

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
July 6th, 2023

The Board of Supervisors of the Town of May convened their regular monthly meeting on July 6, 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; and those with business before the Town. Attorney David Snyder was absent. Chair John Pazlar called the meeting to order at 7:00 p.m.

MINUTES

Pazlar moved, seconded by Magner to approve the minutes for the June 1st, 2023 Board Meeting Minutes. All in Favor. Motion Passed.

Magner moved, seconded by Pazlar to approve the minutes for the June 9th, 2023 Spring Road Tour Meeting Minutes. All in Favor. Motion Passed.

CHECKS AND TREASURER'S REPORT

Olson presented the Treasurer's report, showing total cash and investments of \$1,688,578.26 of which \$710,916.28 is in investments. \$1,530,221.54 is committed. \$158,356.72 is non committed.

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

Olson requests approval for checks #21691 to #21730 and EFT0723B, EFT0723F, and EFT0723S.

Pazlar moved, seconded by Rolf to approve the above checks and EFT payments. All in Favor. Motion Passed.

PLANNING COMMISSION

Nothing to report

201 SEWER SYSTEM

Mark Erichson presents information on the 201 grant opportunities. May Township is on the project priority list. The next step is to prepare a facilities plan, there is already a good start on it. The requirement to reduce nitrogen will be implemented in the next 10 years but it would be prudent to start the process now. The current system is significantly larger that is currently being utilized, and design perimeters should be looked at. Costs have increased significantly over the past four years. Long term costs of operation and maintenance should also be looked into, system upgrades now could potentially increase those costs. Pazlar notes that the requirement is not going to go away and finding a way to balance the costs is critical. He would like to move forward on it now as the 5-year carrying

costs may exceed the increase in project costs over the same period of time. Rolf agrees that this endeavor should be pursued now and the township should get a better idea of what the cost will be. Erichson will come back with a better estimate on costs. This estimate can then be shared with the users of the system and give them the opportunity to speak on how to handle the 20% portion of the upgrade that they will be required to pay-should the grant be awarded. There also are some repairs that need to be completed with this upgrade. Magner feels it important to identify the size of the system and determine the best use of it. It might be a good idea to identify the parcels that are not currently on the 201 system and the potential future needs. Erichson estimates that the township is currently using less than half of the capacity of the system.

Pazlar motions to move forward with the grant application requirements, seconded by Rolf. All in Favor. Motion Passed.

ENGINEERING AND ROADS

Oldfield Speed Study Update

The township requested a speed study on Oldfield Road over a year ago. Erichson notes that many times a speed study can increase speed limits. He reports that an initial report from the state suggests the western portion of Oldfield could be posted at 35 miles per hour and the eastern portion of Oldfield could be the statutory gravel road speed of 55. He asks for guidance from the Board if he should proceed. The speed on Oldfield is currently posted between 35 and 45.

Ted Nesse reports the request for a speed study was due to the number of cars driving fast on Oldfield between 8:30 and 3:30 when River Grove school was using the road. With the school no longer there and the possibility of the speed increasing, he would decline the speed study.

Magner motions to not proceed with the speed study on Oldfield Road, Pazlar seconds. All in Favor. Motion Passed.

VIOLATIONS/COMPLAINTS

Resident Letter Regarding Wilder Property Plans

Pazlar suggests a transparent and unified response to letters and/or emails that come to the township regarding the Wilder property. There are no applications submitted regarding the property so it is difficult to respond to anything at this point.

Magner reminds the Board that the township does not control the sale of property nor the advertising or fundraising efforts of an entity.

Planner Sparks will work on a unified response in an effort to be able to manage questions and concerns.

Ted Nesse highlighted the fundraising efforts that are in violation to township ordinances. He believes that the township has a clear responsibility to be proactive and head off future controversy. The potential buyers must follow the guidelines in the CUP. Pazlar points out the fact that there is no application before the Board and they are a private entity. If any buyer wants to solicit funds the

township does not have ability to stop or respond to it. If an application comes in for something specific, they will then be able to respond accordingly. As it is now, it is a private transaction. Magner does agree that the township regulates the ordinances but the township is limited at this stage. He disagrees that the township should to step now in based on what is being advertised for the site. Nesse asks that if the drafted response could include language regarding the 1992 CUP, Pazlar denies his request.

