



959 Paris Avenue Circle North, Minnesota 55082
651/436-4773 · <http://www.westlakeland.govoffice2.com>

March 6, 2023

West Lakeland Town Hall

Present: Chairman Dave Schultz, Supervisor Marian Appelt, Supervisor Phil Moosbrugger, Jennifer Samec, Deputy Clerk; Marsha Olson, Treasurer; Viet-Hanh Winchell, Township Attorney

Call to Order:

Chairman Schultz called the regular meeting of West Lakeland Town Board to order at 7:02 PM.

Treasurer's Report

Ms. Olson presented the treasurer's report for February 2023, reflecting \$42,560 in revenue and \$54,347 in expenses. Supervisor Schultz moved to approve the treasurer's report and pay the invoices presented by the clerk. Seconded by Supervisor Appelt, the motion carried with a roll call vote (3-0).

Update on Fire Contract

Supervisor Schultz provided an update on the discussion for the upcoming fire contract renewal. The Township is currently in year seven of a fifteen-year contract with Bayport Fire. The current contract rate is deficient in providing sufficient and predictable funding for fire operations, including staff and equipment requirements. Additional increases are expected, with the township's allocation expected to increase from between \$130,000 and \$177,000. Oak Park Heights is engaging a consultant to help find and review options. Chairman Schultz is not confident that Lake Elmo Fire or Lower St Croix Valley Fire would have the capacity or appropriate response time to provide an alternative to Bayport Fire for services. Supervisor Moosebrugger suggested that these departments be contacted to confirm if there are options to be considered. Chairman Schultz will initiate those discussions. The board also discussed establishing a CIP fund for fire services, to be able to set aside funding in anticipation of these future increases. The issue will be presented at the town meeting to determine if additional modifications to the levy and budget are appropriate.

Public Hearing to Consider Application by St Croix Montessori School, 177 Neal Ave N to Amend the Conditional Use Permit and Request a Variance to Section 6.9.5.1 of the Town Code.

Chairman Schultz suspended the regular meeting and opened the public hearing at 7:27 PM. The application is for two requests, first to modify the conditional use permit to increase the enrollment of students from 135 to 220 students; and second, to request a variance from Section 6.9.5.1 to allow for expansion and size and number of accessory buildings. Applicants intend to reduce the number of accessory buildings to five and expand the total square footage of accessory structures to 5,200 square feet by increasing the footprint of the existing pavilion.

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Section 6.9.5.1 allows only two accessory buildings up to 2,500 square feet for lots of five to twenty acres.

Ms. Valerie Olson, Head of School, presented the request. The school has been operating in West Lakeland since 1994, serving children from 18 months to 8th grade. The conditional use permit was amended in 2000 to increase the enrollment to 135, and this request is to increase the enrollment to 200. The notice was published for an increase to 220, but only 200 students are requested at this time. The second request is to remove the current garage and expand the outdoor pavilion to provide expanded space, improved food preparation area and expanded sanitary facilities for the outdoor summer program serving 70 children. The current food preparation area is open to the elements. The expansion proposal would allow the food preparation area to be enclosed, making it a more sanitary facility. The current pavilion has one toilet for the staff and 70 children. The expansion would increase the toilet and hand washing facilities to better serve the children.

Mr. Mark Votava presented on behalf the planning commission. It was in this discussion that the need to amend the conditional use permit became apparent. Overall, the planning commission is very supportive of the school and what they provide for the community.

Mr. Daniel Elder, land use planner from Washington County, spoke on the concerns for the traffic management with additional students. Currently, the entrance to the school is generating traffic safety concerns at pick up and drop off times. Washington County would like to see the entrance to the school be moved from Neal Avenue to the frontage road which would move the traffic congestion and allow for open sight lines when accessing the County Highway.

Chairman Schultz opened the discussion for public comment.

Mr. Gary Heaser, 290 Neal Avenue, noted their strong support for the school, but expressed concern about the traffic. Neal Avenue is used by bikers and walkers as well as having fast-moving traffic. The section of the road in front of the school is a no passing zone with limited sight lines. More students and more parents accessing the school would increase what he considers already a safety concern. In addition, during school events, there is often parking on the street, which further increases those concerns. Mr. Heaser would support moving the entrance to the frontage road.

Mr. Richard Casci, 195 Neal Ave, lives next to the school. He and his wife are strong proponents of the school but are also concerned about traffic on Neal Avenue. He noted that during school events, there have been times they have been unable to exit their driveway. They would support moving the entrance to the frontage road and easing the traffic on Neal Avenue. Regarding the pavilion, he would prefer the building be focused to the east, and that a fence or other barrier be installed to ensure the students remain on school grounds.

Ms. Jody Alldritt, 120 Neal Ave N, expressed concern with traffic and supports moving the access to the frontage road. Supervisor Schultz noted that speed limits are set by the state.



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Chairman Schultz noted that email comments were received from Thomas McCoy, 12818 Hudson Blvd, also expressed concern about vehicle traffic and congestion.

Having no other comments, Chairman Schultz closed the public hearing at 8:07 PM, and reopened the regular meeting.

Supervisor Discussion Application by St Croix Montessori School, 177 Neal Ave N to Amend the Conditional Use Permit and Request a Variance to Section 6.9.5.1 of the Town Code.

