

**TOWN of MAY  
WASHINGTON COUNTY, MINNESOTA  
OFFICIAL TOWN BOARD MINUTES  
September 6, 2018**

The Board of Supervisors of the Town of May convened their regular monthly meeting on Thursday, September 6, 2018, at the May Town Hall. Those present included: Board members John Adams and John Pazlar; Town Treasurer Cheryl Bennett; Town Clerk Linda Tibbetts; Town Engineer Katie Koscielak; Town Building Official Jack Kramer; Town Attorney David Snyder; Town Planner Nate Sparks; residents of the Town of May and others with business before the Town. Board Chair Bill Voedisch was absent. Adams called the meeting to order at 7:01 PM.

**Minutes, Checks, Treasurer's Report**

Mr. Pazlar moved, seconded by Mr. Adams, to approve the minutes of the August 2, 2018 regular Town Board Meeting and the re-convened Board Meeting of August 30, 2018. Motion passed.

Mr. Adams moved, seconded by Mr. Pazlar, to accept checks for August to the Minnesota Pollution Control Agency for a permit and one to Cates Fine Homes for ADA Railing, 19586 and 19587, respectfully; checks for September, 19588 through 19640 (minus check number 19607 to City of Scandia for first seven months of fire contract service pending board approval of fire contract), along with electronic funds transfers EFTS918 and EFTF918 to State of Minnesota Department of Revenue and Federal IRS, respectfully, as presented. Motion passed.

Mr. Pazlar moved, seconded by Mr. Adams, to approve the Treasurer's report as presented. Motion passed.

The check register and treasurer's report are attached to these minutes and serve as the official record.

**Croixside Lot Line Adjustment**

James Mallman, and Sharon Mallman who is the President of the Croixside Property Owners Association (CPOA), were present to request a lot line adjustment. CPOA would like to dedicate 0.2 acres of Croixside's private marina lot (Property ID 19.031.19.44.0008) to the neighboring property owned by Mary and Robert Johnson (Property ID 19.031.19.44.0004/14217 St. Croix Trail North). CPOA states that they do not use the portion of the private marina property east of the creek and said portion is adjacent to the Johnson property. CPOA has no plans to make any changes to the private marina related to this request. The main reason for this lot line adjustment request is to allow for ease of maintenance on the Johnson property, as well as assist in a resolution to current litigation regarding the same.

Mr. Sparks reviewed the lot line adjustment criteria, pursuant to Town Code, and explained that, to complete this request, there is to be no net increase in the number of lots; no need for nonconformities to be created or increased; no net increase in the number of development rights; and no necessity for variances. Since this is a lot on the St. Croix River, the zoning is done by Washington County which Mr. Sparks discussed with. The private marina lot is 0.7 acres in size.

The Johnson property is 1.8 acres in size. In the Washington County Code, the minimum size for rural lots in the St. Croix River District is 2.5 acres. The private marina lot is a controlled access lot and Washington County's position is that if properly restricted, there would not need to meet the minimum lot size. The Johnson lot would become less non-conforming. Both before and after this lot line adjustment, according to Washington County, there would be one development right. No variances are necessary according to Washington County. The private marina lot at one time had a permit from the Minnesota Department of Natural Resources (DNR) but said permit is no longer required. Therefore, any permit for this private marina would fall under Washington County or the Town of May for enforcement. Washington County's ordinance for "controlled access lots" states as follows:

A Development Agreement is entered into between the developer and Washington County specifying which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, beaching, mooring, or docking. The activities allowed must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The Development Agreement must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, stored over water, or parked on the property, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. The Development Agreement must also include a requirement that all parking areas and other facilities are screened from view from the public water with vegetation or topography as much as practical during summer leaf-on conditions. Construction of structures on these lots other than docking facilities as the Minnesota Department of Natural Resources and Washington County is prohibited.

As part of this approval, Washington County recommends that the Town of May enter into this development agreement with CPOA. Further, regarding "other activities," Washington County stated to the Town Board Chair that they have been approached by Mr. Johnson about using his property as a "boat launch for veterans." Town of May staff has not been contacted about this activity.

Mr. Sparks recommendations to the Board were as follows:

1. This request for a lot line adjustment appears to meet the terms of the Town of May's Lot Line Adjustment ordinance;
2. The Croixside Homeowners Association entered into a development agreement with the Town of May memorialize the terms of the previous permit for the marina/mooring facility.

