

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
June 6th, 2024

The Board of Supervisors of the Town of May convened their regular monthly meeting on Thursday, June 6th, 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; Engineer Mark Erichson; Attorney David Snyder, and those with business before the Town. Chair John Pazlar called the meeting to order at 7:00 p.m.

MINUTES

Pazlar moved, seconded by Rolf to approve the minutes from the May 2nd, 2024 Board Meeting. All in favor. Motion passed.

Pazlar moved, seconded by Rolf to approve the minutes from the May 5th, 2024 Special Meeting of the Spring Road Tour. All in favor. Motion passed.

CHECKS AND TREASURER'S REPORT

Treasurer Marsha Olson presented the Treasurer's report, showing total cash and investments of \$2,064,792.20 of which \$713,124.50 is in investments. \$1,937,364.38 is committed. \$127,427.82 is non committed.

Checks #22089 to #22119 and EFT0624B, EFT0624F, and EFT0624S are also presented.

Pazlar moved, seconded by Rolf to approve the cash control statement from 05/01/2024 to 05/31/2024. All in favor. Motion passed.

PLANNING COMMISSION

Liberty Classical Academy Conditional Use Permit

Supervisor Rolf voluntary recuses himself from this item as he is employed by Pope Design Group and Pope is representing Liberty Classical Academy. Though he has not worked on this project, he will abstain entirely from all comments, questions, and voting regarding Liberty Classical Academy.

Planning Commission Chair Chad Nelson summarizes that a review of the phase 1 plan was discussed at the regular Planning Commission meeting last week. The application contains a partial soccer field, storm water pond, and 1,200 sf accessory building for septic system controls, and the septic system. Public comments gathered concerns about the health, safety, and overall welfare of the design of the septic system. Size, longevity, maintenance, and future precedent setting concerns were brought forth. Watershed concerns, school entrance locations and traffic, conversation about a community-vs-private school, lighting, amplified noise, general landscaping and screening were also discussed. The Planning commission offers no recommendation on the application.

Planner Nate Sparks presents the application for 33,590 sf addition to the existing Withrow School that is located in Hugo. The septic system, part of a recreational field, a 1200 square foot building that houses controls for the septic system, and a stormwater pond are in May Township. The large Sub-Surface Treatment System (LSST) septic system must be approved by the Minnesota Pollution Control Agency (MPCA). Any decision on the approval/denial of the application must be tied to the conditional use permit criteria – those criteria are health, safety, and general welfare of the occupants of surrounding lands, traffic conditions, parking facilities, adjacent streets and lands, effect on utilities and school capacities, proposed values and scenic views of surrounding area, or the effect of the proposed use of the comprehensive plan. The Town is reviewing the portions of the application within the Township against these criteria.

The land the septic system is on is zoned as rural residential. A May Township Ordinance states that public and private schools are a conditional use in the rural residential district. Facilities affiliated with the school are permitted but would require a conditional use permit. If approved, the CUP could state that no other facilities are allowed on the property. This would give the town and residents comfort that expansion on the site would require a new CUP application.

The access point was discussed at a previous Hugo meeting and last week's Planning Commission meeting. There is no current information on a potential move of the school's access point. It would be wise to look at the big picture even if only evaluating phase one tonight. Currently, the authority for allowing access to the property has confirmed that an access off of 122nd would be acceptable.

Tonight, the Board may choose to approve this use and/or allow staff time to prepare a resolution based on the suggestions offered (but not accepted) by the Planning Commission. The 60-day rule on the application expires June 10th and can be extended to allow time to include conditions.

Pazlar opened the Public Hearing at 7:30 p.m.

Pazlar asks the audience in attendance to keep comments brief to allow everyone the chance to speak.

Rebekah Hegstrom, Headmaster of Liberty Classical Academy (LCA). LCA is a christian faith based highly academic school, open to students of all backgrounds. Founded in 2003 with 28 students. This expansion project started about 2 years ago, they have been working with MPCA, Washington County, MN Dept. of Health, City of Hugo, May Township, and Brown's Creek Watershed District. LCA held neighborhood meetings in November 2022 and in January 2023 with invitations sent to homes within a one-mile radius of the school, the master plan was shared. Feedback was received regarding traffic and lights; they have tried to alleviate concerns that came up from those meetings. The school opens their playground and will open future ball fields and perhaps a coffee shop to the public. They want to be part of the community and provide amenities for the community. The inclusion of the septic system in May Township would keep the rural nature of the township. The proposed site for the septic system is 82.5 acres and the system would use a small portion of the land for the septic, they are in compliance with a conditional use permit. The three neighbors in closest proximity to the system have supported the plan. Hugo has supported plans for the school.

