

**TOWN of MAY**  
**WASHINGTON COUNTY, MINNESOTA**  
**OFFICIAL TOWN BOARD MINUTES**  
**December 7<sup>th</sup>, 2023**

The Board of Supervisors of the Town of May convened their regular monthly meeting on December 7<sup>th</sup>, 2023, at the May Town Hall. Those present included: Board members John Pazlar, Steve Magner, and Don Rolf. Clerk/Treasurer Bobbi Hummel; Planner Nate Sparks; Engineer Mark Erichson; and those with business before the Town. Attorney David Snyder and Deputy Clerk/Treasurer Marsha Olson were absent. Chair John Pazlar called the meeting to order at 6:59 p.m.

**MINUTES**

Pazlar moved, seconded by Rolf to approve the minutes from the November 7<sup>th</sup>, 2023 Board Meeting. All in Favor. Motion Passed.

**CHECKS AND TREASURER'S REPORT**

Chair Pazlar presented the Treasurer's report, showing total cash and investments of \$2,348,499.57 of which \$712,316.45 is in investments. \$1,693,877.75 is committed. \$654,621.82 is non committed.

Checks #21864 to #21906 and EFT1223B, EFT1223F, and EFT1223S are also presented.

Pazlar moved, seconded by Rolf to approve the Treasurers Report. All in Favor. Motion Passed.

JE23-2 for \$38,050.00 moving 201 sewer funds to government fund. Chair Pazlar will follow-up with the Deputy Treasurer on that transaction and a future meeting.

Pazlar moved, seconded by Rolf to approve the cash control statement from 11/1/2023 to 11/30/2023. All in Favor. Motion Passed.

Pazlar motions to hold a mid-December meeting to pay final 2023 invoices. The Clerk will schedule it next week. Seconded by Rolf. All in Favor. Motion Passed.

**PUBLIC HEARING**

***Cannabis Moratorium***

Ordinance 2023-06. An interim ordinance authorizing a study and imposing a moratorium on cannabis business within the Township. This ordinance includes a moratorium on cannabis businesses and agricultural buildings over 5,000 square feet. The concern with any new buildings is construction of multiple structures offering spots to several people for growing product. This plan allows time to review the statues/rules from the State of Minnesota and create an ordinance that would not make major changes in the township's currently allowed uses.

Chair Pazlar opens the public hearing at 7:26 p.m.

Resident, Zach Cole, May Ave. has been growing hemp in the township for 4 years. The new state laws would supersede any moratoriums the township puts in place, and he suggests the township wait until the end of February when licenses are given out. Then the township can react. Rather than writing something now that may not be legal in February. Mr. Cole questions the building piece of the moratorium, he believes the state law is that the township can not target cannabis businesses. Farmers need to be able to diversify, as they can't afford to grow corn or dairy only. Options need to be available. The state will limit licenses, most of the places that allow purchasing will not be in communities such as May Township, it will be in boarder towns, like Stillwater. May Township does not have retail and no one will come here to get it.

Sparks clarifies that the ordinance is placing a moratorium on new large agricultural structures. The maximum square footage (5,000 square feet) under town code can not be exceeded unless exempted by the Board. Zoning permits are still needed for all agricultural structures. It is the attorney recommendation to adopt the moratorium now as has been adopted by several surrounding townships/cities. Enactment of moratoriums is because of this new proposed use. There are concerns with regulations and rules. Evaluation of the outcomes, process, and statutes needs to be completed.

Resident, Greg Seiks, 154<sup>th</sup> St. feels the moratorium is unnecessary and supports Mr. Cole. The moratorium puts business owners and property owners in the township at a disadvantage. It is based on rumors. There are not real facts/reasons to have a moratorium. The state is regulating this business and this is costing the township money.

Mari Robins, Oldfield. Agress that a person should be able to use their land how they want however, we live in a community and there are other ways we can't use our land. For example, VRBO's or an AIR B & B are not allowed because of the effects it can have on the community at large. There have been rural communities that have been devastated by the cannabis industry. Ms. Robins understands how this might be a prudent thing to do right now for the community at large.

Chair Pazlar closes the public hearing at 7:46 p.m.

Rolf questions if there is an option to specify the building size language toward a specific use and not general agricultural use. Sparks notes that the building size is what is stated in the town code as the largest possible structure allowable under town code for any use.

Magner notes that there are larger parcels for sale now in the township and possibly others thinking about adding structures. This might impact them negatively and he has some concern about that. He would like Mr. Snyder to identify the need for the moratorium and ask if there are ways to sunset the moratorium earlier than a year. Additionally, he has concerns that the state will not have anything in place by February as planned. He suggests waiting until next month until Mr. Snyder is present or just move forward but shorten the timeframe of the moratorium and revisit and renew it if needed.

The rapid state rollout has left many unanswered questions and it is difficult to know what will happen at the state level. Moratoriums are being adopted by surrounding communities to allow time to better assess the impacts. Due to the location of May Township (close to a boarder), retail impacts or traffic impacts are concerns. Regulations are still forthcoming.

