

**TOWN of MAY**  
**WASHINGTON COUNTY, MINNESOTA**  
**OFFICIAL TOWN BOARD MINUTES**  
**July 11<sup>th</sup>, 2024**

The Board of Supervisors of the Town of May convened their regular monthly meeting on Thursday, July 11<sup>th</sup>, 2024, at the May Town Hall. Those present included: Board members John Pazlar, Steve Magner, and Don Rolf. Clerk/Treasurer Bobbi Hummel; Deputy Clerk/Treasurer Marsha Olson; Planner Nate Sparks; Attorney David Snyder, and those with business before the Town. Engineer Mark Erichson was absent. Chair John Pazlar called the meeting to order at 7:01 p.m.

**MINUTES**

Pazlar moved, seconded by Rolf to approve the minutes from the June 6<sup>th</sup>, 2024 Board Meeting. All in favor. Motion passed.

**CHECKS AND TREASURER'S REPORT**

Treasurer Marsha Olson presented the Treasurer's report, showing total cash and investments of \$2,069,273.24 of which \$715,980.77 is in investments. \$1,953,998.35 is committed. \$115,274.89 is non committed.

Payment for the Building Inspector was issued after this statement and will be included on next month's statement. The first half of Stillwater fire protection service is included this month so disbursements are high for the month.

Checks #22120 to #22154 and EFT071124B, EFT071124F, and EFT071124S are also presented.

Pazlar moved, seconded by Rolf to approve the cash control statement and checks from 06/01/2024 to 06/30/2024. All in favor. Motion passed.

**PLANNING COMMISSION**

Nothing to report

**201 SEWER SYSTEM**

Nothing to report

**ENGINEERING AND ROADS**

Nothing to report

**VIOLATIONS/COMPLAINTS**

**13440-120<sup>th</sup> St. N. Camper storage and illegal property access point.**

Planner Sparks reports that the property owner has removed one of the campers. The other is still parked in an unapproved location and will need follow up. The secondary access does not appear to be

in use any longer, however it still needs to be blocked off and vegetation needs to be replaced. Partial compliance has been made and follow up will continue.

## **OLD BUSINESS**

### **Liberty Classical Conditional Use Permit**

Planner Sparks addressed questions that needed more clarity regarding the septic system, removal bond, maintenance responsibilities, timeline of phasing, and school infrastructure, student and staff counts, and possibilities of moving the access point to another location.

Information on all topics was received from Liberty. The school stated that they will be meeting all agency requirements and did not feel that they needed a bond as it has not been asked for by anyone else. Information was provided that the system is designed for 10,375 gallons per day, the equivalent of 16-17 houses. Pictures of the area were also provided to show what the site will look like. The phasing plan timeline is based on enrollment and fund-raising efforts and the hope is to have it complete in the next 10 years. The first phase expansion would allow for 350 students and 50 staff, an increase from 100 students and 20 staff currently. Total capacity is to have 640 students and 110 staff, including part time staff. The access location is the better choice based on road length (costs of construction), school layout, and levels of use.

Pazlar appreciates the level of public engagement on this issue. The main concern, based on public comment, is the to keep May Township rural. More pressure has come from applicants seeking large scale (commercial, institutional) uses in the township. This will continue as time progresses. Pazlar questions if there are things the Township should be doing to re-access rules and regulations to keep the township rural. Passionate and well thought out feedback has been received from area residents on this topic.

The comprehensive plan is updated every 10 years and edits to the zoning ordinance is completed to match it. The goal of the township is to protect and preserve the rural nature of May Township. Issues arise when certain uses are allowed in a zoning district. A comprehensive review of all of the elements/uses has not occurred. The township has utilized a moratorium on certain types of uses in order to analyze it further and make sure the code is adequately reflecting the vision and exceptions of the future township. A moratorium is always an option. The Metropolitan Counsel requires May Township to remain rural, only allowing 1 unit per 10 acres. Perhaps some of the older concepts in our code book don't fit any longer. Populations in the area have increased and maybe some of the concepts no longer fit. Perhaps a review would allow for conformity in the differing zoning districts. The Board could choose to review those concepts closer before taking action on an application.

