

**TOWN OF MAY
WASHINGTON COUNTY
OFFICIAL TOWN BOARD MINUTES
May 3, 2012**

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, May 3, 2012, at the May Town Hall. Those present included: Bill Voedisch, Board Chair; John Pazlar, Supervisor; John Adams, Supervisor; Linda Klein, Town Clerk; Diane Hankee, WSB, Town Engineer; Sarah Sicheneder representing Town Attorney Snyder; Pete Kluegel, Building Inspector; and residents of the Town of May. Absent: Cheryl Bennett, Town Treasurer. Chairman Voedisch called the meeting to order at 7:00.

Minutes, Checks, Treasurer's Report

Pazlar moved, seconded by Voedisch, to approve the minutes of the April 5, 2012, Town Board meeting as presented. All approved.

Adams moved, seconded by Voedisch, to approve checks 16843 through 16877 eliminating 16853 for \$1,520.21 to Raleigh and EFTS512 and EFTF512 electronic funds transfer to the State and IRS, respectively. Voedisch 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. All approved. Voedisch suggested talking to Raleigh and requesting a reduced rate for the poor, metal-filled gravel related to Check 16853.

Brent Reibel – Request for Information

Mr. Reibel came requesting information about what is taking place between May Township and his property. He indicated he had provided the Town with a check for \$5,000 to vacate his road, the money was cashed, and the road was not vacated. In 2008, he received a letter indicating that the Town had given the easement to the County. He now believes that May Town no longer owns this easement, and he must deal with the County. First, he wants to know why he wasn't notified. Voedisch stated to Mr Reibel yet again, that Reibel had been in violation of Town code, including a mobile home, storage box and wetland violations, and he then wanted to use the property without a home under several scenarios (motor home, boat house) and that most of the \$5000 in billings were for all of that, NOT the road vacation request. Under previous recommendations of Town Attorney Snyder, Voedisch directed Reibel to have his attorney deal with the Town attorney. When Reibel persisted, Voedisch moved, seconded by Pazlar, that the Board direct Mr. Reibel to communicate with the Town through his attorney to the Town's attorney. All approved.

Square Lake Lot Line Adjustments – Landmark Surveying

Bill Selb and Joel Anez appeared representing Landmark Surveying for properties owned by Rick Markwardt, Floyd Johnson, and Jim Seidl and Gus Ljungkull. The goals are: (1) to shift lot lines so properties contain their existing driveways if possible; (2) to adjust a lot boundary at the lake to account for a misplaced boat house; and (3) to convey a larger piece from Johnson to Seidel. These lot line adjustments do not increase the number of lots in the area, do not create or increase any non-conformities, and there is no net increase in development rights. Selb noted

that this project still needs to go through the process at the County. Voedsich moved, seconded by Adams, to approve the multiple lot line adjustments as presented by Landmark Surveying dealing with properties owned by Johnson, Markwardt, Ljungkull and Seidl and that this approval be embodied in a resolution to be created by the Town Attorney for approval at the June meeting. All approved.

Carlson Subdivision and CUP Concept Request

Laurie Carlson came forward with a concept request for a proposed minor subdivision and conditional use permit relating to her 59.5 acre parcel. The purpose is to isolate the house on 2.5 acres as one lot and the remaining 57 acres, including farm buildings and land but no residence, on another lot. Nate Sparks, Town Planner, presented joint findings from his perspective as well as an opinion of Town Attorney, Dave Snyder. That opinion is attached to these minutes.

Nate stated that this would be a “subdivision on paper” for estate planning purposes. His conclusion is that the arrangement would be generally prohibited by Town Code. The CUP provision allowing outbuildings before a house is built deals with “temporary” structures but in this case the non-conformity would stand for many years until the estate is settled. In summary, the Town Code is not structured to approve such a request.

Laurie Carlson stated that IRS estate planning rules want homes to be separate from business property and thus she would now have to place the entire farm into a single estate planning vehicle, and defend it. She requested a formal resolution from the Town Board saying that they have reviewed the concept, and the request has been denied.

