



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

West Lakeland Town Hall

Present: Chairman Dan Kylo, Supervisor Marian Appelt, Supervisor Dave Schultz, Carrie Seifert, 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.

Public Hearing – Consider adoption of Amendments to Section 15, Regulations of Utility and various definitions of Section 18, continued from June 8, 2022.

Chairman Kylo called to order a public hearing to consider amendments to Section 15 of the Town code at 7:30 PM. This is a continuation of the public hearing held June 8, 2022. Having no further public comment, Chairman Kylo adjourned the public hearing and opened the regular meeting of the Town Board for supervisor discussion to consider the amendments to Section 15.

Supervisor Appelt recapped the discussion from the June hearing and noted that the open issue was the text for the permit. The review by the planning commission recommended that both the permit application and the draft language of Section 18 be modified to read “Utility Construction Permit” to include the references on the township website. After review of the updated draft language, Supervisor Appelt moved to approve the proposed modifications including changes to section 15.11.1 and 15.11.3, as presented. Seconded by Chairman, the motion carried.

Public Hearing to allow a Variance to Section 6.9.4 to Allow an Accessory Structure Closer to the Street Right of Way than the Primary Structure.

Chairman Kylo called to order a public hearing to consider a request by Mr. Craig Kellogg, 12350 22nd St N, at 7:11 PM. Mr. Kellogg presented his request to allow an accessory structure to be closer to the street right of way than the primary residence. The proposed location would locate the accessory structure 15 feet closer to the road than the existing residence. The practical difficulties noted include the location of the septic system and location of mature trees. Construction to the west side would result in the structure being below the grade of the existing driveway. Mr. Kellogg noted there are a number of accessory structures in the neighborhood located in front of the primary residence.

Mr. Del Miske presented the review of the planning commission. It was the opinion of the planning commission that the concerns raised as practical difficulties were not sufficient to justify a variance to the ordinance. It appeared to have sufficient space on the west side of the house to construct the accessory building. The recommendation was to not approve the request.

Chairman Kylo opened the meeting for public comment. Neighbors at 12141 22nd St N and 12230 22nd St N commented that they consider additional accessory structures in front of the house as changing the character of the neighborhood and believe there is sufficient building space to the west to be able to comply with the ordinance.

Having no further comment, Chairman Kylo closed the public hearing at 7:25 PM

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Consideration of a Variance to Section 6.9.4 to Allow an Accessory Structure Closer to the Street Right of Way than the Primary Structure.

Chairman Kylo resumed the regular meeting at 7:25 PM and opened for supervisor discussion the request for Variance at 12350 22nd St N. Supervisor Schultz noted that the drop in elevation to the west of the main residence was a 10 ft drop over the proposed building site and raised concerns over wetlands or marshy ground to the rear of the property. He noted the concern over the cost if additional electric was to be run to the property but cost alone is not sufficient for a hardship. Supervisor Appelt noted that she sees the intent of the ordinance as to keep structures that are not aesthetically compatible with the neighborhood from the street frontage and does believe building sites could be found to the west side of the structure, but a second driveway might be required, and a second driveway is not necessarily in the best interest of the neighborhood. Supervisor Schultz noted that a second driveway would also add to impervious surface and runoff. Chairman Kylo noted that the circumstances which allowed other structures to be built in front of the primary residence on other lots is not pertinent to this discussion. He noted that there are concerns with building to the east of the residence, and the well on the west side of the house does have restrictions. Chairman Kylo noted he had done a site visit to the property, and did see the location of the well, septic and the slope of the property as sufficient practical difficulties, and that a building constructed consistent with the aesthetics of the main residence would be in keeping with the neighborhood.

After discussion, Chairman Kylo moved to grant the variance to allow an accessory structure closer to the road right of way than that of the main residence at 12350 22nd St N to be constructed in the location and manner as presented, recognizing as practical difficulties as the location of the septic system, location of the well, elevations to the west of the residence and the desire to eliminate the need for second access driveway which could negatively impact drainage, and further noting that the neighborhood currently has a number of accessory structures along the road frontage, and to direct the township attorney to draft a resolution documenting approval. Seconded by Supervisor Appelt, the motion carried.

Public Hearing, Amend Conditional Use Permit for T-Mobile to co-locate communication equipment on the existing tower Owned by American Tower

Chairman Kylo called to order a public hearing at 7:45 PM to consider an amendment to the conditional use permit for T-Mobile to allow for additional antenna equipment on the existing tower at 14703 Hudson Road. Ms. Alyssa Hollis, SMJ International, presented the request to add antenna equipment to the tower and a service shelter within the current confines. Overall tower height will not be changed. Mr. Del Miske presented on behalf of the planning commission to recommend approval of the request. The request is within the performance standards of the ordinance. No public comment was offered. Chairman Kylo closed the public hearing and opened the regular meeting for supervisor comment at 7:50.



