

March 14, 2023

West Lakeland Town Hall

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### **Call to Order**

The annual meeting of West Lakeland Township was called to order by Town Clerk Carrie Seifert on March 14, 2023 at 8:33 p.m.

### **Election of Moderator**

Mr. Gary Horning nominated Mr. Steve Ebner as Moderator. The motion was seconded by Mr. John Broch. Motion carried by voice vote.

Mr. Gary Horning motioned to accept Mr. Ebner as Moderator for the meeting. Mr. Ed Marchon seconded the motion. Motion was carried by voice vote.

### **Reading of the Board of Audit**

The Board of Audit was conducted on February 13, 2023. There was a random sampling of 15% of the receipts and disbursements. The selected transactions are posted on the entryway board of the town hall for public viewing. All selected transactions were found to be true and accurate by the town board. A motion to approve the Board of Audit was made by Mr. Ed Marchon and seconded by Mr. Dan O’Neil. Motion carried by voice vote.

**Representative Mark Wiens, District 41A**—not in attendance.

### **Washington County Commissioner Gary Kriesel**

Commissioner Kriesel expressed gratitude for the good collaboration with West Lakeland Township board over the years. With the help of Project Manager Andrew Giessen, he provided an update on Washington County road projects which directly affect West Lakeland Township.

The Oakgreen Ave/County Road 65 Corridor Improvement Project is a total reconstruction from County Highway 14 to County Highway 10 to improve pavements, safety, and drainage. After an open house last week, initial steps have begun including tree removal to create drainage ditches and relocation of power lines further from the roadway. Mr. Giessen added the plan is not to widen the road but perhaps add a few turn lanes. Safety improvements are planned for the 30<sup>th</sup> St./Oakgreen Ave. intersection. There is zero cost to the township as this is a county road. Projected end date is Fall, 2024.

22<sup>nd</sup> St. from County Highway 21 to Highway 95 has been identified as a candidate for transfer from the township to the county due to its excessively high volume of traffic. A study will be conducted this spring to determine what improvements are necessary prior to the county taking over responsibility.

A resident asked for more information about the 22<sup>nd</sup> St. turn back. In addition to a road study, Project Manager Giessen reported there will be a series of open houses to engage with the community and identify the needs along the corridor. There will be a cost involved to the

township to transfer jurisdiction of 22<sup>nd</sup> St. to the county. A previous estimate was \$400,000 will serve as a starting point, but the final cost has yet to be determined.

Currently in the design phase, Manning Ave. N. between County Highway 10 and County Highway 14 includes resurfacing and turn lane projects. Open houses are scheduled for 2023 with construction planned for 2025. According to Mr. Giessen, a previous road study has determined Manning Ave. will need to be expanded from a 2-lane to a 4-lane road in the long-term plan.

A resident praised the county for their website which outlines these projects in detail. There is a link to the county website on the township website. Mr. Ebner thanked Commissioner Kriesel for his many years of service to the community.

### **Washington County Sheriff Dan Starry**

Sheriff Starry thanked the residents for their genuine support during these difficult past few years. Sheriff Starry complimented all 298 of his amazing employees. West Lakeland had 2,046 calls for service from the sheriff's department last year. Person in crisis and opioid overdose calls continue to increase.

Sheriff Starry encourages residents to call 911 for suspicious activity in addition to obvious emergencies. With current technologies, your location can be quickly identified, and first responders can be sent almost immediately.

### **Bayport Fire Department Chief Allen Eisinger**

The Bayport Fire Department is the busiest all volunteer fire department in the State of Minnesota. They currently have 22 members but are actively recruiting new members with a goal of expanding the number to 25. There will be a hiring fair this spring. If interested, contact the City of Bayport for an application.

In 2022, the fire department took 1,149 calls from its neighboring communities which includes West Lakeland Township. This represents a 19% increase since 2021. Most departments employ a full-time fire chief when their call volume hits 700. A full-time chief has been added to the budget for 2025 with an assistant chief planned for a few years later.

This past year brought new capital expenses. The ladder truck was refurbished for a fraction of the cost of purchasing a new one. A new tanker has been ordered, which is essential to serving our rural community, but delivery is delayed until 2025 due to supply chain issues.