Sparks concurs and reminds the Board that this moratorium was recommended by Attorney Snyder. It was related to inquiries that Mr. Snyder was aware of in neighboring communities. The moratorium can be ended at any time, it is not necessary to wait the full year even if it is adopted tonight as written. Sparks recommends this moratorium be adopted. Additionally, exemptions to new building requests (new buildings above 5,000 square feet) can be requested by a property owner and granted/voted on by the Board on a case-by-case basis.

Supervisor Rolf motions to adopt Ordinance 2023-06 as written. Seconded by Magner. By Roll Call Vote. Magner YES, Rolf YES, Pazlar YES. Motion Passed.

## **201 SEWER SYSTEM**

Total Control Systems is putting in new tele-communications in the two pumping stations this week. All costs were paid for by the 201-sewer user fund.

## **ENGINEERING AND ROADS**

Residents Pete and Pat Worra of 13015 Keystone Ave. N. have concerns about a sinking apron on their road. It has been an issue for 28 years and he had spoken to a previous Board member about it but it was not fixed. Current road Supervisor Magner is unaware of the issue. Mr. Mark Erichson is familiar with the area and is agreeable to looking at it and getting it sent out for bids this winter if necessary.

Magner also notes that the road is heavily canopied by trees. Not all the neighbors are in support of taking correcting the tree problem. The plowing contractor has hit many trees along the road and would like Keystone cleaned up. Part of the reason the road is not graded well is because the tree issue prevents grading some of the road properly. Mark will assess this issue as well.

## **VIOLATIONS/COMPLAINTS**

### **17xxx Olinda Trail N.**

Washington County was contacted regarding concerns about disposal of automobile fluids/fuels from their auto reduction yard, they have not yet responded. Inspector Jack Kramer has visited the site recently. There is still a large amount of junk/waste/debit on the property and cars are being dismantled on-site. A violation hearing is pending, this issue was tabled last month. Mr. Kramer did speak with the owner yesterday and he attempted to view the property the best he could from the road. Some cleaning has been done, but much more is needed. He saw multiple junk cars, a lot of metals, and misc. junk. There are 20 acres of land and it is difficult to get a good view of the back property from the road. Reports of additional debit have been reported. Nate will follow up with the county again, public hearing will be pushed back one additional month given the time of year. The Board would like to hear back from the county before moving forward. Ground water issues and hazardous materials are concerning.

### **13xxx-120<sup>th</sup> St. N.**

The property owner initially requested more time to correct the violation. Recreational trailers/vehicles were being stored on-site. An additional access point was put in on the property that is not allowed. Complaints of someone living in the trailer have been received. There has been no communication

received from the owners in more than a month. The intend was to work with the township on getting it corrected. Planner Sparks recommends not scheduling a violation hearing until next month and hopes to have discussion with the property owners. Follow up next month.

### **14xx-130th St. N.**

A hazardous structure was identified on the property. The structure has a collapsed roof, the front door is stuck open, trespassing is evident, and it is beyond the state of easy repair. By definition it is a hazardous structure and an attractive nuisance to children. It is a dangerous situation and needs to be remedied quickly. A letter to the property owner was sent, no response has been received. By statute, the Board must approve moving forward and incurring expenses for staff time, securing the building, and eventual removal of the structure. Any costs would be then assessed to the property owner.

Building Inspector and Supervisor Magner recommend securing the building as soon as possible, following state statute and attorney recommendations.

Magner motions to authorize staff to take actions to secure the building/property as soon as possible and attempt contact with the owner again. Seconded by Rolf. All in Favor. Motion Passed.

## **OLD BUSINESS**

### **Land Reclamation Permit. 13455 Partridge Road N.**

Planner Sparks updates the Board that Mr. Erichson and Inspector Jack Kramer inspected the site earlier this week. The permit holder had requested modifications to his permit. Expanded hours, weekend work time, and an extension end date was granted. Mr. Jahnke did complete a lot of work and is requested to submit the as-built survey to the town now. Comments/corrections will be made. The permit will remain open due to watershed district requirements that will be unable to be complete until the spring, as well as any corrections needed by the township. An end date will be determined at a subsequent meeting. Mr. Jahnke does plan to build an accessory building upon completion of this permit.

Mr. Erichson reports that all the grading, with the exception of a small rain garden area, has been completed. The gravel driveway around to the lower level has been placed, the recycled base at the building site has been placed and compacted. He would like to review the as-built survey as soon as possible.

Mr. Jahnke's surveyor said he won't be able to get the survey until late December or early January. Mr. Jahnke estimates a day's work to complete the grading on the rain garden in the spring.

### **Plowing on Panorama Follow-up**

JoAnn Grady presented a letter to the Board regarding the plowing history on Panorama. The letter was received and reviewed by all Board members. Magner did not see anything that would change the course of action at this time. Rolf has no new concerns. Pazlar appreciates their input, but does not wish to change the opinion rendered at the November meeting.

