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September 11, 2023

West Lakeland Town Hall

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

Call to Order:

Chairman Schultz called the September 11, 2023 board meeting to order at 7:06 PM, beginning with the pledge of allegiance.

Approval of the Minutes

The minutes of the August 14, 2023 meeting were presented for review. Chairman Schultz moved to approve the minutes with minor corrections. Seconded Supervisor Buelow, the motion carried.

MPCA, Plan on Conceptual Drinking Water Supply Plan Implementation

Ms. Andri Dahlmeier, MPCA 3M Settlement Coordinator and representatives of the 3M Settlement co-trustees, Mr. Kirk Koudelka, MPCA Assistant Commission and Ms. Melissa Kuskie, MDNR Deputy Director, presented a review of the impact of modified federal guidance values might have on West Lakeland Township and the Conceptual Drinking Water Supply Plan implementation. The first priority of the settlement is to ensure safe and reliable drinking water and the second priority is to restore and enhance natural resources. The implementation plan provides comprehensive programs to address safe and sustainable drinking water across the fourteen impacted communities. In West Lakeland the solution is Point of Entry Treatment Systems (POETS).

The Minnesota Department of Health is reviewing the standards for PFOS and PFOA and has recognized the need to lower the values recommended for safe drinking water and expect the updated guidance to be released at the end of the year. At the federal level, the EPA has published draft guidance on maximum contaminant levels for these chemicals to be finalized by early next year. The MCL are the primary regulatory standard for all public water systems.

In the east metro approximately half of the wells have been sampled. With the improvement in sampling and testing processes, the wells that were tested under the earlier reporting limits that did not detect PFAS contamination earlier will be resampled. Those that are above the 4 PPT after the guidance is published will be eligible for treatment under the terms of the settlement. In West Lakeland, there are 1300 private drinking wells where 75% have been sampled. There are 630 wells currently with POETS installed. It is planned to sample the remaining wells and homeowners can complete an online request for sampling. In addition, the Implementation Plan is scheduled for an annual review. More resources are available at the 3M settlement website.

Chairman Schultz asked if someone is going to sell a home, must the water be tested. Mr. Koudelka responded that the seller is required to disclose if they have been approached about water safety concerns, and the status of any testing or results. Chairman Schultz asked about the prospect of treating or sampling water used for irrigation. Irrigation wells were not targeted for testing, but testing can be requested. Ms. Dahlmeier noted that the purpose of the POETS system was for household drinking water. Mr. Stempiski noted that there are homes subject to the TCE contamination as well as

PFAS. It was confirmed that for homes subject to both forms of contamination the threshold to install a POETS system will consider the level of both contaminants. Ms. Dahlmeier noted that the initial plan would provide for annual change out for an estimated at 30 years, but can change and if funds expire, there is a consent order that could take over funding. Mr. Stempski asked about the 1007 feasibility study reviewing that action and reviewing clean up and other remedy actions that should be completed in the first quarter of next year. Supervisor Moosbrugger asked about the expected time to complete testing after request. The current timeline is estimated to be completed within 4-5 months of the request to get results. Supervisor Schultz noted contamination has been found in Horseshoe Lake and West Lakeland reservoirs, noting that they are used for fishing and asked if signage to warn of the contamination could be considered. Supervisor Buelow asked about PFAS in wastewater stream. The state agencies put together the PFAS blueprint to address those other streams. The PCA is looking at permitted systems such as wastewater treatment plants. The state is also looking to help manufacturers find alternatives to PFAS to reduce introduction of the chemical upstream. Chairman Schultz asked about replacement of PFAS chemicals in fire retardant systems. DoD was given funds to study alternatives, and proposals are under review. Use in training exercises in Minnesota has been prohibited for a couple of years and banned in new fire fighting foams not regulated by federal law as of the last legislative session.

Jamie Munson, 1477 Manning Trail N, asked about water used outside the home and the impact on accumulation in plants or animals. A study has been done by the Department of Health, available on their website, and additional research is being considered. Mark Votava, 1150 Nordic Avenue, asked about the untested wells, asked why testing can't be done in a more urgent manner. It was noted there are still limits on capacity at the labs to complete the tests.

Mr. Bill Gerhart, 2423 Manning Ave N, asked if there was a way how residents can see the movement of contamination in their area. There is an interactive website that can show if wells have advisories, but not specific results. Particle tracking will be addressed in future work.

Mr. Steve Norenberg, 795 Midwest Trail N, expressed concern that this meeting was not provided more notice and more access to residents. He asked if there has been any update on sharing of water between municipalities. For West Lakeland Township is to continue to use POETS. Mr. Norenberg asked about the potential well on the land owned by the Prairie Island Indian Community. That well is still in the planning stages and is currently just for that community. Ms. Lisa Ranum, 13565 4th St N, asked if there would be an impact on the PFAS level at her residence if that well were to be expanded. The permitting process should address those concerns. Specific development is still unknown at this point. It was noted we are in a period of extreme drought in the metro area, which is driving local requests for water conservation.

