



# WEST LAKELAND TOWNSHIP

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

June 12, 2023

West Lakeland Town Hall

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

**Call to Order:**

Chairman Schultz called the meeting to order at 7:00 PM, June 12, 2023

**MS4 Training**

Ms. Rebecca Haug, WBS Inc, Senior Project Manager for Water Resources, presented training on the requirements for MS4 Compliance. Annual training is required for township staff and supervisors.

**Approval of Minutes**

A motion to approve the minutes of the May 8, 2023 meeting were approved with minor corrections was made by Chairman Schultz. Seconded by Supervisor Moosbrugger, the motion carried.

**Township Audit Review**

Mr. Brad Falteysek, CPA, Abdo, Eick and Myers, presented an overview of the Audit of the Township's 2022 financial statements. The audit resulted in a modified opinion on the governmental fund financial statements, a qualified opinion on government wide financial statements, and one internal control finding. The qualification on the government wide financial statements reflects the fact that the Township has not adopted the 68, which is the pension standard. The Township participates in PERA, the state plan. There is no consequence to not adopt the standard, and to adopt the standard would increase the fees and audit requirements. The next document issued is the Minnesota Compliance Report required by the State Auditor. The one internal control finding regard the preparation of the financial statements, which is a common finding, in that as part of the audit Adbo, Eick and Myers prepared the financial statements, which is a management responsibility. This is not uncommon and done for the majority of the government units they work with. It is recommended that the Township adopt written procedures to support the policies of the Township.

The results of the audit of the general fund noted that the expenses did exceed the budgeted funds for building permits and inspection services. Chairman Schultz noted the hailstorm caused a large number of roof replacements. There also was an increase in tax revenue, reflecting the increase in the levy. The Road and Bridge Funds had an increase and the ARPA fund has a zero balance because revenue is not recognized from this fund until spent. There are funds available, but not recognized. The funds must be encumbered by the end of 2024.

Chairman Schultz moved to accept the audit report prepared by Adbo, Eick and Myers of the 2022 financial statements. Seconded by Supervisor Buelow seconded the motion. The motion was carried by roll call vote (3-0).

### **Middle St Croix Valley Regional Trail System**

Mr. Connor Schaefer, Senior Planner, Washington County Public Works, presented the status of the project for the Middle St Croix Valley Regional Trail System Master Plan, and ask for township support. Regional trails are a specific designation of a type of trail, a paved trail separated from the road itself. It is not a bike trail. These trails service as a tree trunk for other trail systems throughout the County. The Master Plan provides the guidance for future growth, directing route alignment, improvements and resource management within the corridor. As part of this plan, there is an opportunity for state and regional funds. It also provides an opportunity to open dialog with residents on their desires for the trail system. The Middle St Croix Regional Trail extends from the Boom Site north of Stillwater through Afton, connecting 11 municipalities. The public engagement survey indicates a continuing demand for this type of service throughout the County. The summary of the survey results indicates a desire for trails that highlight local parks and destinations, to make connections between communities, a desire for loop opportunities, provide visibility of the river, protect natural resources within the corridor, and accommodate a variety of users. Washington County does have a cost share policy that applies to these projects, with the County providing 50% of the installation, and 100% of replacing and repaving. The County will be responsible for waste control on the trail and seasonal mowing. The recommended option is to move from Stillwater Township and the St Croix River Trail Loop, going over Highway 36 and moving south on County 21 and Stagecoach Trail, connecting to the current trail along Hudson Road, and potentially including a potential paved trail through the Belwin Property, continuing to downtown Afton. For West Lakeland Township, the route would be along County 21 in the Township, with some opportunities for loops and waypoints, which could be potential opportunities in the future. The plan is a 15-to-20-year plan. There is also an intersection along the route should the trail move through Belwin property. The County is looking for a document providing a statement of support in the form of a resolution for this project.

Chairman Schultz asked about the cost share from the Township. In the past when considering a trail on Manning Trail, the township was not in support of the cost share expense. He wants to stay engaged and would like to consider any resolution at the next board meeting. Supervisor Moosbrugger asked what the estimate or parameters would be for the cost share for the options proposed. Those can be provided. No action was taken at this time.