Pazlar stated that the intent of this request is admirable, but the reality is that it is not in line with what the Town Code contemplates. Adams stated that perhaps the Town should be looking into changes in the code to accommodate such situations in the future. Adams moved, seconded by Pazlar, that the application be denied and the application and attorney correspondence be officially incorporated as part the minutes, and that a resolution to confirm the denial be generated for signature at the June meeting. All approved by Pazlar and Adams. Voedisch did not participate in the discussion and did not vote.

Engineering

Drainage and Roadway Repairs

In 2011 the Township contracted with Brochman Blacktopping Co. to improve drainage and blacktop surfacing at the intersections of Morgan Avenue and 150th Street and 124th Street and Queens Way. The project cost was \$6,000 and Brochman Blacktopping Co. has been paid \$4,800 to date. The remainder was held until the restoration was completed. The restoration has now been completed and reviewed by staff shortly after the rain event on Saturday. No issues were observed with standing water. The check for \$1,200 was approved earlier in the meeting.

Pothole Repair Quotes

A number of areas throughout the Township have been identified as needing pothole Maintenance. The following roadways were reviewed on April 10, 2012:

1. Morris Trail

2. Morgan Avenue
3. 130th Street N
4. 122nd Street N
5. Moonlight Bay

The engineer solicited quotes to repair the roadways as follows.

- Brochman Blacktopping Co. - \$5,950
- T. A. Schifsky - \$6,900
- Miller Excavating – Did not submit

The engineer will work with the low bidder to include recently noted pothole repair at Quail Ave. Pazlar moved, seconded by Voedisch, to approve an amount not to exceed \$6,500 to Brochman Blacktopping Co. for repair of the previously mentioned potholes. All approved.

Gravel Quotes:

Due to the recent suspension of purchases of the substandard “Hugo mix” gravel provided by Raleigh Trucking, the engineer solicited quotes to provide gravel as specified:

- Dresel Contracting - \$5.00 / ton (10-18% fines)
- Miller Excavating - \$4.95 / ton (regular CL 5) he was unable to provide a quote with additional fines in time for the meeting, however based on his price for regular gravel, we anticipate that Dresel would still be the low.
- Raleigh Trucking - \$5.75 / ton (9-14% fines), \$4.35 / ton (6-10% fines)

After considerable discussion regarding potential vendors, Adams moved, seconded by Pazlar, to go with Raleigh at the \$5.75/ton (9-14% fines) and continue to check the quality of the gravel going forward. All approved.

Land Use Issues and Violations

David Johnson Garden Plots

Voedisch reported that a letters have gone out to Johnson from both the Planner advising him that he needs to obtain a permit per the new Garden Plot Ordinance just passed in March, and from the Attorney advising that he is in violation of the Town Code. As of yet, he has not responded. The attorney’s letter also asked Johnson to come forward with for an application for a Garden Plot IUP. The Board also suggested a separate letter advising him of his non-compliance regarding the vehicles and such on the Ostlund property.

Sarah, representing Attorney Snyder, noted that Snyder has suggested potentially initiating litigation and naming the exact parcels and all the violations on those parcels. The Board asked about an injunction to cease use at this time, and the attorney advised that seeking injunction is often difficult to get through the court if income (livelihood) is involved. Adams moved, seconded by Pazlar, to accept Snyder’s recommendation to authorize the attorney to proceed with litigation on this matter. All approved.

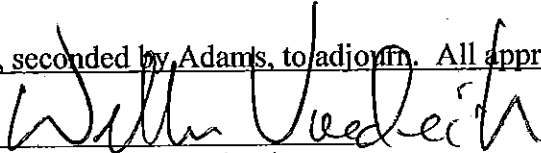
Horses in Violation of 2 Acre Minimum

Voedisch has been working with the Farnham's regarding potential solutions to accommodate the need for more acreage for their horses. They are currently negotiating with the neighbor across the road to rent land in the short term, and to acquire land on their side of the road next to them, via rent or purchase, as the longer term solution.

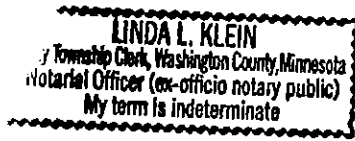
Hearing no further business, Voedisch moved, seconded by Adams, to adjourn. All approved.

