

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
October 5th, 2023

The Board of Supervisors of the Town of May convened their regular monthly meeting on October 5, 2023, 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 David Snyder, and those with business before the Town. Chair John Pazlar called the meeting to order at 7:01 p.m.

MINUTES

Rolf moved, seconded by Pazlar to approve the minutes from the September 7th, 2023 Board Meeting. All in Favor. Motion Passed.

(September meeting minutes were revised prior to approval at Supervisor Magner request regarding plowing of Panorama. The statement "Magner has no issue with that" was removed as requested).

Pazlar moved, seconded by Rolf to approve the minutes from the September 7th, 2023 Board Meeting. All in Favor. Motion Passed.

Pazlar moved, seconded by Rolf to approve the minutes from the September 12th, 2023 Closed Cartway Litigation Meeting. All in Favor. Motion Passed

CHECKS AND TREASURER'S REPORT

Olson presented the Treasurer's report, showing total cash and investments of \$1,979,577.13 of which \$712,305.60 is in investments. \$1,596,957.17 is committed. \$382,619.96 is non committed.

An older Arcola Tree Farm Development Escrow is still outstanding, the Clerk is addressing it and a portion has been paid. None are in dispute.

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

Olson requests approval for checks #21796 to #21832 and EFT01023B, EFT1023F, and EFT1023S.

Pazlar moved, seconded by Rolf to approve the cash control statement from 9/1/2023 to 09/30/2023. All in Favor. Motion Passed.

PLANNING COMMISSION

The Planning Commission reviewed a preliminary and final plat for Schuster Acres. It is a 33-acre property, requesting to be split into two lots. It meets township standards. Planning commission

recommended approval. Comments from Washington County regarding access points has not been received yet. Planner Sparks has prepared Resolution 2023-21 for review tonight.

Planning Commission Chair Chad Nelson states that an explanation of the 2.5 acre minimum was discussed and the Schuster's understood that an addition yield calculation may need to be done in the future.

Neighbors present tonight is in support of this change.

Supervisor Rolf motions to approve Resolution 2023-21 as presented. Seconded by Pazlar. All in favor. Motion passed.

201 SEWER SYSTEM

The state has indicated new requirements for sewer systems regarding nitrogen. A motion was passed to allocate funds so the township Engineer could complete preliminary work to identify the next steps in applying for the grant. If approved, the grant could cover 80% of the total cost.

A brief update with the annual billing in 2024 will be considered.

ENGINEERING AND ROADS

Resolution 2023-22. Plowing Private Roads

Magner would like to move forward to clarify this tonight and have it resolved before winter. The issue is whether or not the township plows the private portion of Panorama beyond the township's 201 sewer system.

Testimony of plowing contractors indicate plowing along Panorama has been made to the point of the township's 201 Sewer Station Lift Station to maintain 24-hour access. Historically plowing along the private portion of the road was completed with the assumption that it was being invoiced to the owners. Information from previous township records indicate the township was plowing private roads for payment. Testimony also indicated that if the private section was plowed recently, it was simply to move snow or as a curtesy and regular snow plowing did not occur. Mr. Magner has received calls from other township residence living on private roads inquiring why the township was plowing this private road. We need to keep access to the 201-system open, but he feels going beyond the 201 system is not the right course of action. He will not be voting for anything beyond what the resolution identifies.

On existing evidence, Mr. Snyder does not believe a case for public road status exists. Resident Joe Lendway, in review the Minnesota Townships Association information, indicates that the road is used by people that do not live on it. Mr. Lendway indicates the road has been worked on for over 15 years by the township. Including grading and dust control. Also noting township contractors use the road.

Mr. Snyder invites Mr. Ledway to bring a petition for inverse condemnation with the Washington County District Court and ask the court to declare it a public road. The result could be a declaring it a public road, along with the ditches, slopes, and adjacent lands on each side rendered public.

Mr. Lendway replies that declaring it a public road would only allow public access to what is maintained and there has never been work on the ditches along Panorama.

Mr. Snyder suggests that the area that is maintained includes the areas necessary for the slope and support of the road as well as snow casting. If snow is cast into the ditch and lawns, it can potentially be declared part of the public road. The goal is to outline future predictability moving forward. Disputes on if it is public or private may be best served in a different forum.

Mr. Lenway asks that if it is not graded in the future, he requests that township equipment not use the road. After construction of the drainage project this may be a moot point. The type of material chosen for the road does not support grading.

The resolution tonight is about plowing the private section of Panorama only. Magner states that if the township were to take the road it would be necessary to revert back to township road standards. Panorama does not meet any township standards currently written for a road. That will be a significant amount of work and would change the landscape dramatically.

Resident Catherine Solheim lives on Panorama Ave. and states that the road has been plowed for 15 years. Pointing out some of the facts in the draft resolution are incorrect as well as location descriptions.

