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May 8, 2023

West Lakeland Town Hall

Present: Chairman Dave Schultz, Supervisor John Buelow, Supervisor Phil Moosbrugger, Carrie Seifert, Clerk; Jennifer Samec, Deputy Clerk; Marsha Olson, Treasurer; Viet-Hanh Winchell, Township Attorney; Ryan Stempki, Township Engineer

Public Hearing to Consider Amendments to the Town Code Section 16.7 Regarding Peddling and Soliciting

Chairman Schultz called the public hearing to consider amendments to the Town Code Section 16.7 as it relates to peddling and soliciting to order at 7:00 PM. Mr. Votava, Chairman of the Planning Commission, presented a summary of the proposed amendment to this section. The change moves the language from a license to a permit and moves the issuance of the permit to the clerk in lieu of the town board with the town board providing oversight. The amendment allows a resident to post no soliciting which would apply if a permit was issued or not. The application form has been revised to mirror the language of the amendment.

Chairman Schultz opened for public comment, not was presented. No discussion was raised by the board. Chairman Schultz closed the public hearing at 7:09 PM.

Call to Order

Chairman Schultz called to order the regular meeting of the town board at 7:10 PM, May 8, 2023.

Supervisor Discussion, Amendment to Town Code Section 16.7, Peddling and Soliciting

Having no further discussion, Supervisor Moosbrugger moved to approve the draft amendment to Section 16.7 as presented by the planning commission and direct the town attorney to draft a summary for publication. Seconded by Supervisor Buelow, the motion carried.

Approval of Minutes

The minutes of April 10, 2023 were presented for review. Chairman Schultz moved to approve the minutes with minor corrections. Seconded by Supervisor Moosbrugger, the motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report for April 2023, reflecting \$24,853 in receipts, and \$115,750 in expenses. Two CDs were reinvested this month. Chairman Schultz moved to approve the treasurer's report and pay the invoices presented by the clerk. Seconded by Supervisor Buelow, the motion carried by roll call vote (3-0).

Planning Commission Update

Mr. Mark Votava presented an update from the planning commission. The commission is reviewing the resources required to complete a recodification of the town code. He suggested a request for proposal for the service to define the scope and have several resources that specialize in this service. Chairman Schultz raised a concern that we do not repeat the previous

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experience where the language did not match the township's needs. Supervisor Moosbrugger suggested these firms be contacted to determine the scope of costs associated with the scope of work without a full proposal. The planning commission is also beginning a review of the fee schedule. Agenda items for this month include review of an accessory structure with a variance and a review of a request for an electronic billboard.

Country Financial, Annual Insurance Review

Mr. Joshua McDuffie presented the annual report of the township's insurance policy and requirements. The board reviewed coverage for the town hall, the storage shed, and contents. The board reviewed the municipality liability coverage and other coverage such as errors and omissions coverage, employment practices liability and employee liability. In 2020, found the expenditures were not updated, resulting in resetting the premium, with increases over a two-year period.

David Norling, 2219 Novak Ave N, Concept for Addition for Accessory Building

Mr. Norling noted the building was built within a 10 ft setback at the time of construction, will the addition lean to be held to the 10 ft standard. The lot is an existing nonconforming lot, of less than 2.5 acres. Chairman Schultz noted that in the past, the setback at time of construction has been taken into consideration.

Matt Wolf, Proposal for Solar Farm on 30th Street

Through discussions with the planning commission, MAC and some of the neighbors have revised the proposal for a community solar garden. He would like the board to consider allowing this use on this parcel, as it is, in his opinion, the most appropriate use of this parcel and a strong location for a solar installation. He is recommending a robust set of conditions with the use. The request is not to seek a rezoning of this parcel for commercial use. Currently, the ordinance only allows solar farms within the commercial use districts. He would prefer conditional use in the SFE zone. The broker for the property has indicated that the use of single-family homes is not financially viable.

Mr. Wolff presented an overview of the property, 96 acres on two parcels, and the concept plan for the proposed solar farm, which is intended to be a community farm. The property is difficult to develop for residential use due to the flood plain, high water table, special well drilling district, location of wetlands along the parcel, access to the 40-acre parcel and proximity to the airport. Chairman Schultz asked about the impervious surface impact to the storm water runoff and suggested any proposal be reviewed with the Valley Branch Watershed District.

