

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
September 7th, 2023

The Board of Supervisors of the Town of May convened their regular monthly meeting on September 7, 2023, at the May Town Hall. Those present included: Board members John Pazlar, Steve Magner. Clerk/Treasurer Bobbi Hummel; Deputy Clerk/Treasurer Marsha Olson; Planner Nate Sparks; Engineer Mark Erichson; Attorney David Snyder, and those with business before the Town. Board member Don Rolf was absent. Chair John Pazlar called the meeting to order at 7:17 p.m.

MINUTES

Pazlar moved, seconded by Magner to approve the minutes from the August 3rd, 2023 Board Meeting. All in Favor. Motion Passed.

Pazlar moved, seconded by Magner to approve the minutes from the July 26th, 2023 Cartway Hearing. All in Favor. Motion Passed

CHECKS AND TREASURER'S REPORT

Olson presented the Treasurer's report, showing total cash and investments of \$2,120,502.18 of which \$711,894.89 is in investments. \$1,594,445.88 is committed. \$513,056.30 is non committed.

Pazlar moved, seconded by Magner to approved the Treasurers Report. All in Favor. Motion Passed.

Olson requests approval for checks #21761 to #21795 and EFT0923B, EFT0923F, and EFT0923S.

Pazlar moved, seconded by Rolf to approve the cash control statement from 8/1/2023 to 08/31/2023. All in Favor. Motion Passed.

Magner requests the Treasurer to see if there are additional funds in any road improvement projects for gravel this year.

PLANNING COMMISSION

Resolution 2023-19 Schuster Lot Line Adjustment

James Schuster is seeking to shift 3.5 acres from parcel A to parcel B of two properties in common ownership at 10858 – 122nd St. S. The lot line adjustment meets all town code standards. The smaller lot has more accessory buildings than currently allowed, but by increasing the acreage on the lot the non-conformities are lessened. Sparks recommends the Board adopt the presented resolution.

Pazlar motions to approved resolution 2023-19. Lot Line Adjustment for James Schuster at 10858-122nd St. S. Magner seconds. All in favor. Motion passed.

201 SEWER SYSTEM

The installation of the new telecommunications is still in progress.

There was pump fail at a residence that required a new pump. Olson's has completed the work.

ENGINEERING AND ROADS

Plowing Panorama Ave. N.

Snyder comments that in conversations with the road crew, the most that the road crew has done on Panorama is plowing. There has been no maintenance or other work on the road. It appears unlikely that a claim that the road has been rendered public by reason of periodic plowing alone. In addition, the township actions have been pursuant to a utility easement. Even if the road has a public character there is no mandate that it be maintained to a particular standard. It does not appear to satisfy the criteria for a public road. The road crew does have to plow to the 201-lift station to allow access. The suggestion is to establish a written policy that announces what will be done on the road over the next year.

Magner indicates that communication from the road crew confirms that plowing has been plowed for decades, and recognized as a private road. At that time the township had a policy of plowing private roads for a fee. Later meeting minutes indicate that there was a decision to stop providing plowing services for private roads. Instructions through last winter to private contractors has been to plow Panorama because of the lift station only. The road is currently owned by one person, who is not a user of the road. The road is approximately 150 yards.

Catherine Solheim has lived on Panorama for 15 years. She has never received a bill and the road has been plowed. A neighboring owner has been told the road was "grandfathered in" by a former Board Chair and that it benefits the township and residence.

Pazlar clarifies that the township is not legally obligated to plow the road. Snyder agrees. Noting the three requirements to make it a public road have not been met. Snyder recommends a resolution establishing the Board position on plowing.

Pazlar has no objection to having the plow truck go an extra 100 yards to turn around and further consider this before the next plowing season or continuing to allow the accommodation.

Magner asks for a motion that the township plow the easement to the triplex lift station to maintain 24/7 access. Noting the at the township is not accepting the road and it is considered to be a private road with a utility easement.

Snyder suggests that the Engineer return next month meeting with a resolution outlining the township intentions to continue plowing the area for this year consistent with other plowing practices, and have further discussions about future plowing.

Pazlar motions the township Engineer to draft a resolution for next month's meeting. Pazlar will tour the area prior to next month's meeting to provide details in the resolution. Seconded by Magner. Motion Passed.

Road Improvement Quotes

Engineer Erichson identified 17 areas and 9 different sections of roadway that need work. The first quote was around \$73,000.00. The budget identified \$10,277.00 available. The township did not chip seal or crack fill this year. If that is added to the budget there is just shy of \$60,000.00 available. Erichson asks for direction from the Board on how to handle the shortage.

Supervisor Magner notes there has not been much asphalt work done in a few years. There are a couple projects that could wait, we don't have funds to do everything. He would like to pool together the chip seal and crack fill funds to come closer to the estimate of \$73,000.00. The list of projects may need to be trimmed, but some of the work is necessary to avoid further costs and damage.

Magner motions to move the chip seal and crack fill funds into the road patching funds for a total of \$59,865.00 to move forward with road work. Seconded by Pazlar. All in favor. Motion passed.