The township seems to be more reactive than proactive in several requests that have come in in the last few years. It may be time to take a proactive approach and get a fresh look to ensure the township is well equipped to handle requests for larger uses.

Magner is concerned that the township may be ill-prepared for this type of development. The moratorium might be a good idea to take a look at and confirm what the township should be doing according to the comprehensive plan. Good arguments have been received by many residents.

For clarification, a moratorium is a tool to impose a 12 month freeze on applications. The idea then is to review the code book and identify sections that might be weak or need change. It would offer a pause to research the codes, have public meetings, and make change if needed.

Due to the level of interest, Pazlar opens up public comment. Supervisor Rolf will abstain from comment due to a conflict of interest. He works for Pope Design Group, the same firm hired by Liberty Classical Academy.

Rebecah Hegstrom, Liberty Classical Academy (LCA), Founder and Headmaster.

Rebecah is a past resident of May Township and agrees that this area is special. Withrow School was closed in 2014 and LCA purchased it in 2022, including the Zahler Farmstead. About 2 million dollars has been spent to remodel the building, including a new playground. Expansion was the plan from the beginning. Currently PreK - 2<sup>nd</sup> grade are the only grades that fit in the current site. About 1/3 of the students are from the immediate area. Nearly 6 million has been spent on the land, building, and remodeling. 1.2 million has been spent on the design of the new school, including regulating agency requirements. LCA is a small non-profit private school with no large endowment, and they are not supported by a large foundation. They have met every guideline for Hugo and May Township. The county will not let the school grandfather in the current entrance because of the new codes. LCA hosted two neighborhood meetings that disclosed the purchase of the land and the entire plan. Comments were received and incorporated into their plan. Letters of support have been received from the closest three neighbors. The arbitrary division between Hugo and May Township is not a dividing line, it is one continuous property. LCA requires the support structures in May to operate, the building in Hugo has been approved unanimously. The support structures just happen to fall in May Township. The CUP is required to provide necessary support for the building. Mis-information has been circulated and they will all be addressed by the guidelines set forth by the CUP.

Bill Griffith, Attorney for Liberty Classical Academy.

The township is faced with a land use decision that has generated a lot of discussion for a small rural community. This use is allowed and in the town code. A legislative decision was made to allow a school in this location. These facilities are highly regulated by the MPCA, the permit issuer, and will be regularly inspected. The stormwater facility is regulated by Brown's Creek Watershed District. There will be very little visual impact, screening is possible. This use satisfies all the standards for approval. The reference to a moratorium would be legally reasonable on future institutional uses, after approval of this CUP, this application has been pending. The town is not legally authorized to use a moratorium as a tool to stop one project, a moratorium is used to do general planning and zoning within the community. This is a modest expansion of a school that already exists, and they are proposing technical facilities that are regulated with minimal visual impact and one that meets standards. This is a religious land use, a Christian school. Federal law provides protection for this use. There is a higher standard of scrutiny of the actions of the Board decision tonight. This is not an easy decision, there are two sides. The Board must listen to their constituents and give life and meaning to the town code and the regulations in place. It is what you are elected to do.

Elise Kelly, Architect/Project Manager for Pope Design Group.

The application was submitted in November of 2023, 8 months ago. They are in compliance with the CUP. Responses were provided as requested by the Board last month. Future phases are dependent on fundraising, enrollment, and construction costs and may or may not happen within 10 years. Changing the access location poses cost impediments. The criteria for the CUP have all been met. The system is sized to support the equivalent of 16 homes. This meets requirements by the MPCA and includes