### **Treasurer's Report**

Ms. Olson presented the treasurer's report for May, reflecting \$24,212 in receipts and \$108,853 in expense. One CD will mature in June. Supervisor Buelow asked about the assessment fee to Washington County. He suggested we look into a private firm to provide the

June 12, 2023

West Lakeland Town Hall

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assessment to see if there is a cost savings in the future. Supervisor Buelow also suggested a review of the expenditures by JAM Architects to ensure the expenses are projected to stay within the contract terms. The payment requested is for expenses incurred. 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 on the activities of the planning commission. First, Mr. Votava provided a proposal for recodification of the ordinances from American Legal Publishing. The proposal includes the effort to realign the codification of the current ordinances and a second estimate for ongoing maintenance services. The estimate for the recodification is \$6,475, which includes a legal review. They also offer a service for the code online with a search engine for \$595 to create the document and a \$500 annual hosting fee. Managing changes are quoted at \$20 per page. No decision was made at this time.

Mr. Votava reported on the effort to align the Township fee schedule. He noted that the fee schedule has some references that are no longer in alignment with the ordinance. The second topic was a better understanding of the building permit fees are structured and how they compare with other communities. One issue came to light that some communities charge a lower fee, and then charge a separate plan review fee, whereas West Lakeland as a consolidated fee. The committee would like to have clarification of the fixed fees and added to the fee schedule. Those fees are not formally documented. He noted that building permits are not supposed to generate profit. Ms. Olson noted that she completed the report for 2022, and the Township is not making a profit once all costs are considered.

The commission reviewed the draft of a potential ordinance change to allow for a solar farm in the SFE zone. The commission would like direction from the board if the intent is drive forward with this solution. If moving forward with consideration of solar farms in the SFE zone, the ordinance should be more comprehensive than an overlay that incorporates only this parcel and addresses potential activity into the future. There are concerns about the size, the screening, and the setbacks. Generally, the planning commission does not have a consensus that this action should move forward. No action was asked of the planning commission at this time.

It was noted that the building committee was reviewing the draft documents for the town hall use. There is no policy yet in place.

The agenda for this month is to continue with the fee schedule, and a variance request.

### **Youth Service Bureau Service Contract**

The Youth Service Bureau is a nonprofit to provide services for youth at risk in Washington County. We have been providing funds to support that service for more than 10 years. They do offer services to residents in our community. The proposal is a donation of \$285 for this year. Chairman Schultz moved to approve the contract with the Youth Services

June 12, 2023

West Lakeland Town Hall

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Bureau for services at \$285. Seconded by Supervisor Buelow, the motion carried by roll call vote (3-0).

### **Proposed Ordinance to Allow Electronic Billboards**

Mr. Jake Steen, Larking Hoffman, representing the property owner at Steve Nelson Land Company, owns 1.7 acre property at Stagecoach and I94. It is largely an undevelopable property due to grade and access issues. Mr. Nelson did have a billboard permit in the early 1990's, and the County required the removal of the billboard. The foundation has been kept in place, and the state permit is maintained. The proposal is a text amendment to allow a bill board on this property. At that time, it was directed back to the planning commission, and a conditional use permit was denied.

Mr. Votava reviewed the proposal and is not in support of crafting the ordinance to address more than this parcel. The broader question is if there is an desire to pursue an ordinance to allow billboards, and asked for clarification of the intent of the board. A few years ago, the answer was no. Ms. Winchell noted that the ordinance does not allow to this size, height and not digital. The existing billboard near Black's Nursery has been there for decades, and is an allowed nonconforming use. Mr. Votava noted that the technology has improved for the electronic billboards.

Chairman Schultz is not in favor of approving what is not allowed in the township. Pamela Carlson, 1266 Paris Trail, is not in favor. Mr. Flaherty, a member of the planning commission, remarked that the part of the concern with the planning commission was not in regards to this parcel, but the change in ordinance to allow for a use on nonconforming lots, and may open the door to rewrite ordinances for other specific uses, but would want to provide for the general concept of what the township wants as a whole. No additional direction was provided to the planning commission at this time.

### **Proposed Changes to the Public Information Request Form**

The proposal is to add language to put an end date to the data request after 90 days. The township is proposing an update on the rate for data requests, due to the increase in township labor costs, to increase the costs for compiling the data request to \$26.50 hour with a minimum charge of ½ hour at \$13.25. Supervisor Buelow noted he has gotten hundreds of data requests and not understand why electronic reproduction is not allowed. Ms. Olson noted that data requests fees have been over \$100 per month. This is significantly higher than the other municipalities she supports. Ms. Winchell noted that electronic copies are provided at a charge, but photos of the documents are not allowed. Supervisor Moosbrugger noted that it is more common than not that fees are charged for data requests. Supervisor Buelow asked if the township could reconsider the use of electronic reproduction. After discussion, Chairman Schultz moved to approve the proposed changes to the public information request form. The motion was seconded by Supervisor Moosbrugger. The motion carried with 2 aye votes and a nay vote from Supervisor Buelow. The motion carried.

