



959 Paris Avenue Circle North, Minnesota 55082  
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April 11, 2022

West Lakeland Town Hall

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

**Call to Order:**

Chairman Kylo called the meeting to order at 7:00 PM

**Public Hearing, Variance from Section 6.9.4 to Allow an Accessory Structure Closer to the Right of Way than the Residence, 2728 Oriole Ave N**

Mr. Christopher Knuteson presented the application for a variance to allow an accessory structure, detached garage, closer to the street right of way than the allowed front setback of the main residence. Mr. Knuteson, and the builder, Mr. Reed Selgren, Custom One Renovations, presented the plan and listed as practical difficulties the slopes on rear and the north side of the residence, the location of the septic system on the south, the inability to get equipment to the rear of the lot. The structure location, as proposed, would be within the lot setbacks and otherwise meet the performance standards set by the ordinance. The request would also include a second driveway access.

Mr. Del Miske presented for the planning commission and noted that the encroachment on the setback from the original proposal has been corrected. Given the topography of the lot, the planning commission agreed that this location was the most appropriate. It was also noted that this was not the only accessory structure in front of the residence in this neighborhood. The planning commission recommended approval of the variance.

Chairman Kylo opened the public hearing for public comments. Mr. Ron Neske asked about the impact of the second driveway on the mature trees on the lot. Mr. Knuteson responded that as few trees as possible would be removed, and those removed would be from the interior of the lot.

Having no further discussion, Chairman Kylo closed the hearing.

**Open Regular Meeting**

Chairman Kylo opened the regular meeting at 7:10 PM.

**Board Discussion, Variance Request, 2728 Oriole Ave N**

Supervisor Appelt had no concerns about the request as long as the screening for the lot is maintained. Supervisor Schultz noted the plans included connection to the septic system and noted the accessory structure cannot be modified to living quarters. Chairman Kylo noted the practical difficulties of the slope on the back and sides of the lot, and the irregular lot configuration, supporting the practical difficulties.

After discussion, Chairman Kylo moved to grant the requested variance to section 6.9.4 to allow the accessory structure to be constructed in front of the front setback of the residence in the location indicated by the site plan, noting the finish of the structure will coordinate with the home and is character with the neighborhood, screening is retained, and the building with setback; further noting



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the practical difficulties of the steep slopes, location of the septic, and lack of access to the rear of the lot, and further direct the township attorney to draft a resolution documenting the approval. Seconded by Supervisor Appelt, the motion carried.

**Public Hearing to Consider Application by David Trost of AT&T Mobility to Modify the Conditional Use Permit at 14703 Hudson Road to Allow Co-located Equipment and a Variance to Section 8.13.7 to Allow an Increase to the Tower Height.**

Chairman Kylo opened the public hearing at 7:10 PM. Mr. Trost of AT&T Mobility presented the proposal to co-locate equipment on the tower owned by American Tower. This will add equipment on the tower and an additional maintenance building within the current tower compound. The variance request would increase the tower height by 25 feet to 165 feet. The current maximum height by the ordinance standard of 150 feet. The FAA review has indicated that this is a safe height.

Mr. Mark Votava presented on behalf of the planning commission. Adding to the existing tower was viewed as more desirable than additional towers, and with the location of the tower near the freeway and asphalt plant, there was no concerns over the additional height.

Chairman Kylo opened the public hearing for public comment. No comments were raised. Chairman Kylo closed the public hearing at 7:20 and reopened the regular meeting.

**Supervisor Discussion, Modify the Conditional Use Permit at 14703 Hudson Road to Allow Co-located Equipment and a Variance to Section 8.13.7**

Supervisor Appelt expressed concern about the additional tower height but is less concerned in light of the FAA review. It is a better option than multiple towers. Ms. Winchell noted that the modification of the CUP would be automatic with the approval of the variance under the EFR requirements. After discussion, Supervisor Schultz moved to approve the request to co-locate equipment on the monopole tower and approve the variance to allow the tower to be extended to 165 feet and directed the attorney to draft a resolution documenting the approval. Seconded by Supervisor Appelt, the motion carried.

**Approval of the Minutes**

Chairman Kylo moved to approve the minutes of the March 3, 2022 regular meeting minutes with minor corrections. Seconded by Supervisor Schultz, the motion carried.

Chairman Kylo moved to approve the minutes of the March 23, 2022 organizational meeting with minor corrections. Seconded by Supervisor Appelt, the motion carried.

**Treasurer's Report**

Ms. Olson presented the treasurer's report for March 2022, reflecting \$64,046 in receipts and \$95,746 in expenses. Supervisor Appelt asked about the letter from the Middle St Croix Water Management Organization, noting higher than anticipated costs. Ms. Olson replied that the costs would be applied against the escrow. Chairman Kylo moved to approve the report and pay the invoices presented by the clerk. Seconded by Supervisor Schultz, the motion carried by unanimous roll call vote (3-0).

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### **Building Variance Application, 1275 Norell Avenue**

Mr. David Mergens, 1275 Norell Avenue, appeared before the board with a request for a variance to allow an accessory structure in front of the residence. There are significant slopes behind the house, a narrow lot, and a septic field that would impede with locating the building in the rear of the lot. The board referred the request to the planning commission for review and directed the attorney to draft a notice of the public hearing at the May 4, 2022 meeting.

