

TOWN OF MAY
WASHINGTON COUNTY
OFFICIAL TOWN BOARD MINUTES
August 4, 2011

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, August 4, 2011, at the May Town Hall. Those present included Bill Voedisch, Board Chair; John Pazlar, Supervisor; John Adams, Supervisor; Cheryl Bennett, Town Treasurer; Diane Hankee, Town Engineer, WSB; Nate Sparks, Town Planner, NAC; Kevin Sandstrom, Eckberg Lammers Law Firm; Pete Kluegel, Building Inspector; Linda Klein, Town Clerk and residents of the Town of May. Chairman Voedisch called the meeting to order at 7:00.

Minutes, Checks, Treasurer's Report

Pazlar moved, seconded by Voedisch, to approve the minutes of the July 7, 2011, Town Board meeting as presented. All approved.

Adams moved, seconded by Pazlar, to approve checks 16524 through 16555 plus EFTS811 and EFTF811 electronic funds transfer to the State and IRS, respectively. Voedisch moved, seconded by Pazlar, to approve the Treasurer's report as presented. The check register and report is attached to these minutes and serves as the official record. All approved.

Engineering & Roads

Engineer Hankee brought the Board up to date on the current paving projects, Square Lake Trail Court N reclaim and paving project, and storm water control and paving on 131st Street (east of Panorama). Although one resident had complained about the 131st Street project, he was invited to the meeting to voice his objections to the full Board, but did not appear.

Aggregate on Roads

The board discussed the type of gravel used on Town roads. They determined that the primary reason why the gravel dollars had exceeded the budgeted amount was because staff had been purchasing the more expensive "recycle" mix, claiming the pit had no gravel on hand. Voedisch talked to the pit owner and was told that gravel can be made, and asked the Board to allocate another \$800 for "Hugo mix" gravel as a test for this grade of gravel, and all agreed.

Road Tour

Hankee reported on the Road Tour, during which a sign inventory was created, which she will make available to the board. During the tour, the engineer and board created a first and second priority list of roads that need crack sealing. They noted drainage and asphalt problems on 124th at Queen, and the need to fix the standing water problem at Morgan and 150th.

Truck Sale

Voedisch brought forward the flyer regarding the selling of the old truck, for board approval. They agreed on the asking price of \$13,000 and that advertisements to sell the truck will not be posted until the new truck is delivered.

Old Business

Town Code

Nate Sparks represented NAC and their work on the Town Code project. Voedisch presented his report on the issues regarding the revising and reprinting of the Town Code. Voedisch moved, seconded by Adams, to approve all sample pages as presented, including new cover and spine, for the new Town Code, subject to any changes that may result from subsequent discussion tonight, which includes New Times Roman font, chapter-based page numbering, and new running footer with Chapter and Article headings. All approved.

The board agreed to print the code on 28 pound paper, and that “slant D” binders be used for the 30 books to be printed.

The Board also agreed on the following:

- the web site version will continue to be a PDF file
- the master code file will be in WORD, maintained by the Town Code Manager (Nina Nielsen of NAC), and only the Town Code Manager be allowed to make changes to the master file
- a “private” file of the code in read/write WORD format will be available to Town officials, staff and consultants for their use in work such as drafting new ordinances
- all computer versions of the code will be all one file, not partitioned
- imbedded history notes will no longer be created; the update ledgers will serve as history
- the name of the code will be “Town of May Municipal Code of 2011”
- as new ordinances become effective, all file versions of the code will be updated immediately, and update pages will be produced for all holders of the code book

Voedisch moved, seconded by Pazlar, to approve Resolution 2011-11 to adopt the “Town of May Municipal Code of 2011” and directing its distribution in both printed and electronic form. On a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Motion passes.