Mr. Wolff is requesting the board consider amendments to the town code to allow a solar farm use on this property. In the past, the board has not been amenable to zoning changes. Mr. Votava, representing the planning commission, noted the previous review indicated that a solar farm use is not an allowed use, and an ordinance modification would be required to consider this use. A Planned Unit Development concept was considered and determined to not be appropriate.

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Mr. Wolf would like the township to consider an overlay district to allow solar farms as a conditional use.

Ms. Mary Vierling, 2825 Neal Ave N, asked if this was part of the TCE clean-up area. This is unknown. Ms. Cathy Haden, 12220 27th St, has not been contacted and does have concerns in addition to the change in the ordinance and would like to keep it as single family residential or agricultural use. Mr. Casey Haden also expressed concerned with the solar installation, including amplification of aviation noise or other noise sources and questions on the allowed setback.

Supervisor Moosbrugger suggested that the proposal be vetted by the planning commission, and the proposed overlay be considered.

Twin Pine Fields, 28th Street

Mr. Justin Conlin is not present to discuss the design cost reimbursement. The specifics are addressed in the developer's agreement. Chairman Schultz suggested that the board review the vacation of the easements on 28th Street and 26th Street into that parcel. Ms. Winchell noted that if the board wants to initiate the vacation, a motion is required and will bear the costs. If the property owner wishes to initiate the easement, the property owners abutting the easement can petition the action. No action was taken at this time.

PFAS Update

Mr. Steve Johnson presented an update on the PFAS contamination. He has served as a private citizen on some of the state advisory boards for this issue and would like to update the board on the issue. Mr. Johnson outlined the history of how the PFAS contamination came into West Lakeland Township, the potential health effects and the mitigation proposed in the 3M lawsuit settled in 2018, focusing on providing safe drinking water and second priority to mitigate damage to the natural resources. The outstanding issues include the need for continued testing and the continuing change in the standards.

Chairman Schultz wanted to ensure that West Lakeland is represented on the Phase 2 Working Groups. Supervisor Buelow will be that representative.

John Evans, Town Hall Renovation Committee

Mr. Evans, representing the Town Hall Renovation Committee, presented a current status of the town hall renovation planning. The committee was tasked with developing a renovation plan for the town hall that would accommodate ADA compliance as a number one priority, need for security, additional secured storage, and technology upgrades as a second priority, and a location for community gatherings as a third priority. The committee also wanted to address the efficiency of the operation of the building, to review the mechanicals and reduce operating costs. The board also expressed an interest in enabling the building to act as an emergency control center, to include allowing access as needed to law enforcement, and a back up generator.

The direction at the presentation in February was to complete a written design specification and develop cost estimates. The committee reviewed the cost estimates, and adjusted the specifications to ensure the cost was a reasonable expense. Mr. Evans described the

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current proposed design. The committee noted the desire of the township residents to be able at least broadcast town board meetings. As bids are received, the contractor and bids will be vetted by the contracted architect, JEM Engineering, Mr. Jerry Anderson.

Supervisor Buelow asked about deficiencies in the septic system. Mr. Anderson noted that the specifications call for a septic designer to analyze the system to ensure that the system is in compliance. Supervisor Buelow noted this could be a significant expense, and that system should be designed and costed so that those costs could be considered. He also raised concern about the potential for asbestos in the heat ducts and potentially incorrect installation of the transite duct work. Mr. Anderson noted the ducting system would be redesigned as part of the upgrade of the mechanicals. Supervisor Buelow also noted that the grading should be corrected on the exterior of the building. Supervisor Moosbrugger suggested that proceeding with the bids is the best way to get good estimates of costs, there is not an obligation to move forward. Once it is determined that the costs are feasible, more finite detail can be established.

Mr. Evans noted that the next step for the committee is to proceed with developing the bid process under the leadership of Mr. Anderson. Chairman Schultz moved to authorize the building committee to proceed with a request for bid based upon the specification document presented. The motion was seconded by Supervisor Moosbrugger. Supervisor Buelow asked about bidding with and without prevailing wage requirements and reallocating township and federal funds appropriately. The motion was carried with Supervisor Buelow voting against the motion.

