

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
August 4th, 2022

The Board of Supervisors of the Town of May convened their regular monthly meeting on Thursday, August 4, 2022, via virtual telephone/video conference. Those present included: Board members John Adams, John Pazlar, and Steve Magner; Clerk/Treasurer Bobbi Hummel; Deputy Clerk/Treasurer Marsha Olson; Town Planner Nate Sparks; Engineer Katie Koscielak; Attorney, Dave Snyder and those with business before the Town. Chair Adams called the meeting to order at 7:04 p.m.

MINUTES

Magner moved, seconded by Adams to approve the minutes for the July 7, 2022 Board Meeting. By Roll Call Vote: Adams: YES, Magner: YES, Pazlar: YES. Motion Passed.

Adams moved, seconded by Magner to approve the minutes of the July 18, 2022 Spring Road Tour Notes. By Roll Call Vote: Adams: YES, Magner: YES, Pazlar: YES. Motion Passed.

CHECKS AND TREASURER'S REPORT

Olson presented the Treasurer's report, showing total cash investments of \$1,792,908.41 of which \$713,213.21 in investments. We received the second ARPA payment in July and the 1st property tax payment for the year.

Check approval of #21281 - #21317 and EFT 0822F, 0822S and 0822B, as well as a 0722B (2), this is a second payment to avoid back paying it. This will be the only double payment, going forward there will only be one EFT to Benafica payment per month. Adams moved, seconded by Pazlar to approve the above checks for payment. By Roll Call Vote: Adams: YES, Magner: YES, Pazlar: YES. Motion Passed.

Olson presented a new Electronic Funds Transfer (EFT) Authorization. Auditors required that townships have an EFT policy in place and review it yearly. It outlines what purpose we are allowing EFT for, who is responsible for making them and that we designate that it be overseen my finance. Going forward this policy will be reviewed and approved at the organizational meeting. Pazlar moved, seconded by Adams to accept the EFT policy as presented for one year. By Roll Call Vote: Adams: YES, Magner: YES, Pazlar: YES. Motion Passed.

PLANNING COMMISSION

Nothing to report.

201 SEWER SYSTEM

The operating permit for Carnelian Hills Community system will be in the public comment period beginning August 20, 2022. The expectation is that the permit will be in place before the end of the year.

ROADS AND ENGINEERING

Engineer Katie Koscielak reported on the pothole repairs on Ostlund. The contractor will be addressing it in the next couple weeks.

VIOLATIONS/COMPLAINTS

Nothing to report

OLD BUSINESS

Arcola Mills Event Proposal

Arcola Mills is now requesting only one event on August 20, 2022. They have cancelled/rescinded all other events. The August 20th event will not include outside commercial entities, ticket sales or public access to the river. It is only an open house for donors and sponsors. Supervisor Pazlar believes that Arcola is now clear that their zoning does not allow for commercial ticket sales and they do not have a permit in place with May Township or with the National Park Service.

Supervisor Pazlar motions to rescind last month's approval for all open gate events at Arcola Mills and moves to approve one event only on Saturday, August 20, 2022. Seconded by Adams. By Roll Call Vote: Adams: YES, Magner: YES, Pazlar: YES. Motion Passed.

River Grove CUP-Final

The final copy is presented to the board. Adams moved, seconded by Magner to approve River Grove CUP. By Roll Call Vote: Adams: YES, Magner: YES, Pazlar: YES. Motion Passed.