John Harvey Minor Sub Request

Mr. Harvey came forward to discuss his ongoing desire to receive approval from the Town Board that his property is subdividable. He had a letter from his attorney supporting the validity of Mr. Harvey’s easement. The basic problem is that in 2007 a DNR easement for a trail was placed over the same easement that Mr. Harvey has held for many years. The DNR easement is “exclusive” and is problematic as the Town considers the possible subdivision of Harvey’s property, given he does not have public road access to his rear (easterly) acreage. Attorney Kevin Sandstrom cautioned the Board against giving a “concept” approval for subdivision while competing easements lay unresolved, and suggested a civil suit by Harvey against DNR. After considerable discussion, Board members Pazlar and Adams were inclined to grant Mr Harvey some type of preliminary approval for subdivision, while Board member Voedisch wanted the easement conflict resolved before the Town approves anything, stating the Town would be at risk. The Board eventually asked Mr. Harvey to return in one month and directed Attorney Sandstrom to consult with Attorney Snyder and provide direction should the board wish to agree with Harvey’s position that his land is subdividable because he holds a recorded easement that makes it possible to gain access to his landlocked acreage.

Violations

Brad Smith

The containers are gone and the debris is cleaned up, but the large burn pile is still in place and cannot be burned, per the DNR, due to the construction waste that is in the pile.

David Johnson

Garden plots have been created on the David Johnson property, and Pete Kluegel reports three buildings have been constructed. No sanitary facilities are on site, and road shoulder parking has been observed. The board agreed that they should attempt to regulate junk, makeshift structures and sanitation. Attorney Sandstrom advised that garden plots are generally deemed “agricultural” and thus immune from some regulations, but control of buildings, parking, sanitation and hours of operation are within the Town’s domain. The board asked for a recommendation from the attorney regarding these issues.

May Avenue & \ Highway 95 Cell Towers – Verizon Wireless

The previous month the board approved the placement of a 6 foot microwave dish on the Lynchburg (May ave) tower to communicate with another Verizon tower in Scandia. However the board felt that the placement of 4 foot dishes on Lynchburg and the highway 95 towers would interfere with the placement of a 3rd set of antennas on the highway 95 tower. Rob Viera, representing Verizon Wireless, returned to the Board to present new diagrams for 4 the foot microwave dishes at new elevations on both towers. The dishes, which are to provide connectivity between the May Avenue and highway 95 towers, were better placed but still appear to the board to prevent the ideal placement of a 3rd set of antennas on the Highway 95 tower.

Voedisch moved, seconded by Adams, to give provisional administrative approval to place 4 foot microwave dishes at 147 feet on the Lynchburg tower and at 134 feet on the Highway 95 tower, and the Board could revisit this approval should a third carrier request to come on either tower, at which point the Town could reconsider their decision and direct Verizon to modify the height of their dishes, if that proved advantageous to the overall provision of cell service from these towers, and that this motion be reduced to a resolution to be drafted and brought forth at a future meeting to memorialize this motion. All approved.

Liability Insurance

The board discussed which carrier to use for E & O and liability insurance coverage, as our current E & O coverage with MAT extends only to August 31, and can not be continued unless we also give MAT additional insurance, such as liability. Treasurer Bennett passed out a comparison sheet between MAT and Country Insurance. She recommended changing our liability insurance from Country to MAT. Pazlar moved, seconded by Adams, to select MAT at \$2,100 for both E&O and liability coverage effective September 1, 2011. All approved.

New Business

AT&T request for additional antennas on the highway 95 tower

Steve Carlson brought forward drawings depicting the addition of three antennas to be placed between the existing antennas, bringing the total from 6 to 9, and that some of the 80 inch antennas would be increased to 8 feet. Voedisch indicated that AT&T had previously proposed a crow's nest assembly to replace what was there, but a crow's nest is not allowed by the CUP. Voedisch said the new antenna design falls within what is allowed by the CUP, and in his view meets the visual impact goals of this tower. The Board agreed.