The City of Bayport has been largely subsidizing the increased costs associated with the fire department, but the townships need to pay their fair share.

### **Supervisor Appelt, Marian Appelt**

Supervisor Appelt serves as a liaison for the Planning Commission. She praised this group of committed volunteers. One of their main tasks lately has been to update ordinances in the areas of Home Occupation and Conditional Use Permits. They have also added a few new ordinances, such as 5G cell tower restrictions.

Supervisor Appelt has been actively participating in the Minnesota Association of Townships and taken a particular interest in a group which helps lobby for townships at the state legislature. The areas she is most passionate about are transportation funding and annexation fairness. Supervisor Appelt recently met with Representative Wiens and Senator Seeberger at the state capital.

Another role Supervisor Appelt has assumed is that of educating residents about noxious weeds. Most recently, Wild Parsnip and Canadian Thistle have been of top concern. 30<sup>th</sup> St. seems to have a significant problem with Wild Parsnips which Baytown Township must help to address. For both weed varieties, the current township strategy is to do multiple mowings at key times throughout the growing season and some spot spraying in the township right-of-way. The success of this plan will be closely monitored and adjustments made as necessary.

Supervisor Appelt continues to stay well informed of the PFAS situation in our area by serving as our local representative on the 3M Settlement Government Group. The EPA may soon be changing the recommendation of health-based index levels which may affect the number of residents in need of a GAC filtration system for their wells. As the overseeing agency, the MPCA should be contacted with any questions about water testing and filter change scheduling.

Community engagement is very important to Supervisor Appelt. She looks forward to again being involved in another Township Night Out next August.

### **Supervisor Report, Supervisor Moosbrugger**

Supervisor Moosbrugger briefly introduced himself to the residents. Since his term has just begun, he is still learning about his roles and responsibilities.

### **Treasurer's Report, Marsha Olson**

In the year 2022, receipts totaled \$1,860,279 and expenditures totaled \$1,319,440. The ending balance for all funds is \$2,596,150. Further details can be found on the Treasurer's and Clerk's Summary which are posted in the town hall tonight. Also, a detailed budget handout was available to all residents upon entering, and a link to the document can be found on the front page of the website.

Mr. Gary Horning asked for an estimate of the money spent responding to the lawsuit filed by the Citizens Opposed to Municipal Water, including data requests. Ms. Olson's records indicate the township spent at least \$20,000 in 2022 which is most likely an underestimate. Mr. Horning asked the town attorney, Viet-Hahn Winchell, if those costs can be recouped. Ms. Winchell responded the case has now been closed, however, there can be potential to get back attorney's fees on lawsuits depending on the situation.

Mr. Mark Votova asked about the unusually high payment to the Building Inspector in 2022. Ms. Olson explained the roof damage caused by a spring storm last May accounts for most of the building permits. Building permits totaled over 1,000 last year compared to a more typical year with 100-200 permits.

Another resident asked if Ms. Olson could share the 2022 budget numbers to compare against the actual numbers. Ms. Olson agreed this would be helpful information and offered to send it to the resident upon request.

Another resident asked about the total wages for the Building Inspector. Ms. Olson confirmed \$190,000 was an accurate, though abnormal, number in 2022 due to the large volume of building permits issued related to the storm damage. The Building Inspector makes a certain percentage of all the building permits issued. Ms. Olsen told the residents inspections are not expected to be a large source of revenue for municipalities. Clerk Seifert added our Building Inspector hired additional staff in 2022 to help him keep up with the volume of building inspection paperwork.

Another resident asked how often the building permits are reviewed. Mr. Dan Kylo, former Township Chairman, responded it has been 5-6 years since the fees were last reviewed. It is a standard percentage across the industry, much of which is controlled by state regulations.

There was some discussion about when/how a Building Inspector inspects following a roof replacement. Mr. Duane Stensland was not present to comment.

