



WEST LAKELAND TOWNSHIP

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

March 3, 2022

West Lakeland Town Hall

Present: Chairman Dan Kylo, Supervisor Dave Schultz, Supervisor Marian Appelt, Carrie Seifert, Clerk; Marsha Olson, Treasurer; Jenny Samec, Deputy Clerk; Viet Hahn Winchell, Township Attorney; Mark Votava, Planning Commission Chair

Call to Order:

Chairman Kylo called the meeting to order at 7:08 PM

Approval of the Minutes

Supervisor Appelt moved to approve the Feb 14, 2022 regular meeting minutes with minor corrections. Seconded By Supervisor Schultz, the motion carried.

Chairman Kylo moved to approve the minutes of the Feb 14, 2022 Board of Audit. Seconded by Supervisor Appelt, the motion carried.

Chairman Kylo moved to approve the minutes of the Feb 9, 2022 budget workshop. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report for February 2022. The report reflects \$135,486 in receipts and \$60,090 in expenses. She noted two CDs are due to mature in the coming month. Chairman Kylo moved to renew the CD for 12 months held at the State Bank of Lake Elmo. Seconded by Supervisor Appelt, the motion carried by unanimous roll call vote (3-0). Chairman Kylo moved to renew to CD held at the Bayport State Bank to be renewed for 12 months. Seconded by Supervisor Appelt, the motion carried by unanimous roll call vote (3-0). Chairman Kylo moved to approve the treasurer's report and pay the invoices presented by the clerk. Seconded by Supervisor Schultz, the motion carried by unanimous roll call vote (3-0).

Planning Commission Update

Mr. Votava reported on the work of the planning commission. Work continues on revision of 5 sections of code, including management of utilities and business use permits. The commission discussed the request of the Stone Ridge Golf Course for off-sale liquor as an accessory use. No recommendation for or against off-sale use was made and limited the discussion to how the ordinance would need to be revised to allow such a use, should that be desired. It was recommended that a public hearing be held on this request should it move forward.

Review Concept Request for Off-Sale Liquor at Stone Ridge Golf Course

The planning commission noted that should this use be considered, Section 11.8.1, performance standards for Golf Course Accessory Uses would need to be amended to allow this as an accessory use, and recommended the use be restricted only as an accessory use at a Golf Course, where a bar/restaurant is currently allowed. Chairman Kylo met with Ms. Winchell, township attorney, and with Mr. Joel Berger, to review the request. The question open is if the definition of a bar/restaurant



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includes or doesn't include off-sale liquor. It was further noted that Washington County is the licensing agency, not the township.

St Boniface Oaks East Second Addition

Mr. Philip Moosbrugger, presented the final plat for the minor subdivision at 1270 Oakgreen Ave N, creating an additional lot. The new lot and remaining lot both meet township development standards. Driveway permits would need to be obtained from Washington County, and review would be required by Valley Branch Watershed District. It was noted that the perc test is scheduled but cannot be completed until weather allows. After discussion, Chairman Kylo moved to approve the final plat for the minor subdivision subject to completion of a satisfactory perc test being presented to the board, and to direct the attorney to draft a resolution documenting the approval. Seconded by Supervisor Appelt, the motion carried.

Application for Variance to Allow Accessory Structure Closer to the Road than the Residence

Mr. Chris Knuteson, 2728 Oriole Ave N, presented a request for a variance to allow an accessory structure to be closer to the road than the residence. The proposed building is 1,000 square feet and would be about 10 feet in front of the residence. All other setbacks are compliant. The request does include request for a second driveway access. Chairman Kylo moved to direct the clerk to schedule a public hearing for the variance at the April 11, 2022 regular meeting and direct the township attorney to draft a public notice. Seconded by Supervisor Schultz, the motion carried.

Application for Variance and Modification to Commercial Use Permit for AT&T Wireless Equipment

Ms. Tara Blackwell, Site Acquisition Manager, Qualtec Wireless, presented the request to amend the conditional use permit for AT&T cell tower equipment and for a variance to extend the monopole height from 139 ft to 164 ft. The current height limit is 150 ft. The tower is owned by American Tower on land leased from Minnesota Asphalt. An FAA study 2021AGL33160E has determined that there is no hazard at 169 feet. Ms. Winchell, township attorney, noted that the license issued to AT&T allows them to request the actions on behalf of the tower owner, American Tower. After discussion, Chairman Kylo moved to direct the township attorney to draft a notice and direct the clerk to schedule a public hearing for the variance and amendment to the CUP. Seconded by Supervisor Appelt, the motion carried.

Roads Update

Supervisor Schultz noted that Washington County has the project for Manning Ave and 30th Street intersection on the calendar for 2022. The County will be starting an mill and overlay on 10th street this year. MNDOT noted they will be starting a 3-year project for repair on I 94 Eastbound. The township engineer and engineers for MAC are discussing the project specifics for the road restoration on 30th Street after the reroute to accommodate the runway expansion.