Voedisch moved, seconded by Adams, to administratively approve the AT&T request to add an additional antennas to each panel on the 150th Street tower as presented bringing the total antennas from 6 to 9, with the continued use of standoff mounting, with some antennas growing from 80" to 96", and that this action is not substantial enough to require a CUP amendment, and that it still meets the visual impact goals required of this tower, and that this motion will be followed by a future resolution that embodies this approval. All approved.

Bohman Lot Line Adjustment

Dale Hebeisen, Hult & Hebeisen, presented a proposed lot line adjustment for the Bohman property, located on Ostrum Trail, County Road 4. Starting with a 10 acre home parcel and an additional 105 acre adjacent parcel, it would shift 28.16 acres to the existing 10 acre parcel, leaving a remnant of 77.5 acres in the adjacent parcel, that the total acreage involved (115 +/- acres) will still only yield 11 development rights, no variances are needed and that the resulting lots would be conforming. Voedisch indicated that since the requirements of a lot line adjustment are met, this merits administrative approval. The Board agreed. Voedisch moved, seconded by Adam to approve the Bohman lot line adjustment to add 28.16 acres onto the existing 10 acre lot to be defined on a single deed, with a remnant parcel of 77.5 acres also on a single deed, and authorizing the Town Attorney to stamp and record these deeds, that the net lots for any future subdivision not yield more than 11 lots on the entire 115 acres, and that this approval will be reduced to a resolution and acted upon by the board at a subsequent meeting. All approved

Hugo Sirens

Voedisch moved, seconded by Pazlar, to approve placement of the Hugo siren on the May Township side of Keystone so as to facilitate access to electrical power.

Science Museum Research Station

Sharon Mallman, Science Museum, came forward to discuss building a new 3,400 sq foot maintenance building, which will replace two old buildings on the property or 600 and 1250 sq feet. This new building will be a simple pole building with cement floor and will be located on the opposite side of 152nd st from the main building. It will also eliminate any maintenance traffic out and back on highway 95 to the current maintenance building, improving safety. Ms. Mallman also had a copy of the CUP which noted that that new buildings could not be added without a formal amendment to the CUP. Attorney Sandstrom noted that it would be a reasonable interpretation that two buildings being taken down and one new one going up is *not* an addition at all, but a replacement, and that a formal CUP amendment application would not

be needed. The Board concurred that this could be handled by the Board administratively since this represents no expansion in usage.

Voedisch Moved, seconded by Pazlar, to administratively approve the request from the Science Museum Research Station to construct a new 3,400 square foot building, replacing two older buildings of 600 square feet and 1,250 feet, at the location as shown in the diagram, and the structure will provide a safer location for such buildings, and that the attorney review the CUP to see if an administrative amendment is needed, and that this approval will be reduced to a resolution for a future meeting. Adams offered a friendly amendment that this represents no modification or intensification of use. All approved.

Park Mowing Costs

Voedisch reported that Park Chair Bill Klein had compared pricing for mowing services in several municipalities and found that most are being charged substantially more than we are paying. Voedisch moved, seconded by Pazlar, to increase the mowing payment from \$100 to \$150 per mowing the Town Hall area plus park, and that the increase be retroactive for this mowing season. All approved.

OLA Survey

Voedisch had the OLA survey in hand. Given the substantial amount of time and effort needed to complete this survey, the Board decided to not take part in the OLA survey.

Met Council – additional mandates

Voedisch brought forward a communication from MetC indicating a change to the “system statement” requirements of community Comp Plans. It was given to Nate Sparks for review.

“Code Red”

The County is proposing a new alert system called “Code Red” which would allow the County to communicate via emails, cell calls etc. to individual communities in emergency situations. The cost to May Twp would be about \$240 a year but a legal agreement would have to be entered into between the Town and the County. The Board gave those requirements to the Attorney and took no further action at this time.

Hearing no further business, Voedisch moved, seconded by Pazlar, to adjourn. All approved.

ATTEST: _____
Linda Klein
Town Clerk

Respectfully submitted,
Bill Voedisch, Board Chairman