

**TOWN OF MAY
WASHINGTON COUNTY
OFFICIAL TOWN BOARD MINUTES
October 6, 2011**

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, October 6, 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; 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

Adams moved, seconded by Pazlar, to approve the minutes of the September 1, 2011, Town Board meeting as presented. All approved.

Voedisch moved, seconded by Pazlar, to withhold Checks #16591 & 16592 until the new truck passes the DOT Inspection, and the checks may be released prior to the November meeting at the direction of the Board Chair. All approved. Adams moved, seconded by Pazlar, to approve checks 16584 through 16618 (with the exception of 16591 and 16592 previously discussed) plus EFTS1011 and EFTF1011 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.

Planning Commission

Public Hearing

Reedy CUP Request

John Reedy has made an application for a Conditional Use Permit at 12870 St. Croix Trail North to allow for the construction of an accessory structure prior to the principal structure. The accessory building will allow for the applicant to store materials on site for the construction of the house, which he intends to construct within one year of the accessory building. The applicant is also seeking a Certificate of Compliance from the Town Board to allow for the construction of the accessory building in front of the proposed principal structure location.

The property is located at 12870 St. Croix Trail N and is 38.66 acres in size. It is zoned Rural Residential and guided in the Comprehensive Plan for Rural Residential. The property has frontage on St. Croix Trail via a 60 foot wide "flag pole" portion that is part of the lot, and that is 1080 feet in length. The site is very hilly and intensely wooded.

Accessory Structure Size

The applicant originally proposed a 60' x 80' accessory building for the site, 4800 sq feet with the intent of using the accessory building for "agricultural uses" (intending to start an organic farm) and also to store boats, ATVs, snowmobiles, and a woodworking shop. Due to the strict

rules enforced by the County related to agricultural use designation, the applicant chose to withdraw this request and live with the limitations of a 2,500 square foot building.

Slopes, Grading, and Erosion Control

This site has steep slopes in the vicinity of where the applicant is proposing to place the buildings. Sec. 705.11 of the Zoning Ordinance states that when construction is to occur on a slope greater than 12% the permit must be accompanied by a grading, erosion control, and soil conservation plans. These plans will need to be approved by the Town Engineer prior to issuance of a building permit. The ordinance also states that slopes greater than 25% are prohibited from construction.

The applicant's plans show a 31% slope near the house location but no direct and clear calculations for the exact house and accessory building location. Based on the plans provided the house appears to be constructed on a slope of about 23% and the outbuilding is on a slope of 24%. As plans are finalized, these exact calculations will need to be provided with any building permit application to prove the impacted slopes are less than 25%. In any case, the steep terrain dictates the need for the plans noted above.

Planning Chairman Arnason reported on the Planning Commission's consideration of the request. Chairman Voedisch indicated that when he and Pete Kluegel visited the property earlier that day for the Certificate of Compliance (CoC) review, they found substantial grading had been done with the site left in an unstable condition. He stated that he would address this in more detail during the CoC discussion. Voedisch brought forward a resolution memorializing the findings of the Planning Commission. He also advised the applicant that after the site visit, it was his opinion that the site is unstable due to the vast amount of grading that has taken place and the engineer needs to visit the site. He offered that a building permit should not be issued before a stabilization plan is submitted, approved and executed. Adams moved, via Resolution 2011-18 and Findings of Fact, to approve the CUP application for constructing an accessory building prior to building of the house with conditions of approval as stated in the Resolution. On a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Resolution is approved.

Reedy Certificate of Compliance

The applicant wishes to not only construct the accessory building prior to the principal structure but also in front of the principal structure. The Town of May currently has a Certificate of Compliance Ordinance by which the Town Board may grant relief for proposed accessory building sites that meet at least 80% of the setback of the principal dwelling. Voedisch visited the site earlier in the day with Building Inspector Kluegel and they concluded the proposed accessory structure is about 1125 feet from the right-of-way and the house is proposed to be approximately 1250 feet from the right-of-way. At 89% of house setback, the accessory building setback falls well within 80% rule and thus the Certificate of Compliance should be considered by the Board.

Voedisch went through the Certificate of Compliance request for placing the building closer to the front lot line than the principal dwelling. Adams moved, seconded by Pazlar, to approve the C of C application 2011-01 for the Reedy property at 121870 St. Croix Trail N., allowing for the accessory structure to be closer to front lot line than primary residence with conditions as

presented including the condition of the site needing stabilization.. Town Engineer advised the applicant to get some silt fence and seeding in place as soon as possible. All approved. Attorney Snyder will draft an agreement or CUP to memorialize the CUP and CoC actions and conditions, that can be signed and recorded against the property.