Mr. Steve Johnson, 13595 Greenwood Trail, participates in the citizens group concerning Priority 2 and encouraged the board to participate in the Priority 2 process. He noted that the DNR does not indicate there is additional risk to the aquifers in the foreseeable future and the Prairie Island Indian Community is not planning to develop that property until 2040.

22nd Street Study Update

Mr. Andrew Giesen, Project Manager, provided an update to the 22nd Street study concerning the turn up of 22nd street between Highway 95 and Stagecoach Trail. The intent of the change is to

implement improvements and provide additional safety measures. The 2019 technical study recommended reassignment of jurisdiction to Washington County providing improved slopes, improved sight lines and wider shoulders to address safety concerns. As a county road, this will be reconstructed to a 10-ton roadway. The result would be more truck traffic and higher travel speeds. To gather resident concerns, the county has held and will host open house meetings and meetings with property owners to understand concerns.

Next steps are to create a proposed alternative that meets the needs of the County and then create a preferred alternative. The final step is agreement for jurisdictional transfer and a resolution supporting the preferred design. After approval, the road improvements will be incorporated into the County 5-year capital improvement plan.

Chairman Schultz noted there is some grant funds available for local townships and would like to propose that Washington County assist the Township to apply for funds to assist in the turn up costs. Mr. Stempski noted that wider shoulders will lead to higher travel speeds, and asked how they would be balanced. Mr. Giesen noted that this is a concern and will be addressed in the design to end up with a safer roadway. Supervisor Moosbrugger also expressed concern about managing speed.

Update on Town Hall Landscape

Ms. Kathy Gzik and Ms. Kelly Stichter presented an update on their volunteer work to improve and maintain the landscape around the town hall. The ladies combined existing plants along with some new purchases and the gardens should thrive. They added 7 yards of mulch donated by Matt Schmitt. All agreed the garden beds are much improved.

Treasurer's Report

Ms. Olson presented the treasurer's report for August 2023, reflecting \$58,495 in receipts and \$68,447 in expenses. The total current assets are \$2,723,465. Supervisor Moosbrugger 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).

Conceptual Plan, Building Permit Variance 2423 Manning Avenue

Mr. Bill Gerhart, 2423 Manning Ave N, presented a concept plan to build an accessory structure in front of the main residence. The lot narrows to the rear and the house is located toward the back of the property. He has presented the concept with the planning commission and building inspector, with no concerns raised. The house is 300 feet back from Manning. The proposed structure would be within all remaining setbacks. Mr. Mark Votava reported on the review from the planning commission and agreed to recommend the board approve the request with the suggested requirement to maintain screening. Chairman Schultz moved to direct the clerk to schedule a public hearing at the next regular meeting and direct council to prepare a notice of the hearing. Seconded by Supervisor Buelow, the motion carried.

Gazebo at 2423 Manning Avenue N

Ms. Winchell was notified by Chairman Schultz and Mr. Stempski on a gazebo in the drainage easement at 2423 Manning Avenue. It was discussed at the planning commission. It is a purchased

structure from Home Depot with legs and a tin roof on pavers. The building inspector reviewed the site and indicated the structure is under 200 sq ft and is considered not permanent. The larger concern by Valley Branch Watershed District is that it is in the easement. There is potential for changes to the drainage based upon current study within the drainage area. Supervisor Moosbrugger asked what is allowed in the easement, and what process should be followed if the encroachment is allowed. Mr. Stempski suggested we understand what Valley Branch Watershed's plan for the easement is. The structure could be moved if needed based on the plans. The homeowner was directed to not complete any further improvements, and it would be determined based on the Valley Branch Watershed activity if moving the temporary structure would be directed. No action was taken at this time.

Variance for Septic System Placement within 150 ft of Horseshoe Lake, 1477 Manning Trail N

Jessie Kloepfner, Kloepfner Services and Design, requesting a variance for septic system placement within 150 feet of Horseshoe Lake. The township is not the jurisdiction for septic systems. This lot is also within the shoreland management district, where the zoning is under the direction of Washington County. Washington County would like a resolution if there not any objections on the part of the Township. The homeowner has been in contact with Valley Branch Watershed District. Chairman Schultz moved to approve Resolution R-2023-8, Deferring Decisions to Washington County Related to Variance Request Related Setbacks of Subsurface Sewage Treatment Systems Located within the Shoreland Management District to Washington County and Valley Branch Watershed District. Seconded by Supervisor Buelow. The motion carried.

Building Renovation Update

Mr. Dan Kylo, Mr. John Evans and Ms. Rachel Dana presented an update on the actions of the committee for the Town Hall renovation. The first attempt at a project scope and design was not within the target budget. The committee met and reassessed the needs and solutions. Mr. Evans reiterated the priorities of bringing the town hall to ADA compliance; address storage, technology and security deficiencies for day to day operation of the town hall; and provide a facility for residents to use. The committee also wanted to look at durability and efficiency of the mechanical and other systems over time. The board confirmed that these are the appropriate priorities. Mr. Evans noted that the cost of ADA compliance was more than anticipated.

