

# West Lakeland Township

February 10, 2020

Oakland Middle School

Present: Chairman Dan Kylo, Supervisor Marian Appelt, Supervisor Dave Schultz; Carrie Seifert, Clerk; Jennifer Samec, Deputy Clerk; Ms. Marsha Olson, Treasurer; Ms. Viet-Hanh Winchell, Township Attorney; Duane Stensland, Building Inspector; Del Miske, Planning Commission; Mr. Ryan Stempski, Township Engineer

## Call to Order

Chairman Kylo called the regular meeting to order at 7:03.

## Special Attorney Review, Realignment and/or Condemnation of 30<sup>th</sup> Street between Manning Ave N and Neal Ave N.

Mr. Dan Gregerson of Gregerson, Rosow, Johnson and Nilan LTD, appeared at the board's request to review alternatives related to the realignment and/or condemnation of 30<sup>th</sup> Street between Manning Avenue and Neal Avenue. Mr. Gregerson's background is in municipal work, particularly in eminent domain issues. He explained the condemnation process. In this instance MAC is the condemning authority and can obtain property from landowners and other government agencies. West Lakeland has a prescriptive easement which allows the town to maintain a road on the land owned by MAC. An initial appraisal has been provided by MAC for the prescriptive easement, and the West Lakeland, Baytown and MAC have entered into negotiations with regard to the acquisition of that easement. If an agreement cannot be met, MAC has the authority to move forward with the condemnation.

The condemnation process is initiated with a petition stating the project, public purpose and identification of the property subject to condemnation. If the project is determined to be in the public good, title will transfer in 90 days. Mr. Gregerson noted that it is unlikely that the court will not see sufficient public good in the project. The process then switches to an argument of valuation. The argument is heard by selected condemnation commissioners chosen by the court.

Costs can be reimbursed by the condemnation process for an independent appraisal. Attorney fees may be recovered based on the final value of the reward compared to the last written offer.

In addition, the Township needs to determine if they want the easement for the road as being reconstructed. Items to be considered include the maintenance shared with Baytown, and other considerations in managing a roadway. Mr. Gregerson noted that if West Lakeland were to refuse the easement, it would not necessarily prevent the road, as it could be assumed by Washington County or Baytown. If the easement is not accepted by West Lakeland Township, MAC then owns the road. On the date of title transfer, the easement is gone.

Chairman Kylo noted that he and the Township Engineer have been meeting with MAC on the road and road standards, and they are more willing to work with the Township on items such as structure, storm water drainage, and maintenance of the infiltration basins. They have also discussed sharing the cost of repairing the remaining ½ mile of roadway in this section. This could be a cost of \$0.5 million. The intent is to get the best possible agreement for the Township and get the best road with the least negative impact on the Township if possible.

Mr. Brad Cornell, 2743 Neal Avenue, asked that the Township include in the discussion with MAC light barriers on the road being reconstructed and ask for mature trees to be planted.

When asked about safety standards, Mr. Stempski noted that the standards being used to construct the road are acceptable by the Minnesota Department of Transportation. Washington County has also approved of the base standards of design. The Township is strongly discussing the safety

standards as part of the negotiations. Mr. Stempski also noted that the water management plan has been approved by Valley Branch Watershed District, and runoff rates from the property should not change with the road realignment.

Questions were raised on building permit restrictions, and it was noted this is addressed by the JAZB, not the condemnation action.

**Approval of the Minutes**

Chairman Kylo moved to approve the minutes of the January 2020 regular meeting. Seconded by Supervisor Appelt, the motion carried.

**Treasurer's Report**

Ms. Olson presented the treasurer's report for January 2020. The report reflects \$99,683 in receipts and \$71,417 in expenses. The total fund balance is \$1,335,213. Chairman Kylo moved to approve the report. Seconded by Supervisor Appelt, the motion carried.

**Public Comment**

No public comment was offered.

**Variance to Move a Garage Prior to Construction of a Residence on Manning Ave and 30<sup>th</sup> St.**

Mr. James McLeod of 11850 30<sup>th</sup> Street appeared before the board to discuss a request to move a garage onto the lot he has purchased at the southeast corner 30<sup>th</sup> Street and Manning Avenue prior to construction of the residence. The residence is intended to be built in the coming year, but the garage must be removed from the current property in Lake Elmo to allow that property to be developed. Moving the garage after construction of the house would also be difficult due to the ability to access the rear of the lot after the construction of the home. The board referred the matter to the planning commission and directed the clerk to schedule a public hearing at the March regular meeting. Chairman Kylo moved to instruct the attorney to draft the publication notice. Seconded by Supervisor Schultz, the motion carried.

**Washington County Historical Society Campaign Contribution**

The board had been approached by the Washington County Historical Society for a donation to support a campaign for building remodeling to promote proper storage and display of County artifacts. After discussion, Chairman Kylo moved to authorize a donation of \$1,500 per year for 2021 and 2022 and \$3,000 per year for 2022 through 2025. Seconded by Supervisor Appelt, the motion carried

**Compensation for Election Judges**

Chairman Kylo moved to authorize compensation for election judges to \$10 per hour, and the head judge to \$12 per hour. Seconded by Supervisor Appelt, the motion carried.

**Dwight W. Dahlen Request for Payment**

No action was taken at this time. It is not evident that there is an agreement for paid services.

**Sign Resolutions**

The board signed the resolution R-2020-2, Appointing 2020 Election Judges for the Presidential Nomination Primary Election.

The developer's agreement between Mr. Tobin and Mr. Zwiefel is not yet completed. Chairman Kyлло moved to allow the board to sign the final developer's agreement outside the meeting. Seconded by Supervisor Appelt, the motion carried.

Chairman Kyлло moved to approve the Joint Powers agreement with Washington County Sherriff Office for Code Red. Seconded by Supervisor Schultz, the motion carried.

**Lot Line Adjustment, 1440 Norcrest Ave**

In 1986, a variance was granted to build an addition onto an existing garage on the house. Recently, the owner of the neighboring lot had his land surveyed, and it was determined that the garage had been unknowingly built on the lot line. The surveyor has proposed a realignment of the lot line so that the setback is restored to the 10 ft setback applicable in 1986. The proposal is a boundary change, with no impact on drainage or utility easements. There is no change in lot size. Chairman Kyлло moved to approve the lot line adjustment per the survey submitted. Seconded by Supervisor Appelt, the motion carried. Supervisor Schultz, as the landowner, abstained from the vote.

**Additional Business**

Ms. Samec asked about a new computer for the deputy clerk. Chairman Kyлло moved to approve an expenditure up to \$500 for a new computer for the deputy clerk. Seconded by Supervisor Appelt, the motion carried.

Ms. Siefert noted that an amount estimated at \$1,470 would need to be added to the 2021 budget for maintenance of the polling pads being introduced in the 2020 elections.

Supervisor Appelt shared observations from the Washington County Administrator's meeting.

**Adjourn**

Chairman Kyлло moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. Chairman Kyлло adjourned the meeting at 10:15 PM.

Respectfully Submitted,



Elizabeth A. Vance

Secretary