

**TOWN OF MAY
WASHINGTON COUNTY
OFFICIAL TOWN BOARD MINUTES
November 3, 2011**

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, November 3, 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; Dave Snyder, Town Attorney, Eckberg Lammers Law Firm; Pete Kluegel, Building Inspector; John Arnason, Planning Commission Chair and residents of the Town of May. Absent: Linda Klein, Town Clerk. Chairman Voedisch called the meeting to order at 7:00.

Minutes, Checks, Treasurer's Report

Adams moved, seconded by Pazlar, to approve the minutes of the October 6, 2011 Town Board meeting as presented. All approved.

Adams moved, seconded by Pazlar, to approve checks 16619 through 16653 plus EFTS1111 and EFTF1111 electronic funds transfer to the State and IRS, respectively. Pazlar moved, seconded by Adams, to approve the Treasurer's report as presented. The check register and treasurer's report are attached to these minutes and serve as the official record. All approved.

Treasurer Bennett requested a transfer of \$2,800 from General Fund to the Levied Park Fund to cover checks written this month and hopefully next.

Voedisch moved, seconded by Pazlar to approve the transfer. All approved.

Planning Commission

Public Hearing

Shea Minor Subdivision

John Arnason reviewed the Shea minor subdivision. The site to be divided is currently three parcels that are 19.8 acres, 1 acre, and 2 acres in size. The minor subdivision will result in these three parcels being two parcels each around 10 acres in size. The proposed minor subdivision requires a variance from the maximum depth standard. The depth allowance is four times the width at the front setback. The Planning Commission approved a recommendation to the Town Board to approve this minor subdivision and variance.

Resolution 2011-19 includes the following findings of fact:

1. The proposed minor subdivision is consistent with the density and other standards found in the Town of May Comprehensive Plan and Town Code.
2. The proposed minor subdivision will result in two parcels that are generally conforming to the Rural Residential District requirements and other standards found in the Town of May Zoning Ordinance except for exceeding the maximum lot depth to width ratio for both lots.
3. There are practical difficulties subdividing the property in a conforming manner in

regards to the maximum depth to width ratio standard due to the existing property being 22.8 acres in size while the 660 feet of lot width matches that of a 20 acre property and thus the lot depth to width ratio will always be exceeded under the desired method of subdivision.

4. The wetland on the site makes a front-to-rear subdivision difficult, and the existing depth of the subject site are circumstances unique to the property thus necessitating the granting of the variance to the lot depth to width ratio standard.
5. The subject site currently has three parcels, two of which are non-conforming in terms of size, and the granting of variance will eliminate this condition.
6. The proposed subdivision is otherwise consistent with the Town of May Subdivision Ordinance.

Voedisch moved, seconded by to approve Resolution 2011-19 with the findings and conditions as stated in the resolution, and approve the variance to exceed the maximum lot depth to width ratio of 4 to 1 for both lots. By roll call vote: Adams, yes; Pazlar, yes; Voedisch yes. Resolution and variance are approved.

Midcontinent Communications - Cable Franchise Ordinance

Last month the Board approved the presentation of Ordinance 2011-04 to the Planning Commission to extend the town's cable franchise to the end of 2012. Chairman Arnason reported that the Planning Commission approved Ordinance 2011-04. The Planning Commission would like to recommend that the Town change the code so that a cable franchise can be changed with a resolution and not have to be done by ordinance. Voedisch agreed having the details of a cable franchise, which constantly changes, in the Town Code is not the best and suggested a permit would be a more typical way to do it.

Adams moved, seconded by Voedisch, to approve Ordinance 2011-04 to extend the term of the town's cable franchise to December 31, 2012. Roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Ordinance approved.

Discussion was held on whether this should be in an ordinance, permit or resolution. The Board discussed the need to have Midcontinent apply to renew the franchise and document where the ordinance must change to reflect the service that they are or will be providing.

Snyder recommended notifying Midcontinent about the process and then post and notify other candidates to see if anyone else would like a chance to serve the town with cable service.

Engineering & Roads

Truck Sale

The new truck is back but without a DOT sticker. Voedisch contacted the State Patrol and learned that new trucks can be sold without a current DOT sticker, but it is still required. The road crew will take the new truck to Stillwater Towing for the DOT inspection when they pick up the Sterling, which is currently undergoing the DOT inspection. The engineer indicated that the ad for the International was being placed on Craig's list as of today.

Drainage/Roadway Repairs

Engineer Hankee reported that Brockman Paving has completed the drainage improvement at the intersections of Morgan Avenue and 150th Street, and 124th Street and Queens Way. Some work still needs to be done on both spill-outs. She asked that the Board approve the payment in the amount of \$5,875. Payment will be made in December.

Reedy

Reedy is about 90% done with the stabilization and erosion control required in their permit and the site is for the most part stabilized. It was hydro seeded and mat placed on top. Pete Kluegel can issue a building permit for the new barn with two conditions: 1. the erosion control permit must continue to be followed, and 2. the existing shed must come down.

