

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
August 4, 2016

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, August 4, 2016, at the May Town Hall. Those present included: Bill Voedisch, Board Chair; John Adams, Supervisor; John Pazlar, Supervisor; Linda Klein, Town Clerk; Cheryl Bennett, Treasurer; Katie Koscielak, Town Engineer; Dave Snyder, Town Attorney; Nate Sparks, Town Planner; Jack Kramer, Building Inspector and residents of the Town of May. Voedisch called the meeting to order at 7:00.

Minutes, Checks, Treasurer's Report

Voedisch moved, seconded by Pazlar, to approve the minutes of the July 7, 2016, regular board meeting. All approved.

Pazlar moved, seconded by Voedisch, to approve checks 18734 through 18764 for the month of August as well as electronic funds transfers EFTS816, EFTF816 to the State and IRS respectively as presented. All approved. Voedisch moved, seconded by Pazlar, to approve the Treasurer's report as presented. All approved.

The check register and treasurer's report are attached to these minutes and serve as the official record. Pazlar will be reviewing the outstanding bank statements.

Lot Line Adjustment (LLA) – Parzyk / Matsamoto

Dr. Matsamoto appeared before the board to discuss the concept for a lot line adjustment, transferring 5 acres from Parzyk to him and extending an easement in favor of Parzyk. This is to accommodate a future transfer of land. Nate Sparks stated that the parcel involved on the south end has no current frontage, which is an existing non-conforming lot. The lot line adjustment would not create a new lot and would meet the all criteria for a lot line adjustment. Voedisch moved, seconded by Pazlar, to approve the lot line adjustment as noted on the concept plan drawing as presented. All approved.

Voedisch advised that the Town attorney can create new deeds and record them, and Mr. Matsamoto will provide \$300 escrow.

Tom O'Dea / Emison Fence Issue

The Tom O'Dea's appeared before the board to discuss a fence that has been placed between his house and the adjacent Emison house on Panorama Avenue N. He provided pictures for the Board to view, which he believes show that they have lost quality use of their property by limiting their view. He also stated it is a plastic fence, which is not acceptable as far as he is concerned. The fence was installed without a building permit, although fences of 6 feet should require a building permit. Voedisch countered O'Dea's claim, saying the fence falls within Town Code ordinances for not needing a permit.

Mr. Emison presented pictures of his property and the fence and gave some history.

Sparks stated that this is not on the property line, so this becomes a yard fence, and not a line fence and so is compliant with the code. Terri O’Dea stated that this does not conform to the Town’s Comprehensive Plan goal of preserving rural character. Pazlar stated that as long as it is compliant with the code, the hands of the Board are tied in terms of taking action on this situation. Voedisch said it is professionally built, is finished nicely on both sides and that plastic fences are common in the Town. Voedisch moved, seconded by Pazlar, that the Emison fence is in compliance with Town Code, and no action would be taken. All approved.

Planning Commission

Public Hearing – Temporary Family Health Care Facilities

Planning Commission Chair John Arnason provided the board with an overview of what was discussed at the meeting. Nate Sparks offered additional comments. This spring, the Legislature passed, and the Governor signed, a law purporting to require municipalities to allow “Temporary Family Health Care Dwellings” under MN Stat Section 462.3593. The new law defines these dwellings, requires their accommodation, but includes an “opt-out” provision that permits the municipality to exempt themselves from the provisions. The statute was developed by a New Brighton firm that builds these units, called “Next Door Housing” and includes an exemption for any municipality that already has an ordinance that allows temporary health care dwellings as a permitted use. The new statute is incorporated into the State’s municipal planning and zoning regulations, and will become effective on September 1, 2016.

A municipality would have to opt out of the regulation prior to that date to avoid its effect. The only opt-out is an explicit opt-out ordinance passed by the municipality.

The Town has an existing ordinance related to care facilities and other temporary housing uses they are permitted in certain zoning districts with the issuance of an interim use permit. If the Town wishes to continue regulating these uses in the same manner, adopting the opt-out ordinance would be appropriate. Sparks recommended that the Town opt out of this statute and later consider reviewing and perhaps making adjustments to the existing Interim Use Permit (IUP) requirements for temporary housing.

Arnason confirmed with Sparks that the Town can grant an IUP for something like this under our current ordinances. Sparks stated that the benefit of this is that the Town is not restricted to the exact wording of the statute and can control the conditions of the IUP to suit Town regulations.

Voedisch moved, seconded by Pazlar, to approve Ordinance 2016-04 amending the Town zoning ordinance to opt out of the requirements of MN Statutes Section 462-3593 regarding temporary family health care dwellings. By roll call vote all approved.