ATTEST:

Linda L. Klein
Town Clerk



Respectfully submitted,
William K. Voedisch, Chairman



Fund Name: All Funds
Date Range: 05/01/2012 to 05/03/2012

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
05/03/2012	Payroll Period Ending 05/01/2012		16843	\$290.00	100-41110-100	\$290.00
05/03/2012	Payroll Period Ending 05/01/2012		16844	\$1,291.13	100-41510-100	\$1,291.13
05/03/2012	Payroll Period Ending 05/01/2012		16845	\$2,127.76	100-41400-100	\$2,127.76
05/03/2012	Payroll Period Ending 05/01/2012		16846	\$290.00	100-41110-100	\$290.00
05/03/2012	Payroll Period Ending 05/01/2012		16847	\$2,772.67	201-43102-100	\$2,772.67
05/03/2012	Payroll Period Ending 05/01/2012		16848	\$2,196.49	201-43103-100	\$2,196.49
05/03/2012	Payroll Period Ending 05/01/2012		16849	\$290.00	100-41110-100	\$290.00
05/03/2012	MARVIN L. SCHROEDER	Building rental - April, Health Insurance-May	16850	\$685.00	201-43100-412	\$600.00
					201-43102-130	\$85.00
05/03/2012	WALLY CARLSON AND SONS INC	Fuel	16851	\$3,264.46	201-43126-212	\$3,264.46
05/03/2012	STILLWATER TOWING, INC	MNDOT inspection - IH	16852	\$652.67	201-43126-438	\$652.67
05/03/2012	M. J. RALEIGH TRUCKIN INC. Class 5 (Hugo mix)	Sand and Salt \$1,520.21	16853		201-43100-443	
					201-43125-442	\$240.00
05/03/2012	BLUE CROSS & BLUE SHIELD OF MN	Health & life insurance	16854	\$600.90	100-41510-130	\$20.90
					201-43103-130	\$580.00
05/03/2012	BROCKMAN BLACKTOPPING CO	Final payment - 150th & Morgan, 124th & Queens Way	16855	\$1,200.00	201-43120-441	\$1,200.00
05/03/2012	HARDDRIVES, INC	Square Lake Tri Ct - 4th & Final payment	16856	\$770.59	201-43120-441	\$770.59
05/03/2012	ST CROIX SWEEPING	Sweep paved streets	16857	\$1,020.00	201-43121-405	\$1,020.00
05/03/2012	CITY OF SCANDIA	2012 fire contract	16858	\$33,551.00	202-42200-300	\$33,551.00
05/03/2012	OLSON POWER AND EQUIPMENT, INC	Kubota tractor repair Invoice #82020	16859	\$38.31	220-45206-438	\$38.31
05/03/2012	WASHINGTON CO TREASURER	Special Assessment billing	16860	\$59.00	230-49450-314	\$59.00
05/03/2012	CONNEXUS ENERGY	201 Sewer Electric	16861	\$128.51	230-49490-380	\$128.51
05/03/2012	COUNTRY MUTUAL INSURANCE CO	Property Insurance - partial payment	16862	\$3,189.68	100-41001-360	\$3,189.68
05/03/2012	PETER KLUEGEL	Building Inspector	16863	\$4,972.24	100-42400-315	\$4,972.24
05/03/2012	PAUSZEK INC	Assessor	16864	\$1,250.00	100-41950-314	\$1,250.00
05/03/2012	PIONEER PRESS	Legal notices - March 12	16865	\$284.28	100-41001-351	\$284.28

