



959 Paris Avenue Circle North, Minnesota 55082  
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June 8, 2022

West Lakeland Town Hall

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**Present:** Chairman Dan Kylo, Supervisor Marion Appelt, Supervisor Dave Schultz, Carrie Siefert, Town Clerk; Jenny Samec, Deputy Clerk; Marsha Olson, Treasurer; Viet Hahn Winchell, Township Attorney, Del Miske, Planning Commission Vice Chair

#### **Call to order**

Chairman Kylo called the regular meeting of the West Lakeland Town Board to order at 7:03 PM.

#### **Annual Audit Overview**

Mr. Brad Falteysek, Abdo LLP, presented the findings and an executive summary of the annual audit of the Township's financial records. No concerning findings were noted and indicated a record of unmodified or clean opinion on the Township's financial records. There was one internal control finding, very common for townships and municipalities in that the audit firm prepared the draft financial statements. It was also recommended to expand written policies and procedures. Chairman Kylo paused the regular meeting at 7:15 PM.

#### **Public Hearing, 1030 Paris Ave N, Ground Mounted Solar Array**

Chairman Kylo called to order a public hearing to consider a conditional use permit for a ground mounted solar array for John Wagener, 1030 Paris Ave N. at 7:15 PM. Ms. Danielle Demarr, All Energy Solar, presented the proposal. All performance conditions specified in the township ordinance are met, with no HOA, easements or wetlands on the site. Mr. Del Miske reported on the planning commission review, noting the recommended support for the conditional use permit. The property is well screened at the property line. Chairman Kylo and Supervisor Schultz both concurred with the sufficiency of the screening. Mr. Jim Miller, 1161 O'Ryan Trail, abuts the property and is in full support of the request. Having no further comment, Chairman Kylo closed the public hearing and reopened the regular meeting for supervisor discussion at 7:19 PM.

#### **Supervisor Discussion for Conditional Use Permit, 1030 Paris Ave N, Ground Mounted Solar Array**

Supervisor Appelt noted that the request does meet all performance standards. She did ask about a dismantle plan at 25 years and noted that the land most likely will have changed ownership by that time. After discussion, Chairman Kylo moved to approve the application for a Conditional Use Permit for a ground mounted solar array at 1030 Paris Ave N, subject to construction in compliance with the plans presented with the application. Seconded by Supervisor Appelt, the motion carried.

Ms. Demarr noted that the application for a conditional use permit for a ground mounted solar array for Mr. Louis King, currently on a requested extension, is ready for review. Chairman Kylo moved to direct the clerk and attorney to draft and publish a notice for a public hearing. Seconded by Supervisor Schultz, the motion carried.

Chairman Kylo paused the regular meeting at 7:25 PM to allow for a public hearing.



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### **Public Hearing, Draft of Section 15, Regulation of Public Utilities**

Chairman Kylo moved to open the public hearing at 7:25 PM to consider the revision to Section 15 of the Town Ordinance, regarding regulation of public utilities. The update since the last review is to adjust the height limit in Section 15.10.2 to 35 ft for utility poles. Supervisor Appelt noted the reason to address changes is to accommodate the transition to 5G cell service. Supervisor Schultz noted that the text cites a construction permit, and the form reflects a utility permit. Ms. Winchell confirmed this change could be made without an additional public hearing, as the language change is not substantive. No additional public comment was offered. Chairman Kylo moved to continue the public hearing on amendments to section 15 and 18 to the July 11 meeting to allow for the language adjustment. Seconded by Supervisor Appelt, the motion carried. Chairman Kylo paused the public hearing at 7:36 and resumed the regular meeting.

### **Approval of the Minutes**

Chairman Kylo moved to approve the minutes of the May 4, 2022 regular meeting with minor corrections and additions. Seconded by Supervisor Schultz, the motion carried.

### **Treasurer's Report**

Ms. Olson presented the treasurer's report for May 2022, reflecting \$23,025 in receipts, \$83,791 in expenses and \$1,940,768 in current assets. 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).

Ms. Olson noted there is a policy in place for electronic funds transfer, but the policy is recommended to be reviewed and renewed annually. The electronic funds transfer policy was added to the agenda for the next regular meeting.

### **Annual Insurance Review**

Mr. Joshua McDuffie, Country Insurance, presented the annual review of the township's insurance liabilities and coverage. This review includes the additional coverage for the town hall, and this reflects the largest share of the change in policy premium year over year. Mr. McDuffie was asked to investigate the cost of increasing the amount of coverage for replacement costs to \$550,000. Mr. McDuffie will also investigate to determine if the contents in the storage shed are covered under the building policy or if additional coverage is required. Most of the remaining coverage limits are consistent year on year. The other factor impacting an increase in premium is the increase in operating expenditures, which impacts liability premium levels. It was noted that the town hall did suffer hail damage, and a claim is in process.

### **Conditional Use Permit, 1587722<sup>nd</sup> St N, Ground Mounted Solar Array.**

Mr. Mark Schoolman property resident, and Ms. Donna Pickart, TruNorth Solar, presented an application for a conditional use permit for a ground mounted solar array. The request was presented to the planning commission at their last meeting. The plan presented meets the performance standards



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of the ordinance. Chairman Kylo moved to direct the clerk and attorney to schedule and publish a notice for a public hearing. Seconded by Supervisor Appelt, the motion carried.