OLD BUSINESS

Paradise Ave N. concerns

Resident Dave Langer (12820 Paradise Ave. N.) asks how he addresses the issue of multiple access points off a private road/public right of way by a neighboring property. The neighbor is not part of a private road agreement between May township and three other property owners on Paradise. He reports that activity seems to be halted for now. Planner Nate Sparks and Jack Kramer did go visit the site. Improvements to a 2nd driveway and a newly created 3rd access point/parking pad were noticed. Sparks opinions that a conversation with the watershed district is necessary due to a catch basin on the private road, in the right of way. A lot of sediment has been deposited in the area and there seems to be an erosion issue related to the 2nd driveway improvements and the creation of the 3rd access point. The second driveway is one that something Mr. Snyder should comment on. The 3rd access point should be restored to vegetation.

Mr. Langer comments that the catch basin is part of the private road agreement and believes it has been at least 10 years since it has been cleaned out.

Paradise Ave. resident Charles Wacker (12860 Paradise Ave. N) believes that the issue with the erosion is coming from the neighboring property with the second driveway off of the private road. It is a legal issue and the neighbors have no right to have the driveway off Paradise.

Planner Sparks notes that the neighboring driveway has been there for and if there is a trespassing issue it might be best to resolve that civilly. The driveway off Paradise existed previous to the private road. The issue for the township is the erosion issue caused by work the was done on the second driveway and the 3rd access point/parking pad.

Mr. Langer notes when the private road agreement was made the previous owner of 14957-130th Street Ln N. did not use the road or second driveway and was also not part of the private road agreement. The current (new) owner now uses the private road with trucks and trailers continually and are not contributing to the maintenance costs of the road.

Paradise Ave. resident Mark Ogren (12840 Paradise Ave. N.) reminds the board that the town code does state there is only one allowed driveway per household, regardless of when the 2nd driveway was put in. Pazlar will wait for the attorney's viewpoint on this issue.

Special Events Ordinance

Planner Sparks presents a draft ordinance for future Special Events in the township. The ordinance includes use of the May Township Park and Special Events that happen throughout the township. The ordinance outlines 3 types of special events; athletic events, parades, and private events. The threshold for private events is set a 50 people maximum. The application is a simple standard form and it will be required to be approved before the board and a fee paid. Hours for events are to be between 9:00 a.m. and 10:00 p.m., must meet the noise code, and there is only 1 permit allowed per year. \$500.00 escrow will be collected, and returned if event conditions are met. This is a draft document and all of these rules can be modified as the Board wishes. Sparks notes other surrounding communities are deferring events to Washington County as many of their events typically take place on County roads.

Rolf notes concerns about a Bike Event but not a graduation party. He would like to be cautious on language and the differences of those two activities. He has concerns about the town facilities and the use of the park. Safety concerns on the roads is important. Pazlar agrees.

Magner would like to increase the 50 person limit to 100. He also notes the starting and stopping times might be too tight. Overall, this is a good start with minor modifications needed.

The Board members will send their requests/suggestions to Mr. Sparks in the coming weeks.

Ragnar Race Event Application

The event is on August 11th. Without the special events language in place, Pazlar is inclined to approve the application. The town park is a planned exchange point again this year. There are concerns about the amount of people at the park and the number of cars and runners along Norell Ave. As a courtesy, the Clerk will advise the race organizers that the Board is in the process of reviewing events such as this and request that the event organizers contact the township early next year as changes may occur.

The town hall will be locked and the porches blocked prior to the race this year.

PC Selection Ordinance

This ordinance changes the manner in which the Planning Commission officers are selected. In this ordinance, the Town Board has the ability to select the Chair and Vice Chair if needed. It also includes procedures and abilities to remove Planning Commission members. It is the intention of the Board to have the Planning Commission choose a chair as usual, but this ordinance allows the Board to over-ride the decision if needed.

Magner motions to approve **Ordinance 2023-02; Amending Planning Commission Selection**. Seconded by Rolf. All in Favor. Ordinance Passed.

Chicken Ordinance

This ordinance changes the minimum lot size in a non-agricultural area to allow chickens. The ordinance outlines that chickens are allowed with a lot size of 1 acre.

Magner motions to approve **Ordinance 2023-03; Amending the Town of May zoning Ordinance Regarding the Keeping of Chickens.** Rolf seconds. All in Favor. Motion Passed.

