

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
November 2nd, 2023

The Board of Supervisors of the Town of May convened their regular monthly meeting on November 2, 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; Engineer Mark Erichson; Attorney David Snyder; and those with business before the Town. Chair John Pazlar called the meeting to order at 7:00 p.m.

MINUTES

Pazlar moved, seconded by Rolf to approve the minutes from the October 5th,2023 Board Meeting. All in Favor. Motion Passed.

Pazlar moved, seconded by Magner to approve the minutes from the October 17th,2023 Special Board Meeting with Marine Fire Department. All in Favor. Motion Passed.

Pazlar moved, seconded by Rolf to approve the minutes from the October 27th, 2023 Special Board Meeting regarding Demolition Permits and Bridge Storage. All in Favor. Motion Passed.

CHECKS AND TREASURER'S REPORT

Olson presented the Treasurer's report, showing total cash and investments of \$1,956,110.29 of which \$712,316.45 is in investments. \$1,575,779.57 is committed. \$380,330.00 is non committed.

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

Olson requests approval for checks #21833 to #21863 and EFT1123B, EFT1123F, and EFT1123S.

Pazlar moved, seconded by Rolf to approve the cash control statement from 10/1/2023 to 10/30/2023. All in Favor. Motion Passed.

PLANNING COMMISSION

None

201 SEWER SYSTEM

Engineer Mark Erichson reports on the required upgrades to the 201-sewer system. Preliminary conversations have been had in regards to potential grant opportunities. A decision to wait or act on the grant application may be beneficial at this time. The deadline for the having the upgrades is still pending. Applying for the grant and completing the upgrades now is an option. However, the township may incur additional costs as reporting requirements, additional upgrades, maintenance needs will increase with

the upgrade of the system. The township could also wait until the upgrade requirement is finalized, which may be 5-10 years in the future. Mr. Erichson also notes that construction costs could increase significantly in the future. Involvement of the users may be recommended, such as a workshop.

Pazlar and Rolf agree that input from the users would be beneficial.

A letter was sent to users about the required upgrades in 2021. Magner would like to wait until the requirement deadline is finalized. If the updates are done now, the township might have to update again by the time the deadline arrives. As soon as the dates are finalized, then move forward with the grant application.

Engineer Erichson also suggests the township get a better idea of user capacity and service areas.

Magner motions to instruct staff to work on a map that identifies properties on the system as well as the properties that might be future users. Including a rough over-layer of the infrastructure. In addition, adding the new map to the application form. Seconded by Rolf. All in Favor. Motion passed.

ENGINEERING AND ROADS

Private Road Plowing. Panorama Ave. N.

Attorney Snyder updates the Board that since last meeting an emailed letter has been received from an Attorney representing a resident on Panorama, offering a disagreement about the nature and extent of township activities on Panorama “extended”. The response from the town was that the presented resolution contemplates the receipt of additional information. The Board can choose to act on the resolution as presented or modify it in some way. More information gathering could also be received if desired. Mr. Snyder also notes that claiming a public road in front of a private property has concerns. For example, if the road is sub-standard, it would need to be improved and can be, and often is, assessed to the residents. Documents/letters have been presented to the Board including a threat of litigation, his advice going forward is that all information be privileged.

Clerk Hummel reports township records from approximately 20 years ago indicate the plowing of private roads has been in the town code book and fee schedules. Yearly invoices/billings were also found for plowing private roads in the township, though nothing specific for Panorama. Minutes from 1996 to 2002 indicate discussions surrounding plowing private roads.

Pazlar, at this point, does not have a good sense of what has actually happened on Panorama in the past. Rolf has concerns about where to push the snow and does not want to create a barrier for residents that live on the private section. Also, current condition of the road to support large township plow trucks in concerning.