#### **Co-Location of Cell Equipment for T-Mobile at 14703 Hudson Road**

Ms. Kristen Swenson, SMJ International representing American Tower and T-Mobile presented a request to co-locate an additional antenna at the 99 ft level of the tower owned by American Tower at 14703 Hudson Road. After discussion, Chairman Kylo moved to direct the clerk and attorney to schedule a public hearing and draft a notice for a public hearing on an amendment to the Conditional Use Permit to allow an additional antenna and ground support equipment. Seconded by Supervisor Schultz, the motion carried.

#### **Mr. Craig Kellogg, 123520 22<sup>nd</sup> St, Variance Application**

Mr. Warren Bauerfield, the builder representing Mr. Kellogg, presented the request to build closer to the street from the main residence. The desired location is 20 feet in front of the residence. The request was referred to the planning commission for review. Chairman Kylo moved to direct the clerk and attorney to publish a notice for a public hearing and delay publishing until after the planning commission review. Seconded by Supervisor Schultz, the motion carried.

#### **Variance Application, 12882 20<sup>th</sup> St N**

Mr. Joe Kranz, 12882 20<sup>th</sup> St N, appeared before the board for a revision to the variance granted for construction of an accessory structure granted 2 years prior. The original variance allowed for the accessory structure to be at 20 ft from the property line. He would like the variance to allow construction within 19 feet of the property line. After discussion, Chairman Kylo moved to direct the clerk and attorney to publish a notice for a public hearing and delay publishing until after the planning commission review. Seconded by Supervisor Schultz, the motion carried.

#### **Request for Peddler Permit**

Mr. Neil Smith, Classic Construction, appeared before the board for a peddler permit to approach residents for general construction and storm damage. In discussion, no concerns were raised. Chairman Kylo moved to approve the application. Seconded by Supervisor Appelt, the motion carried.

Chairman Kylo noted that the current process for obtaining a peddler permit may be a deterrent to having the permit requested. He asked the board to consider if a more administrative review process might be appropriate. The question was deferred to the planning commission for review.

#### **Planning Commission Update**

Mr. Del Miske, representing the planning commission, noted a special meeting was under consideration to continue the review of ordinance modifications.

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### **Noxious Weed Update**

Supervisor Appelt presented a review of noxious weeds. Washington County has updated the list of concerning species. Wild Parsnips are still a strong concern because of the associated health issues. Supervisor Appelt will present a review of chemical treatment versus mowing at the next meeting. Supervisor Appelt noted that she spoke to the property owner at 387 Midwest Trail regarding repeated concerns over untreated thistles.

### **Town Hall Open House**

It was agreed to sponsor a Town Hall Open House at the Town Hall August 2. Supervisor Appelt will present a more detailed proposal.

### **Road Update**

Supervisor Schultz presented a review of the road reclaim priorities. The priority of seal coat for next year is also being reviewed. The potential of bonding to fund road construction was raised, with no action requested at this time.

The quote from RCM for spray patching in the amount of \$173,750 was presented for approval. The quote includes patching West Lakeland's portion of 30<sup>th</sup> Street. After discussion, Chairman Kylo moved to approve the spray patching contract with RCM Specialties, in the estimated amount of \$173,750. Seconded by Supervisor Schultz, the motion carried by roll call vote (3-0).

Supervisor Schultz noted that there is no signage regarding peddler permit requirements. A proposal will be presented at the next meeting.

### **Town Hall Modification**

Chairman Kylo presented a review of the proposal for modifications to the town hall. At a minimum, ADA requirements must be met. With the availability of ARPA funds, the board would like to investigate adding functionality to the town hall. The estimates currently are \$80,000 for the ADA modifications and \$200,000 for the total desired modifications. This would require a competitive bid process. Before moving beyond the concept stage, Chairman Kylo suggested that a committee be formed to provide for a broader representation in the decision making. The committee is suggested as a board member, the clerk, planning commission member, and community input. After discussion, it was determined that an announcement soliciting participation would be put in the next newsletter.

### **Hail Damage Repair**

The town hall received hail damage to the roof and gutters. Two quotes were obtained, Minnesota Restoration and Alexander Homes. The quote from Alexander Homes is within the estimate of insurance coverage. After discussion, Chairman Kylo moved to authorize repair by Alexander Homes Inc, for roof repair, per the quote dated June 6, 2022 in the amount of \$26,800, and to waive township fees. Seconded by Supervisor Appelt, the motion carried. The motion passed by roll call vote (3-0).



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**Additional Business:**

Washington County has requested a representative to attend the technical advisory committee for a future Middle St Croix Valley Regional Trail. Supervisor Schultz will attend if available, with Supervisor Appelt as the alternative.

Resolutions R-2022-7, David Mergens Building Variance, and R-2022-6, Christopher Knuteson Building Variance, were presented for signature.

Ms. Samec presented a review of the clean-up week. It was determined that there is not enough demand to support a fall activity.

Supervisor Schultz provided an update on trees with Emerald Ash Borer in the township right of way. He noted that state statute does indicate that the municipality does have the authority to trim or remove trees from the right of way. Thus far, homeowners have been notified as a courtesy. However, there have been issues with homeowners resistant to the removal. It was suggested that an official letter outlining the policy and statute may provide clarification. Supervisor Schultz will develop a draft document.

**Public Comment**

Chairman Kylo opened for public comment, no comments were offered.

**Adjourn**

Having no further business, Chairman Kylo moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo adjourned the meeting at 10:52 PM.

Respectfully Submitted,

Elizabeth A. Vance  
Recording Secretary