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Supervisor Discussion, Amend Conditional Use Permit for T-Mobile to co-locate communication equipment on the existing tower Owned by American Tower

Supervisor Appelt had no concern and noted this was similar to a previously approved request. After discussion, Chairman Kylo moved to approve the application by SMJ, representing T Mobile and American Tower, for a conditional use permit modification to allow T-Mobile to co-locate equipment on the existing monopole at 14703 Hudson Road and direct the town attorney to draft a resolution documenting the approval. Seconded by Supervisor Schultz, the motion carried.

Public Hearing, Conditional Use Permit Application for Ground Mounted Solar Array Pursuant to Section 18.17.4.2.

Chairman Kylo called to order the public hearing at 7:45 PM. The request for Mr. Mark Schoolman, 15877 22nd St N, was presented by Tru-North Solar. The request meets the performance standards of the ordinance. Mr. Del Miske presented the recommendation of the planning commission to approve the request. Mr. Loren Kalal, 16021 122nd St N, is adjacent to the property site, and supports the request. Chairman Kylo closed the public hearing at 7:59 PM and opened the regular meeting for supervisor discussion.

Supervisor Discussion, Conditional Use Permit Application for Ground Mounted Solar Array Pursuant to Section 18.17.4.2.

Supervisor Schultz noted that the location is well screened from the neighbors and the gravel pit. After discussion, Supervisor Appelt moved to approve the request for a conditional use permit for a ground mounted solar array at 15877 22nd St N to be constructed in accordance with the plans presented and direct the town attorney to draft a resolution documenting the approval. Seconded by Supervisor Schultz, the motion carried.

Public Hearing, Conditional Use Permit Application for Ground Mounted Solar Array Pursuant to Section 18.17.4.2.

Chairman Kylo opened a public hearing to review the request for a ground mounted solar array at 8:03 PM. All Energy Solar presented a request for a conditional use permit for a ground mounted solar array on behalf of Mr. Louis King, 12410 22nd St N. It was noted that Valley Branch Watershed District granted a variance for this use. Mr. Del Miske presented on behalf of the planning commission, noting the screening around the property and that the commission recommended approval of the request. Mr. Craig Kellogg, adjacent to the property, raised his concerns about the visibility of the solar array from his property, and potential loss of home value. Mr. King assured that he would maintain the screening. After discussion, Chairman Kylo closed the public hearing at 8:19 and opened the regular meeting for supervisor discussion.

Supervisor Discussion, Conditional Use Permit Application for Ground Mounted Solar Array Pursuant to Section 18.17.4.2.



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Supervisor Appelt noted she did a site visit, and noted there are trees, but would not necessarily screen the site year-round. Although not a specific requirement of the ordinance, screening has generally been a condition on the permits issued. Supervisor Schultz noted the bulk of the vegetation is on the Kellogg property and the Kellogg property is at a higher elevation. Chairman Kylo noted the township does support renewable energy and encouraged the property owners to see if an agreement could be reached. After discussion, Chairman Kylo moved to table the decision on the conditional use permit application and continue the public hearing. Seconded by Supervisor Schultz, the motion carried. Mr. King noted his approval for an extension on his request.

Approval of the Minutes

Chairman Kylo moved to approve the minutes of the June 8, 2022 regular meeting of the town board with minor corrections. Seconded by Supervisor Schultz, the motion carried.

Chairman Kylo moved to approve the minutes of the closed meeting of June 7, 2022. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report for June. After review, Chairman Kylo moved to approve the report and pay the invoices presented by the clerk. Seconded by Supervisor Appelt, the motion carried by roll call vote (3-0). Chairman Kylo presented the electronic funds transfer policy for review. The policy documents the processes and controls for electronic funds transfer. After review, Chairman Kylo moved to approve the policy document regarding electronic funds transfer. Seconded by Supervisor Schultz, the motion carried.