David Truax, 10123 Kerry Court, Hugo. Presented a petition with 422 signatures, with 1/3 of the signatures from May Township residents opposing the school and asking the Board to deny the current permit for the septic system. Either re-sizing the septic for an elementary school only or moving it into

Hugo. Was the wastewater treatment facility designed to handle 850 students plus 90 staff? If so, why build it now? He proposes that the Board only approve what is necessary for an elementary school, not 950 people.

- The septic is currently being proposed in phases.
- The system would utilize approx. 11,000 gallons per day. The limit for MPCA approval is anything above 10,000 gallons per day. The point being, this system is just above the limit for needing MPCA approval.

Steve Trudeau. 9805-122nd St. N. Hugo. The rural and tranquil community seems to be threatened with the addition of a large business/school.

Dave Dobrotka. 12515 Keller Ave. N. Hugo. (*mostly inaudible*) Supports the school, MPCA has approved the septic and will complete the required testing. Including proper alarms and backups. Mr. Dobrotka also read a letter from Bob and Marsha Dornfeld indicating their support of the septic system installation as presented.

Vickie Fuhr 12539 Manning Ave. N. Hugo. Will there be provisions listed in the CUP for on-site wastewater treatment system that is non-transferable to another owner, specifically commercial? Will there be a requirement to provide notification to the Board for a sale? Will it be required to have a CUP review for any system expansion? Will the Board require monthly MPCA reports to ensure the system is in good standing? Is a large escrow or bond required if the school doesn't have funds to replace a failure, school closing, or if the property is sold? This would endure May Township is not held liable for any contamination or system abandonment.

- The CUP runs with use, if the use is changed the permission to have use of those facilities would not be permitted. However, if the same use continues, they could use the same facilities. A new CUP application for the same use would not be required.
- Maintaining the system falls on the permit holders (LCA). The MPCA is the holder of the reports on the system.
- The bond/assurance question is a good question: Engineer Erichson will check into this he is unaware of a community that requires this.

Terry Poirier. 10284-122nd St. Hugo. Counted over 100 trucks traveling on 122nd and turning into the school in 2 days. He is unsure if the county has looked into that. How many new wells will LCA drill? Will that change the aquifer?

- 2 new wells are proposed. Relatively small, one for each of the future buildings.
- The aquifer information is under the review of the Dept. of Natural Resources, the DNR is comfortable with the proposed application. The school is also providing a hydrant on-site to draw from the well in the case of an emergency.

Current time for drop-off and pick-up traffic is in 20-minute segments: (8:00-8:20am and 3:05-3:25pm). Some kids stay in after care and get picked up between 4:30-5:30. Kindergarten gets out at 12:10pm. Sports will also spread traffic out. The traffic study from Washington County found that Keller Ave. can currently hold the traffic estimates. Current trip numbers for the school are 153 trips in the morning and 78 trips in the evening. The school is required to keep all the cars in que on-site.

- Traffic projections for 2040 are:
 - Manning Ave. (currently rated) 7200 vehicles per day. In 2040, 10,200 vehicles per day.

- LCA school traffic split between access points is projected to be:
 - Morning IN (423) Morning OUT (328). Peak hours at full buildout.
 - Afternoon IN (203) Afternoon OUT (233). Peak hours at full buildout.

Doug Faltisac (*just outside the mile, no address given*). Voiced concerns about the significant increase in traffic once the school is at full capacity. Traffic is already high.

Sonya (*inaudible*) 1xx90 Keystone Ave. Will the drop-off and pick-up times stay the same at full expansion? Is the parking lot an additional 400 or 200 stalls? What is the plan for using the Keller Ave. access?

- Yes, but the school is open to extending the times, if needed.
- The school will be adding 200 parking stalls in phase I, and additional stalls in phase II.
- The expansion does not allow the school utilized Keller Ave. as an access point, it is to be utilized as an emergency exit and closed off with a gate.

Pete Worra. 13015 Keystone Ave. What is the plan for restrooms near the ballfields?

- No plan at this time.
- The baseball diamond on the plan is not part of what is being considered for the township. Much (most) of the baseball diamond is in Hugo. There is no requirement for a baseball diamond to have restroom facilities, but it is logical to provide them.

Cort Jerome. 12444 Keller Ave. Concerns about how narrow Keller Ave. is. Mr. Jerome would like clarity about why adding lanes on Keller is less expensive than adding lanes on 122nd.

- LCA was informed that installing a right turn lane on Keller is much less expensive than a left turn lane on 122nd St. Due to widening of the road, culvert issues, and utilities. As well as the length of the road itself.

Resident (*no name or address given*). Concerns about the holding pond and children in the area, how the waste will get from the building to the septic system – will it freeze given the length? What happens when the septic needs to be replaced?