VIOLATIONS/COMPLAINTS

Planner Sparks is seeking Board direction regarding a home with excessive junk on their property. Compliance with codes was not achieved with a letter to the resident. In fact, more junk has accumulated since the letter was sent. Sparks is confident that the owner received the notification.

Magner suggests a follow up letter sent via us mail. Pazlar agrees. Sparks is directed to send another letter and follow up at the October meeting.

OLD BUSINESS

Special Event Ordinance and Application

A special event ordinance was presented at a prior meeting and comments/modifications from staff are needed. Seasonally, the time for these events is ending so there will be time to get that in place for next year.

Magner stresses the importance of getting the ordinance in place so there is a clear direction in the future.

Pazlar motions to approve an application for Midwest Multi-Sport Races for a September 9th – 10th Run/Walk Race Marathon. Seconded by Pazlar. All in favor. Motion Passed.

Minnesota Catholic Youth Partnership Updates

No comments from the Board or public at this time. There are no representatives from CYP in attendance tonight. Any work/response from the township has stopped at this time. Snyder states that if there is a desire for the Board to give direction on conservancy zoning for activities it should be clarified now.

Pazlar is supportive of opening this up for discussion and public input on zoning in the conservancy district. This has been done before, but no one has really been interested. There is an issue before us that might have a particular use and folks are engaged now.

Magner understands the situation but is not ready to jump into another modification of the conservancy district at this time. Unless there is a reason to do something he is not ready to start a whole new process. At this time, there is nothing driving this process and understands there may be in the future. Magner is not supportive of assigning staff to work on this at this time. He would be interested in revisiting it in a month or two. Also, clarification of exactly what would be addressed would be helpful and all three Board members should be on the same page.

This will be added to next month's agenda with all three Board members in attendance with direction on exactly what changes could be looked at.

Pazlar motions to direct staff to create a framework that allows ability to re-open zoning/ordinance work in the conservancy zone. No second is received. Motion fails.

Resident Sue St. Sauver, a resident of 55 years. She is confused and knows nothing but rumors about the Wilder sale. She would like clarification what the township is looking at. She would like to see more public input/meetings surrounding the sale of Wilder. She would like to see a petition started.

Pazlar clarifies that Mr. Magners hesitation is not about the Wilder Forest sale, but rather about making changes to zoning within the conservancy zone. The CYP/camp proposal has been a long ongoing process and we are at the point where there is nothing actionable in front of the Board.

Jerry Melgren, owns cabin close to Wilder Property and asks if the Board is going to respond to the camp about what you will allow them to do or wait until the camp comes to them. Based on current information there is no action for the Board to take. If a question comes before the Board regarding allowable uses it will be a public process.

River Grove School Update

No Board action is required tonight. There have been communications between staff and the property owner.

Janke Permit Review

Some complaints have been received about an active land reclamation permit. The level of noise and activities on site are an issue. Evidence with hours of operation violations have been submitted. Sparks notes that at this juncture staff is hoping to have communication with the permit holder and potentially see if it can be resolved on-site. The proximity of the construction site to the neighbors makes it likely that complaints about noise will be received. The town Engineer and Building Official have recently been on-site and will continue to be more engaged. If issues continue, Board action may be needed.

Paul Creager, neighboring property owner states the it is not the amount of work that is being done, the concern is the noise levels. Another neighbor is selling is home because of the constant noise. He

would like understanding of where the project is at and hopes the project can be closed as indicated in the permit.

Pazlar is sympathetic with the situation and the longevity of the situation. It is a high priority item.

Cannabis Cultivation


Discussion on Cannabis cultivation tonight is an attempt to get ahead impacts this may create in the township. Snyder recommends the Board consider a moratorium on this item. Grow houses may be an issue. As an agricultural use, it is exempt from the building code and because May Township is in close to Wisconsin, where cannabis is not legal, it is reasonable to assume grow farms could populate in this area. In other areas grow farms are a quasi-industrial structure with fences and barbed wire. Illegal operations can pop up around as well. Issues are truck traffic, theft/crime risks, attraction of illegal growers and internal issues like heavy use of herbicides. A moratorium would give time to think about regulations surrounding grow barns.

Planner Sparks and Supervisor Magner agree that a moratorium be considered.


Zach Cole, resident of May Ave. He has been growing legal hemp for the last 5 years. He gets inspected by the federal government, ensuring that his process is correct. He cannot manufacture on his land unless he has a manufacturing license. There is talk about setbacks from public roads and where/when he can sell. Mr. Cole notes that wild hemp does grow in this area. Cross pollination will happen so growing indoors is necessary. His crop is a high-end crop, as such, they need smaller buildings, solar energy, and are going organic. People are using it as medicine so they do not want to spray it with pesticides.

Cole offers to share his contacts with the Board for future reference.

Meeting adjourned at 8:34 p.m. without objection.



Bobbi Hummel
Clerk/Treasurer



John Pazlar
Board Supervisor, Chair