### **Supervisor Updates – Supervisor Buelow**

Supervisor Buelow reported on the Lake Elmo Airport Advisory Committee. Since the rework to the runway there has been an increase of noise complaints. Chairman Schultz noted he has also had issues regarding the airport noise and elevation over the houses. Ms. Mary Verling noted that a meeting is scheduled with residents on June 29, 2023. The clerk was directed to post that meeting to allow more than one supervisor to attend.

Middle St Croix Watershed Management Organization update reviewed requests for additions within the watershed.

### **Road Update**

The intersection at Manning and 30<sup>th</sup> and the reconstruction of 30<sup>th</sup> Street between Manning and Neal Avenue are complete. The township share for the reconstruction in 2019 dollars was \$100,000. The current cost is to be determined based upon the cost share agreement. The Township engineer is completing a road survey and assigning a rideability index between 1 and 5. Once complete, that will be provided to the supervisors and posted on the township website.

The consultant from Green and Associates, representing Washington County and Chairman Schultz met with residents regarding the turn up of 22<sup>nd</sup> Street to Washington County. The proposal is under study.

The Valley Branch Watershed Inland Basin Water Study is still underway.

Quotes from RCM has been received for pothole repair at an estimated cost of \$174,850 and does not include our side of 30<sup>th</sup> Street. In the past few year, Baytown has been unwilling to support the joint patching agreement. Supervisor Buelow asked if there is a starting date and a completion date. Supervisor Schultz noted it is not addressed in the bid. Chairman Schultz commented that he believes the spray patching method used by RCM is more cost effective and the past lasts longer than filling with asphalt and heating to seal the patch. Chairman Moosbrugger asked that if a target date for completion could be provided. After discussion, Chairman Schultz moved to authorize the signature of the contract with RCM to patch potholes on the township roads at an estimated cost of \$174,850. Seconded by Supervisor Buelow, the motion carried by roll call vote (3-0)

### **Public Comment**

Mr. Votava expressed his thanks for the assistance with the storm cleanup.

A resident asked about any update about the expansion of Manning Avenue. Chairman Schultz noted that the project team monthly meetings just resumed. Originally, the plan was to expand to 4 lanes, but are now doing an upgrade to intersections with a minimum of turn lanes.

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June 12, 2023

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A resident asked about the building renovations. Supervisor Moosbrugger noted that the township has solicited bids for a number of bids for the plan currently developed by the architect. After receipt of the bids, will have an idea of costs. It was noted that bids came in on Friday, and the building committee meets on Wednesday.

## Old/New Business

Supervisor Moosbrugger asked about the request to modify the ordinance to allow for a solar farm in the single family estates zone. At this time, there is no additional action requested by the applicant. No action is being taken. The developer noted that he is at the meeting, but was not asked to prepare anything for the agenda. Supervisor Buelow did raise a concern about how the closing of the coal plant would impact electricity to the Township.

Supervisor Moosbrugger noted that the energy audit done by Xcel, and one of the recommendations would be LED lighting both inside and out. He noted that the existing parking lot lights are not working and believe it is because the ballast has failed. The recommendation is that the lights be replaced with LED ballasts at approximately \$700 per fixture installation. There are five lights. After discussion, Supervisor Moosbrugger moved to authorize an expenditure not to exceed \$700 per fixture to replace the lights in the parking lot. Seconded by Chairman Schultz, the motion carried by roll call vote (3-0).

Chairman Buelow asked for the volume of sweepings done by Miller. That is required for the MS4 permit. He has done some screening to separate the landfill product from useful product that could be reused. Screening this material may reduce the landfill disposal cost. Chairman Schultz asked who would do the screening. No plan has been made at this time.

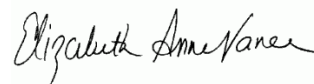
Jenny Samec asked for a follow up on National Night Out, and if the Township would be sponsoring or hosting an event. There are residents that would offer to manage the event. Ms. Olson noted it was not included in the budget.

Ms. Olson noted that Baytown Supervisor, George Dierberger, who works with local college students, and has 4 students that are working on a project on the impact of a township becoming a city. The residents and boards are invited to the presentation at Baytown Township. The presentation is scheduled for August 7<sup>th</sup>.

## Adjourn.

Chairman Buelow moved to adjourn the meeting. Seconded by Chairman Schultz, the motion carried.

Respectfully Submitted,



Elizabeth A. Vance  
Recording Secretary