weekly checks, monthly reports, and underground monitoring systems. The stormwater pond needs to be in the lowest point of the site. It is sized for a full build out for balance (excessive soil is not imported or exported from the site). BCWD has jurisdiction over permitting and it does have stringent regulations. Noise levels have been met by the state standards. The soccer field will be utilized for weekday practices only. The backup generator will be enclosed to block noise and visuals. Lighting planned on the May property will be single light over the door of the outbuilding. No area sight lighting is planned in May Township. Shields will cover the bulbs and they are dimmable to 0%. Parking is only for service parking on the out building. All other parking is in Hugo, and has been approved. Construction for traffic is only planned to include 2 right turn lanes on Keller. Traffic with the new addition will be 5.8% of Keller Road capacity and will be mitigated with turn lanes approved by the county. Future phases trigger 122<sup>nd</sup> as the main entrance and thus rendering Keller as a secondary access point. This CUP should only consider traffic congestion created at the outbuilding, septic system, or storm pond - not the school traffic. There is no evidence that the addition of a school will diminish property values or scenic views. The site will not be much different than it is now other than the outbuilding, which will be surrounded by grasses. The project meets the intent of the 2040 comprehensive plan. Having a septic system in this location ensures that the space will remain open space for as long as the system is in place. The underground mound systems allow the site to keep within the character of the surrounding area. LCA proposed plan is in harmony with the purpose and intent of May Township's zoning code and comprehensive plan. Liberty's promise is to keep the township looking rural.

Timothy Kelley, Attorney representing local residents

The township does have the right to adapt a moratorium, federal law allows it. The dividing line between Hugo and May Township is not arbitrary, there are different standards and different purposes. The comprehensive plan prevails in making decisions, it states that institutional uses are not appropriate. It declares that all uses that are not residential or agricultural in nature are not appropriate in the rural residential district, without exception. The conditional use permit standards require you to find that approval of the use is in harmony with the towns master plan and the town codes general intent and purpose. The intent is to ensure that within the rural residential district the rural character is preserved – for single family rural residential agricultural uses. Consider that this parcel will house soccer fields, ball fields, a significant septic system, and a 1200 square foot accessory building for a use not in May Township.

Amanda Mattson. 13131 Keystone Ave. N. Comments that the Hugo approval/meetings were held and approved prior to most area residents aware of the full scope of project. Neighbors are trying to spread community awareness of the project; several area neighbors are unaware. Concerns that once LCA reaches capacity with the expansion, even more will be asked for. She fully supports consideration of a moratorium, to limit size and scope for May Township and to prevent future similar requests.

Bill Wright. 12388 Keller Ave. N. LCA application states no evening activities and minimal summer staff for maintenance. LCA website is advertising sports camps throughout the summer. He has concerns about other hidden plans and that LCA is not listening to the community.

Patrick Samuels. 12905 Manning Trial. Has been a resident since 2006. Supports LCA, his children get a good education at Liberty. Has a good relationship with all the teachers. Liberty trains leaders and is an excellent school. He is happy to endorse them.

Ted Erickson. 12945 Keller Ave. N. He anticipated the possibility of expanding the school to 6<sup>th</sup> grade, but not a junior high and high school. He has concerns about the Jordan aquifer that provides water to area residents, it is likely the same well the school will access. Hugo has put in wells that effected his water quality and this will as well. A high school will change the demographic in that area. He requests the Board take action to slow this down and consider the people that live around the school.

Jean Carr 122xx Jordy Ave. N. Hugo. Supports a PreK-6<sup>th</sup> grade school. There are several people that live close to the school that still do not know.

David Merritt. 11725 Irish Ave. N. Lives 1 miles from the school. Has children at LCA currently and hope to in the future. Is sympathetic to this work and appreciates this process. What is before the Board is a septic system install, not a school, and challenges the Board members to stick to what is before them tonight.

David Truax. 10123 Kerry Ct. N. The proposed size of the septic system is just over 10K gallons and stated as equivalent to 16 homes and projected traffic increase of 5.8%. Mr. Truax challenges the usage of both of those projections as being much more than that. He supports a moratorium to study the numbers.