Town Hall Technology

Clerk Hummel provided pictures of the proposed size of TV for hybrid meetings. Three previous quotes have been provided. A TV on a cart seems to be the best fit for the town hall layout and economically the best choice. There is a general consensus that this would be a good and needed move for meetings. Magner points out that it is not always the lowest dollar amount that is the best choice in these circumstances, the service (installation and technical support) provided is important. Sound technology is one of the highest needs for this space and for the Clerk.

Research on the microphone/sound options will be presented at a future meeting.

CITIZEN CONCERNS

Panorama Ave. snowplowing

Catherine Solheim would like to address some concerns from May meeting minutes and submitted her suggested addendum. It is attached to these minutes.

Magner updates the Board that he and Mr. Snyder did visit Panorama a couple weeks ago and examined the area where the road switches from a township road to a private road. Mr. Snyder is currently drafting a letter to send out to the residents explaining the path forward. He hopes to have something in place to present at next month's meeting. The primary goal of the township is to ensure 24/7 access to the triplex pumping station.

Ms. Solheim states that in years past she talked to Bill Voedisch and he had told her that the road is grandfathered in and the plowing will be continued on the entire length of the road. In December, she again called Mr. Voedisch, who assured her that Mr. Adams would take care of it.

Pazlar states that the township needs to live by the letter of the law these days and the board needs to really be cognizant of what the township attorney says. Plowing is an expenditure of public tax dollars and the township has a fiduciary responsibility to the citizens.

Ms. Solheim asks about insurance issues and notes that the expense to plow the road has been paid for by the township for many years and she is not requesting more expenditure. The board asks for patience as Mr. Snyder is absent this month and still drafting a path forward.

Statements made about the watershed district were in relation to the pending project to help control water issues at the bottom of the hill. This may not be a snowplowing issue on Panorama, but more of a long term issue with water on the road.

NEW BUSINESS

Stifter Comprehensive Plan Amendment

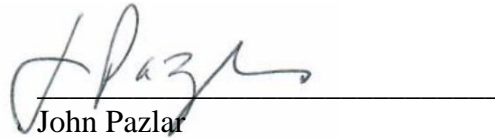
Eugene Stifter has requested a minor subdivision of his 52-acre lot. His land was listed in an Agricultural Preserve Program and has been removed from the program. This change needs to be reflected in the township comprehensive plan map. This is necessary to proceed with the subdivision. It will now be listed as Rural Residential.

Magner motions to approve Resolution 2023-16; Approving the Comprehensive Plan Map change for Eugene Stifter at 13747 Norell Ave. N. Seconded by Rolf. All in Favor. Motion Passed.

Meeting adjourned at 9:18 without objection.



Bobbi Hummel
Clerk/Treasurer



John Pazlat
Board Supervisor, Chair

Submitted by May Township resident Catherine Solheim 7/25/2023

Suggested Addendum to the May 4th, 2023 Town of May Board Meeting Minutes
All quotes from previous minutes are in italics.

Under *CITIZEN CONSIDERATIONS*, pg 3

- *Her and her neighbor*
 - Please add an 's' - there are multiple neighbors
- *Mr. Adams (outgoing road Supervisor) than did instruct the plows to go as far as the base of cardiac hill...*
 - Please include a notation that this was after an extended period of time and only after a resident called in with a question regarding the maintenance of the triplex station.
- *Part of the communication issue in this situation was that Mr. Adams was in the hospital...*
 - Please include a notation that the plowing issue was ongoing over a 4 month period.
- *There are improvements to be completed on the road this summer by the watershed district, which could prevent a clear, quick answer.*
 - This is incorrect. (When I inquired about this statement at the July meeting, no reasons could be given to support this statement.)
- Paragraph starting with Attorney Snyder...*made a good faith effort to deal with this issue, despite some difficulties in staffing*
 - Please include a notation that - No actions were taken to communicate with the citizens and that staffing issues were short lived. The plowing issue extended over a 4 month period.
- *Previous minutes reflect that there is a commitment to dialog and discuss the issues.*
 - This is erroneous.
Please refer to the April 6th Board meeting minutes,
"Letter to Panorama Residents regarding plowing", pg 3, where it was decided **not** to send any communication.
Options would be to
 - send the letter and see what develops,*
 - not send the letter and continue as usual, or*
 - to send the letter and invite neighborhood communication."*