3. The portion dedicated to Robert Johnson shall be combined with his existing property.

Mr. Snyder advised the Board that it would be unusual to proceed on a lot line adjustment without a presentation or statement from the applicant [Johnson]. He also said that the Board should know what the Johnsons intentions are with the property. He further opined that the Johnsons would need to prove outright or indicate a potential willingness to approve the lot line adjustment. Therefore, Mr. Snyder cautioned the Board on moving forward at this meeting. Mr. Pazlar voiced his concern that a decision cannot be made until the Board has heard from the Johnsons. Mr. Mallman stated that, due to travel out of the country for him and his wife, as well as the Johnsons waiting on the birth of a grandchild in outstate, it is imperative that this matter is expedited due to reasons stated, as well as pending civil litigation regarding the Johnson property.

Ms. Bennett mentioned that she has not received an escrow regarding the lot line adjustment request and that there is nothing in the Town Code, Chapter 13, which covers fees/escrows, regarding a lot line adjustment. Mr. Sparks stated that, in the past, a charge of \$200.00 for fairly simple, \$500.00 for moderately complicated, and \$1,000.00 for complicated regarding lot line adjustments. Ms. Bennett and Mr. Sparks agreed that a \$1,000.00 escrow for this application is acceptable at this time.

Mr. Adams moved, seconded by Mr. Pazlar, to table the Croixside Lot Line Adjustment request subject to the holding of a special meeting within the next two weeks and subject to receipt of a clear statement from the Johnsons as well as the presents of either Mr. or Mrs. Johnson at said meeting, including Mr. Spark's drafting a provision for the Board's approval. Motion passed.

### **150<sup>th</sup> Street New Home Construction Update**

Angela Zeterlu and her father, Joe Zeterlu, were in attendance regarding Ms. Zeterlu's new home construction on 150<sup>th</sup> Street. Ms. Koscielak reported that at her last site visit inspection, she was impressed with the progress regarding the erosion control issue. She reported there is grass growing and the homeowner is continuously doing grading work and being proactive regarding erosion concerns. She further mentioned she plans to do a site visit this fall.

### **Citizen Concern – Gravel on 140<sup>th</sup> Street**

Kevin Kuehn, 10820 140<sup>th</sup> Street North, was in attendance with concern over the lack of gravel on 140<sup>th</sup> Street off Lynch Road. His concern is the gravel is off the road and large rocks are pushing up through the base of the. He presented photos to the Board, which are attached hereto. Mr. Pazlar asked Mr. Kuehn if this was a recent situation or longstanding. Mr. Kuehn responded he has lived on 140<sup>th</sup> his entire life and the road is worse than it has ever been. Mr. Kuehn mentioned that Marv Schroeder knows about the condition and has mentioned the need for gravel. Ms. Koscielak will check her file to see when this road is up for gravel application. Mr. Kuehn mentioned that when it rains and water pools, it creates clay mud which is difficult to drive through. Mr. Pazlar asked Ms. Koscielak to inspect 140<sup>th</sup> Street in the next couple of days and report her findings back to the Board.

### **Panorama Avenue Drainage**

Residents Dr. Jim Brockman and Kevin Berkey were present. Ms. Koscielak reported that Board Chair Voedisch, Jim Shaver of the Carnelian Marine St. Croix Watershed District (CMSWD) and Carl Almer of the CMSWD met on Panorama Avenue on Thursday, August 30, 2018 to discuss the watershed district's plan to improve area drainage along Panorama Avenue. Additionally, the drainage concerns at 13210 Panorama Avenue (Sandgren property) and 13068 Panorama Avenue (Goers property) were also discussed. Engineering staff will continue to work with the watershed district in developing a drainage plan for the area. As preliminary design moves forward, engineering staff will communicate the proposed improvements with the Board.

If improvements move forward with the CMSWD as a cooperative effort with the Town, the above-mentioned drainage concerns will be resolved with the larger scale project. However, in the event the improvements do not move forward in 2019, engineering staff will review immediate improvements in 2019 to address the above concerns. In the interim, engineering staff is investigating options to divert storm water across 13068 Panorama Avenue (Goers property).