Magner notes that the two people who own the private section of Panorama are not in attendance tonight. Panorama has areas that are only 11 feet wide, making it extremely difficult to grade with no option to turn around. There is an extensive watershed project expected to be complete in the near future to improve part of the road. Once the project is complete, grading the road is not an option due to the trap-rock on the road. Plowing will also require special/extra attention. Magner will not take on special maintenance for private roads. The only reason the township currently plows part of the private section

of Panorama is to maintain 24/7 access to the 201-sewer lift station, as it is health, safety, and wellness concern for the township. It would be disingenuous to use tax dollars to plow a private road for a few people where others in the township on private roads have to pay for their own services.

Resident Catherine Solheim thanks the Board for all the work they have done. She would like to have Panorama plowed beyond the 201-lift station. She is not asking for special treatment rather, she is asking for this because she states the plowing has been done for 25 years. The resolution prepared by town staff has her name on it, but her residence is not included in the resolution. She is not comfortable with that. Also, Ms. Solheim feels three points (of the four listed) in the resolution are incorrect.

The original resolution without any edits, announces the intention to continue to plow up to the lift station and not beyond. Additionally, if more facts are presented the town will re-evaluation it. Pazlar clarifies Resolution 2023-22 identifies plowing to the 201-lift station only, based on testimony received from township plowing contractors this has been the standard practice. Despite differing testimony from township residence. Future documentation, testimony can be brought before the Board at any time.

Magner motions to approve **Resolution 2023-22. A Resolution Approving Snowplowing Along the Private Portion of Panorama Ave.** Seconded by Rolf. All in Favor. Motion passes.

VIOLATIONS/COMPLAINTS

17xxx Olinda Trail N.

Planner Sparks and Building Inspector, Jack Kramer have been in contact with the owner of the property. There are concerns that the auto reduction business is a much larger operation than what is visible from the road and totality of this violation is much bigger/extensive than what was first thought. Multiple and unlicensed vehicles are on-site. Washington County has also been contacted as this is a violation of their ordinances too. Sparks and Kramer do not believe that compliance will be gained. The owner has stated that he will continue the operation and does not feel it is an issue. Kramer is concerned about the fuels, oils, fluids that may not be disposed of properly.

Sparks believes that an operation such as this would require a Washington County license. His understanding is that Washington County will look into it and get back to him with their findings.

Magner would like to wait on the public hearing and re-evaluate based on what Washington County does. Rolf and Pazlar agree.

Snyder offers that the County may not concern itself with vehicles/fluids. The county interest may not be as broad as a township's. The next step with the township is to hold a public hearing in the future. Even if/when the county handles the hazardous waste, the violation still exists.

Sparks is directed to reach out to report back on what Washington County reported and update the Board prior to the December meeting.

13xxx – 120th St. N.

Planner Sparks reported that a relative of the property owner communicated that due to unfortunate personal circumstances, they have been storing items here. An extra driveway access was also an issue and was included in the letter. They requested an extension so they could remove the items. Sparks will update the Board on the status next month.

OLD BUSINESS

Discuss Draft Ordinance 2023-06. A Moratorium on the Operation of Cannabis Business & Establishment of Certain Agricultural Buildings.

Pazlar motions to hold a Public Hearing at the December 7th Board meeting. The Clerk will publish a notice in the Messenger and post it. Seconded by Rolf. All in Favor. Motion passed.

Ordinance 2023-05 An Ordinance Amending the Town Code Related to Special Events.

Several drafts have been presented. This third version includes all the recommended changes. Magner would like to get this finalized before the year end. Clerk Hummel will also draft a new special event application and send it to the Board to review before the December meeting.

Conservancy Zone Changes

Planner Sparks notes that the conservancy changes that occurred last year added specificity to the town code. It was a larger project that made it possible to enforce codes, if necessary. More recently, further concerns about conservation efforts in the conservancy district were brought forward. This came about when discussions related to the camp at Wilder were a concern for residents.

Pazlar notes that effort and time included to make these changes is significant. In truth, people don't get interested/involved until there is a reason or issue. If a formal request comes in the Board will review that.

There has not been a lot of public interest in this over the past couple months. Magner suggests that the Board focus its resources on the moratorium that was placed earlier this week on demolition permits on historic structures.

