

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
May 4th, 2023

The Board of Supervisors of the Town of May convened their regular monthly meeting on May 4, 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; Township Attorney, Dave Snyder, Planner Nate Sparks, 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 Magner to approve the minutes for the April 6th, 2023 Board Meeting Minutes. All in Favor. Motion Passed.

Pazlar moved, seconded by Magner to approve the minutes for the April 19th, 2023 Board of Equalization and Appeal Meeting Minutes. All in Favor. Motion Passed.

Pazlar moved, seconded by Magner to approve the minutes for the April 21st, 2023 Special Board Meeting on the 201 Sewer System with John Adams. All in Favor. Motion Passed.

CHECKS AND TREASURER'S REPORT

Olson presented the Treasurer's report, showing total cash and investments of \$1,882,745.00 of which \$710,916.28 is in investments. \$1,626,720.25 is committed.

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

Check approval checks #21618 to #21656 and EFT0523B, EFT0523F, and EFT0523S.

Pazlar moved, seconded by Rolf to approve the above checks for payment. All in Favor. Motion Passed.

PLANNING COMMISSION

Walt Peterson presents the recommendation of the Planning Commission for the Washington County Park Reserve Conditional Use Permit. The county is proposing to remodel a current public works building in the park. Adding bathrooms and breakrooms. This will be temporary; a new facility will be built eventually. The Planning Commission is recommending approval of the CUP as presented.

Nate Sparks explains that the CUP encompasses the areas of the park that are owed and open to the public only. The maintenance facility is included in the master plan and is allowed.

Magner has no concerns.

Pazlar motions to approve Resolution 2023-13 Conditional Use Permit to Washington County for Big Marine Park Reserve, seconded by Rolf. By Roll Call Vote: Magner: YES, Pazlar: YES, Rolf: YES. Resolution 2023-13 Approved.

Jahnke Land Reclamation Project Extension Request

Jason Jahnke posted the required security for his project and presented a request for an extension on his permit at that time. The permit currently runs through November 30, 2023. Mr. Jahnke is requesting an extension of one year. Mr. Jahnke states he will be traveling for work and may be unable to complete the work on time. Nate Sparks reminds the Board that the permit was granted through a public process and has a specific project completion date. If the Board chooses to extend the project timeline it should be in lieu of any work being done this year and allow work to begin and be completed by November, 2024. Otherwise, the work would be a 2-year project, a substantial change to the approved permit, and would require a new public hearing meeting and Board meeting. The work has been ongoing for a number of years already and one point of the timeline was to get the work done in a fair and agreeable amount of time to surrounding property owners.

Don Rolf is inclined to stick with what the Planning Commission and Board have already approved.

Applicant, Jason Jahnke, explains that he was out of town from January to mid-April and is slated to go out of town for work again in June for an undetermined amount of time. He is trying to be proactive. He is concerned about losing his deposit money.

Magner notes that an email was received by a neighboring property owner indicating that they are not in support of the permit extension. The letter expressed a need for finality to the situation. Magners concerns are the continued animosity between the applicant and neighbors. Sometimes an extension is necessary, but those extensions should come towards the end of the deadline and this permit just became effective. He suggests that the applicant consider scaling the project back and if the work isn't done close to the expiration date of the permit the Board can revisit this issue. He encourages the applicant to try to complete the project and asks that he keep the township aware of what is happening on it, for example, when/if he may be going out of town in June. Communication is key. It is premature for an extension.

John Pazlar comments that he has received a couple calls on this issue today. The concern isn't an opposition to the project, the concern is the continued time that this project is taking. The neighbors want an end date on all the work/noise. He asks the applicant for a better sense of his timeline, the project has to wrap up. If the request for an extension comes back in Oct/Nov this year he will be hard pressed to not pick a time/date and assure the neighbors that the project will be done.

Pazlar motions to deny the request for an extension for an additional year, seconded by Rolf. All approved.

Pazlar requests that if Mr. Janke is not going to complete, the project that he come back to the Board and ask for an extension, they will make a determination at that time based on where he is in the project and how much work has been done.