### **Marine Area Community School (MACS) – “Buses on Site” Proposal**

The Town Board reconvened the August Board Meeting after the August Planning Commission Meeting on August 30, 2018. At that reconvened meeting, the Board made findings which are reflected in Resolution 2018-11. Mr. Sparks reported to the Board that, since the August 20, 2018 meeting, he has received a new site plan which marks where the buses will be stored in the parking lot of Wilder Forest. The legal description attached to the resolution is the same that has been used previously with resolutions regarding Wilder Forest. Mr. Sparks read through the conditions of approval as follows:

1. The exterior storage of school buses shall be limited to 5 at any time.
2. One 500-gallon fuel tank is permitted to be added to the site meeting all requirements of the Minnesota Fire Code, must be of double-wall construction, have an automatic shutoff feature and be protected by two Bollards to keep vehicles from backing into the tank.
3. School bus drivers may be on-site at 6:30 am to prepare the buses.
4. Major mechanical maintenance of buses shall be conducted off-site.
5. The increase in the number of buses, adding structures, conducting major maintenance, or increasing the size of the fuel tank shall require an amendment to this CUP.
6. Buses may be stored on site so long as they are operated by MACS drivers and not by drivers from an independent busing company.
7. MACS will follow best management practices in terms of fuel safety and containment pursuant to recommendations of the Town engineer.

Mr. Adams moved, seconded by Mr. Pazlar, approval of Resolution 2018-11 approving a conditional use permit amendment for Wilder Forest regarding the terms of the Marine Area Charter School allowing the storing of buses and related diesel fuel on site. Mr. Adams called for a rollcall vote: Adams = YES; Pazlar = YES; Voedisch = ABSENT. Motion passed.

### **201 Sewer System**

Mr. Adams reported that the lift station at the bottom of the hill, located at 13299 Panorama Avenue North, is in need of a new control panel. The current control panel is in extreme need of replacement. The unit is original to the sewer system. Ms. Koscielak received a quote to replace the control panel, which includes installation.

Mr. Adams moved, seconded by Mr. Pazlar, to approve the quote in the amount of \$3,010.35 from TriState. Motion passed. Upon further review of the quote, it was noted an incorrect amount was mentioned in the motion. Therefore, Mr. Adams moved to amend his motion for a quote amount of \$3,224.84, seconded by Pazlar. Motion passed.

## **Engineering and Roads**

### **Street Sweeping**

Mike McPhillips, Inc. has completed the additional sweeping along various roadways throughout the Town. A check was issued in September for the additional sweeping requested along various roads within the Town.

### **Fog Seal**

The 2018 Pavement Management Project to Allied Blacktop at their July Board meeting. Due to weather conditions, Allied Blacktop has tentatively scheduled fog sealing improvements on various roadways throughout the Town for September 14, 2018. WSB & Associates, Inc. will mail newsletters to residents adjacent to the fog improvements in advance of fog sealing operations. They will be doing half the road at a time.

### **Pothole Repair**

Brochman Blacktop has completed bituminous potholing patching throughout the roadway. Engineering staff has not yet received the final invoice and will coordinate with Brochman Blacktop to approve final payment at the October Board Meeting. Additionally, engineering staff along with Mr. Voedisch and Mr. Pazlar have identified the need to complete additional paving improvements at the following locations:

- a. **124<sup>th</sup> Street** (off of St. Croix Trail) – Several potholes (extensive pothole repair was also completed in 2017) have been identified. Engineering staff has received a quote from Brochman Blacktop to complete a pavement removal and replacement of a 36-foot stretch of 124<sup>th</sup> Street to address the majority of the potholes. The quote received was in excess of the \$2,500.00 budget previously approved at the August Board Meeting. However, upon further investigation, engineering staff will be working with Brochman Blacktop to discuss options to preserve this segment of 124<sup>th</sup> Street to address the reoccurring potholes.

- b. **Town Hall Parking Lot** (paved) – There is a small segment of the paved parking lot at the handicap entrance to the Town Hall that has broken away and is in need of patching. Repairing the paved portion of the parking lot provides an opportunity to address some drainage concerns within the parking lot. Engineering staff will be working with Brochman Blacktop to discuss repairing the parking lot and improving drainage.

### **Calcium Chloride**

Engineering staff has solicited quotes to complete the fall calcium chloride application. The following quotes were received:

- a. Envirotech Services, Inc. – \$66,500
- b. Northern Salt, Inc. – \$61,600

Engineering staff awarded the quote to Northern Salt, Inc. following the receipt of all quotes. Originally proposed to be completed the week of August 27, 2018, weather conditions prohibited completing the application that week. Northern Salt anticipates to complete the calcium chloride application September 6, 2018 and September 7, 2018, weather permitting.