Rolf is please with the current codes as written.

Wildlife Management Area (WMA) proposal at Kelley Land and Cattle Company Updates

Planner Sparks attended a focus group meeting to discuss the proposed WMA. The plan is to make the area a pilot project for WMA new users. Five parking lots are proposed for the area, one includes demolition of the farms to create a parking lot off of Manning. The moratorium on demolition permits in the township did not allow for that to move forward at this time. Comments from township officials was requested, Sparks will forward the information to the Board. Concerns surrounding costs, lack of conservation efforts, and planned uses on site were questioned at the meeting. The Board would like to see what exactly the planned uses are for the area.

Pazlar has concerns about the size and plans for the area, being it is so close to a major metro area and other activities. Also, the lack of communication with the township thus far.

Magner agrees and has concerns about the process and lack of community input on land that was purchased with tax payer dollars. Specifically, the lack of communication with township officials.

NEW BUSINESS

County Highway 3 (Norell Ave. N.) Update

Resident Laurie Allmann presented updates to the Board on the proposal by Washington County to reconstruct portions of Highway 3 (Norell Ave. N.). The project has been shelved. It is not part of the Capital Improvement Plan for Washington County in the next four years. Pavement conditions will be assessed/monitored to see when the project needs to be done. The County is going to pursue a review from the Natural Heritage Information System, this is a DNR inventory of important ecological features for the state. The County has been receptive to comments/recommendations from township residents and has modified the original plans based on public input.

Land Reclamation Permit Extension Request. Jahnke.

Jason Jahnke, 13455 Partridge Road N., is requesting an extension to his Land Reclamation Permit that expires November 30th, 2023. Due to heavy rains in late September/early October and colder temperatures moving in, he does not believe he will complete the project in time. He would like to end his permit now and utilize the last month in the spring of 2024.

Concerned that the project has gone on for too long already and there is still another month on the permit, it is premature to waste what could be a good month to get it done. Mager suggests that all conditions of the permit be lifted and allow Mr. Jahnke to push to get the work done before December 7th, the next meeting.

Magner motions to modify the permit conditions for the next month, extending the time to work to 7:00am to 7:00pm, allow work to be completed on Saturday and Sunday, and require delivery of all necessary materials to complete the project by December 7th, 2023. Inspections will be completed as necessary over the next month and reported at the December meeting. Seconded by Rolf. All in Favor. Motion passed.

Resolution 2023-24. Stifter Final Plat

This was approved as a pre-plat by the Board in August. This final plat is identical to the preliminary plat. All conditions have been met. There are not issues with the access points.

Pazlar motions to approve Resolution 2023-24. Seconded by Rolf. By Roll Call Vote. Magner YES, Pazlar YES, Rolf YES. Resolution Approved.

Resolution 2023-23. Washington County All Hazard Mitigation Plan

A resolution approving a 5-year hazard mitigation plan to access FEMA funds in the event of any natural disaster.

Pazlar motions to approve Resolution 2023-23. Seconded by Rolf. By Roll Call Vote. Magner YES, Pazlar YES, Rolf YES. Resolution Approved.

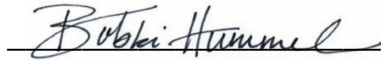
2024-2025 Miller Excavating Snowplowing Contract

Magner reports a rate increase of 5% from last year, due to fuel and equipment costs. His recommendation/motion is to accept the contract for 2024-2025 season. Seconded by Pazlar. All in Favor. Motion passed.

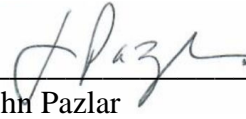
Rebecca Swanson, in memory

A longtime township resident and former Board member, Rebecca Swanson passed away. Pazlar thanks her for her service and commitment to May Township. Her work helped shape what May Township is today.

Meeting adjourned at 10:07 p.m. without objection.



Bobbi Hummel
Clerk/Treasurer



John Pazlar
Board Supervisor, Chair