

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL PLANNING COMMISSION MINUTES
November 17th, 2022

The Planning Commission for the Town of May held its regular monthly meeting on Thursday, November 17, 2022, at the May Town Hall. Members in attendance were, Vice Chair Don Rolf, Members, Walt Peterson, Chad Nelson, Lester Rydeen, Also present were Town Clerk/Treasurer Bobbi Hummel, and Town Engineer Mark Erichson. Vice Chair Don Rolf called the meeting to order at 7:00 p.m.

Minutes from October 27th 2022, Planning Commission Meeting

Rolf moved, seconded by Rydeen, to approve the October 27, 2022, minutes as presented. Motion passed.

Jason Jahnke. 13455 Partridge Road North Stillwater, MN 55082
Land Reclamation Permit/Conditional Use Permit

Mr. Rolf opens the public hearing to all those in attendance at 7:00 p.m.

There have been some attempts to communicate between the neighbors on this project as advised at the last Public Hearing. The neighbors met with Mr. Arneson, Planner Nate Sparks and Engineer Mark Erichson. However, they have not met with Jason Jahnke. Mr. Jahnke states he also tried to meet with the neighbors but only one person was able to make his meeting.

Hours of operation of equipment was an issue. Specifically, the amount of fill being brought in. Neighbors feel the amount specified on the application is significantly more and the numbers keep changing as to what the future requests are. Mr. Jahnke is asking for another 900 yards of fill. (50 trucks).

Mr. Jahnke states the amounts brought in vary and the trucks drop off various other supplies, such as gravel, boulders, wood, and wood chips. Not every truck is dropping off fill. Previous fill was used to push against a building and create a tuck-under garage. Additional fill is need to build a ramp between the upper and lower portion of his property. He is trying to meet the grading and slop requirements of the township. Mr. Janke states he built the hill up to get the ceiling heights in his house he wanted and to stay above the water mark levels.

Bob Belzer, neighbor. Comments is that the hill/ramp was always there and Mr. Jahnke make the hill larger with the amount of fill he brought onto the property, shaving the hill down would solve the problem. In addition, the slope created has changed the way the water will run. The runoff will now run onto his property as Mr. Jahnke's lot is now much higher than his.

Mr. Erichson comments that he has reviewed the plan and the comments from CMWSD. Two rain water gardens have been added to the property as required by the Watershed District. All work is outside the wetland that surrounds the lake, CMWSD did recommend some of the woodchip trails be removed as identified on the plan. The work does not impact the flood zone of the lake. In review of the grades, there is not water directed off-site however, there is a realignment of a ditch on the property. From an Engineering standpoint this shouldn't be impactful.

Bob Belzer comments that when the lake comes up (as it always has) the water will go on his and the neighboring lower properties.

Mr. Erichson comments that Mr. Jahnke is not filling below the water level. So, the water will not get up to his fill level. This is based on the plan elevation levels and the 100-year flood plan, DNR identified this in the plan. Mr. Belzer disagrees and states that the water has been coming up steadily for 30 years.

Mr. Jahnke has an email stating he has achieved all the requirements of the Watershed District and that CMWSD is just waiting on information/confirmation from the township to proceed.

The current recommendation of the Planner is that hours of operation be conducted between 7:00 a.m. and 6:00 p.m. Monday thru Friday. Mr. Jahnke works until 5:00 p.m. so that only gives him an hour to get/move material. Mr. Jahnke asks for a one-hour extension in the evening so he can clear stuff out of the way. Getting the work done in the recommended one year with only an hour a day will be difficult. He can not take time off from his job to work on the project.

Neighbors in attendance would agree to the one-hour extension (until 7:00 p.m.) but would then ask for no weekend work to be done. Mr. Janke guestimates that he would need about 120 working hours of time to get everything done. Including moving material, landscaping and shaping, and putting up boulder pads. He does plan to also put up an additional building but he hopes that wouldn't count against him as it is a separate project.