### **Signs**

Engineering staff requested a quote from Newman Signs for the following signs:

- a. Right of Way marker (1)
- b. No Parking This Side Nov. 1 – April 1 (3)
- c. End (2)
- d. Begin (2)

Newman Signs has provided a quote to prepare the signs in the amount of \$111.04. Mr. Adams questioned if the signs come with posts. Ms. Koscielak is verifying that the signs do come with posts. Mr. Pazlar moved, second by Mr. Adams, to accept a bid from Newman Signs not to exceed \$200.00 for the signs. Motion passed.

### **Violations**

The board reviewed the three violations listed in the agenda.

### **Old Business**

#### **Town Hall Project**

Mr. Voedisch met with Rick Fuhr about exterior site grading at the Town Hall. Mr. Voedisch would like to research bids/quotes not to exceed \$3,550.00. This bid would not include water management. Mr. Adams moved, seconded by Mr. Pazlar, to get a bid not to exceed \$3,550.00 for exterior site grading project at the Town Hall. Motion passed.

### **Pavilion Renovation**

The Town has received one bid and there is another bid in process regarding renovation of the pavilion. Mr. Adams questioned if the bid would include the rotting wood. The bid does include the possibility of finding rotted wood during the renovation. Mr. Pazlar mentioned that, with the construction season close to ceasing, he would like to start this project in the fall rather than waiting until the spring, partly due to the dire condition of the pavilion. Mr. Adams moved, seconded by Mr. Pazlar, for the Town to solicit, receive, review, and accept competitive quotes/bids in an amount not to exceed \$25,000.00 for the reconstruction of the pavilion. Motion passed.

### **Scandia Fire Contract**

Mr. Sparks reported that Mr. Voedisch made notations to the Scandia Fire Contract and sent it back to the City of Scandia for review and discussion. Currently, the Town does not have a signed contract with Scandia Fire Department. Ms. Bennett noted she received a bill from Scandia for the first seven months of 2018 which was based on the 2017 contract with a 5% increase. Mr. Adams moved, second by Mr. Pazlar, to continue the Scandia Fire Contract discussion/decision two weeks to the special board meeting.

### **Attached Garages**

Tabled to the October 4, 2018 Town Board Meeting.

### **Review of Escrows**

Tabled to the October 4, 2018 Town Board Meeting.

### **New Business**

#### **Private Driveways**

Tabled to the October 4, 2018 Town Board Meeting.

#### **Tires for the Road Grader**

Ms. Bennett reported that the Town road grader needs tire replacement. The Town received bids from Noble's Tire & Auto Service, Inc. in New Richmond, Wisconsin ranging from \$4,050.00 to \$14,290.00. Marv Schroeder stated that the road grader current has Goodyear radial tires. The last time the Town purchased tires for the road grader was in 2012, at a cost of approximately \$6,000.00 for four tires. The road grader has six tires. Mr. Pazlar asked for more time to research tires and obtain additional bids/quotes before making a decision. Therefore, this item was tabled pending further research.

#### **Security Panel at Town Hall**

Ms. Bennett reported to the board that a new security panel will be installed in the Town Hall security system on October 8, 2018 for \$285.00 through the security company, Hennepin-Wright.

## **Dog Bite**

The board asked Mr. Snyder to advise on how to proceed with a recent dog bite that happened in August. He advised to make sure Washington County is issuing routine notices that relate to a dog bite which basically means advising the dog owner to provide proof of vaccinations and determine if quarantine is advised. Washington County takes care of the paperwork regarding the same. If a dog bite results in a severe injury or death, a different review process takes place that could potentially conclude to putting down the aggressive dog. Board directed staff to work with Washington County Sheriff's Office on this process.

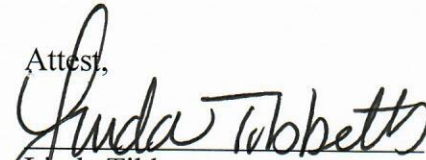
## **Treasurer Position**

There was discussion on whether the board would be combining the clerk/treasurer position, it would need to be decided by the November Board Meeting to get it on the March ballot. There are several potential candidates which Ms. Bennett will be following up on and, thereafter, working with Mr. Adams in moving this process forward.

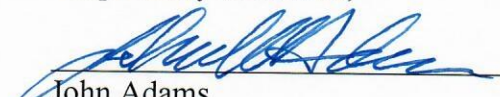
Mr. Adams moved, seconded by Mr. Pazlar, to adjourn the meeting. Motion passed.

The meeting adjourned at 8:32 p.m.

Attest,

  
Linda Tibbetts  
Town Clerk

Respectfully submitted,

  
John Adams  
Board Chair