Supervisor Appelt noted that she has been present at the planning commission for the discussion of the requests. She is in favor of amending the conditional use permit to allow up to 200 students, particularly in light of the discussion to shift the access point from Neal Avenue to the frontage road. She noted the expansion of the pavilion would allow for adequate restrooms and a safe food preparation area. Supervisor Moosbrugger suggested the amendment to the conditional use permit be based upon the relocation of the access as suggested by the County. He asked if it was appropriate to merge the parcels, as they are under the same ownership. Ms. Olson noted that the school has been actively looking into relocation of the access point, with no final plan available yet. Chairman Schultz and Supervisor Appelt do not believe that consolidating the parcels as necessary and may limit flexibility of use in the future.

After discussion, Supervisor Appelt moved to approve the amendment to the conditional use permit to allow the St Croix Montessori School to include up to 200 students with the added condition that the enrollment not increase until access has been moved to the frontage road and to draft a resolution of adoption and allow for signature outside the meeting. Seconded by Chairman Schultz, the motion carried.

With regard to the variance to allow for excess square footage for accessory structures, Supervisor Appelt noted the practical difficulties raised include the ability to provide for sufficient sanitary facilities for students of the summer program and clean areas for food preparation. She supports keeping the older buildings as part of the original farmstead. Supervisor Moosebrugger supports the proposal to allow for expansion of the pavilion in accordance with the plans presented. After discussion, Supervisor Appelt moved to approve the requested variance and allow for expansion of the pavilion to 5,200 square feet in accordance with the presented plans, noting the practical difficulties of providing sufficient sanitary facilities for food preparation and sufficient restroom facilities, conditioned upon removal of the existing garage, and direct the township attorney to document the approval. Seconded by Supervisor Moosebrugger, the motion carried.

Approval of the Minutes:

Chairman Schultz moved to approve the minutes of the February 2023 regular meeting with minor corrections. Seconded by Supervisor Moosebrugger, the motion carried.

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Chairman Schultz moved to approve the minutes of the board of audit. Seconded by Supervisor Appelt, the motion carried.

Planning Commission Update:

Mr. Mark Votava provided an update on the action of the planning commission. The planning commission reported on the research regarding the use of Planned Unit Development to assist in managing non-conforming parcels. As it was reviewed, the consensus of the planning commission is that a Planned Unit Development model is not appropriate for West Lakeland Township. Regarding a solar farm within the single-family estates zone, such a use would require a change in the ordinance.

Road Update:

Chairman Schultz noted there is an open house regarding the reconstruction of Oakgreen Avenue. The actual road construction is scheduled for 2024. Chairman Schultz also reviewed the CIP map updating the primary roads programmed for rework.

M&S Tree Trimming and Removal Contract Renewal:

The current contract with M&S Tree Service expires at the end of March. The option for renewal is for a one- or three-year contract. The contract lists a rate of \$125 per hour, with haul away of \$300 per load. After discussion, Chairman Schultz moved to approve the tree trimming and removal contract with M&S Tree Service for a three year contract. Seconded by Supervisor Appelt, the motion carried by roll call vote (3-0).

Washington County Access Permit, Twin Pines:

Chairman Schultz presented the Washington County Access Permit for what will be 27th Street off Oakgreen Avenue. The road will be constructed by the developer, but the permit must be requested by the municipality. It was noted that road construction will not be allowed until the development is fully approved and the developer's agreement is signed. Any fees will be borne by the developer.

Peddling and Soliciting Ordinance

The Planning Commission has been revisiting the ordinance for peddling and soliciting. Minor corrections were made on the draft ordinance and permit application from the discussion at the February regular meeting. After discussion, it was noted that the terminology of permit and license were both used. The draft was returned to the planning commission to align the terminology.

Additional Business:

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Mr. Mark Votava recommended on behalf of the planning commission that they serve as a review agency for the recodification of the town code.

Supervisor Appelt moved to reappoint planning commission members Rachel Dana, Brian Krafthefer and Dave Sanocki to 3-year terms. Seconded by Supervisor Moosebrugger, the motion carried.

Supervisor Schultz reported on the status of the subdivision off 30th Street, expressing concerns about runoff into Down's Lake. Valley Branch Watershed District also expressed concerns.

Public Comment:

Mr. Ron Schouveller, 2707 Oakgreen Ave N, asked if there was a development agreement for Twin Pine Fields. Ms. Winchell noted that there is no developer's agreement yet. Discussions continue and the intent is to have the agreement available for review at the April regular meeting.

Mr. Gary Heaser, 290 Neal Avenue 290 N, asked about the renewal of the CD's and other investment options. Chairman Schultz noted that the selection of banking institutions is selected at the annual town meeting.

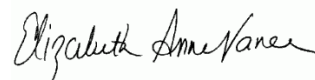
Mr. Mark Votava asked about the long-term road plan. Chairman Schultz referred to the road CIP discussion. It was noted that the Township has commitments with the County and Metropolitan Airports Commission (MAC) such as the turnup of 21st Street and the completion of 30th Street, that have timelines that would take priority over the programmed work. Supervisor Moosebrugger would like to see a longer-term plan, including the schedule for repairs and how to fund the work.

Mr. Ron Schouveller asked about the status of the PIIC application for fee for trust status on the land purchased in West Lakeland. The request is currently with the Bureau of Indian Affairs.

Adjourn:

Having no further business, Chairman Schultz moved to adjourn the meeting. Seconded by Supervisor Appelt, the motion carried. The meeting was adjourned at 10:12 PM.

Respectfully Submitted,



Elizabeth A. Vance
Recording Secretary