Cartway Petition

Dave Snyder presented updates. The order for a hearing date of January 5th, 2023 was approved with the agreement from the petitioner to sign a waiver of the 60 day rule (MN Statute 15.99). The petitioner sent a modified waiver that was not accepted by the township council. Mr. Snyder asks the board to request an unqualified waiver and to authorize, if necessary, the commencement of any action necessary to seek a judicial declaration as to the inapplicability of the statute if the defense persists. Secondly, the order for the cartway hearing establishes an initial escrow to be funded by the petitioner. Tax dollars are not to be used for this project. At the September Board Meeting, providing the 60 day waiver will be signed, the board will also be asked to hold a hearing that establishes an initial estimate of damages for the cartway, which the applicant must post for the proceedings to continue. This is money to fund any damages as a result of an order establishing

a cartway. The estimate of damages will be addressed by the town planner, assessor and engineer. The cost of a cartway in this particular area could be meaningful as it implicates a potential bluff and shoreland. Property owners are also asked to provide data on the damages.

Supervisor Pazlar summarizes that it is nearly impossible to ensure a decision on a certain date and encourages the original 60 day waiver presented by Attorney Snyder be signed. Supervisor Adams agrees that there are too many variables that are out of our control to be held to a hard 60 day deadline. Supervisor Magner also agrees that an unusual project such as a cartway requires an unqualified waiver. If the petitioner does not wish to sign the waiver the township should seek a judicial response.

A motion is made by Adams that the 60 day rule is not applicable in this matter and if the unqualified waiver is not signed/agreed to by petitioners the board will seek judicial action. Seconded by Magner. By Roll Call Vote: Adams: YES, Magner: YES, Pazlar: YES. Motion Passed.

The \$20,000.00 initial escrow has not been received as of this date. Supervisor Pazlar asked the staff to be mindful as the township could potentially incur some expense that it should not. Dave Snyder will follow up with the petitioner on the escrow.

The respondents have retained legal counsel.

NEW BUSINESS

Request for Easement Vacation

A property on Moonlight Bay has two easements, one from 1978 for a road and utilities and a second easement that was requested during the expansion of the 201 sewer system in the early 2000's. It is believed that the original developer of the property, Tommy Wait wanted to develop the parcel and the easement was granted for a road with a variance. The variance cannot be found. It is believed the variance was given by the county as the county was providing zoning for the communities at that time. Because this appears on the Washington County system as a road easement, mapping sometimes shows a road, which creates issues with cars driving up a private driveway. Many vehicles have gotten stuck as they try to turn around. Supervisor Magner would like to see if Planner Sparks or the Clerk can access any records from the county to see if May Township should/could vacate the easement. Supervisor Adams states that information needs to be gathered to make any determination and would allocate one hour of staff time to research the easement. Beyond that, an application would need to be submitted and an escrow paid by the applicant.

2022-2025 Stillwater Fire Contract

Supervisor Magner has reviewed the 2022-2025 proposed fire contract from Stillwater. The fees are determined by the Stillwater Fire Department using a cost/cost sharing formula they developed several years ago. Fire services continue to rise, the ability to negotiate a lower cost with Stillwater is unlikely. Supervisor Adams wonders if we would benefit from having anyone else with expertise in the area look at the contract. Magner raises concerns that we might be spending money on something that will not change the cost of the service in the end. Supervisor Pazlar comments


it is always a good idea to, at least periodically, have someone review the contract from a financial perspective even if it does not change the outcome.

Supervisor Pazlar makes a motion to ask Marsha Olson to contact our audit firm to review the contact and will report back to the board, seconded by Adams. By Roll Call Vote: Adams: YES, Magner: YES, Pazlar: YES. Motion Passed.


Chickens per lot size

The township has been approached in the past about the number of chickens people can have based on a lot size, and the topic has come up again recently. Supervisor Pazlar suggests we look at the issue again with the suggestion that we be a little less restrictive. Supervisor Magner agrees and adds that many municipalities/larger cities allow chickens on a standard city lot. He also notes concern in the higher density areas in the township. City lot size is a concern for Supervisor Adams also and perhaps it would be a good idea to look at what other cities are doing. Pazlar will work with Planner Nate Sparks with a plan on moving forward.

Meeting Adjourned 8:25 p.m. without objection.



Bobbi Hummel
Clerk/Treasurer



John Adams
Board Chair