### **Planning Commission Chairman Update, Mark Votova**

Mr. Votova introduced its members. Meetings take place on the third Thursday of the month, and the agenda is directed by the board. The Planning Commission is frequently tasked with examination of unique situations, often related to the town code, and then asked to provide guidance to the board. They are also called upon to review township ordinances for clarity and applicability. Recommended changes are then brought to the board for consideration. Thus far, 10 of the 18 sections of ordinances have been amended. Recent topics included: home occupation permits, driveway standards and peddling/soliciting. Mr. Votova reported some ordinance requirements are initiated by other local agencies such as the MET council, MPCA, etc. In such cases, the Planning Commission does its best to modify these proposals to be reasonable for our community. Re-writing the Comprehensive Plan every 10 years is another responsibility of the Planning Commission.

A resident asked about the potential of bike paths in West Lakeland Township. Mr. Votova said we don't have any plans to add bike paths in our community at this time.

### **Chairman's Report, Dave Schultz**

Chairman Schultz reminded everyone West Lakeland has historically been one of the lowest taxed communities in the Twin Cities metropolitan area.

In the General Fund for 2024, the board proposed a levy increase of \$32,222 which is an 8.23% increase over last year.

Two weeks ago, it was brought to the board's attention the current fire contract does not adequately address future staffing needs and capital equipment replacement costs. Therefore, the communities served are being asked to increase their contributions significantly. Specifically, West Lakeland Township is being asked to increase our fair share by 48%.

Chairman Schultz provided a chart showing how this potential fire service increase, on face value, would look over the next 8 years. As an alternative, after crunching the numbers, Chairman Schultz spread out the requested cost increase over two years. Since the 2024 budget has already been proposed, any potential changes must be made by the residents prior to a vote on the levy. If approved, this scenario would result in a 14% increase in the General Fund.

Chairman Schultz has contacted Lake Elmo and Lower St. Croix fire departments to inquire about contracting with alternate locations. Lower St. Croix would require a vote before accepting our township into their fire district. Lake Elmo would need to discuss with the city administrator and possibly the city council.

The Road & Bridge (R&B) budget is also highly influenced by inflationary costs, such as fuel, supplies, etc. For example, the snow plowing services increased by 11-22% in just the past year. The R&B fund is also used to cover standard road maintenance, engineering fees, contracted services for MS4 compliance and ditch mowing/tree trimming. Due to active disease, the township is anticipating removal of 300 trees in the right-of-way during the next year.

The amount being proposed for the 2024 R&B budget is \$88,000 more than last year resulting in a 17% increase.

In 2014, we created a Capital Improvement Project (CIP) fund to dedicate money towards major road construction projects. For the first few years, the township transferred monies from the Road & Bridge Fund to build up the CIP Fund.

In 2017, the 4<sup>th</sup> St./6<sup>th</sup> St. loop was reclaimed for nearly \$500,000. Shortly thereafter, a moratorium was put on road construction while awaiting the outcome of the PFAS/3M Settlement. Had our township received a municipal water system, all affected roads would have been replaced as part of the overall project.

Chairman Schultz reminded the residents we purchased the town hall in 2020 from the Jehovah's Witnesses at a very reasonable rate. We paid \$360,000 out of the CIP fund, and then acquired additional revenue of \$190,000 after selling a lot on 15<sup>th</sup> and Omaha Ave. which was donated to the township in the 1970s.

In 2020, the township began adding \$200,000 towards the CIP fund in the levy proposal to the residents. Last year, the approved budget was increased to \$300,000 devoted to the CIP fund. The intent was to fund a major road reconstruction project every 3-5 years.

Due to other unforeseen road-related commitments, the CIP funds will soon be getting low. First, we must contribute to our portion of the 30<sup>th</sup> St. N/Manning Ave. traffic light and intersection upgrade. Second, we are obligated to a cost-sharing agreement, with the Metropolitan Airport Commission and Baytown Township, to fund final construction of the 30<sup>th</sup> St. loop around the airport expansion. Third, in the very near future, we will be required to pay the county to turn over responsibility of 22<sup>nd</sup> St. between Stagecoach Ave N and Highway 95.

