



959 Paris Avenue Circle North, Minnesota 55082
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February 5, 2024

West Lakeland Town Hall

Present: Chairman Dave Schultz, Supervisor John Buelow, Supervisor Phil Moosbrugger, Marsha Olson, Treasurer; Jenny Samec, Deputy Clerk; Carrie Seifert, Clerk; Viet Hanh Winchell, Township Attorney

Call to Order:

Chairman Schultz called the meeting to order at 7:02 PM. A change was noted to the agenda to allow for the treasurer's report and payment of the invoices presented by the clerk. The treasurer's report reflected \$26,801 in receipts for January, and \$133,752 in expenses. Following review of the report and the invoices, Chairman Schultz moved to approve the report and pay the invoices as presented by the clerk. Seconded by Supervisor Buelow, the motion was carried by roll call vote (3-0).

The regular meeting was suspended at 7:10 PM to allow for the published public hearing.

Application for Conditional Use Permit and Zoning Variances for the property at Stagecoach, Hudson Road and I-94 by applicant Stephen H. Nelson

Mr. Jake Steen, representing the property owner Mr. Stephen Nelson, presented the request for a conditional use permit for self-service storage facility, pursuant to Section 4.5 and 11.18; and a variance from Section 5.3.3 requiring a minimum lot size of 5 acres in Neighborhood Commercial/Business District and Highway Commercial/Business District; a variance from Section 11.18.2.3 prohibiting outside storage for self-service storage facilities; and a variance from Section 8.6.1 requiring specific surface for off street parking. Mr. Steen reviewed the history of the plot, noting that a permit was received in 1990 for a billboard from the township. This was later reversed by Washington County which had this plot zoned differently than the township. Since that time, Mr. Nelson has been looking for alternative uses for the property. The current proposal for the 1.74-acre parcel is an outside self-storage facility. The use would have no utilities and no building, with a fenced area for parking surfaced with class 5 gravel. Security would include lights directed onto the lot. To allow for this use, in addition to the conditional use permit for the commercial use, a variance to the minimum lot size, a variance to allow for exterior storage, a variance to the surfacing requirement for off-street parking.

Mr. Del Miske reported on the review for the planning commission. He noted that the lot size remaining after the reconstruction of I-94 is such that there is no use that would be compliant within the current ordinances. The lot is on major roads, with few if any neighbors. The traffic is mostly business or through traffic. There is screening on the lot, except along I-94. Consensus is that this might be one of the better uses for this lot proposed to date. Generally, the planning commission was in favor of the use and suggested additional screening.

Supervisor Buelow asked about the elevations at the corners of the property. Supervisor Moosbrugger noted that there is limited screening from Stagecoach, which may allow visibility to the items stored in the lot. He also expressed concern over the potential of creating a precedent to allow for exceptions to the lot size in the commercial zone.

Mr. Steen noted that variances can be used for unique circumstances not created by the property owner. At the time of purchase, there was an allowed practical use. MnDOT is not interested, as Mr. Steen, in reclaiming that property.

Chairman Schultz gave a brief history of the switch in zoning from Washington County to the Townships. He expressed concern over the issue with managing rodents inside the vehicles that could be stored in the site. He also expressed concern about the large gap between the 1.7-acre size of the lot, and the minimum of 5 acres for a commercial site, even if no septic is to be installed on the site.



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Chairman Schultz noted a letter from Washington County indicating no objections as long as the access was from Hudson Road. Email response was received from Ms. Holly Tarbutton, 1035 Paris Trail, expressing concern over the large number of variances needed to support the use, and the potential of noise from traffic. Ms.

Saleda Christopher, 1125 Paris Ave, also emailed with concerns about the use and the multiple variances required. There are concerns about the suitability for self-storage in the township. Mr. Vince Anderson, 1815 Hillside Ct, provided a statement against the storage facility use and suggested the township approach MnDoT to re-acquire the parcel.

Chairman Schultz opened for public comment. Mr. William Reiners, 15172 Hudson Blvd N, looks across I-94 to this lot. He expressed concern that any lighting would be directed to his lot. He also expressed concern about how close the entrance would be to the intersection. Mr. Steen noted that the lighting would be directed onto the lot, in compliance with the ordinances. Mr. Dan Nelson, 15047 8th St Circle N expressed concern over the impact of traffic and lighting. The equipment stored on the site might be an eyesore.

Chairman Schultz closed the public hearing at 7:42 PM and resumed the regular meeting.

Consideration of the Application for Conditional Use Permit and Zoning Variances for the property at Stagecoach, Hudson Road and I-94 by applicant Stephen H. Nelson

Supervisor Buelow asked what could be done on the property in compliance with the current ordinance. Chairman Schultz noted that the minimal size of 1.7 acres is substandard for any use without a variance.