Joint Board/Planning Commission “Solar Inquiry” Minutes

Voedisch moved, seconded by Adams, to approve the minutes of the joint planning commission and board meeting regarding solar installations in the Town. All approved.

Private Solar Installation Discussion

In July, the Planning Commission met in a joint “Solar Inquiry” session with the Town Board to discuss solar use in the township. The session concluded that only individual use or “private” solar installations are appropriate for the Town as larger installations were not only commercial in nature, but were counter to the Comp Plan goal of preserving rural character.

The meeting continued with discussion and questions regarding limiting the size of private installations; maintenance and keeping them clean of weeds; what amount of ground mounted square footage would be allowed to augment roof mounted panels; would they be treated like a windmill, using a CUP. It was noted that visual impact is important, which could include adequate screening. Because of a recent ordinance change allowing a non-Ag building as large as 5,000 square feet on properties over 20 acres, the question came up on whether this would apply to solar installations. The consensus was that 5,000 sq feet of ground mounted solar panels is again, counter to the goals of the Comp Plan.

Sparks made notes on the discussion and the questions that came up. He said he will prepare a document prior to the next scheduled meeting which will outline options for consideration and provide more background material on topics that surfaced this evening. The goal is a solar system ordinance by the end of the year.

Engineering and Roads

2016 Crack Fill Project: The Town Board approved the budget for crack filling improvements throughout the Town in the amount of \$35,000 at the July Board Meeting. Roadways identified to be crack filled in 2016 include the following:

- Paul Court
- Northridge Avenue
- 148th Street
- 142nd Street
- Square Lake Trail Court
- May Avenue

The quotes were received from Allied Blacktop and Astech Corporation with the low provided by Allied Blacktop in the amount of \$16,380.00. Allied Blacktop anticipates completing crack filling operations at the end of August or September, weather permitting. Voedisch moved, seconded by Pazlar, to approve rolling over the difference between the \$35,000 approved and the \$16,380 into the Road and Bridge budget for next year. All approved.

2016 Drainage Improvements: The following locations have been identified as drainage concerns and/or deficiencies within the Town and have been evaluated by Staff and Board Chair Voedisch. Quotes have been received for the following improvements:

- Old Guslander Trail – two locations have been identified as natural outlets to lowland. Both outlets are experiencing heavy erosion.
 - Dresel Contracting: Not to exceed \$12,000 (final based on contract time and materials)
 - Fuhr Trenching: Quote to be received Friday, August 5th

- 155th Street – A significant sink hole has been identified adjacent to the roadway at the Carnelian Creek culvert. After additional inspection, approximately 10 feet from the apron the pipe joint has developed a gap of approximately 5 inches. This site will require dewatering since Carnelian Creek flows continuously.
 - Dresel Contracting: Not to exceed \$9,000 (final based on contract time and materials)
 - Fuhr Trenching: Quote to be received Friday, August 5th

Voedisch moved, seconded by Pazlar, to approve erosion improvements along Old Guslander and culvert repair along 155th Street in an amount *not to exceed \$21,000*. Contract award to wait on the quote received from Fuhr Trenching. All approved.

Panorama Culvert Cleaning: The Town Board approved the budget for vacuum cleaning of the existing storm sewer and catch basin structures along Panorama Avenue in the amount of \$3,100 at the July Board Meeting. American Vacuum Excavating (entity that has purchased the vacuum equipment from the previous “vac” guy Keith Valento) has completed cleaning three (3) of the five (5) catch basin structures and corresponding storm pipe on Panorama just passed 130th st. The work required to complete vacuum operations of the three (3) catch basin structures and corresponding storm pipe was in the amount of \$2,400. The structures and pipe were nearly 100% full at the time of cleaning. In the future, the structures and pipe will be easier to clean and will result in a lower cost to clean if cleaning is completed in the spring annually.

Two (2) additional structures and corresponding pipe remaining to be cleaned are located near the intersection of Panorama Avenue and 131st Street. These structures and corresponding pipe are nearly 100% full with one of the structures needing to be excavated around in order to gain access to the structure. American Vacuum Excavating has excavated around the structure and begun cleaning operations, however, the time and labor required to complete the cleaning of the structures and corresponding pipe exceeded the original quote to complete the work. The work completed to date to clean the pipe and excavate around the structure were included with the \$2,400 invoice for work completed to date. The remaining cleaning of the structures and corresponding pipe are estimated not to exceed \$3,600. Additionally, the installation of a small retaining wall to prevent material from eroding the far north catch basin on Panorama will be considered with the development of the Feasibility Report for the improvements proposed along Panorama Avenue.

