

West Lakeland Township

January 13, 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; Mark Votava, Planning Commission; Mr. Ryan Stempski, Township Engineer

Public Hearing, Variance to Section 5.3.1. requiring a 2.5-acre minimum lot

Chairman Kylo called the public hearing to order at 7:10 PM. The hearing is a continuation of the hearing held on December 9, 2019 to consider an application from Mr. James Tobin for a variance of Section 5.3.1 requiring a 2.5-acre minimum lot, to allow a lot size of 0.1 acres. The hearing was suspended on December 9, 2019 to allow for an agreement between Mr. Tobin and Mr. Zwiefel, 2205 Manning Ave. Mr. Zwiefel and Mr. Tobin noted they have reach agreements for terms for a developer's agreement so that the .1 acre lot cannot be sold separate from Mr. Zwiefel's lot in Lake Elmo

Mr. Tobin's property is in West Lakeland Township and Mr. Zwiefel's adjoining lot is in Lake Elmo. The proposal is to replace an existing easement for greenspace with a transfer of 1/10 acre to Mr. Zwiefel. Mr. Zwiefel cannot combine this .1 acre with his lot because they are in different municipalities.

Mr. Votava presented the planning commission review. The planning commission recommended the board approve the request subject to the .1 acre be permanently tied to Mr. Zwiefel's lot and that all structures meet the setback requirements.

Having no public comment, the hearing was closed at 7:15 PM.

Call to Order

Chairman Kylo called to order the regular meeting of the West Lakeland Board of Supervisors at 7:15 PM.

Variance to Section 5.3.1. requiring a 2.5 acre minimum lot

The board reviewed the request for variance requested by Mr. Tobin. Supervisor Appelt asked for clarification on the tax impact of the creation of the lot. The intent of the lot split is to clear the title of Mr. Tobin's property, and remove the variance. The landowners have agreed to transfer of the .1 acre and to vacate the easement. Ms. Winchell noted the tax change would be negligible, as each lot would stay in the current jurisdiction. Mr. Tobin noted he has a survey that will provide for the legal description of both parcels. With the agreement between the Mr. Tobin and Mr. Zwiefel, Ms. Winchell can draft a developer's agreement to tie the newly created .1 acre lot to the lot in Lake Elmo, preventing building on the .1 acre lot and preventing the sale of one lot without the other.

Chairman Kylo noted a resident, Roberta Fischer, sent an email objecting to the lot split, in favor of maintain a 2.5 acre minimum.

After discussion, Chairman Kylo moved to approve the variance, noting the desire to eliminate the easement and more clearly define the properties and that the remainder of the parcel retained by Mr. Tobin meets the lot size minimum of 2.5 acres, subject to signature by Mr. Zwiefel of a developer's agreement drafted by the township attorney so that the .1 acre out lot remain unbuildable, a West Lakeland tax parcel, current setbacks are retained, and that the parcel cannot be separated from the parcel at 2205 Manning in Lake Elmo and that the easement is vacated. Seconded by Supervisor Appelt, the motion carried with two aye votes and one nay vote. Supervisor Schultz voted nay, citing a desire to not create a precedent to allow lots of less than 2.5 acres.

Approval of the Minutes

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The minutes of the December 2019 regular meeting were presented for approval. Chairman Kylo moved to approve the minutes with minor corrections. Seconded by Supervisor Schultz, the motion carried.

The minutes of the special meeting held December 10, 2019 were presented for approval. Chairman Kylo moved to approve the minutes. Seconded by Supervisor Appelt, the motion carried.

Treasurers Report, Payment of the Bills

Ms. Olsen presented the treasurer's report for December 2019. The township reflected \$336,286 in receipts and \$98,274 in expenses. Current assets are \$1,485,307. Chairman Kylo moved to approve the treasurer's report and pay the invoices presented by the treasurer and clerk. Seconded by Supervisor Appelt, the motion carried.

Liability of the Township with JAZBE Zoning

Township Attorney, Ms. Winchell, presented an update on the liability of the township regarding the Lake Elmo Airport JAZBE. Supervisor Schultz expressed concern of the liability of the township should there be an incident in a zone allowed by the JAZBE custom zoning that would have been in safety zone A under the standard airport zoning definitions.

It was noted the custom zoning is new to Minnesota regulations, and the statute indicates more than 10 different factors that need to be considered when creating custom safety zones and zoning regulations. MnDOT has authority to review the zoning regulations before implementation. Ms. Vierling noted that a letter received from MAC indicated that current properties will be grandfathered, but future activity would need to be permitted per the airport zone requirements. She also raised concern that the proposed custom zones are, in her opinion, unsafe for residents. She also noted that concerned raised to MAC stay within MAC. Mr. Votava noted that unsafe activity on the part of a plane or pilot can be reported directly to the FAA.

A hearing on the JAZBE will be held January 23, 2020.

Kloeber Addition

The mylars for the Kloeber addition are not yet ready for signature. The soil tests were just completed. Chairman Kylo moved to authorize signature outside the meeting once approved as complete by the Township attorney. Seconded by Supervisor Appelt, the motion carried.

Conditional Use Permit Inquiry, Adult Foster Care, 1740 Overlook Trail

Chairman Kylo and Mr. Stensland, township building inspector, visited the site. It noted to be clean and orderly, currently hosting two clients. Chairman Kylo noted that the licensure and agency providing oversight to home care facilities varies on the type of care provided. He has a meeting to review the use. Ms. Elibelle Jardio currently has a 245D license and operates as a subcontractor for Hands Across the Cross, who manages her license. She would like to separate from Hands Across the Cross and expand the number of clients served by the facility. Statute requires that a permit be issued at over 6 residents. Mr. Stensland noted that the fire protection was not sufficient to meet the commercial code, which would be applied at more than 5 residents.

It was noted that the ordinance may be too specific with regard to home based care facilities.

30th Street Realignment

Mr. Stempski, township engineer, presented a summary of the work on the realignment of 30th Street. Focus Engineering has had an inspector on site during construction, with Mr. Stempski providing

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oversight and participating in the construction review meetings. Discussion concerned the hours of operation, and the township's ability to restrict working late evenings and weekend. Mr. Stempski will raise the concerns to the contractor. Mr. Stempski also was asked about the volume of material being removed from the site. It was noted that Valley Branch Watershed District has approved the project. He has a complete set of plans available for review at his office.

Mr. Stempski noted that he is in discussion with the need to ensure proper construction of the road and repair of the whole segment from Manning to Neal prior to transfer to the township. The road is being constructed to industry standards. Thus far, MAC has been receptive to the discussion. The ownership and responsibility for maintaining the filtration basins is also under discussion with MAC. The township does not want to have the primary responsibility, but to leave that responsibility with MAC.

Planning Commission Report

Mr. Votava noted the planning commission noted that the comprehensive plan is ready to submit. The planning commission is also working on a grading permit proposal for Mr. Stempski to review, and the meeting for January will focus on Conditional and Interim Permit use.

Public Comment

Ms. Mary Vierling noted that with more influence from state and county jurisdictions, there may be a need to review additional protections for future activity that may not be desired within the township

Old or New Business

Supervisor Schultz informed the board of an email regarding traffic on 12th Street.

Ms. Appelt noted to the board that she has filed for reelection.

Motion to Adjourn

Chairman Kyllö moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. The meeting was adjourned at 10:18 PM

Respectfully Submitted,



Elizabeth A. Vance

Secretary