PIIC Property in West Lakeland

Chairman Kylo confirmed with the Bureau of Indian Affairs the delivery date of the notice of February 18, 2022, with an end to the appeal period of March 18, 2022. He reported back on a meeting



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with Tom Wilkins, Regional Director of the Bureau of Indian Affairs regarding the request. Mr. Wilkins noted that any appeal would need to be based on the initial application. When asked if the comments that the plans might include commercial property, Mr. Wilkins noted that the current zoning of the land includes commercial use. When asked about the density of homes as a reason for appeal, Mr. Wilkins noted that the targeted density of 71 residential units would be 1 acre lots, and the township currently has existing, nonconforming 1 acre lots. Any use other than that presented in the original request document would be considered as speculation and would not be considered in an appeal. The noted use is still to retain the current use, with no immediate development plans. Supervisor Appelt asked about gaming use. It was noted that gaming use would be a secondary application, with additional state and federal requirements to be met, regardless of the fee for trust status. It was noted that an attorney with specific expertise in Indian Affairs was retained in 2017 to review the original fee for trust application.

Chairman Kylo opened for discussion on this topic.

Ms. Lisa Ranum, 13565 4th St N, noted that the legislature is considering sports betting, so this might allow gaming on the property. She also expressed concerns on the noted request by the PIIC in the 3M settlement proposal in her opinion shows an intention for broader use. Chairman Kylo noted that when brought to the Regional Director of the BIA, this was seen as speculation as to future use.

Mr. Brad Cornell, 2733 Neal Ave, asked about the 1-acre parcels. It was noted the 1-acre parcels are older parcels and are existing non-conforming lots.

Ms. Tamara Morrissey, 2465 Periwinkle, noted the discussion and meetings held in 2017. She is of the opinion that there are not sufficient grounds for an appeal, and we should accept the decision and be welcoming neighbors. The process is out of the township's control.

It was noted that any resident can submit an appeal.

After discussion, Chairman Kylo moved to recognize the township has received notice of the fee for trust status and not to file an appeal. Seconded by Supervisor Appelt, the motion carried.

ADA Requirements, West Lakeland Town Hall

Chairman Kylo reported on continued discussion with two firms regarding the required and recommended improvements to the town hall. Lambert Architects has paid an on-site visit and provided some informal recommendations. The estimated cost to provide a formal recommendation for improvement is estimated at \$1,000. Juliee Quarve-Peterson, Inc, estimated to cost to provide a formal recommendation of required and recommended improvements would be \$900. It is believed that the timeframe to become ADA compliant would be triggered by any remodeling. Mr. Stensland, building inspector, noted that Lambert Architects has been associated with work in the township, and can provide connection with the follow-up construction phase. After discussion, Chairman Kylo moved to engage with Lambert Architects to provide a design requirement document defining accessibility requirements and recommendations. Seconded by Supervisor Appelt, the motion carried by unanimous roll call vote (3-0).

Chairman Kylo noted that Mr. Jay Riggs, Washington County Conservation District, has agreed to host a demonstration of the OWL technology to determine if this is a method to provide better remote access to township meetings.

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Resolution Establishing Precinct and Polling Place

Chairman Kylo moved to sign a resolution re-establishing the precinct and polling place for the Township of West Lakeland, Washington County, Minnesota. Seconded by Supervisor Schultz, the motion carried.

Old or New Business

Supervisor Schultz asked about outstanding grading permits. Ms. Winchell, township attorney, has sent a cease-and-desist letter to an identified potential violation. The other potential violations raised were determined to have a permit, or not have a permit required.

Supervisor Appelt reported on her attendance at the Minnesota Association of Township Legislative Conference. The focus was on transportation, broadband access and annexation. Supervisor Appelt will draft a letter for board review with concerns over annexation.

Public Comment Period

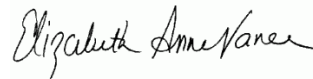
Mr. Nathan Aamott, 14690 28th St Ct N, expressed his opinion that the 3M settlement decisions indicate a significant change in the use of the PIIC property, and would justify an appeal. He asked if there was a special meeting to change the date of the regular March meeting. Ms. Siefert, clerk, responded that a special meeting was not required to reschedule a regular meeting.

Lisa Ranum, 13565 4th St N, suggested the BIA approval document should have been posted on the website and community comments solicited.

Adjourn

Having no further business, Chairman Kylo moved to adjourn the meeting. Seconded by Supervisor Appelt, the motion carried. The meeting was adjourned at 9:27 PM.

Respectfully Submitted,



Elizabeth A. Vance
Recording Secretary