Ms. Grady would like to establish six years of plowing Panorama with the submission of this letter.

Without Attorney Snyder here tonight Pazlar offers another month for Mr. Snyder to review and comment on the information received. Mr. Snyders opinion can be asked at the January meeting for

public record. Pazlar encourages the residents to make arrangements to have the road plowed for themselves.

**Ordinance 2023-05. An Ordinance Amending the Town Code Related to Special Events.**

Planner Sparks presents this final draft to the Board with modifications requested. Similar ordinances for special events in neighboring communities were referred to in creating this ordinance. The ordinance covers athletic events, parades, and public events. As written, events that were held in the previous year would not be allowed with the adoption of this ordinance. The ordinance would require event organizers to amend their event. Some changes are non-allowed usage of township rustic or rural roads, non-allowed use of the town hall facilities, and the restriction of the number of events allowed in a 3-month period. Over the past couple years events have grown significantly in number and size creating resident concerns/complaints.

Pazlar notes impact concerns on area residents and the increase in volume of events. The large scale, commercial events are of greatest concern. The intent is to establish a cap on the events.

The permit would be reviewed and approved by the Board. Eventually moved to staff approval with an ordinance amendment.

Magner requests it be noted on the new application that all applications must be submitted 45-60 days prior to the event. This would allow enough time for it to be added to the agenda for Board review and proper notification. He is pleased with the ordinance and would like to approve it with the understanding that it can be modified if needed.

The escrow covers the cost of the town to review the application and administering the permit. The deposit is held and used if needed for damage. The deposit is returned in full if no damage/repair is required.

Rolf recommends the Clerk send a copy of the new ordinance to event organizers from last year. Clerk Hummel will send an email to all the contacts she has in the next month.

Magner motions to approve Ordinance 2023-05 and authorizing a summary publication. Seconded by Pazlar. By Roll Call Vote. Magner YES, Rolf YES, Pazlar YES. Motion passed.

**NEW BUSINESS**

**Glacial Hills Regional Trail**

Conner Schaefer, Senior Planner from Washington County presents information on the Glacial Hills Regional Trail. He is working on the expansion of a paved multi-use trail (walkers, bikers, and rollers) that begins in Hugo, passes through May Township, and goes into Marine on St. Croix. The trail will be 10 foot wide and, where possible, separated from vehicle traffic. They are in the public engagement process to determine which route would work best. Currently they are looking to utilize Washington County Lands near and through Big Marine Park Reserve, William O'Brian and county roads. Nason Hill is an option to get access to William Obrian Park and to the river. There is not a clear path at this time, all costs and benefits still need to be analyzed. Next steps are to meet with the Board to review the plan in more detail and go through a formal approval process in the Spring of 2024.

Planner Sparks has reviewed the plans and the potential impacts of the township. Formal comments will be provided. The town has endorsed a path as it was required for the Metropolitan Counsel. Focusing the path along county roads is desired, many township roads are not compatible with this trail plan.

Commissioner Fran Miron reports that equestrian use on the trail has been requested in a Hugo meeting. Updates will be forthcoming. A soft (grass) lane next to the paved path would be made if equestrian use is allowed. This might be a challenge given the path options.

Pazlar requests that the Board be contacted as the plan progresses.

**Resolution 2023-25. Mandatory Sick and Safe Leave**

This is a new mandatory leave option that must be given to any employee that works more than 30 hours per year. There are three options available. First, an option to accrue time of 1 hour per every 30 hours worked. Unused time rolls over but is capped at 80 hours. Second, frontloading 48 hours of time. Unused time at the end of the year is paid out to the employee. Third, frontloading 80 hours of time. Unused time at the end of the year is not paid out and is not rolled over.

Pazlar is in support of the first option, accruing time at the rate of 1 hour per 30 hours worked.

Rolf is in support of the first option.

Magner has a similar experience with accruing time. He is wondering about the accounting/tracking process.

Pazlar motions to approve resolution 2023-25, adopting Sick and Safe Leave Policy. Employees are eligible to accrue 1 hour of sick and safe time for every 30 hours worked. Unused will be rolled into the following year, not to exceed 80 hours at any time.


**2024 Meeting Schedule**

The 2024 meeting schedule is presented for review. Pazlar questions the 2024 regular Board meeting time and wonders if meeting at an earlier time might be considered. Starting at 6:30 with the approval of regular township business.

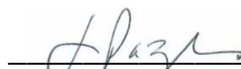
A suggested 6:30 start time could be considered at the township annual meeting and/or the township organizational meeting.

Magner and Rolf are open to changing the meeting time. No changes made at this time.

Meeting adjourned at 9:35 p.m. without objection.



Bobbi Hummel  
Clerk/Treasurer



John Pazlar  
Board Supervisor, Chair