

**TOWN OF MAY  
WASHINGTON COUNTY  
OFFICIAL TOWN BOARD MINUTES  
November 7, 2013**

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, November 7, 2013, at the May Town Hall. Those present included: Bill Voedisch, Board Chair; John Pazlar, Supervisor; John Adams, Supervisor; Cheryl Bennett, Town Treasurer; Dave Snyder, Town Attorney; Diane Hankee, Town Engineer; Linda Klein, Town Clerk; Nate Sparks, Town Planner; Pete Kluegel, Building Inspector; and residents of the Town of May. Chairman Voedisch called the meeting to order at 7:00.

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

Voedisch moved, seconded by Pazlar, to approve the minutes of the October 3, 2013, Town Board meeting as presented. All approved.

Pazlar moved, seconded by Voedisch, to approve checks 17491 through 17532 as presented, as well as electronic funds transfers EFTS1113, EFTF1113 to the State and IRS, respectively. All approved. Voedisch moved, seconded by Pazlar, 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.

**Land Use and Planning**

Leick lot line adjustment – concept

Donald Leick appeared asking for approval to move approximately 5 acres from a 10 acre parcel and attach it to an adjacent 100 acre parcel. The uses made of these 5 acres are by the Leick family who lives on the 100 acres, while the renters on the 10 acre parcel make no use of this 5 acres. The lot line adjustment meets the Town's tests for an administrative approval: 1.) The number of lots stays the same; 2.) There is no increase in number of development rights across the parcels; 3.) No non-conformities are created. The Board gave its approval and instructed Mr. Leick to post an escrow with the Town, and to create two new deeds to be presented to the Town attorney for stamping and recording.

**Emison project**

Bill Emison appeared with his project manager, Doug Danks. Voedisch reviewed the project as follows. Emison did an "Administrative Subdivision" creating two lots and asked for a building permit on the larger lot (G), which was granted. Easement for both driveway and utilities needed to be properly granted from the large lot to the smaller lot (H), and that was only properly completed one day before this meeting.

The question Voedisch raised was regarding whether or not Mr. Emison had submitted an acceptable building plan for the smaller lot (H) that would satisfy the need for the building to be a single family home. There were aspects of the latest plan (plan #3) that were still questionable, such as spiral staircases as the only way from floor to floor, side-by-side bathrooms on the second floor, and no stairs from the lower garage to the main floor. Emison then presented Plan #4 which remedies some of the above. Attorney Snyder indicated that, it appears to minimally

meet a home design standard and there may not be a basis at this point to withhold a building permit, even if the Board believes it may never be used as a single-family home.

Voedisch asked the Engineer to comment on the driveway. Diane Hankee produced a memo indicating why the steep slope of the driveway needs paving (both erosion and safety reasons) and why, due to steepness, it can never be considered as the basis for a future Town road to serve an eventual major subdivision. The Town's engineering standard requires an 8 percent maximum grade for a public road, and the grade of the driveway up the first hill in the woods is 14 percent or more. Voedisch confirmed this as he recounted when the engineer, Pete Kluegel, Rick Fuhr and he shot elevations at the start of the project.

Getting back to the building permit, Voedisch and Planner Sparks reviewed the conditions of Sparks' letter that was made part of any building permit issued for this project. One condition was that, the first building erected on Lot H must not be used as an accessory building, retreat center or the like. Its use, if any, must be single family residential. On that basis Voedisch moved, seconded by Adams, that the Building Official issue a permit for Lot H based on the 4<sup>th</sup> set of plans, which were brought forward at the meeting, subject to Planner Sparks' letter. Voedisch and Adams voting YES, Pazlar voting NO.

### **Arcola Mills/National Park Service Project Review**

The Town noticed all individuals involved in this project, even though the Mills and NPS are not going forward with the project at this point. The Board felt it important to do a post-trial review. Jonathan Moore and Chris Stein represented NPS, and Ray Marshall represented the Mills. Lori Kelly was the spokesperson for the citizens on Arcola Trail.

Park Ranger Moore began with a history of the summer trial, and presented a graph of the visitor counts. He did recount an incident with buses that parked on the road, which was a private party for a wedding that had nothing to do with the NPS trial. Lori Kelly asked what was going to be done for parking buses since this will be an issue for Arcola Mills use even if NPS is not there.

Voedisch indicated that he thought Jonathan did an excellent job as a liaison for the project, communicating to all parties. He asked Moore to describe the FLAP program, where the Town could apply for Federal funds to continue paving Arcola up to the entrance. If this ever goes forward, Voedisch commented that if a FLAP fund was available, the Mills should spend their funds inside the facility, building the "long vehicle" loop and addressing the unsafe buildings.

Lori Kelly spoke for the citizens on Arcola. She indicated that the trial went well and that impacts were minimal. She also discussed the wedding buses and speeding, which she thought is too fast on that road.

Voedisch presented the results of his own traffic study. Going out to the site over six weekend days, for an hour each time, he counted vehicles travelling Arcola Trail. His conclusion was that only 7.7% of all traffic counted (12 out of 156 total vehicles) on Arcola came out of the NPS Visitors Center and went South on Arcola, or came up Arcola Trail and

entered the Visitors Center. The remaining 144 vehicles (92.3%) were either traveling on Arcola anyway, or came in and out of the visitors center via 95. The conclusion seemed to be that, a major impact on South Arcola Trail did not result from the trial.

Voedisch asked Engineer Hankee to review the results of the traffic counters as used to track speed. She indicated that, when a counter was placed several hundred feet south of the turn on Arcola Trail, average speeds were just under 40 mph and the 85<sup>th</sup> percentile was 45 mph. All agreed slower would be better, but that Arcola Trail is just like the other gravel roads in the Town ... folks often travel faster than the local residents would like. Hankee went on to say that, posted at 35 mph as we do now may not be enforceable, and that if we asked for a MnDOT speed study we may not like the result, as it could dictate removing the 35 mph signs altogether.