Mr. Steen noted the concern of the property owner that the time frame that the request has been pending. Upon accepting a completed application, the township has 60 days to provide a decision on the request. It is Mr. Steen's opinion that the 60 days have expired. Ms. Seifert noted an email to Ms. Jill Anderson indicating the request was not completed dated December 6, 2023. The final check to support the application was received February 5, 2024.

Supervisor Moosbrugger urged the board to consider the application on the merits, and not with regard to the potential dispute on the timing of the completed application. He raised concerns over allowing outdoor storage in that area because of the high traffic and proximity to the entrance to a busy intersection. Chairman Schultz also expressed concern over the multiple variances. Supervisor Buelow asked about the potential to return a billboard to the site. It was noted that this was previously requested and denied as a not allowed use.

After discussion, Chairman Schultz moved to not allow the requested variances and conditional use permit for this parcel. Seconded by Supervisor Moosbrugger, the motion carried. The requests for a conditional use permit and variances are denied.

Washington County 22nd Street Project

Mr. Andrew Giesen, project manager, presented an update on the project with Washington County for the repair and turn up of 22nd Street. Since the last presentation, the County has met with seven of the ten property owners and had an open house in August and November to review the design proposals. Washington County is seeking a resolution of support to move to the next phase of the project which would move this into the County Capital Improvement Plan. In response to a question from Supervisor Moosbrugger, the potential timeline for activity is 2029. The 2021 Memorandum of Understanding estimated the cost at \$400,000. The current estimate is \$6,000,000. The current



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requested resolution of support does not address the issue of cost sharing between the Township and Washington County. Supervisor Moosbrugger would like to have a discussion on the cost share to the township. It is unclear how the 2021 MOU applies to the current project design.

After discussion, Chairman Schultz moved to table the adoption of the resolution to the March regular meeting. Seconded by Supervisor Moosbrugger, the motion carried, tabling any action.

Approval of the Minutes

Chairman Schultz moved to approve the minutes of the January 8, 2024 meeting with minor corrections. Seconded by Supervisor Buelow, the motion carried.

Chairman Schultz moved to approve the minutes of the Budget meeting of January 5, 2024. Seconded by Supervisor Moosbrugger, the motion carried.

The minutes of the special meeting of the joint meeting with the Town Hall renovation committee were reviewed. Chairman Schultz moved to approve the minutes with minor corrections. Seconded by Supervisor Buelow, the motion carried.

The minutes of the special meeting regarding mediation on the legal action with Mr. Vince Anderson were presented. Supervisor Moosbrugger moved to approve the minutes as presented. Seconded by Chairman Schultz, the motion carried.

Request for variance to minimum lot frontage, 15th St N

Mr. Dennis Geffre presented a request for variance to allow less than the 160 ft minimum frontage on the lot. The lot was purchased in 2017, and Mr. Geffre was not aware it was not in compliance. Mr. Del Miske noted the planning commission did review the concept, and although a plat layout and survey were not available, the concept of allowing the variance was seen favorably, suggesting that the condition be made that the setback be determined at the point where the width of the lot was at 160 feet. Chairman Schultz moved to schedule a public hearing and instruct council to draft the notice. Seconded by Supervisor Moosbrugger, the motion carried. It was noted that any covenants that may impact on the property are not enforced by the board.

Town Hall Manager

Mr. Dan Kylo presented options for clearing the duct work inside the slab foundation. At the suggestion of Supervisor Buelow, the ductwork was inspected. There is some sand and bugs, but no mold. The higher ductwork is not in need of cleaning at this time. After discussion, the consensus was to wait and do any cleaning after any renovation work was done. No action was taken at this time.

Mr. Kylo presented two contracts for fire extinguisher inspections from Viking and Nardini. It was noted that Nardini was used by Washington County and the State of Minnesota. However, this contract does include an indemnification clause that seems too broad. Supervisor Buelow will propose an alternative vendor. All the extinguishers have current satisfactory visual inspections. Internal inspections are not required until next year. No action was taken at this time.

Mr. Kylo proposed to purchase a replacement for the current 8 ft wood step ladder. The current ladder is not tall enough to meet the needs and is unsafe. He proposed purchasing a multi-position ladder with a 22 ft potential reach fully extended, and 13 ft as a stepladder. After discussion, Chairman Schultz moved to authorize a purchase of a multi-position stepladder from Home Depot at a cost not to exceed \$225. Seconded by Supervisor Buelow, the motion was carried by roll call vote (3-0).