Town of May

Disbursements Register

05/03/2012

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
05/03/2012	MINNESOTA ASSOC. OF TOWNSHIPS	Ad for IH truck - March April	16866	\$24.80	100-41001-340	\$24.80
05/03/2012	MINNESOTA ASSOC. OF TOWNSHIPS	Urban Short Course	16867	\$50.00	100-41001-310	\$50.00
05/03/2012	POSTMASTER	Roll of 100 stamps	16868	\$45.00	100-41001-322	\$45.00
05/03/2012	CENTURY LINK	Clerk & town hall phone	16869	\$159.14	100-41940-380	\$159.14
05/03/2012	XCEL ENERGY	Town hall electric	16870	\$25.68	100-41940-380	\$25.68
05/03/2012	MIDCONTINENT COMMUNICATIONS	Interest on CD	16871	\$16.29	872-49001-430	\$16.29
05/03/2012	LINDA L. KLEIN	Mileage, insurance, office supplies, postage	16872	\$330.23	100-41001-200 100-41001-322 100-41001-331 100-41400-130	\$46.48 \$1.90 \$38.85 \$243.00
05/03/2012	CHERYL D. BENNETT	Insurance, postage, mileage, office supplies	16873	\$398.11	100-41001-200 100-41001-322 100-41001-331 100-41510-130	\$20.00 \$45.77 \$76.59 \$255.75
05/03/2012	WSB & ASSOCIATES, INC	Engineering	16874	\$361.50	201-41911-303	\$361.50
05/03/2012	NAC	Planning & zoning - 2 months	16875	\$1,005.73	100-41001-320 100-41130-317 100-41910-317 100-49499-317	\$85.80 \$132.00 \$313.93 \$474.00
05/03/2012	JOHNSON/TURNER ATTORNEYS AT LAW	Legal fees	16876	\$2,663.00	100-41130-304 100-41610-304 100-41610-907 100-49499-304	\$150.00 \$1,559.00 \$402.00 \$552.00
05/03/2012	PERA	Coordinated & DCP w/holdings/616000	16877	\$1,452.73	100-41110-121 100-41400-121 100-41510-121 201-43102-121 201-43103-121	\$93.00 \$275.34 \$188.42 \$478.01 \$417.96
05/03/2012	IRS - INTERNAL REVENUE SERVICE	Federal withholdings	EFTF512	\$2,626.86	100-41110-170 100-41400-170 100-41400-171 100-41400-172 100-41510-170 100-41510-171 100-41510-172 201-43102-170 201-43102-171 201-43102-172 201-43103-170 201-43103-171 201-43103-172	\$27.00 \$79.84 \$286.35 \$218.61 \$54.64 \$195.95 \$280.36 \$102.68 \$368.24 \$229.18 \$89.78 \$321.98 \$372.25
05/03/2012	MN DEPARTMENT OF REVENUE	State withholdings ID# 2478214	EFTS512	\$502.22	100-41400-173 100-41510-173 201-43102-173 201-43103-173	\$113.80 \$111.98 \$117.60 \$168.84

Total For Period

\$72,106.19

Total Year To Date

\$252,304.61

For the Period 04/01/2012 to 04/30/2012

Name of Fund	Beginning Balance	Total Receipts	Total Disbursed	Ending Balance	Less Deposits In Transit	Plus Outstanding Checks	Total Per Bank Statement
General Fund	\$81,306.02	\$2,341.21	\$18,191.76	\$65,455.47			
Road & Bridge Fund	\$320,053.42	\$6,312.36	\$20,182.92	\$306,182.86			
Fire Fund	\$92,763.32	\$32.57	\$0.00	\$92,795.89			
Levied Park Fund	\$2,107.58	\$0.75	\$0.00	\$2,108.33			
Park Fund	\$5,231.31	\$1.83	\$0.00	\$5,233.14			
201 Sewer Fund	\$31,749.40	\$11.14	\$645.70	\$31,114.84			
Capital Projects Fund	\$340.03	\$0.11	\$0.00	\$340.14			
201 Sewer Replacement	\$0.00	\$0.00	\$0.00	\$0.00			
Midcontinent Com Security	\$2,500.00	\$16.29	\$0.00	\$2,516.29			
Vets Rest Camp Security	\$0.00	\$0.00	\$0.00	\$0.00			
Scott Klancke Escrow	\$0.00	\$0.00	\$0.00	\$0.00			
Total	\$536,051.08	\$8,716.26	\$39,020.38	\$505,746.96	\$8,611.88	\$42,670.38	\$539,805.46

MONTH OF APRIL

CASH

TOTAL CASH

ESCROW

Account	Balance	Check	Debit	Credit	Balance
CHECKING	\$1,000.00				
MONEY MARKET	\$502,246.96				
CENTURY LINK	\$3,529.61				
CONNEXUS ENERGY	\$0.00				
FRONTIER UTILITY ESCROW	\$3,056.00				
SCIENCE MUSEUM OF MN	\$0.00				
WILDER FOUNDATION	(\$251.20)				
XCEL UTILITY ESCROW	\$5,216.29				
ROAD ESCROWS	\$0.00				
PLANNING FEES ESCROW	(\$792.34)				
TOTAL ESCROW	\$7,228.75				
TOTAL CASH & INVESTMENTS*	\$989,936.93				