- Accepted standards on safety surrounding the pond would be required to be consistent with standards. The MPCA requires system approval and will regulate install specifications for the entire system. The depth of the pipes would prevent any freezing concerns.

David Clark. 29 Moonlight Bay. From his perspective, having a school in the neighborhood benefits everyone. This school is valuable and he supports the permit application.

Greg Kramer. 13744 Keystone Ave. N. He is confident LCA will be a good neighbor in the Township. Traffic increases should be limited with the 2, 20-minute drop-off and pick up times. The campus is quiet overall, other uses of this land would elicit more noise than a school.

Shelly Moran. 13390 Keystone Ave. N. Is the size and capacity of the septic equal to the size of a commercial system?

- It is difficult to draw a line on this. The septic rules/regulations are county mandated. The compressive plan state commercial uses in general are not allowed, but this use is allowed as an institutional use in the rural residential zoning district. The township does have another

community (residential) sewer system that is rated for 32,400 gallons per day, which is 3x the size of phase I in this case. Different in design and function but a large system.

Resident just off 119th St. The building and facilities will be less invasive than people may think. It will be aesthetically beautiful. There is a lot of intentionality of design. Ms. Hegstrom will be a good neighbor and person for the township. The students are respectful and kind.

Laverna Scholz. 12962 Keller Ave. N. Hugo. What is the size of the tanks? Will the tanks be pumped? Are there carbon filters? What is the square footage of the drain fields?

- Tanks are 3-4 feet below ground, bottom of the tank is another 11-12 feet down.
- 20,000 gallons. 8x20 feet in size.
- Mounds are average about 3 feet high.
- Tanks will be pumped. Odor when being pumped will be small for a short period of time.
- They will have a carbon filter.
- Not sure on square footage. Each mound is designed to handle 1,500 gallons per day. 10 mounds in total.

Denise Aschenbrener. 13520 Keystone Ave. N. Concerned about property values, in her opinion this school does not add a property value. She is concerned about taxes. The school is not built for this community. The beliefs of this school are not for everyone.

- LCA is open to students of all backgrounds, there are scholarships and have about 30% of students are from the area.
- Ms. Hegstrom notes that schools (public or private) do increase property values.

Kate Faltesek. 13093 Keystone Ave. N. Hugo. She is concerned about LCA putting in fences or accessories after the fact. She wants the natural to be preserved and is concerned about LCA re-working the wetlands. Some items have already cropped up. How do these things keep getting pushed through?

Lindsey Wright. 12388 Keller Ave. N. Hugo. Feels certain that the traffic will back up onto the streets. It is an issue already.

John, resident. Lives close to the school, drops his kids off and LCA and has never had an issue, no traffic backups, pick-up at 5:30 (after school care) has only a few kids remaining. The parking lot is empty. Mahtomedi has this issue because there are 3 schools all in a line.

Mark Stolz. 10031 – 122nd St. How many pumps? Will there be a pump station? How many alarms and will they go off in the middle of the night?

- Each mound will have an individual pump.
- Control panel will be inside the on-site building.
- Alarms will be battery operated and will call out in a pre-approved order. The alarm is not audible, the system will call people.

Resident. Will the present septic system handle the new building?

- Yes, but the present septic system is aging and will be removed.

Public Hearing Closed at 8:56 p.m.

Supervisor Magner asks if there is an ability to move the 1200 sf control building further away from the septic. If so, can it be placed on in the Hugo lot?

- Due to the blowers, it needs to say in close proximity to the tank field. No, there is not an option for it to be placed in Hugo.

Supervisor Pazlar is confident in the traffic study for now and in the future, but traffic is a common concern when this type of use comes up. Are there alternatives to offer the residents that live in the area of the school? Are there items that warrant more scrutiny?

- Planner Sparks notes that additional conditions were brought forth by Planning Commission last week. Those could be added to the CUP, based on the Boards actions tonight. A 60-day extension to review a revised application and draft a new resolution including any recommendation could be considered. At this time, a resolution for approval is not included due to no recommendation of the Planning Commission.
- Discussion about moving the school access point into May Township on 122nd has been brought up. That has not been considered in the past few meetings and has not been studied. The Board may request the applicant to look into the details on moving the access point and what that would look like, what the impacts would be.

Pazlar would like to consider the extension to have time to review all the options. Regardless, there will be a significant traffic impact. The access point is a common thread/concern for the neighbors in the area of the school. Pazlar is not prepared to make a decision tonight and would like time to gather more information on all the options. The portion of LCA in May Township is small, a school is an amenity to the community. However, it will be the most impactful and significant change the township has seen.

Magner agrees. He has some outstanding questions that he would like time to consider and study in more detail. He would like to have the Engineer investigate the notion of a bond and/or what would happen if the school closes. Traffic needs to be worked on thoroughly. He would also like to know a solid time frame between phase I and phase II. Including the estimated number of students/staff at given intervals.