Magner questions what the public good is to plow the private section; no law requires the township plow it. Solheim responds that it has been done for 25 years and is a service that has been provided for her. Magner responds that it is a private road and any past plowing does not obligate the township to continue it.

Another resident that lives on Panorama referred to conversations with past Board members that indicated that the road is grandfathered in. This hasn't been an issue until this past year when the road was not plowed. She feels if the township does not plow their section of the road they will be trapped and doesn't understand how it will work logistically. She confirms the road has been plowed.

Pazlar summarizes that there is clear debate around the past plowing of the Panorama. The township has a compelling interest and will continue to plow the private portion of Panorama to get to the townships 201 sewer lift station, in order to keep it accessible. The question is whether or not the township will plow the remaining length of the private road, beyond the lift station.

Rolf is not in favor of a situation that prevents residence from getting in/out of their road. If stopping the plow at the 201 system leaves a berm of snow, he does not feel comfortable leaving a safety hazard.

Magner says the snow can safely be pushed to the northwest side of the intersection. Leaving a berm is not an issue. He sees no public good in spending tax dollars on plowing a private road. It is common to see local contractors out before the township roads are being plowed. He has no interest in continuing to plow the private section beyond the township 201 sewer system. He is responsible for township dollars and does not see a public good in using township plowing contractors to plow out residents that live on a private road.

Pazlar is still unclear about what past practice has been, he would like time to rectify the conflicts. Rolf agrees and would like to get clear on the stop point for the plow.

Pazlar suggests to table for a month, he would like more information on the unresolved issues. He suggests the residents on the road start to line up a serve just incase the decision is to not plow the road they have someone ready. Even if history identifies plowing has occurred the totality of facts will need to be considered.

Snyder recommends a motion to continue, refers the Board back to the terms of his letter and hopefully the factual conflict can be resolved.

Pazlar moves, seconded by Rolf to continue the matter to November. All in favor. Motion passed.

VIOLATIONS/COMPLAINTS

17xxx Olinda Trail N.

A violation on Olinda Trail has been an ongoing issue. Correspondence has been sent and there has been no compliance to this point. The township Building Official has been in contact with the owner. The owner stated they are operating an auto reduction yard, removing metal from junk cars and selling it. Sparks reported that the owners have stated that they do not intend to comply. The lot is several acres in size. With the amount of outside material related to this illegal home-based business, there is not a pathway to receive an Interim Use Permit to bring the operation in compliance.

Attorney Snyder suggests at this point, with the clarity of the owner's intentions, is to litigate the matter or hold a Violation Hearing at the November meeting. Giving the homeowner notice and invite them to attend.

The building official has been to the property 3-4 times, original notice was sent in May, another in September. The property/situation has been monitored throughout the summer. There was additional time granted due to the large amount of junk on the property. It appears that the material has been moved around, but did not decrease in volume. The owner stated it is an income generating hobby.

Rolf suggests a violation hearing, Pazlar agrees.

Pazlar moves, seconded by Rolf to hold a violation hearing in November. All in favor. Motion passed.

13xxx – 120th St. N.

There has been a second access point added to a property and a camper and boat is being utilized as living space. A notice has been sent to the property owner. Follow up on this will occur next week. The complaints were received just recently, however arial photos and investigations lead officials to believe this has been there a while. The building official observed that the camper is being used as a residence. There are signs of residency around the camper.

There is a permanent home on the property. Property owners are still within the time to comply but that will be up prior to the November meeting. Mager suggests the second letter be sent as a certified letter and be sent prior to November next meeting.

Mager motions in instruct staff to send a second certified letter if compliance is not gained. Pazlar seconds. All in favor. Motion passed.

OLD BUSINESS

Memorandum of Understanding. Panorama Improvement Project.

Mike Isensee presents 60% engineer plans to the Board. This project is on Panorama Ave., along Big Carnelian Lake, on about 27 acres of land that has water running directly into the lake without treatment. On an annual basis about 9 pounds of phosphorus and about 6 tons of sediment are discharged into the lake. The plan is to install stormwater piping with 13 inlets that capture and divert the runoff into a large basin. A Memorandum of Understanding (MOU) is a required process that allows the watershed to access state grant funds for the project. There will be a 48-hour notice given to affected residence and project working hours between 8am and 5pm. Leaving access to cabins in the mornings and evenings. Upon completion all of Panorama Ave. (public and private sections) will be covered with class 5 Dresser Trap Rock as the road base. The estimated cost of the project is \$600,000.00, some state funding has been secured, the township is contributing \$60,000.00. Additional grants may become available in the near future. Watershed funds will be utilized to pay the balance. The project will be completed in 3 phases. There has been a public tour of the area, a public open house, and letters to land owners have been sent. Overall, residents have been excited about the drainage issues being fixed and are supportive of improving the water quality. Neighbors in attendance are supportive and they feel communications have been good. They are expecting some disturbance. There are two access points in the area that could accommodate emergency vehicles if needed during construction.

