

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
February 1, 2024

The Board of Supervisors of the Town of May convened their regular monthly meeting on February 1st, 2024, at the May Town Hall. Those present included: Board members John Pazlar, Steve Magner, and Don Rolf. Clerk/Treasurer Bobbi Hummel; Deputy Clerk/Treasurer Marsha Olson; Planner Nate Sparks, and Attorney Dave Snyder and those with business before the Town. Engineer Erichson 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 January 4th, 2024 Board Meeting. All in favor. Motion Passed.

CHECKS AND TREASURER'S REPORT

Treasurer Marsha Olson presented the Treasurer's report, showing total cash and investments of \$2,177,659.75 of which \$713,124.50 is in investments. \$1,842,565.99 is committed. \$335,093.77 is non committed.

Pazlar moved, seconded by Magner to approve the cash control statement from 01/01/2024 to 01/31/2024. All in Favor. Motion Passed.

Checks #21948 to #21972 and EFT0224B, EFT00224F, and EFT0224S are also presented.

Pazlar moved, seconded by Rolf to approve the Treasurers Report. All in Favor. Motion Passed.

PLANNING COMMISSION

Chair Nelson presented a variance request for an unaddressed property between 17665 and 17741 Keystone Ave. The applicant intends to construct a single-family house and is seeking a variance to the setback from a driveway to a wetland on the property. There is no alternative to get access to the rear property.

The planning commission recommended approval with the following conditions:

1. All construction shall generally adhere to the plans dated January 16, 2024 except as may be modified herein.
2. The Applicant shall meet all requirements of the Washington County Conservation District.
3. The Applicant shall meet all relevant requirements of the Wetland Conservation Act.
4. The Applicant shall provide a vegetative buffer to the wetland meeting the requirements of the Town Wetland Ordinance subject to review and approval of Town and Conservation District Staff.

5. The Applicant shall finalize the review process with the Watershed District.
6. The Applicant shall seek all necessary permits.
7. The final site plan, driveway elevation, and plowing plan shall be subject to review and approval of the Town Engineer.

Pazlar motions to approve Resolution 2024-05 for applicant Patrick Zahler related to the setback from a driveway to a wetland at property his property on Keystone Ave. Seconded by Magner. By roll call vote: Magner: YES, Pazlar: YES, Rolf: YES. Motion Passed.

PUBLIC VIOLATIONS HEARING

13xxx – 120th St. N.

The Board is presented with Resolution 2024-04 for consideration. The owners of the property are in attendance tonight, they would like to work the issue out.

Owners contend the second (field access) driveway has been there at least since 1967 and would like to understand the purpose behind not allowing a second access point. Pazlar clarifies that the township ordinance does not allow a secondary driveway. In this case it appears to be used as an access point to store recreational vehicles (campers). Vehicle use over this second driveway has been documented, it is not just a small access to allow for mowing the acreage. The town has received several complaints. Magner explains that this ordinance (not allowing multiple access points) is not uncommon. The reason behind the ordinance is to minimize accidents, culvert/drainage reasons, or maintenance issues.

Magner requests that the owners present a specific plan to the Board. Indicating when the 2 trailers will be moved to an approved location, relocate the vehicles and debris on the property.

Magner motions to table the matter infinitely and give the owners 30 days to submit a plan to move the trailers and vehicles to an approved location. This will include a timeline of compliance and shall be submitted to Town Planner, Nate Sparks. Seconded by Rolf. All in Favor. Motion Passed.

201 SEWER SYSTEM

No updates

ENGINEERING AND ROADS

Discussion on Washington County's Long Range Transportation Plan will be discussed next month when Mark Erichson is present.

Keystone Ave. N.

Magner is addressing the issue of the sinking apron. At this time, filing is unable to be complete. He cannot put fill over frost. A plan is being worked on by Engineer Katie Koscielak to complete the project.

VIOLATIONS/COMPLAINTS

17xxx Olinda Trail N.

The Board requested that the property owner remove materials on the property and take steps towards completing clean-up then submit photos to the Board of the progress. Some photos were submitted but the owner indicated that he was injured and unable to complete the work. A good faith effort was made. Based on the submitted pictures, it appears a majority of the appliances were removed.

Magner motions to table this matter until Spring (May meeting). Seconded by Pazlar. All in favor. Motion passed.

14xxx – 130th St. N.

The last request was to have a plan of demolition from the owners by the end of January. Planner Sparks has not heard from the owners in several weeks and does not have any further information at this time. The town building inspector has noticed that the roof is collapsing further and the condition is deteriorating. Several complaints have been received from the surrounding neighbors. Planner Sparks advises contact be attempted again with the hope to update at the March meeting.

Rolf suggests Planner Sparks try to get in contact with the owners, if nothing is heard by the March meeting the Board will need to move forward to get it remedied. Magner agrees.

No action tonight and Sparks will update the Board next month.

OLD BUSINESS

Plowing along the private section of Panorama Ave. N.

JoAnne Grady would like confirm the written submissions she provided of previous plowing along the private portion of Panorama had been received.

Attorney Snyder reports background that at a previous hearing on this issue, the Board and consultants talked to the road crew about plowing along Panorama, it was reported that the road was not plowed nor was it the intention to use it as a public road. Following the hearing, information was supplied by Ms. Grady that suggested a prior road crew had completed some plowing and grading along the road. The town has not heard from the owner of the private road at this time. If the town Board wishes to hold an additional public hearing to consider the additional information it can, and make a decision based on new information. Snyder suggests the City Engineer review and confirm that information. At that point a legislative decision could be made.

Rolf notes the substandard condition of the road and has concerns about plowing it as it is. Pazlar agrees, there is a risk there.