Building Grounds Manager Position

Mr. Dan Kylo appeared before the board, noting an informal discussion at the organizational meeting on developing a building manager position. While he was supervisor, he did act in that capacity, and now there is not a person in that role. This role is needed in his opinion. He proposed to the board that the position be created as a part time position and presented a job description reporting to the building liaison supervisor. Other services that might be included are the on-call response, opening and closing the building, addressing the parking lot lighting, maintaining the town gardens, and operation and maintenance of AV equipment. Mr. Kylo estimates the work could be between 5 and 10 hours a month. Based on a review of comparable wages for similar positions in neighboring townships, the suggestion is to pay between \$20 and \$25 per hour.

Mr. Kylo reported on the investigation to replace the parking lot lighting. It appears the ballasts need to be replaced. He presented a comparison of halide, LED and solar lighting. Mr. Kylo recommended to the board one ballast to replace the current halide and one solar unit to compare the two solutions. Supervisor Moosbrugger moved to authorize Mr. Kylo to purchase a replacement ballast at an estimated cost of \$40-45. Seconded by Chairman Schultz, the motion carried by roll call vote (3-0).

Middle St Croix Watershed Management Organization

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Supervisor Buelow reported on the MSCWMO. He is learning about the organization, and will have additional to report at the next meeting.

Road Update

Chairman Schultz reported that West Lakeland has been hosting Oakgreen Avenue construction project meetings at our town hall. The project team for the turn up of 22nd has started meeting weekly. Later this month, the Manning Avenue Corridor project team will begin meeting again, looking at upgrading intersections along Manning Avenue. Street sweeping is complete and will begin looking at street patching. The restoration of 30th street, a joint project between MAC, Baytown Township and West Lakeland Township may start in June. Chairman Schultz received an email from Washington County regarding for qualification for disaster declaration for the storm on April 1st, noting the state will cover about 75% of the cost from this incident.

Chairman Shultz presented a proposal from Gopher State for crack sealing, one quote for each of two different areas. The two bids were similar to the previous year. Chairman Schultz moved to approve the bids from Gopher State for a total of \$32,864. Supervisor Buelow seconded the motion. Supervisor Buelow asked if additional bids were solicited. No other bids were requested or received. Gopher State has been consistently the low bidder when competing bids were proffered in the past. The motion carried with a roll call vote (3-0).

Oak Park Heights proposed an EMS study, having a third party review the contract and offering to fund that review. Chairman Schultz indicated an interest in participating in the study but has committed no funds. He does suggest matching Baytown's good faith donation of \$1,000 to fund the study. The estimated cost of the study is \$30,000. The current formula is based on the number of calls, number of residents, and taxation rates of the municipality. Oak Park Heights carries a higher burden because of EMS calls from the senior living facilities. Policy changes have reduced the number of calls. Supervisor Buelow moved to confirm participation in the study and authorize a good faith donation of \$1,000 to support the study. Seconded by Supervisor Schultz, the motion was carried by roll call vote (3-0).

Public Comment

Chairman Schultz opened the floor for public comment.

Mr. Steve Norenberg, 795 Midwest Trail, thinks the township board town hall needs to be open during the workday at the town hall. This would increase communication with the general public. If we are spending money on the building, we should use it. He would like to have online meetings or other digital presentations, such as a zoom meeting or digital recording. He would like to update the taxpayers with what is going on with the Prairie Island Community land. There are three residents that have filed a protest against the petition to move to Fee for Trust land. He would also like to get the COMW (Citizens Opposed to Municipal Water) documentation off the website. He indicated that the lawsuit was dropped because wells were allowed to be retained.

Chairman Schultz noted that the township consulted an attorney on the Prairie Island request for trust land and were advised there was not sufficient grounds for appeal.

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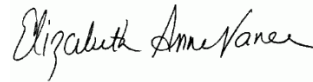
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Mr. Dan Kylo, 1891 Oldridge Ave, noted that the lawsuit from COMW was filed after the decision was made by the trustees to retain the wells.

Adjourn

Having no further business, Supervisor Moosbrugger moved to adjourn the meeting. Seconded by Chairman Schultz, the motion carried. Chairman Schultz adjourned the meeting at 11:30 PM.

Respectfully Submitted,



Elizabeth A. Vance
Recording Secretary