Ray Marshall then spoke about the Arcola Mills Foundation needing a revenue source if they are going to stay open as an NPS Visitors Center, yet the NPS is not able to pay a lease to make that happen. The Mills Board viewed the experiment as positive except for the revenue issue, and if something can be found to remedy that, they are more than willing to continue with NPS.

The Board concluded with its assessment of the project. It expressed some concern to Mr. Marshall that usage of the site needs to be primarily “programming” in line with their mission statement and the Town’s permit, and not just weddings. Both the permit and their Conservancy Zoning could be in peril. Mr. Marshall understood. The Board went on to say that, the Visitor center use seemed compatible with the site and its mission of introducing people to the river and its history.

### **Brent Reibel**

Brent Reibel was at the meeting and he was moved up from New Business so could be heard without waiting. Mr. Reibel gave his view of the history of his site and his disputes with the Town and the County. In the end he asked the Town to pay his legal bills for his fight with the County of \$45,000, and that he would donate the amount to his church. If the Town did not act in 30 days he would take us to court.

The Board had no comment and deferred to Town Attorney Snyder. He told Mr. Reibel that, the Board could make no comment since we were already under threat of suit by his conversation with Chairman Voedisch just 2 months before, and that he, Attorney Snyder, has advised the Board to refer all contacts from Mr. Reibel to himself. He concluded that Mr Reibel had no case and that we would defend ourselves if he acted.

### **Engineering and Roads**

Engineer Hankee gave the engineering report.

- One road had an area too far gone for crack seal. That portion will be put on a patch/repair list.
- The 130<sup>th</sup> Street paving project has been completed satisfactorily and all bills can be paid. The final two checks total \$20,681.31.
- Hankee walked us through the spring road tour report. We are on schedule with all 2013 projects.

Voedisch reported that, with the CR7 and CR 9 projects, Raleigh got behind and ran out of the Town's "medium fines" aggregate mix. Based on what the road crew was describing and the calls Voedisch received, the gravel purchased from Raleigh in late summer was high fines "Hugo mix" and it got too wet and muddy after recent rains. He asked the engineer to remind Raleigh to make an adequate supply of our formula for next year.

### **201 System – update**

Supervisor Adams and Engineer Hankee gave an update on the 201 system. Most individual tanks have been pumped but it's not yet done. Each tank has been GPS located and two tanks are covered by obstructions (buildings), and those owners need to be notified.

They continue to meet with Pete Ganzel and are in the process of putting together a *Systems and Operations Manual*, basically attempting to document everything that Pete does and when he does it.

Voedisch indicated that he has the assurance from the County that they will extend the management contract with the Town for 6 months into 2014.

### **Old Business**

Snyder reported that he still has not gotten confirmation from Ray Marshall of the WD of their intentions to enforce their rules. He'd like to know that before he makes a final recommendation on any action to take.

Stillwater Fire Contract 2014. Voedisch met with the city and they will defer the 15 percent increase one year (and agree to a 3% increase) but that the shortfall must be made up in years 2 and 3. Thus, the Town receives no relief, even though they failed to inform us of the big increase in time for our budgeting cycle. They did agree that we could modify the service area after year 1 and year 2.

### **New Business**

The November PC meeting will be held November 21 since the last Thursday is Thanksgiving. Topics will be the Reinitz Small Business permit and two ordinance changes.

### **Allowing taller accessory buildings**

At a previous meeting the Board decided to consider a Certificate of Compliance ordinance to allow for buildings modestly taller than the code allows. Building Official Kluegel has reported that, for our largest buildings (2500 sq feet) the height limit of 18 feet at the half way point of the roof slope has been a problem for some citizens. Voedisch brought forth such an ordinance that followed the approach taken for the setback CoC, but geared towards building height.

Snyder reviewed the ordinance and thought it was becoming subjective and too difficult to properly administer. The Board reviewed the building size/height table in Section 705.05 and realized that, as buildings got larger, heights got taller ... *except for the jump from 2000 sq feet to 2500 sq feet, where the max height is the same, 18 feet.* Voedisch said this looked like an oversight in the table and suggested that, an increase in height for the 2500 sq foot building might be sufficient. Pete indicated that 21 feet would solve most problems for people and urged

that we adopt that as the new maximum for the 2500 sq foot building. He had previously reported that our surrounding communities typically allow for taller buildings than we do. The Board agreed that Voedisch should discard the CoC approach and draft an ordinance that simply changes the max building height for a 2,500 sq foot building from 18 to 21 feet. Voedisch agreed to bring this forward at the November planning meeting.

**Ordinance for variance code amendments**

Nate Sparks reviewed his memo outlining those places in the Town Code that should change given the Krummenacher case and subsequent changes to state statutes regarding variances. After his presentation, the Board concurred that Nate should turn his memo into an ordinance that implements the changes he has proposed. Sparks will bring this forward to the November planning meeting.

**Budget/levy**

Treasurer Bennett indicates she will have first shot at budget numbers by the December meeting and suggests a budget-only meeting of the Board and Treasurer after the January Board meeting.

**Logo for trucks**

All agreed it should be the letterhead logo surrounded by a circle. Voedisch will try to do a mock-up.

**County proposal on Land Use / Planning**

The Board did a brief review of the County document, which proposes that the County remove itself from basic land use planning except for riparian districts. This will need more discussion in the future.

Voedisch moved, seconded by Pazlar, to adjourn. All approved.

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

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Respectfully submitted,  
William K. Voedisch, Town Board Chairman