

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
April 4th, 2024

The Board of Supervisors of the Town of May convened their regular monthly meeting on Thursday, April 4th, 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; Attorney Dave Snyder; Engineer Mark Erichson, and those with business before the Town. 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 March 7th, 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 \$2,129,971.31 of which \$713,124.50 is in investments. \$1,935,585.78 is committed. \$194,385.53 is non committed.

Pazlar moved, seconded by Rolf to approve the cash control statement from 03/01/2024 to 03/31/2024. All in favor. Motion passed.

Checks #22011 to #22049 and EFT0424B, EFT0424F, and EFT0424S are also presented.

Pazlar moved, seconded by Rolf to approve the Treasurers Report. All in favor. Motion passed.

The Electronic Funds Transfer Policy is presented. When required to utilize an electronic funds transfer for the township, Duputy Clerk/Treasurer Olson will be in charge of the transfer. In the event she is out she will oversee the process.

Pazlar motions to approve the EFT Policy as presented, seconded by Rolf. All in favor. Motion passed.

2023 AUDIT PRESENTATION BY ABDO

Tyler See and Adam Owens from ABDO presented the 2023 audit results. They issued an unmodified opinion on the township's financial statements, a clean audit opinion. There are no compliance issues to note for 2023.

An internal control finding is noted as ABDO drafts the financial statements and perform the audit. This is a conflict of interest however; it is a common finding in small communities and has been a finding in the township audit for many years.

At the end of 2023 fund balance was at 65.3% of 2024 budgeted expenditures. Typical is 50% with communities that have that have a fund balance policy or goal.

Revenues were over budget by \$111,000. Due to more escrow activity. Expenditures are over by \$123,000 due to planning and zoning expenses.

General fund balance ended at \$187,219.00.

Revenues (including property taxes, licenses and permits, intergovernmental, and other) are consistent with the prior year. As were the expenditures.

Road and Bridge Fund increased by \$106,000.00 in 2023 due to lower expenses than anticipated.

Cash and Investment Balance increased significantly due to American Rescue Plan Act (ARPA) funds of \$319,000.00, the increased Road and Bridge Fund, and escrow activity (Holstad Escrow).

PLANNING COMMISSION

Minor Sub division Concept Plan Review. Applicants: Dan and Jean Pilla

Planning Commission Chair Chad Nelson presented a minor subdivision concept plan review that was discussed at the March 28th, 2024 Planning Commission meeting. Applicants are Dan and Jean Pilla of 12744 150th St N. After discussion, the planning commission unanimously recommended approval of the plan, including the 11 recommendations of Planner Sparks.

Sparks outlines the request to split the 22-acre parcel into 2 lots. Including dividing the outlot across 150th St. Creating 2 buildable lots. With the proposed split, one of the lots does not meet the township requirement of 300 feet of public road frontage. This can be addressed at the time of pre-plat and if a variance is necessary, the township can consider it then.

Discussion at the Planning Commission meeting surrounding the road frontage requirement and access to a land locked property to the north was considered. There is a private agreement currently in place that traverses over this property. The expectation for the road is that the applicants either meet the road frontage requirement or apply for a variance.

Resolution 2024-06 is presented that conforms with the Planning Commission's recommendation. This is a concept plan, the first step in a sub division process. Comments are gathered here in preparation for the pre-plat. This is simply and acknowledgement that conversation has taken place regarding the request. It is not a formal approval, but is a required step in the sub division process.

The watershed requirements/comments will be addressed at the time of preliminary plat application.

Dan Pilla (applicant) comments that moving the property line to meet 300 frontage requirement makes an odd lot line (ear) on the south end of the lot. The outlot across the road does have 345 feet of frontage. Mr. Pilla presents the Board with a draft drawing meeting the 300-foot frontage requirement looks like. Sparks notes that this could be considered at the public hearing for the pre-plat.

Sparks comments that the requirement is that both lots, including the outlots, need to meet the 300 feet frontage requirement.

Pazlar motions to approve resolution 2024-06, a concept plan for a 2-lot subdivision for Daniel and Jean Pilla at 12744-150th St. N. Seconded by Rolf. All in favor. Motion passed.