Engineering & Roads

Truck Sale

Engineer Hankee reported on her review regarding value of the truck to be sold, and she advised that a cost of \$13,000 seems appropriate. She will advertise to Townships, on Craig's List and any other appropriate sites. Pazlar suggested getting a logo painted on the trucks identifying May Township.

2012 Gravel

Quotes were received from both Miller Excavating and Raleigh Trucking for materials picked up. The board discussed the quality of gravel to order, and decided that moving up to the Hugo mix at \$4.50 would be advisable. Voedisch moved, seconded by Adams, to use Raleigh Trucking for aggregate, Hugo mix at \$4.50 per ton, and order 2,200 tons for use in 2011-12. All approved.

Drainage/Roadway Repairs

The engineer reported on the following needed road repairs:

Intersection of Morgan Avenue and 150th Street: Storm water currently ponds along north side of 150th Street causing deterioration of the pavement in that location. Mike with Brochman Paving provided a quote to remove and replace approximately 140 sq yd of bituminous pavement and construct swale along west side of the intersection. The work includes creating a crown at the intersection to direct runoff. Once there is a crown in the road, the east side should drain without additional grading, which will be field verified

Intersection of 124th Street and Queens Way: This work includes removing and replacing approximately 110 sq yd of bituminous pavement and constructing a swale along the northeast side of intersection to improve drainage. Approximately 25 ft of rolled bituminous curb will need to be replaced along the east side of the intersection along with relocating the stop sign and street ID to allow for wider turning radius.

Pazlar moved, seconded by Adams, to approve the amount of \$5,875 for the above needed repairs. All approved.

Sign Inventory – needed sign replacements

Pazlar moved, seconded by Voedisch, to authorize the engineer to spend up to \$3,200 on the necessary replacement signs. All approved.

Old Business

Violations

David Johnson

At the September meeting, after discussing the various problems regarding the garden plots on Johnson's property, the Board instructed the attorney to send a letter to Johnson advising him regarding

the need to control structures being built, parking, sanitation and hours of operation and his continued problems of junk vehicles and equipment on all of his sites..

Johnson appeared at this meeting to discuss the problems brought forward at the September meeting. Voedisch advised that the cleanup on the original property is still looking OK as far as it went, but the property on Ostlund is still littered with cars and junk even after Mr. Johnson committed to clean it up. Attorney Snyder advised that a Town representative should once again meet at the Johnson property with Mr. Johnson, mark with spray paint the items that need to be removed, and follow up at a scheduled time. If they are not removed, the Town will take it upon themselves to remove the vehicles and assess the property owner.

They then discussed the garden plots and the non-compliant structures being built, parking, and total lack of sanitation facilities. The people who are gardening advised that they will be putting in sanitation facilities next year. Snyder advised that the Town Board cannot control the agricultural activity, but they can control traffic, parking, buildings and sanitation.

US Cable Transfer to Mid Continent Cable Franchise

Voedisch brought in an ordinance that extends the term of the cable franchise to Dec 31, 2012. He moved, seconded by Adams, to present the proposed ordinance to the Planning Commission in October. If they are not meeting, the Board will hear the issue in November. All approved.

Dangerous Dog Hearing

Gus Ljungkul appeared before the board at the September meeting to appeal the Washington County Sheriff's designation of his dog Boo as a potentially dangerous dog. After considerable discussion, the board voted to reverse the Sheriff's decision (Pazlar and Adams, yes; Voedisch, no). They then asked the attorney to draft a resolution that officially formalizes the results of the hearing. Adams moved, seconded by Pazlar, to adopt Resolution 2011-16 reversing the decision of the Washington County Sheriff's dangerous dog designation for "Boo," with Adams letter to Ljungkul attached, as approved at the September 1, 2011, board meeting. On a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. All approved.

New Business

Crossing Agreement – Oldfield to Oakland Road

Tony Nesvick of Mark Antony Homes recently secured a building permit to construct a new home on Oldfield Road fronting on Square Lake. Attorney Snyder advised drafting an Encroachment Agreement for utilities to cross the Oakland Road easement. The applicant advised that the lots were combined at Washington County. Voedisch questioned whether then lots could be combined with the land being separated by the Town's ROW. Voedisch moved, seconded by Pazlar, to approve the applicant's request for an encroachment crossing agreement across Oakland Road right of way for pulling in utilities, subject to the review of the Town Attorney after discussion with Dennis O'Donnell, and that the attorney will subsequently draft an encroachment agreement for the applicant. All approved.

Interim Financial Info

Treasurer Bennett reported on a variety of places where the Town's budget does not reflect all income and expenses, as noted on the interim financial report. The board discussed those items that need to be included in budget sheets.

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

ATTEST: _____
Linda Klein
Town Clerk

Respectfully submitted,
Bill Voedisch, Board Chairman