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Planning Commission Update

Mr. Del Miske presented the update from the planning commission. He noted the commission reviewed the concept of the variance from Mr. Geffre and continues to work on the township fee schedule. The commission is also considering a draft ordinance to regulate the keeping of goats and sheep.

Supervisor Buelow asked if locating private utilities should be addressed in Chapter 9 of the town code. This will be brought forward to the planning commission for review.

Settlement between Mr. Vince Anderson and West Lakeland Township

Ms. Winchell, township attorney, reported on the settlement regarding the litigation for ordinance violations and the dispute resolution completed January 23, 2024. The agreement reached needs to be confirmed and approved at an open meeting. In summary, neither party admits any liability. Mr. Andersen will submit an application and an application fee for \$600 for the grading and filling previously completed on his property. This application does not apply to any future activity. With the recodification, the township will add clarity to the language within the ordinance. Mr. Anderson had 30 days from the formal acceptance to submit the application and the fee. Supervisor Moosbrugger moved to ratify the settlement agreement. Seconded by Supervisor Buelow, the motion carried.

Road Projects

Chairman Schultz presented a summary of the Manning Avenue project, and noted an open house scheduled for February 13, 2024. The project is targeting construction in 2025. The current proposal would remove access from 18th Street to Manning Trail.

Town Hall Renovation

Supervisor Moosbrugger presented the background on the purchase of the town hall, and the reason for remodeling the building. The needs of the township as a public building are different than those of the previous owner. He noted that the building is currently not set for maintaining staff on site full time, due to a lack of sufficient office space, security measures and break facilities. He also noted that the building is not ADA compliant and should be to continue to serve as an election polling site. It is also desired that the AV electronics be upgraded to allow for remote meeting presentation and/or access. The renovation committee has reviewed the comments and is in the process to develop bid specifications and reach out to a broader base of bidders.

Mr. Dan Killo noted that the target budget maximum is the approximately \$400,000 funds from the American Rescue Plan funds. The bidders will be requested to submit the bid with cost break outs for ADA compliance, office additions including HVAC renovations, and the proposed breakroom/warming kitchen facilities.

Chairman Schultz noted that the Valley Branch Watershed District is considering a resolution to accept the results of the Landlocked Basin Study. The specifications when complete will be reviewed at a special working session of the renovation committee and the town board.

Additional Business

Supervisor Buelow reported on the Washington County administrator's meeting. He noted it will be a year for bonding at the state level for improvement projects. There is discussion to rework the intersection of Highway 36 and Highway 120 to allow for grade separation. There is discussion of

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building emergency temporary housing near the County Courthouse. He noted that the projects presented to the Middle St Croix Water Management Organization were available for review.

The clerk presented the slate of election judges for the Presidential, Primary and Town Board elections. Chairman Schultz moved to approve the slate of election judges as presented. Seconded by Supervisor Moosbrugger, the motion carried.

Recycling Grant Projects

Ms. Jenny Samec, deputy clerk, presented the proposal for projects for recycling grant funds. The projects proposed include educational materials in the township newsletter and on the township website and a curbside clean up week in May 2024. It was noted that the funds could not be used to defray the cost of recycling. It was suggested that the curbside cleanup be scheduled for the week of 20-24 May 2024. The board gave verbal approval to move forward with the grant application reflecting these projects.

Public Comment Period

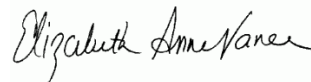
Ms. Mary Vierling, 2825 Neal Ave, asked the board to have the planning commission consider a more comprehensive noise ordinance to address construction noise, construction start and stop times, motorcycle noise, airport noise, and gravel truck traffic. Chairman Schultz noted that the township's ability to regulate traffic activity on County roads was limited. Mr. Miske noted that he believed the loudest traffic past his home on 10th Street was diesel pickup trucks. Mr. Dan Kylo recommended that the township work with the gravel and sand pit operators to address hauling truck noise. The planning commission was directed to benchmark other municipalities.

Ms. Rachel Dana, 2235 Oakgreen Ave, asked about broadcasting meetings, and the broadcasting could begin prior to the completion of the town hall renovations. The larger concern is how the policies, guidelines and the operational process for broadcast. Mr. Brad Reuter, 2925 Neal Ave N, asked about the private recordings of the meetings. Those are posted by Mr. Mike Graetz.

Adjourn:

Having no further business, Chairman Schultz moved to adjourn the meeting. Seconded by Supervisor Buelow, the motion carried. The meeting was adjourned at 9:56 PM.

Respectfully Submitted,



Elizabeth A. Vance
Recording Secretary