Karen Ukura. 12945 Keller Ave. N. Takes umbrage with LCA attorney that states a Christian school takes precedent over what the community here thinks. She read, on average, an elementary school with 1500 students only needs 5.5 acres for a building and outdoor space. LCA owes 37 acres in Hugo. Why can't everything be on the 37 acres in Hugo? What kind and how long will the residents be dealing with construction? How is the septic be monitored? Does the Board feel they have to accept the CUP application even if a moratorium is put in place?

Mark (Resident) How can 850 students plus staff in a school only be equivalent to 16 homes on a septic?

Julie Najarian. 18300 Norell Ave. N. Withrow school and Liberty are great schools. Liberty is a school that is above any other schools she has seen and it is an asset to the community.

Sara Wandschneider. 12633 Keller Ave. N. Doesn't believe anyone is against the school, just the effects it will have to the surrounding community.

Shelley Dobrotka. 12515 Keller Ave. N. Ownes the largest connecting land with Liberty, right next door. She is a teacher at the school and supports them. There are benefits: butterfly gardens, nature walks, baseball games.

Beth Jerome. 12444 Keller Ave. N. Lives across the from the new proposed entrance to the school. The school is good and is not against a small school in the area. The issue with the septic, stormwater pond...the parts in May Township. We live here for the beauty that surrounds us; Liberty is taking that beauty. 37 acres of Hugo should be able to handle all the needed buildings and septic for the school.

Sandra Clark. 29 Moonlight Bay. Supports Liberty. We should find ways to get along with our neighbors. Values matter, fairness matters, education matters. The zoning was approved and Liberty

has met each requirement. A look at zoning/codes should not be looked at retro-actively, but should be going forward.

David Dobrotka. 12515 Keller Ave. N. Frustrated with the process, asks the Board to make a decision. Nothing new has been presented at these meetings.

Cole William. 14680 May Ave. Went to Withrow, as a public school. Feels the continued expansion of the school seems like a slippery slope. Not everyone in the area can afford to send their kids to the school.

Alyssa Taylor. 12548 Keller Ave. N. When is it too much of an expansion? Will it grow further, similar to Forest Lake High School. What safety precautions will there be to protect the entire community?

Mary Rice. 12743 Keller Ave. N. Traffic concerns. Parents exiting the school currently do not stop on 122<sup>nd</sup> St.

Terry Poirier. 10284 -122<sup>nd</sup> St. N. How big, how deep is the holding pond going to be. Will there be a fence around it so the kids will not get in.

Suzanne Kelly. 12900 Manning Tr. N. Has the site plan been approved by the PCA?

Abigail Johnson. 12xxx Keller Ave. N. Moved to the area for Liberty school and has lived here for over 10 years. Has a child that will be out of elementary school soon and wants her children to continue in a small school through high school. Her family does not wish to send her children to the larger surrounding schools.

Carol Courteau. 12545 Keller Ave. N. Does Liberty not have upper grades now?

Sonja Moran. 13390 Keystone Ave. N. Concerns about riding horses with increased traffic, younger drivers. When is enough, enough. It is fine the way it is.

Sam Hegseth. 661 Mason Hill Rd. 3 boys at the school, her kids receive scholarships. She has walked the property where the septic will be and praised Liberty for the intention of the design. It is being built to be a part of the landscape. It is beautiful, it will not be seen. The false claims and mis-information is unfair.

Heidi Harvieux. 12935 Jody Ave. N. Why are there no busses? How many homes is the proposed septic equivalent to?

Dick Gunderson, Represents General Contractor for the project. Typically, the resident septic system is 600 gallons per day per household unit. This system is the equivalent of 20 houses.

Pete Worra. 13015 Keystone Ave. Would like to see a picture of what the immediate neighbors are going to have to look at every day.

Matt Fritze. 10909 Joliet Ave N. Sympathizes with everyone here tonight. Liberty has met all the conditions of the CUP and are doing their best to be a good neighbor.

Eric Johnson. 12115 Heather Ave. N. Section 102.02 of the May Township Code states: *“It is the policy of the Town of May that the enforcement, amendment, and administration of this Code be accomplished incorporating the recommendations contained in the Comprehensive Plan as developed and amended from time to time by the Planning Commission and Town Board.”* This same language or umbrella language should be in the Comprehensive plan, if not, the Comprehensive plan is not relevant. The comprehensive plan only addresses charter school and school districts.