The committee presented a sketch of a new scope concept prior to the review by the architect. It suggested two bathrooms and mechanical room space in the front foyer and restroom area and a kitchenette/service area in the conference room. Discussion then revolved around how to provide sufficient storage and office space. All ADA improvements are part of the concept proposal. There was also discussion of how to provide for a kitchenette/hospitality area while minimizing cost. Some updates for cosmetic reasons could be postponed, such as removing the popcorn ceiling. Mr. Evans suggested that the next round of bids be requested in an itemized format, to allow for more understanding of what would drive costs. Some of the desired improvements, such as AV and security, were not specifically addressed in the previous bid, but would be addressed as separate options. Mr. Kylo and Chairman Schultz presented an informal comparison of municipal facilities for similar size communities. Mr. Isaac Stensland suggested emergency lighting be added to the specifications. A discussion point was a separate kitchenette room or incorporated in a common room. Supervisor Buelow suggested a kitchen

in a basement. Ms. Dana noted that a full kitchen was not part of the priorities and is most likely outside the budgeted limits and would erode into the space for storage. The committee requested that the kitchen requirement be clarified by the board, in relation to the other uses being specified. Supervisor Buelow will get a ballpark estimate of the kitchen versus kitchenette.

Planning Commission Update

Mr. Mark Votava presented an update from the planning commission. The commission has been working on the Township fee schedule. The ordinance may require some modifications to align the fee schedule with the ordinance. Under review is the proposed update to the contract with the building inspector and the building inspection fees.

Town Hall Building Manager

Chairman Schultz and Clerk Seifert met with the candidates for the town hall building manager and all candidates were well qualified. Of the applicants, Mr. Dan Kylo was the only candidate not working full time in a different position and has been supporting the building since it's purchase. Chairman Schultz suggested compensation of \$25 per hour. After discussion, Supervisor Buelow moved to accept Mr. Dan Kylo for the position of building supervisor at \$25 per hour. The motion was seconded by Chairman Schultz. The motion carried with a roll call vote (3-0).

Road Update

Patching of potholes is almost complete. The Met Council reached out to West Lakeland Township regarding the reclassification of 22nd Street from a minor collector to major collector. This matches the activity underway with Washington County and may open up for more funding options. Supervisor Moosbrugger asked about the communication on potential funding options, such as bonding, to start informing the residents on the options. He will draft an article if additional information can be provided. It was suggested that this might be an appropriate topic for a workshop.

Ordinance Recodification, League of Minnesota Cities

The planning commission made some inquiries on recodifying the ordinances. A proposal was made by the Planning Commission to engage American Legal Publishing to recodify and maintain the township ordinances. The proposal is estimated at \$5,000, with an extra \$1,500 for a legal review to restructure, organize, and prepare for publication the township ordinances. On an ongoing basis, the Township can incorporate changes into the code at \$20 per page for updates. American Legal Publishing has also offered to host an online searchable version of the ordinances for \$600 setup fee and \$500 per year fee with \$2 per page to reindex changes. Until the point of recodification each year, the proposal can include a link to any new amendments to the old section at \$300 per year. The board requested the planning commission confirm their experience in ordinance review from a township perspective as a final step in due diligence. Mr. Kylo noted there was a potential for funding for recodification per the city of Administrator of Newport. Chairman Schultz noted this was a specific request for municipal funding.

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Other Business

Supervisor Buelow asked about the gravel pit inspections and the process for inspection. Ms. Samec is targeting September 27th. Chairman Schultz noted it is a tour with a review of current practices and any issues raised.

Resolution R-2023-7, Appointment of Election Judges for School District 834 Special Election, was presented for approval and signature. Chairman Schultz moved to sign the resolution. Seconded by Supervisor Buelow, the motion carried.

Resolution R-2023-6, approving the road vacation easements resulting from the Twin Pines Development was presented for signature. The vacation was approved at the August regular meeting. The resolution removes the easement over these properties. Chairman Schultz moved to sign the resolution as presented. Seconded by Supervisor Moosbrugger, the motion carried.

Public Comment

Brad Cornell, 2733 Neal Ave, approached the board about the airport advisory committee meeting on August 28 which was attended by residents. The agenda was to address the residents' concern about the noise concerns, they believe the voluntary standards are not being followed. What came out of that meeting is that MAC will do another noise study in August 2024. He and other residents would like to see more compliance to the voluntary noise abatement standards and reduced operations from the flight school. He noted the pilot guide and noise abatement guide do not yet address the new runway. The next meeting is November 27th meeting.


Mr. Mark Votava noted that the town board recordings, and it would be nice if these were noted on a public website for review. They are posted on the citizens of West Lakeland Township website per Mr. Graetz.

Ms. Mary Vierling requested assistance with the airport, and is disappointed that Supervisor Buelow, as the designated representative to this body, is not attending the advisory committee meetings.

Adjourn:

Supervisor Beulow moved to adjourn the meeting. Seconded by Chairman Schultz, the motion carried. Chairman Schultz adjourned the meeting at 11:15 PM.

Respectfully Submitted,



Elizabeth A. Vance
Recording Secretary



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