The township would like to be involved in the Watershed rule making process moving forward.

Magner motions to approve the Memorandum of Understanding with the stipulation that one item be corrected as indicated by Attorney Snyder. Seconded by Pazlar. All in favor. Motion passed.

Special Event Ordinance

Planner Sparks presents a new draft of the special event ordinance to the Board. This new ordinance removes the regulations occurring on private properties. This ordinance outlines events that utilize the town right of way, town parks, and gravel roads. It limits the number of events per quarter and limits the number of events on the same day. The deposit (application fee/escrow) will be added to the township fee schedule. The township has been receiving a lot of requests for large events. It has created some issues with traffic, communication, and complaints.

Once adopted, the Board would review the application and the Clerk would track all the applications to verify it meets the ordinance requirements and then be presented for Board approval.

Magner mentions that there have been issues with event coordinators not applying in a timely fashion for events. Leaving the township in a crunch to approve permits that have not had time to review adequately. The township needs to know about events to make everyone aware and ensure a safe event.

As a side note, Pazlar points out that there are expansions of public facilities coming to the township and the Board needs to understand and limit the impact of the large events such as this. The goal is not to restrict private resident events but try to limit impacts on traffic.

Rolf notes that is also important to see where events fall on the calendar and where they occur in the township. The township may have to deny some events so it doesn't get overwhelming.

Pazlar motions to review a new draft at next months meeting. Seconded by Magner. All in favor. Motion passed.

NEW BUSINESS

Scandia Fire Chief Mike Hinz presents the Board with their 2024-2026 contract. Actual costs and proposed costs are presented. Costs have increased recently. A new fire truck will be needed in 2026, estimated costs to replace the truck is \$700,000.00-\$800,000.00. It is replacing a truck that is 25 years old that is beginning to have issues and does not meet some safety requirements. This new truck is very similar to the one it is replacing. The old truck will be sold auction. The truck will be paid with a 10-year bond. A substation on Manning Ave. is in Scandia's capital improvement plan to get better coverage of the area, it would provide services to some May Township residence. Estimated costs on a future substation is \$200,000.00. This future sub-station would also allow them to provide service to some Forest Lake residence. Response time to this area would be much faster.

Bridge Storage

A request came into the Clerk from Washington County seeking to temporarily store a bridge at their gravel pit in the township. Planner Sparks has concerns that the conditional use permit is to operate a mine and should not be allowed to be a place to store items. If the allowance is granted future requests could be a concern. More questions/details need to be asked.

Pazlar wonders if this unique accommodation could be allowed. The Clerk is directed to gather more information on how long they intend to store the bridge and what the plan is going forward. This may be considered a public accommodation to the County. If approved there should be an understanding, that they may store it under certain conditions to be outlined before formal approval.

Magner agrees that the township should partner with the county on this. It may be visible by only one resident. The bigger concern is if the county plans to do restoration work on site. If work is to be done on the bridge the proper precautions must be met.

Rolf would like more information before making a decision. The Clerk will request more information and report back at next month's meeting.

Resolution 2023-20. Certify Election Judges for November 7th, 2023.

No questions or comments from the Board or public.

Pazlar motions to approve Resolution 2023-20, appointing election judges for the November 7, 2023 Election. Seconded by Rolf. By roll call vote: Pazlar YES, Magner YES, Rolf YES. Motion passed.

Consideration of Conservancy Zone Changes

There has been no renewed interest of follow up since last month's meeting. Pazlar suggested it be tabled.

Magner said that if there is interest in re-visiting this topic he would like plan, specifics, and rationale for doing anything. He does not want to talk about hypothetical situations. It would be wasted time and funds if there is no clear proposal in front of them.

Pazlar requested Planner Sparks to connect with Dave Snyder regarding the recent changes (sale of the Wilder Forest property) and see if he thinks it's worthwhile to re-open this to the public.

Technology Upgrades

The Clerk will re-visit upgrading technology at the Town Hall for hybrid meetings over the next month. The goal is a simple, smaller solution that meets the need but does not disrupt the town hall space.

Media Requests

Pazlar suggests that any future media request should be directed to the Clerk and work with the Board Chair on a unified township response and if a more detail reply is needed it can be individually determined.


Magner prefers that media requests be sent to the Clerk.

Rolf would like to see a unified response.

Warner Nature Center Concerns

Multiple concerns have been received from township residence about what is happening at the Warner Nature Center site and the operation of a school. The township has a visit/inspection set up for next week and is gathering information. There is concern that with the weather changing the school will move to Wilder Forest. Rolf reports that the church location River Grove is using currently for rain days is a very small space. The septic compliance at Wilder Forest needs to be resolved, as well as other issues.

Meeting adjourned at 9:57 p.m. without objection.



Bobbi Hummel
Clerk/Treasurer



John Pazlar
Board Supervisor, Chair