Greg Kramer. 13744 Keystone Ave. N. Lives 1 mile north of school and has grandchildren that attend Liberty. The key concern seems to be keeping May Township rural...what rural community doesn't support schools? Not sure what the argument really is.

Samual Samuels. 12905 Manning Trail N. Lives 2 miles from the school and a recent graduate of Liberty, class size of 2. The space for the upper school is too small. They share a single gym, recess is shared with all classes, lockers are close to others. It is not sustainable for the level of growth that Liberty is experiencing. Millions of dollars have been invested in this school. Consider the viewpoint of the school in this situation.

(Resident). Kimbro Ave. N. The average size of a typical school is well above what Liberty is proposing. In terms of students and land size this school is matching the rural value of May Township.

Karen Ukura. 12945 Keller Ave. N. A lot of the school expansion was in progress before anyone knew about it.

Edward Hanson. 15688 Fair Oaks Ave. N. The school year is 166 days per year. The school is closed 199 days per year and the septic will have very little use in the summer/weekends/holidays.

Pazlar is interested in the Planner options that benefit the surrounding community and residents. He is leaning towards a moratorium as an option. The magnitude of this decision and the scale of the project is unusual for May Township and it deserves due consideration. The community may have an opportunity with a timeframe to consider all requests of this scale and type.

Magner has had many questions on this project. The simple thing would be to just make a decision tonight. He has read many emails and listened to testimony at these meetings. There are a lot of different opinions. He does not have the information to make a decision tonight and is not clear on the details yet. There are options to consider and more time would be beneficial.

Pazlar motions to table this application to July 25<sup>th</sup>, 2024 at 7:00 p.m. Seconded by Magner. Roll call vote: Magner: YES, Pazlar: YES.

Pazlar motions to direct staff to prepare a moratorium for Board review and it be presented for a vote at the Special Meeting in two weeks. Seconded by Magner. Roll call vote: Magner: YES, Pazlar: YES.

## **NEW BUSINESS**

**Resolution 2024-09. Resolution Appointing Election Judges for the August 13, 2024 Primary election.**

Clerk Hummel reports this is a standard requirement for all elections. The resolution lists names of citizens that are willing/able to help with this election. The final schedule for the election will be made at a later date.

Pazlar motions to approve Resolution 2024-09. Appointing Election Judges for the August 13<sup>th</sup>, 2024 Primary Election. Seconded by Rolf. All in favor.

**Request for election judge hourly salary increase**

Clerk Hummel requests a \$1.50 raise for Election Judges. Current rate is \$16.00 for Head Judge, \$15.00 for Co-head Judge, and \$13.00 for Election Judge. Pazlar is supportive in whatever is reasonable to attract people to help serve. It can be a long day. Rolf agrees. Washington County is comparable to this hourly rate.

Rolf motions to approve the rate increase as presented. Seconded by Pazlar. All in favor.


**Certificate of Compliance Review. 12361 Norell Ave. Ct. N.**

This request was to place an accessory building closer to the road. Upon inspection, Inspector Kramer found this request to be reasonable. This is a horse farm quite a distance from the road and heavily treed. They are at 60% setback. In the future a site plan should be attached to the application and COC and a supporting written description of the plan. This is the first approval under the new ordinance. It is critical that these are initially reviewed by one Board member and the Inspector. Final approval comes before the full Board.

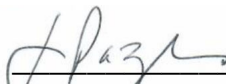
Pazlar motions to approve 12361 Norell Ave. Ct. N. Certificate of Compliance. Seconded by Rolf. All in favor.

Pazlar motions to recess the meeting until July 25<sup>th</sup>, 2024 at 7:00 p.m. Seconded by Magner. All in favor.

Meeting recessed at 9:40 p.m. without objection.



Bobbi Hummel  
Clerk/Treasurer



John Pazlar  
Board Supervisor, Chair