April 30, 2012

PLANNING FEES AS OF 5/3/12

ARCOLA MILLS	(\$72.00)
LAURIE CARLSON	\$26.00
COLOMBO	(\$117.00)
SUSAN GRIFFITH	(\$140.00)
JACOBSON	(\$312.00)
KEEY ENTERPRISES - ROTH	(\$177.34)
TOTAL	(\$792.34)

*Some of these funds are restricted for specific uses and are unavailable for general use in the Town.

Letters of Credit: None

TOWN OF MAY

CURRENT INVESTMENT SUMMARY

As of 4/30/12

GENERAL

Security Bank - CD 10/5/12	\$59,032.07
TOTAL GENERAL	\$59,032.07

ROAD & BRIDGE

Gravel expires 8/18/12	\$3,137.46
Blacktopping expires 9/6/12	\$101,177.47
Gravel expires 9/17/12	\$24,444.74
Blacktopping expires 11/29/12	\$59,069.71
Gravel expires 7/7/12	\$9,292.13
Blacktopping expires 7/7/12	\$15,047.03
Road Construction expires 7/7/12	\$22,569.83
TOTAL ROAD & BRIDGE	\$234,738.37

PARK

Security Bank - CD 10/5/12	\$20,200.75
TOTAL PARK	\$20,200.75

CAPITAL

Security Bank - CD 1/31/13	\$37,500.00
TOTAL CAPITAL	\$37,500.00

201 SEWER REPLACEMENT

Security Bank - CD 10/5/12	\$86,569.90
Security Bank - CD 11/29/12	\$46,148.88
TOTAL 201 REPLACEMENT	\$132,718.78

Total CDs	\$484,189.97
TOTAL INVESTMENTS	\$484,189.97

DESIGNATED AND UNDESIGNATED DOLLARS BY FUND

As of 4/30/12

GENERAL FUND

MONEY MARKET	\$65,455.47
INVESTMENTS	\$59,032.07
DESIGNATED	
OFFICE FURNITURE/FIXTURES	\$3,400.00
ROAD ESCROWS	\$0.00
ESCROWS	\$7,228.75
CONTINGENCY	\$50,000.00
CASH FLOW	\$62,730.00
DESIGNATED TOTAL	\$123,358.75
UNDESIGNATED	\$1,128.79

ROAD & BRIDGE FUND

MONEY MARKET	\$306,182.86
INVESTMENTS	\$234,738.37
DESIGNATED	
SIGNS	\$1,000.00
BRUSHING/MOWING	\$0.00
GRAVEL TAX (MAY AVE.)	\$36,874.33
CAPITAL PROJECTS:	
ROAD CONSTRUCTION	\$0.00
INVESTMENTS	\$22,569.83
BLACKTOPPING	\$90,000.00
INVESTMENTS	\$175,294.21
PAVEMENT REPAIR	\$2,000.00
CALCIUM CHLORIDE	\$101,000.00
SEALCOATING	\$35,000.00
CULVERT REPAIRS	\$0.00
CASH FLOW	\$172,537.50
DESIGNATED TOTAL	\$636,275.87
UNDESIGNATED	(\$95,354.64)

FIRE FUND

MONEY MARKET	\$92,795.89
DESIGNATED	
CASH FLOW	\$83,620.00
DESIGNATED TOTAL	\$83,620.00
UNDESIGNATED	\$9,175.89

LEVIED PARK FUND

MONEY MARKET	\$2,108.33
DESIGNATED	
CASH FLOW	\$2,437.00
DESIGNATED TOTAL	\$2,437.00
UNDESIGNATED	(\$328.67)

CAPITAL FUND

MONEY MARKET	\$340.14
INVESTMENTS	\$37,500.00
DESIGNATED	
HEAVY EQUIPMENT	\$37,840.14
DESIGNATED TOTAL	\$37,840.14