201 SEWER SYSTEM

The 2024 budget meeting is scheduled for tomorrow, April 5th at 1:00. Magner and Rolf will review cost estimates and fixed costs to run the system over that next year. A final budget will be voted on and sent to all the users of the system with their yearly invoice.

ENGINEERING AND ROADS

Erichson presented a re-review of all the information that was presented in relation to plowing the private, residential (extended) portion along Panorama Ave. New information had been submitted suggest plowing has been done, there is conflicting information from previous road contractors. Current township contractors indicated they do not plow/grade private roadways and Mr. Erichson notes other communities do not plow private roadways. The exception here is that the township requires access to a township utility (sewer lift station) that is on a portion of this private road. There is an easement in place to allow the township to use this road and plow that section only. Pictures of the road are presented to the Board for review.

As a recap, Pazlar proves some background. Mr. Erichson was tasked with reviewing all the information that has been presented to the town with regards to plowing Panorama Ave. The goal was to access what has been done over the past several decades and if there was enough continuity of activity that would change the decision of the Board to not plow Panorama Ave. In the end, the township does not want to be in the business of maintain private roads and has already ruled on this issue but he wanted to give the residence present a full and fair hearing on this issue.

At this point, he does not see enough continuity in this case to change his decision to not plow Panorama. Considering that the residents may have got some unexpected plowing over the past several years is a win for them. Input received from the township attorney notes if a decision to provide ongoing road work to this private road could provide ramifications to the people that live along this private stretch of road. In his 25 years on the Board, he does not recall a public meeting nor a formal Board action that approved plowing any private road. Furthermore, should the Board agree to plow a private road the justification to plow one private road could create ramifications down the line with all other residence that live on a private road in the township and are currently required to service their own road. Considering all the information, there is just too many factors against deciding to maintaining a private road in perpetuity. He has to represent the township budget as a whole. Even if former Board member Mr. Voedisch provided testimony in person about why this road was maintained, Pazlar would object and still not sign off or agree to plow the road moving forward.

Rolf agrees, the quality of this road and the required road standards of township is a concern and would need to be addressed. Rolf also notes that the owner of the private road has not been in contact with the township on any of the previous meetings. It is unclear where the owner of the road stands on this topic.

Magner's option has not changed. Historic township records have been searched for motions or agreements made by the township regarding plowing private roads, nothing was found regarding plowing or maintenance of any private road for free.

Catherine Solheim thanks the Board for their time and reiterates that the road has been plowed for at least 12 years. She is not asking for extra services, and does not understand that the testimony she provided from a previous Board member indicating he requested plowing for the road is not taken as fact. Also, the road leading to the utility is in the same shape as the remaining portion of Panorama so is unclear why the condition of the road should be an issue. She disagrees with the decision.

JoAnne Grady has been living there for 23 years and conveys that the road has always been plowed and she has never had to hire anyone to plow it. This should be fact enough to prove it has been plowed.

2024 Sweeping Contract

The 2024 rates were presented to the Board. Costs increased slightly, equipment the township utilizes for sweeping increased by \$4.00 per hour.

Magner motions to approve the street sweeping contract from Miller Excavating as presented. Pazlar seconds. All in favor. Motion passed.

Jim Smolinski. 14706 130th St. N.

Mr. Smolinski would like the road issue in front of his house addressed. He presented a plan to fix the issue in the past, that was prepared by a former Board member. He would like to know if this is still the plan. Magner updates that an estimate to fix the issue was gathered last year and was extremely high and at the end of the year funds were not available. This will be an area to look at again at this year's road tour. The hope is to complete the road tour a month earlier, allowing time to address several more road issues. There is extra money in the budget to complete asphalt work in the township. He can not confirm the plan to fix this will remain the same. Mr. Smolinski was told the same thing last year and is frustrated as follow up has not taken place. He would appreciate someone to come out and look at it in the next week.

VIOLATIONS/COMPLAINTS

13440-120th St. N.