Voedisch moved, seconded by Pazlar, to approve additional budget to complete catch basin structure and corresponding storm pipe cleaning near the intersection of Panorama Avenue and 131st Street in the amount *not to exceed \$3,600*. All approved.

Violations

Cutting Locks, Burning Trash No action at this time.

14033 Paris – Numerous Violations

Voedisch brought forward a list of violations on this property. Currently, there is a red tag stop work order and Voedisch, Katie and Jack, along with the County will be meeting with the property owners soon and will propose the conditions to be imposed by the Town.

Significant Grading Without Permit – Manning Trail

The owner of this property has decided to remove all the fill that he brought in in order to avoid action by the Brown's Creek Watershed District.

Lindquist – Dangerous Dog

Attorney Snyder advised that he has attempted to contact the owner, and he has determined that civil action will be necessary in order to force compliance with the Town's Dangerous Dog determination and directive. Voedisch moved, seconded by Pazlar, to authorize the attorney to initiate a civil action regarding the dangerous dog. All approved.

Old Business

No Parking Around Big Carnelian

Pat Gleason appeared to discuss this issue regarding 130th st, stating that he is not in favor of No Parking signs, since he does not want to be penalized as a resident when he considers many of the problems are caused by renters. He stated that he has talked to neighbors and many are in favor of no parking on the road at all, on either side. Voedisch moved, seconded by Pazlar, to put "no parking signs both sides" for Panorama starting at the Brockberg property to the end of the public right of way. All approved.

He then urged Gleason to meet with Hall to see if they could come up with a consensus. When reviewed by Katie and Voedisch their thinking was no parking on the "houses" side of 130th st year round, and no parking on the opposite side during snow plowing season.

Parking of Trailers on 133rd St. Cul-de-sac

This has become a point of contention among residents. There are now 5 boat trailers parked on the 133rd St. cul-de-sac. Adams proposed posting no parking signs. The wording on the signs will be determined by the engineer and signs will be ordered. Voedisch noted that our No Parking ordinance names 130th St, 130th St Lane and Panorama as roads we can sign "no parking." We would have to amend that ordinance to include 133rd st.

Panorama Road Paving Petition

Voedisch and Engineer Koscielak met with Jim Shaver, engineer and manager Devault of the WD to discuss drainage issues. There are storm water issues near the north end of the Brockberg property and the Oswald property and he has indicated a willingness to grant a drainage easement. The engineer noted that the Town is not required to include the WD in the planning dfor a road that is being maintained in place and not expanded. The engineer is looking to Attorney Snyder to determine easements on the property adjacent to Panorama. Pazlar reminded all that consultants are currently spending time on this project, which does not appear to be moving forward. Again, he stated that we should determine: (1) if the Town is supporting this petition, (2) what will the approximate costs be, and (3) what is the Town's proposal for paying for the project, and if the Town should agree to pay for part of the improvement. Since we are a non-paving municipality we will be setting a precedent here. The engineer proposed offering a preliminary number without going into the complete feasibility study.

Junk House at 12620 150th Street

Someone now has purchased the property with the intent to renovating the house. Inspector Jack Kramer has not been inside the house, so he does not know if the house is salvageable until he has inspected it further. The junk car containing hazardous materials will be removed.

Capstone

Meeting at the Town Hall will be taking place later this month regarding the water issues in the area of Carnelian Hills.

Noisy Train

Voedisch was out at the site several times with the noise meter and took pictures showing that the train is in violation of a Federal Regulation cited by Nate. Snyder has sent the letter with pictures of the meter to the Federal Railway Authority, who he has written to before. No response yet.

New Business

High water levels on private property at 140th and Keystone

Voedisch met on site with the owner and has also communicated with BCWD. This land owner will need relief (approval?) by the WD so he can promote better drainage from his wetland.

Town Park

Pazlar noted that the west diamond appears to be choked in weeds. Voedisch also noted that whole property needs weed whacking on a regular basis. Voedisch moved, seconded by Pazlar, to hire someone on contract to do weed whipping around the entire park and hall, and get rid of the weeds in the ball diamonds. All approved.

Town Treasurer/Town Clerk

Voedisch noted that Supervisor Adams will take the leadership role in canvassing for candidates to fill the Clerk and Treasurer positions in the future.

Adams moved, seconded by Pazlar, to adjourn. All approved.

Attest: _____
Linda Klein
Town Clerk

Respectfully submitted,
William K. Voedisch