy zones in May Township.

Pazlar asked for a chance to read through and comment on it at the next meeting.

**Small Business – Rescinding Permits**

Keller Sign has asked to have their small business permit removed from the Town’s small business list. Voedisch moved, seconded by Pazlar, that the Keller license be rescinded based upon the fact that they moved. All approved.

Voedisch moved, seconded by Adams, to continue the meeting for 201 issues to Wednesday, May 21, 9 AM. All approved.

**Continuation of Meeting**

The continuation of the Town of May meeting was held on May 21, 2014. Attending were Chairman Bill Voedisch, Supervisor John Adams, Treasurer Cheryl Bennett, Diane Hankee and Katie Kasper, Town Engineers. The meeting was called to order at 9 AM by Chairman Voedisch.

**201 Sewer Hook-up**

Mr. Tim O’Keefe purchased the home at 41 Moonlight Bay and is asking to be hooked up to the 201 Sewer system. The last repair report for his private system was done in October 27, 2009 from Humboldt Engineering stating the system is beginning to fail. Pete Ganzel at Washington County was contacted and stated that a new report was not necessary since nothing has been improved on the site.

Adams indicated that, during the 2002 system expansion project, this address was included as eligible for future 201 hook-up. Adams moved, seconded by Voedisch to approve the hook up at 41 Moonlight Bay. All approved. The hook-up fee of \$2,600 was paid to Treasurer Bennett.

**201 Sewer Management**

WSB engineers presented proposals from Advanced Septic and Natural Systems Utilities. Neither vendor was available for the meeting. Engineer Kasper stated that she has had numerous problems contacting Advanced Septic and does not receive replies or responses in a timely manner. She has had no problems with communications with Natural Systems Utilities.

Natural Systems Utilities runs the 201 systems in Scandia and has an employee in White Bear Lake that would be responsible for our system. The proposal/contract includes \$388.11 per month to do all the regulatory reporting and includes an “on call” retainer. Cost for an emergency call would be at \$100 per call. Tank inspections would be \$35 per tank. Natural Systems Utilities is proposing a 3 year contract with percent increase in fees based on the regional consumer price index.

The Board discussed the length of the contract along with termination notice times. It was agreed that the first year is probationary and there can be an auto renewal after each year. Engineer Kasper will convert the contract from a PDF format to a Word format and send it to all

parties Snyder for review. WSB recommends we select Natural Systems, subject to an interview. All agreed. Adams, Hankee and Kasper will meet with Natural Systems on May 22 to do the interview. WSB has prepared a list of questions.

Adams moved, seconded by Voedisch to adjourn the meeting. All approved.

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

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Respectfully submitted,  
William K. Voedisch, Town Board Chairman