Another issue on the property has been the burning of trash. Nate Sparks confirms that all residences are required to have solid waste services at their home. Burning garbage is illegal. It is a county and state requirement.

Lighting impact to neighboring properties is also a concern. Pictures have been presented. This is in violation to nuisance ordinances. Lights need to be down-shielded as to not cast on adjacent properties. Based on what is presented tonight (without a light meter) there are two light violations. Intermittent use of the light is still a violation. Mr. Jahnke must get his property lights down-shielded and change the bright bulbs on the lights in the cement statues on his property. Mr. Jahnke agrees that it will take a couple weeks to get new lights installed.

A neighboring property owner requests that if a request for an extension on this permit be brought before the board, they be able to provide public comment. Pazlar agrees.

Mr. Jahnke request confirmation that water can not be transferred from one property to another property. The Board agrees.

201 SEWER SYSTEM

There was a pump failure at a home, the pump was replaced with a new pump and the old pump will be refurbished and saved for later use.

The triplex station was shorted out by a fallen tree. Tri-State Pump and Control fixed it.

The Point Source Implementation Grant is being investigated by Engineer Mark Erichson and he will report updates next month.

ENGINEERING AND ROADS

Miller Excavating Steet Sweeping Contract is presented. Supervisor Magner motions to approve the contract, seconded by Magner. All in Favor. Motion Passed.

Engineer Erichson notes that the Calcium/Chloride quotes for the roads are not in yet. Pazlar comments that the first application should be around May 15th.

Magner estimates that by tomorrow (May 5th) most of the gravel should be complete and ready for Calcium/Chloride. Pulling excess gravel from the sides of the roads is in progress.

The road tour will be scheduled shortly after June 1st.

CITIZEN CONSIDERATIONS

A resident that lives at 13310 Panorama Ave. N. would like to express her concerns about the township failure to provide snowplowing services to her and her neighbor, leaving them plowed in

for 4 days. Her mail and garbage services were also disrupted due to this. She finds the lack of communication unprofessional.

Magner explains that during this particular snow event there was a transition in road supervisors. As the incoming road Supervisor, Magner advised the plows to stop plowing where the private road begins. He was unaware that the private section had been plowed previously. Mr. Adams (outgoing road Supervisor) then did instruct the plows to go as far as to the base of cardiac hill to gain access to a triplex station for the townships shared sewer system. Further down Panorama, is a private section owned by a resident that lives in the area, there is about 13-15 homes on it. Part of the communication issue in this situation was that Mr. Adams was in the hospital not available, Magner was just beginning as the new road supervisor.

Another resident speaks and noted that the township has historically plowed, graded, and placed calcium chloride on the road for many years.

There are improvements to be completed on the road this summer by the watershed district, which could prevent a clear, quick answer.

Attorney Snyder indicates that while it seems that an easy/fast answer would be to say that the township will plow it, grade it, and treat it as they have done in the past. However, the road could then be treated as a public road. Allowing the township to expand it, create special taxing districts, modify it, and the road can then be subjected to any road maintenance policy that exists elsewhere. Many people may take the position that they rather maintain the private road so they can control it. It is important that the Board evaluate this and the future wants and realize that there are other sides to this. Also, the volunteer Board members made a good faith effort to deal with this issue, despite some difficulties in staffing. Previous minutes reflect that there is a commitment to dialog and discuss the issues. Mr. Snyder's recommendation is that the township continue to consider all options and continue to take community input and ultimately come up with a reasonable written recommendation. There is room for some grace in these circumstances, given the volunteer staff and winter conditions that presented a difficult situation.

Magner states that he has had some preliminary conversations with Mr. Snyder to come to a solution of how to handle the private portion of Panorama going forward. Financial consideration needs to be for all of the township residents.

VIOLATIONS/COMPLAINTS

17XXX Olinda Trail N. Zoning Violation.