Pazlar motions to table LCA CUP application, pending review and information gathering on a removal bond, detailed timeframe of future phasing of school infrastructure, estimate enrollment over 10+ years (students and staff), projected triggers to pursue phasing stages, possibilities of moving the access point to 122nd St. The Board will review all items at the July 11th, 2024 Board meeting. Seconded by Magner. Motion passed.

Pazlar motions to direct staff to issue a letter and extend the application and additional 60 days. Seconded by Magner. Motion passed.

Ordinance 2024-01.

An ordinance amending article 311 related to performance standards for the granting of a Certificate of Compliance.

Chad Nelson reviews that the current ordinance grants a certificate of compliance for the placement of an accessory building at 80% of the setback of the principal structure, this ordinance changes the requirement to 30% of the setback of the principal structure. The Planning Commission recommends this change.

Pazlar notes that this provides the town Building Inspector some latitude to utilize his experience and common sense in certain situations. The decision must be reviewed by a Board member and also come before full Board for review.

Rolf and Magner are in favor of this change.

Public Hearing opened and closed with no comments at 9:36 p.m.

Pazlar moved to approve ordinance 2024-01 related to performance standards for the granting of a Certificate of Compliance and directs the Clerk to publish the ordinance in the Sun and County Messenger. Seconded by Rolf. By roll call vote; Magner: YES, Pazlar: YES, Rolf: YES. Motion passed.

201 SEWER SYSTEM

Supervisor Assignment Change

With the increased responsibilities in day-to-day township road issues, Magner would like to hand over all the responsibilities of the 201-sewer system to Don Rolf. Rolf has been working on some items related to the 201 system and Magner will be available to help if needed. The system is currently running smooth. The biggest changes in the future are required system updates from the state.

The township (Engineer Erichson and staff) is working on solidifying what entity is responsible for future licensing, mapping, and grant applications. As well as putting together a comprehensive manual for the system. The position that the township is currently in with regards to written details on the sewer system far surpasses what we have had in the past.

ENGINEERING AND ROADS

Nothing to report

VIOLATIONS/COMPLAINTS

13440-120th St. N. Resolution 2024-08. Illegal Storage of Campers & Illegal Property Access Point.

The property owners have been given notifications and deadlines and the violation continues. A public hearing was held. This issue was first discussed in February and the owners were given an extension until June 1st to comply. It no longer looks as though someone is living in the campers. The resolution, should the Board adopt it tonight, puts the matter in the hands of the town Attorney.

Pazlar motions to approve Resolution 2024-08, Declaring a violation at 13440-120th ST. N. regarding the illegal storage of campers and an illegal access point. Seconded by Rolf. By roll call vote; Magner: YES, Pazlar: YES, Rolf: YES. Motion passed.

17750 Olinda Trail N. Violation, auto reduction yard.

Inspector Kramer scheduled an on-site visit last week. However, the property owner called the day of the inspection and cancelled it. It was to be rescheduled this week, but Kramer did not hear from the owner. At this time, the option is to try again, notice a public hearing, or try to ascertain what is happening from the right-of-way. Inspector Kramer will try again to schedule a meeting with the owner again this week.

OLD BUSINESS

Property and Causality Insurance Liability Waiver.

Historically, the township was chosen to not waive the statutory limits. Snyders recommendation is to not waive them. No questions.

Pazlar motions to not waive the statutory limits on the 2024 Property and Causality Insurance. Seconded by Rolf. All in favor. Motion passed.

2024-2026 Marine Fire Contract.

Pazlar would like another 30 days to review and have a discussion with Marine regarding the increase.

NEW BUSINESS

Ragnar Race, August 9th-10th, 2024.

This application fits within the criteria of the new special event ordinance. Ragnar racers will come through the township on 122nd St. There will be no change-off station in the township as they had in the past.

Pazlar motions to approve the special event application for Ragnar Race August 9th and 10th. Seconded by Rolf. All in favor. Motion passed.

Accessory Dwelling Unit (ADU) ordinance change request.

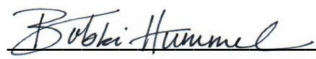
This request was generated by a resident call. There are cities surrounding May Township that allow ADU's to some degree. The question is if this is right for May Township. This has been raised in the past so it may be reasonable for the Board to consider/discuss it again in the future.

Pazlar would like to explore the option of providing some flexibility.

Rolf has been asked by a resident about this topic as well.

Magner said it is certainly a trend.

Meeting adjourned at 10:06 p.m. without objection.



Bobbi Hummel
Clerk/Treasurer



John Pazlar
Board Supervisor, Chair