Sign Inventory – needed sign replacements

Engineer Hankee estimated the cost for the signs to be about \$1,800. Voedisch will review the sign list with the road crew. Hankee will hold off on ordering signs until she is contacted by Voedisch.

Guard Rail

Engineer Hankee is working on getting quotes to repair the guard rail at the intersection of May Ave and 177th Street. The engineer and Board discussed the differences between rail and cable systems. They decided that if the guard rail is completely destroyed, the Town will consider cable for replacement. Otherwise we replace rail with rail and cable with cable. New systems will be cable.

Old Business

Violations - David Johnson

Voedisch has been ill and not able to review the Johnson property. Attorney Snyder suggested Pete Kluegel tag the shacks that are in the fields of Mr. Johnson's property.

Arcola Mills and National Park Service

Phillip Bock of the Country Messenger reported that 4,077 visited the site during the month and that a full report should be ready by the 17th of November. Pazlar volunteered to contact Arcola Mills for a copy of the report. Voedisch also suggested that Snyder provide a copy of the resolution to Ray Marshall, and invite him and the NPS to come to the December board meeting to present the results of the experiment, and let us know their desires for the future.

Adams moved, seconded by Voedisch to approve Resolution 2011-17 authorizing a one month experiment between Arcola Mills and National Park Service. Roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. All approved.

Jan Fisk

Ms. Fisk has erected a sign approximately 3' x 4' for her equine business. Voedisch handed out copies of Chapter 10 of the Code regarding signs and discussed different signage requirements. Pazlar suggested that signs on a main road (55 mph) be allowed to be larger than a sign on a gravel road that is 25 mph. Snyder suggested we keep it uniform since this is a highly litigated area. It was recommended that we either amend the code or approve a variance. There currently is no cost or application for this process. Voedisch will send this to the planner for review. Snyder indicated that any sign application fee should be based on cost of the process.

Adams, moved, seconded by Pazlar to send this issue to the planner and Planning Commission. All approved.

Insurance Quotes

Treasurer Bennett informed the Board that she was still waiting on a quote from the League of Minnesota Cities for property insurance and had been informed it would be coming soon. She will forward the information to the Board when she gets it for their comments and questions. This should allow her to get answers before the December board meeting and perhaps a decision could be made at that time. As it stands, we now are under MATIT for both E&O and Liability, and Comprehensive with Country Insurance / Chris Sauro.

New Business

Rohan – Building Permit Issue

Diane and Anton Rohan, 16980 Northridge Avenue N., appeared before the Board to inquire about building inspections. Currently, one half million dollars in repairs are needed on their home for various problems that occurred during construction that were not caught. The Rohans indicated they are not looking for money but wanted to inform the Board that they paid for the building inspections and they are upset that these issues were not caught at the time of construction. Rohans feel the inspector was supposed to be their safety net.

Snyder discussed current building issues in the courts. The courts have said that building inspection is to check for compliance with the Building Code on behalf of the town or city. There is no guarantee to the homeowner. The building inspector is there for the community to make sure health and safety issues have been addresses, not for construction flaws of which there were many in this case.

The Rohans felt that the building inspector is a false sense of security and that the Certificate of Occupancy is a joke. They suggest people hire their own independent inspector when they build a home to ensure a quality job.

Sue Griffith – Lot Line Adjustment

Sue Griffith, 12140 Panama Avenue N and Ann Folkman, 12160 Panama Avenue N. discussed trading property and presented a current survey showing the adjustments in its final form. Ms. Griffith needs an additional area for a septic system. The parties have met with Dennis O'Donnell at Washington County several times. They are basically transferring 25 feet. This can be Board can approve administratively but there are some costs involved with Dave's office for deed review and recording. Ms. Griffith presented Treasurer Bennett with a \$300 escrow check.

Voedisch move, seconded by Pazlar to approve the lot line adjustment as presented. 25.2 feet of lake frontage and a piece of land from parcel A to parcel B are being transferred. The Town's approval is subject to Washington County approval. This motion will be put in the form of a resolution and approved at a future meeting. All approved.

201 Sewer Contract

Voedisch gave a copy of the 201 Sewer contract with Washington County to Adams to review. The contract will be approved at the next Town Board meeting.

Scandia Fire Contract

Voedisch met with Anne Hurlbert of Scandia. They decided that counting runs and population is getting complex and potentially contentious, and they agreed on an annual 3% increase, subject to approval of the respective municipal board/council. He reported that Scandia does not have enough dollars in their equipment replacement fund and they will need to levy more. Voedisch recommended approval.

Voedisch moved, seconded by Pazlar to approve a three (3) year fire contract with Scandia in the amounts of \$35,551 for 2012, \$34,558 for 2013 and \$35594 for 2014. All approved.

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

ATTEST: _____
Linda Klein
Town Clerk

Respectfully submitted,
Bill Voedisch, Board Chairman