Autumn Run II Security Release

Ms. Jenny Samec presented the request for the release of security by McDonald Construction for the Autumn Run II development. A statement provided by Mr. Ryan Stempski, township engineer, noted the requirements and punch list were completed, and the warranty period has expired. Ms. Samec noted the escrow is currently \$350 in arrears. Chairman Kylo moved to approve the release of the letter of credit of \$66,105 for Autumn Run II contingent upon reimbursement of the escrow to a zero balance. Seconded by Supervisor Appelt, the motion carried by roll call vote (3-0)

Noxious Weeds in Township Right of Way

Supervisor Appelt presented to the board options to manage the noxious weeds in the township right of way. The twice annual mowing does not seem to be providing sufficient control to prevent spread of the weeds. Mr. Matt Schmitt presented two options: more frequent mowing or chemical treatment. The concern was raised that some residents might have objections to chemical treatments close to their lawn. The cost estimates between the two options were similar. Monthly mowing was recommended mid-May to mid-September, resulting in 3 to 4 cuts per season.



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Town Hall Open House

Supervisor Appelt presented the plan for a Town Hall Open House to be held on National Night Out, August 2. A mailing will be completed and sent to residents prior to the event.

Road Update

Supervisor Schultz noted that patching has started in the northeast corner of the township. The county has completed the mill and overlay on 10th Street. An update to the Cooperative Agreement with Washington County regarding CSAH 15 and 30th Street improvements. There are adjustments in the cost estimates since the December agreement was reviewed to having the township's share of the cost at \$137,223. After discussion, Supervisor Schultz moved to sign the updated cooperative agreement with Washington County for improvements on CSAH 15 and 30th Street with an estimated cost to the town of \$137,223. Seconded by Chairman Kylo, the motion carried by roll call vote (3-0).

Town Hall Renovation

At the last meeting, a committee was suggested to guide the renovation projects. Members are suggested to be a board member, township clerk, planning commission member, and 3 community members. Ms. Rachel Dana was nominated from the planning commission. Chairman Kylo will represent the board. Interest was noted from four community members. After review, Chairman Kylo moved to appoint to the committee Ms. Rachel Dana, Mr. John Evans, Ms. Katherine Kennedy, and Mr. Steve Johnson. Seconded by Supervisor Schultz, the motion carried. The first actions of the committee will be to hire an architect and document specifications so that construction bids can be solicited.

Chairman Kylo noted he received a bid from Hunt Electronic for a backup generator. The committee will also consider security options. Bayport Fire will be doing a walk through to ensure fire codes are met.

Annual MS4 Compliance

An alternative to the annual public meeting on MS4 compliance, MPCA has allowed the municipality to replace that meeting with a year-long open comment period, where comments are accumulated and addressed to support the township's MS4 report. Chairman Kylo moved to replace the annual MS4 public meeting with an annual comment period. Seconded by Supervisor Appelt, the motion carried.

Chairman Kylo noted that the conduct of the inspections will be shifting from the board members to Focus Engineering, the township's contracted engineering firm.

Public Information Request Form

Supervisor Schultz presented a review of the data policy request form and noted that funds have not always been collected when reimbursement was appropriate. He suggested that based on the estimate of work, funds could be collected in advance. After discussion, Chairman Kylo moved the adjust the form and policy document to require funds in advance to be held and reconciled after completion of the request if the clerk estimate of time and effort exceeded \$50, and to change the



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charge for minimum staff hours to \$24.50 per hour, with a minimum of ½ hour charged. Seconded by Supervisor Schultz, the motion carried by roll call vote (3-0).

Additional Business

Supervisor Appelt brought forward the Valley Branch Rules and Regulations Comment Request. Chairman Kylo noted that the township engineer has been in discussion with the Valley Branch engineering staff.

The resolution documenting approval of the conditional use permit for a ground mounted solar system for John Wagener, 1030 Paris Ave N was presented for signature. The request was approved at the June 8, 2022 meeting.

Supervisor Schultz noted that the lawsuit filed by the Citizens Opposed to Municipal Water was withdrawn.

Supervisor Appelt noted that draft documents were prepared by the planning commission regarding use of the town hall by residents and community groups. It was suggested that these draft documents be provided to the building committee for review, and that an ongoing management committee might be an appropriate vehicle for oversight of use.

August Meeting Date

The clerk raised the concern of the regularly scheduled August date having the potential of conflicting with preparation for the primary election. Supervisor Schultz moved to move the meeting date to August 1, 2022 at 7:00 PM. Seconded by Chairman Kylo, the motion carried.

Public Comment

Ms. Pat Schultz noted that ordinances regarding document control are not keeping current with technology and electronic communications. She is concerned that electronic documents could be misused or misrepresented. The board requested the township attorney to review options.

Ms. Pam Carlson noted that the new Superintendent for District 834 resides in the township and would like to see an invitation be issued to meet with the Town Board.

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 11:35 PM.

Respectfully Submitted,

Elizabeth A. Vance
Recording Secretary



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