### **Election Judge Compensation**

The clerk noted that the election judge compensation was below minimum wage and lower than neighboring precincts and requested an increase from \$10.55 to \$11.00 per hour for the clerk, and from \$12.00 to \$15.00 per hour for the head judge. Chairman Kylo moved to approve the increase as recommended. Seconded by Supervisor Schultz, the motion carried by unanimous roll call vote. (3-0)

### **Planning Commission Update**

Mr. Votava noted the work ongoing with the planning commission, noting completion of the draft for Section 15 of the ordinance to incorporate small wireless communications and nearing completion of the section 8.9 for driveway performance standards. He noted concern was raised about meeting in the small conference room in that there was not direct access to the designated media area. The board concurred that discretion could be used at the location of smaller meetings in the building.

### **Proposed Changes to Section 15, Regulation of Utilities, and Section 18, Terms and Definitions**

The draft modifies these sections to incorporate 5G services in the right of way. The major change is in 15.1.2, where election to manage the public right of way is formally noted, and section 15.10 to address small wireless utilities. The board discussed the allowed height for towers in the right of way for this purpose. It was suggested that the height be limited to 35 feet, the current maximum height allowed for buildings. The draft was returned to the planning commission for review.

### **Washington County Local Administrator's Update**

Supervisor Appelt reported on the business of the Washington County Local Administrator's Meeting. The Washington County Assessor presented the 2022 assessment report, noting that across the County, housing assessments are up by 20 to 22%.

The issue of DNR restrictions on White Bear Lake was raised, noting that the proposed restrictions of water use from the lake is proposed at 55 gallons per day within a 5-mile radius. This does not impact West Lakeland directly but does impact 10 communities. As density increases, the stress on the water aquifers will need to be monitored.

### **Ash Trees in the Right of Way**

Supervisor Schultz brought up the topic of diseased ash trees in the right of way. In the process of doing right of way maintenance and tree removal, residents have requested that they be allowed to



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retain and treat diseased trees. The township ordinance specifically does not allow for new trees in the right of way. The concern was referred to the planning commission for recommendations.

## **Road Update**

The Township will be doing crack sealing this year, but no seal coat. Repair will begin after the roads are swept. The Township engineer has contacted MAC's engineering staff regarding the maintenance of the section of 30<sup>th</sup> street being maintained by MAC during airport construction.

## **Comcast Franchise Renewal**

The township has been approached by Comcast for renewal of the franchise agreement. Ms. Winchell presented on the process for this renewal. The informal process is a board discussion and public hearing as the minimum requirements. The formal process has more defined parameters, and within six months of the request, the formal process needs to be initiated. Once a contract renewal is proposed, the township has four months to address that proposal. The topic was tabled to the next regular meeting.

## **ADA Accessibility Renovations**

Chairman Kylo reported on the proposed renovations to improve ADA compliance in the town hall presented by Lambert Architects and the recommended general contractor. Renovations are needed to become compliant to the bathrooms, the front door access, and the secondary door access. It was also recommended that the concrete stoop be replaced, as there is evidence of past repair and continued movement of the slab. A new foundation is recommended. The secondary exit door would need a concrete sidewalk and a refit for additional clearance. Although not required, it was noted that the stage was not accessible. A ramp can be considered but would intrude into the meeting space about 12 feet. It was suggested that the furnace room be enlarged and the access to the furnace room be improved to allow for larger air exchange capacity. The proposal also considered improving the access to the clerk's office, but this is not a legal requirement. It was suggested that the back counter area be removed and replaced with additional storage. Modifications would be required to the counter area to meet ADA requirements, and the township would benefit more from the storage space for chairs, tables and other equipment. There were also additional improvements to lighting proposed. The ballpark estimate for the renovations is \$60,000. Ms. Olson confirmed that American Rescue Plan funding could be used for this purpose. The discussion will be continued at the next regular meeting.

## **Sign Resolutions**

Resolutions 2022-4, approving the minor subdivision at 1270 Oakgreen, was presented for approval.

The street sweeping contract, previously approved, was presented for signature.

The LLC Lawn Services Contract was signed for the 2022 season

## **Additional Business**

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Supervisor Appelt noted the receipt of the notice from the City of Woodbury modifying the zoning for density. This is not directly impacting West Lakeland Township

Supervisor Appelt noted that township annexation is a topic for state legislation. MAT has a draft letter, and each supervisor or concerned citizen was encouraged to contact their legislator.

Chairman Kylo presented a request by a resident to prohibit the use of Jake Brakes in the township. There was concern in the discussion about how to enforce the ordinance and noted that the use of the braking system is on County roads, and not within the Township's jurisdiction.

Supervisor Schultz asked about the potential violation of grading permits pending. The clerk will coordinate a special meeting to review next steps with the township attorney.

Supervisor Appelt asked about the request by Stoneridge Golf Course for Off-Sale liquor sales. The request is pending response by the applicant.

The demonstration of the OWL audio visual system is still pending

The concept of purchasing an emergency generator was raised for discussion.

## Public Comment Period

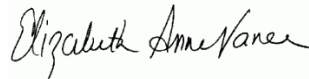
Ms. Mary Vierling asked about the Airport Advisory Committee, and how concerns can be raised before that committee. She has concerns about the evaporators and the maintenance of the grounds. Chairman Kylo noted that the commission can be contacted directly, with the next meeting scheduled for May 25.

Ms. Pam Carlson suggested that the new Superintendent of District 834 be invited to a board meeting.

## Adjourn

Having no further business, Supervisor Schultz moved to adjourn the meeting. Seconded by Supervisor Appelt, the motion carried. Chairman Kylo adjourned the meeting at 10:20 PM.

Respectfully Submitted,



Elizabeth A. Vance  
Recording Secretary