In regards to the 1-year recommendation, Mr. Jahnke states that if he can get the material, he can easily get it done within a year. Cost is a concern for him. He also has to come up with \$12,500.00 to move forward at this point. He does get material at random times and he estimates that material will be more available in late spring or early summer. One solution might be to make a plan to have large loads of dirt brought to the site in a shorter amount of time, rather than in small amounts.

The amount of time this project is taking is a concern for neighbors as it interferes with their live and livelihood.

Neighbor, Paul Creager speaks about the impact this has caused. He respects Mr. Jahnke and this is not personal. However, some of the history is what brings all of the neighbors here. The construction has been ongoing for a number of years and they didn't know what would happen next. When neighbors did reach out to the township it was discovered there were not any permits for the work Mr. Jahnke was doing. This wasn't the first time this has happened. They have been patient as resolution took a while. The limitations are important to all of them as this has been an ongoing project and has had a significant impact on all of them. They do not want to be in the same situation next year. The bobcat use for other things is a gray area. It would be helpful for them to have that clarified. If the grading is limited there are still multiple projects that he is working on.

Mr. Jahnke admits he uses his bobcat/skid stir for multiple things around his property and states the township allows that use on his property.

Noise impact is one of the bigger concerns, it is constant. There are noise and vibration codes in the township. The nearest neighbor comments that his floor shakes, walls shake and part of his foundation walls are cracking on coming off on the side nearest Mr. Jahnke's property. His wife and him leave the house at times when Mr. Jahnke is working. He also notes a 10-12 foot wall of dirt on one side of his property that he has never had and believes his property value is going down due to this project.

Length of project is discussed...what happens if Mr. Jahnke is not done with the project in the time specified on the CUP? Board Supervisor Adams suggests that if the project is not complete within the time specified the township could use the escrow funds (\$10,000.00) to complete the work. The funds would be used by the township to complete the work. Mr. Janke would only get the balance of the escrow funds returned to him directly once the project is completely done. It is suggested that Mr. Jahnke try to find a location that can deliver material at a quicker pace so he could get the work done and to create a work plan. Neighbors request the work not be done in the summer.

The recommended CUP is valid for one year. It includes retaining walls, landscaping, and grading. Ongoing use of the equipment on the property would need to be determined appropriate by the town codes. For example, splitting wood.

Commissioner Don Rolf motions to close the public hearing, seconded by Lester Rydeen. Motion passes.

Lester Rydeen comments that the best solution is the neighbors and applicant figure out a way to make this work. Make a plan, talk to your neighbors about it, and figure something that works for everyone.

Don Rolf motions to recommend approval of CUP with the below conditions. Seconded by Lester Rydeen. Motion passes.

1. All comments from the Town Engineer shall be addressed.
2. All comments from the Watershed District shall be addressed.
3. Work on site (including trucks hauling) shall only be conducted between the hours of 7 am to 7 pm Monday through Friday (no weekends)
4. This permit shall expire in one year.
5. The application shall provide an as-built survey of the property within one year of this approval
6. The applicant shall provide a financial security which will only be returned by the Town upon review and approval of the as built survey.
7. The applicant shall provide an additional financial security to guarantee erosion control methods and inspections.
8. Past violations need to be corrected and confirmed by the town planner and building official prior to this CUP going forward.
9. Any changes in the project scope requires plan updates and review by the town Engineer or prior approval before moving forward.
10. Applicant creates a work plan to share with neighbors and the town Board that shows project completion dates.

Mr. Janke asks how to go about amending the plan, if needed. He was advised to re-submit a plan and/or send an email and phone call to the Town Planner and have a discussion prior to any changes. The concern is mission creep with this project. Engineer Erichson confirms to call the Town Planner if any changes are needed.

The start of the CUP is a concern and it is advised that this be brought up at the next Board meeting on December 1st, 2022.

Respectfully submitted,



Bobbi Hummel
Clerk/Treasurer