A citizen reported an excess amount of debris outside a residence. The township Building Inspector took pictures and they are presented tonight. Mr. Sparks notes that this is a code violation and a notification letter will be sent with a time limit to correct the problem. Further action will be necessary if the property is not brought back into compliance. Further action includes an onsite inspection, issue of notice of violation hearing at the Town Board and enforcement. Planner Sparks will send a letter this week.

OLD BUSINESS

Big Marine Boat Launch

Mike Isensee is here to answer questions on the Big Marine Boat Launch Agreement. A final copy includes language that clarifies that May Township is not responsible for any maintenance other than grading of the road, as usual. Engineer Mark Erichson is satisfied with the plans, as well as Attorney Snyder.

Steve Magner motions to approve the memorandum of understanding (MOU) between CMSCWD and May Township for the maintenance of Big Marine East Boat Launch Stormwater Quality Improvement Project. Seconded by Pazlar. All in Favor. Motion Passed.

Magner asks if there is a CMSCWD liaison that could act as the go between for issues/communication needs. Mike Isensee agrees that that might be a good idea.

Norell Corridor Project

Laue Allmann has agreed to be a liaison for May Township regarding the reconstruction of Norell. The county has proposed a plan to make improvements on Norell and the public comments/input has been high. There were 3 design suggestions by the county. The current plan will keep the road at the same width, no changes in hills or curves. The plan is to complete the project in the summer of 2024 and they are moving into the final design stage. Ms. Allmann would like the town to be engaged, the natural resource values of this area are significant. Getting involved and thinking ahead may give the township the best opportunity to preserve the area.

Pazlar notes that he would be happy to pick up where former Chair John Adams left off with this project and keep township engaged in this project.

Chicken Ordinance

The topic is still under consideration as there is research being done on lot sizes. The finding will be presented at an upcoming meeting.

Planning Commission Chair Selection

Pazlar motions that the Town Board does hereby ordain that the town code provision dealing with appointment of the Planning Commission Chair and Vice Chair shall be amended to allow the Town Board to make a selection, modify and/or have input of the Planning Commission seats. Seconded By Rolf. Roll Call Vote: Magner, YES; Pazlar, YES; Rolf, YES. Motion Passed.

Planner Sparks will have a draft ordinance revision available for review next month.

NEW BUSINESS

Liberty Classical Academy

The Founder of Liberty Classical Academy is in attendance presenting a plan to build a new school called Liberty Classical Academy that will be built partly in May Township and partly in Hugo. May Township lands will include some athletic fields (baseball and soccer fields), septic fields, and

some walking paths. There will be lights on the athletic fields that will be in compliance and down shielded as required.

Planner Sparks suggests that the Board could look at the proposed use in two ways. First, a recreational area. Second, permission to operate as part of the school. It may make sense to consider a code amendment to allow accessory uses to a school separately that to the school itself. This is because the location of the school. He recommends that when the school presents a formal application there is a master plan that shows short term areas to be built that is part of the CUP and concurrent with that, they apply for an amendment so that the township can specifically address their use. The current proposal fits within the context of the area.

There have been two neighborhood meetings to introduce the school. The feedback has been positive. The only concern was lighting, which they plan to address.


None of the Board members have any concerns at this time, appreciate that they are approaching the Board early in the planning stages.


Rosenbush LLA – Resolution 2023-14

This property is on the south side of 122nd. Rosebush family currently owns a piece of land that contains a strip owned by a neighboring property. The request is to eliminate the strip of land on Rosenbush property. The Rosenbush owners will be losing approx. $\frac{3}{4}$ an acre of property to the north and gaining about 1 acre of property to the south. This is lessening the non-conformity of the lot size. The request also includes creating one Property Identification Number (PID) for the Rosenbush parcel, as it currently has two.

Pazlar motions to approve Resolution 2023-14, Approving a Lot Line Adjustment for Rosenbush and Zollar at 12001 Keystone Ave. Seconded by Magner. By Roll Call Vote: Magner, YES: Pazlar, YES: Rolf, YES. Motion Passed.

Meeting Adjourned at 9:10 p.m. without objection.


Bobbi Hummel
Clerk/Treasurer


John Pazlar
Board Supervisor, Chair