Planner Sparks has reached out to the property owners with the updated timeline that the Board felt reasonable to clear the violations on site. The date was June 1st, 2024. The owners feel that date is not possible due to their prediction of a very wet spring, unable to get trucks to bring rock, and unable to move campers due to the mud. They also noted a work project expected to take 6 weeks and will not have time. The owner would like clarification of a barrier across the second driveway and they are planning on cleaning it up over the summer as there is buckthorn in the area.

Sparks notes that this has been an issue since July of 2023 and does not believe there should be any issues from moving a camper from of the property.

Magner notes that road restrictions will come off early this year and with favorable ground conditions there is absolutely no reason why this can't get done by June 1st. The prediction of a wet spring is unfounded.

Rolf agrees. June 1st is a couple months away; it would be enough time to get help from a contractor to complete the work. He would like to keep the timeline the Board established last month and ask the owners to meet it.

Planner Sparks will reach back out to them confirming the timeline that was set with a June 1st completion date.

Based on the lengthy history with this violation, Pazlar suggests we be more aggressive in monitoring this violation and the progress.

14975-130th St. N.

The hazardous building on 130th is still standing. The demolition permit has been applied for and paid. Not action has taken place. Building Inspector Kramer reports that road restrictions just came off as the snow hit and now believes it will move forward. Fuhr Contracting has been secured to remove the building. Not action necessary at this time.

17xxx Olinda Trail N.

Pazlar mentioned a previous violation (extensive debris on property) on Olinda Trail N. The property had improved and a plan was executed to clean up the property. The owner submitted photos of his progress, but had a medical situation and was unable to continue cleanup. Follow up was to be made in June. Sparks advises that Inspector Kramer visit the site again soon. Pazlar is concerned that the length of time to remedy these situations take a long time and ask that we stay on top of this violation.

OLD BUSINESS

Historic Structures Study

The township is in the process of updating the comprehensive plan related to historic structures and rustic/scenic roads. There is a concern about the removal of some potentially historic buildings removed on larger tracks of land. A moratorium on demolition permits was executed. The Kelley Cattle farm is first on the list to review. The property owner requested this review as soon as possible. An on-site inspection was completed a couple weeks ago. Magner, Sparks, TPL, DNR and Washington County Historical representatives attended the tour. All buildings were toured, photographs were taken and presented to the Board by Sparks. Some of the buildings were in Hugo, some were falling down, and others were found not to have historical value. Comments from the Historical Society have not been received at this time. The Trust for Public Land has asked for a partial release from the moratorium. The full list for the entire town still needs to be completed and the plan for those sites outlined.

Rolf notes the request of TPL to demo some of the buildings seems reasonable and he does not have any objections. He would wait on the rest of the comments from the Historical Society to confirm if there is historical significance or if it is visual that the township wants to maintain.

Sparks notes that he was told that the final transfer of the property to the DNR cannot be complete until all the buildings are removed. Once the DNR takes ownership, the public has a right of entry and they do not want structures on the property, it is a liability concern. TPL still owns the property at this time. TPL is requesting that the Baker Lake northern site, southern building site on 155th, be allowed to be demolished now. The sites on Manning can continue to be discussed.

No formal conclusion was made for the structures on Manning Ave., further discussion will be forthcoming.

Magner motions to move forward with demolition of the 1970's southeast properties, The Barker Lake properties, and associated fencing be removed at the request of Trust for Public Land. Specifying that the Kelley Farm site on Manning is to stay intact at this time, seconded by Rolf. All in favor. Motion passed.

NEW BUSINESS

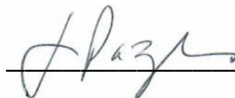
CMSCWD Rules Revision

Mike Isensee is here from the Carnelian Marine St. Croix Watershed District to answer any questions the Board may have regarding updates rule revisions within CMSCWD over the next several months. The Board would like a representative from the township to attend these meetings. An Engineer with WSB has agreed to attend as a liaison for the township. CMSCWD has a workshop scheduled for May 22nd. The official process should be starting sometime in June. There will be a long engagement process.

Meeting adjourned at 8:49 p.m. without objection.



Bobbi Hummel
Clerk/Treasurer



John Pazlar
Board Supervisor, Chair