Chairman Schultz shared a map indicating township roads identified for major improvements. The Township Engineer, Ryan Stempski, helped to prioritize the projects under a three-tiered system. Wherever possible, estimated costs and mileage are included. The map can be found on our website under the Roads tab.

This plan is subject to change, and other roadways may be added in time. For example, Nolan Ave N. is under consideration but is likely to be a complicated, and potentially costly, project due to the lack of shoulders and prescriptive right of way.

Chairman Schultz outlined three options to get our road projects properly funded: 1) Increasing the levy 2) Bonding 3) Assessing. The residents could choose one solution or a combination of any of them.

If the residents approve the levy as it is written the Treasurer estimates a \$189 tax increase on a \$400,000 home. Conversely, if the residents adjust the levy to reflect the requested change in the fire contract, that same home would see a \$198 increase in their township taxes.

There was some discussion amongst the residents of continuing as a township vs. becoming a city. One resident recommended getting an independent consultant involved for an unbiased viewpoint of the pros/cons and cost comparisons. There was also discussion of annexation.

Supervisor Appelt interjected that the Minnesota Association of Townships is actively lobbying for fairness in annexation at the state legislature. Though such legislation would not make annexation entirely preventable, it would allow landowners a voice in the process.

Chairman Schultz reported there would undoubtedly be costs associated with becoming a city, such as increased staffing. At the very least, there would be a requirement of a 5-member board, city administrator, and police protection.

Another resident asked what percentage of our roads are in major need of repair. Chairman Schultz referred to his previous map. Of the 46 miles of roads in our township, almost 5 miles total are highlighted on the priority map at this point.

Another resident suggested we obtain a more detailed assessment of all our township roads by grading and cataloguing their condition to watch for changes from year to year. Learning the scope of the problem seems to be an important step. A second resident agreed a long-term road plan would be wise.

Chairman Schultz reported the county uses a “rideability” index on their roads, and he would be open to doing something similar in the township. He and the Township Engineer spend a significant amount of time “touring” our roads annually to create a repair plan. He added predictability is difficult with roads as they break down at differing rates often very unexpectedly.

As a long-time resident, Mr. John Buelow contends there was faulty engineering, poor construction, and very little oversight when our township roads were initially built.

Chairman Schultz reported many outstate township are returning to gravel roads to save money. Residents debated the value of approving the CIP fund as proposed or adding more money to get roads fixed in a timelier manner.

**Old Business**--No old business was raised by the residents.

### **New Business**

Preliminary town board election results were read by the Town Clerk, Carrie Seifert. These results included both in person and absentee voting but have not yet been certified.

Seat A: Marian Appelt--306 votes, John Buelow--327 votes, and 1 write in.

Seat B: Phillip Moosbrugger--473 votes, 20 write ins.

## **Proposed 2024 Tax Levy**

The town board proposed a 2024 total tax levy of \$1,508,920. Specific fund distributions include \$423,670 for the General Fund, \$585,250 for the R&B Fund and \$500,000 for the Capital Improvements Fund.

Mr. Nathan Aamot proposed an amendment designating all the American Rescue Plan funds be transferred to the Road & Bridge fund except for the minimum necessary to upgrade the HVAC and bring the town hall up to ADA standards. There was no second to the motion.

Mr. Steve Ebner clarified residents cannot designate where the money goes but can only adjust the total amount of the levy. Attorney Winchell agreed.

Mr. Brad Cornell proposed a \$1,531,920 total levy. Steve Ruiz seconded the motion. Carol Peterson added an amendment that a long-term study be created, but it was not seconded.

The motion to approve the levy passed by a show of hands 34-15.

## **Set the Annual Meeting for 2024**

Mr. Gary Horning proposed to set the next Annual Meeting for Tuesday, March 12, 2024 at 8:30 pm at the West Lakeland Town Hall. Mr. Nathan Aamot seconded the motion. Motion passed by voice vote.

Having no further business, Mr. Ed Marchon moved to adjourn the meeting. The motion was seconded by Mr. Dan O'Neil. Motion passed by voice vote.

Respectfully submitted,



Jennifer Samec, Deputy Clerk



Steve Ebner, Moderator



Carrie Seifert, Clerk