Snyder agrees, the township would have ability to acquire the road and bring the road up to township standard and assessments may be applied. Pazlar asks if the residents have considered the potential changes in asking for plowing services along the private road in front of their homes and/or making it a public road. It may include widening the road or making ditches. Potentially taking some of their front yard property.

The residents have considered that but find it confusing because another part of the same private road is being maintained by the township but has not been brought up to standard. Ms. Grady notes that it has been maintained my township equipment in the past.

Pazlar is open to further discussion on this issue, but wants to be clear that this case can come with some impacts that may need to be considered.

Magner notes that the Township does maintain a portion of the private road for the sole purpose of maintaining access to the township's triplex sewer lift station. There is an easement on that part of the private road to do that. There is not an easement beyond the lift station. There are logistical difficulties in expanding this road given it is a short and does not provide sufficient space to have a cul-de-sac. Additionally, connecting this road to other dead-end roads (making it a through road) in the area could be a difficult task with the other people living on dead-end roads. Additionally, approving free road service to a few people on a private road provides no public good to the whole township.

Catherine Solheim (resident on Panorama) finds it upsetting that untrue things are being said here. Particularly, if the road "may or may not have" been plowed. Mr. Voedisch was on the Board for over 20 years and has said that he approved it, requested it, and planned it. She has provided proof that it has been done. It is not "may or may not have". The township has provided service for 25 years. If the township has maintained service for 6 years the township is then responsible to continue.

Snyder responds that Solheim's comments are a gross oversimplification. Maintaining the road depends on a number of factors. Including actual intended activity on the road. Continued intent and dedication by the owner. To date, the township has not yet heard from the actual owner of the property/road. The Board talked to the road crew; they reported their version of events. Thereafter, more information was gathered. The Board can decide to evaluate that information if it chooses. In short, it is more detailed and complex than stating if you plowed it for 6 years, you must continue. Also worth mentioning, the township presented evidence where plowing was provided but homeowners were billed for it.

Rolf comments it is important to uphold township ordinances. He questions what would happen if the township votes to maintain the road. Would that lead to a township road being non-compliant with their own ordinances. Don would like to understand the time and costs of having the Engineer looking at it.

Pazlar comments on the practicality of more study on this given the time of year. He would like to get Engineer Erichson's estimate on time/cost to look into the request given new information.

Jason Jahnke Land Reclamation Permit

Mr. Jahnke would like to know what he needs to complete on his project to get the balance of his escrow funds back and if he can get a new building permit.

Planner Sparks updates the board that the security deposit was intended to ensure that the project was complete correctly. The project is not complete. The applicant has provided an as-built survey that the Engineer is reviewing in connection with the Watershed District. The applicant will then be provided a task list to wrap up the project. Upon completion, the balance of the security will be released. The need for another as-built survey will be determined by the Engineer and the Watershed District. All direction will come after the initial review is complete. Speculation about timelines and completing different parts of the project at later dates is not recommended.

Jack Kramer states that issuing a building permit prior to completing the first project could put the township in an unpleasant situation by over-riding approvals from the Engineer and the Watershed District. It's best to follow the steps in a legal manner, one step at a time following policy.

Magner asks if discussion can be had with the Engineer to determine a rough timeline. Planner Sparks and Engineer Erichson have been in weekly communication regarding this project. Coordination with the Watershed District has been challenging. Magner recommends Mr. Jahnke contact the Watershed District with his concerns.

Pazlar will keep the issue on the top of the list in order to keep the project moving.

NEW BUSINESS

Special Event Permit Application for Stillwater Log Run

An application has been received for a special event permit. The event is for the Stillwater Log Run ½ marathon on September 21st, 2024. The run does not use any scenic or rustic roads. The timeframe is listed from 7:00 a.m. to 10:00 p.m. The ordinance requires events start after 9:00 a.m. Special consideration would need to be granted from the Board. The overall plan appears to be well managed. No other events are currently scheduled around this time.

A representative from the race clarifies that the 7:00 a.m. start time is actually for set up. The actual race starts at 8:00 a.m. Conclusion of the race is 12:00 (noon). The 8:00 a.m. start is better for safety reasons. The weather is the biggest concern and an early start can make a big difference in temperature. Also, an earlier start usually means less traffic on the roads. They expect about 630 participants this year and this race has been on this same route since 1996 with no issues.

Pazlar motions to approve this permit with a one-time exemption to the ordinance rules. Rolf seconds. All in favor. Motion passed.

Resolution 2024-02. Appointing Election Judges for the Presidential Nomination Primary Election on March 5th, 2024.

Pazlar motions to approve resolution 2024-02, seconded by Rolf. By roll call vote: Magner: YES, Rolf: YES, Pazlar: YES.

Resolution 2024-03. Appointing Election Judges for the Township Election on March 12th, 2024.

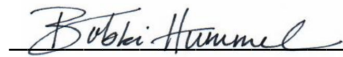
Pazlar motions to approve resolution 2024-03, seconded by Rolf. By roll call vote: Magner: YES, Rolf: YES, Pazlar: YES.

Town Hall Gate

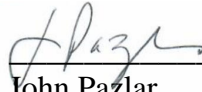
The town hall gate is not closing in the evenings as it should. This has been an issue over the past year. It is important that the gate close to prevent vandalism at the Town Hall Park. Barnum Gate suggested some needed upgrades. In particular, the front roller is low and dragging in the mud, it needs to be raised. The quote to repair/raise the roller is \$1845.00. This quote also includes installing a required safety mechanism on the gate.

Pazlar motions to approve the quote for \$1845.00 from Barnum Gate to complete the work. Rolf seconds. All in favor. Motion passed.

Meeting adjourned at 8:52 p.m. without objection.



Bobbi Hummel
Clerk/Treasurer



John Pazlar
Board Supervisor, Chair