

West Lakeland Township

July 13, 2020

7:00 p.m.

Web Conference

Present: Chairman Dan Kylo, Supervisor Dave Schultz, Supervisor Marian Appelt, Carrie Seifert, Clerk; Jennifer Samec, Deputy Clerk; Marsha Olson, Treasurer; Viet-Hahn Winchell, Township Attorney; Mr. Mark Votava, Planning Commission Chair

Public hearing to Consider a Vacation of a Portion of the Easement for 11th St N.

The public hearing was called to order by Chairman Kylo at 7:00 PM. The clerk called the roll, noting the presence of Chairman Kylo, Supervisor Schultz and Supervisor Appelt. Ms. Winchell explained the authorization for a remote meeting under Minnesota Statute 13.021.

Supervisor Schultz explained the process by which it was decided to consider the vacation of the easement. For this section of 11th Street North, the development of the area around this easement has been such that it is not likely that the road will ever be constructed. Vacation of the easement would allow the land to be returned to the landowners and become taxable land. The planning commission reviewed this action a year ago and had no current recommendation. Chairman Kylo noted that the standard process is to move the drainage and utility easements as lot lines are redrawn or vacate those easements as no longer necessary.

Chairman Kylo opened the meeting for public comment.

Mr. and Mrs. Jay Urban, 1095 Nordic Ave, border the easement, and asked what would be required in terms of the survey, and who would pay for the survey as needed. In general, they are in support of the vacation. Supervisor Schultz noted that since the vacation is initiated by the township, if a survey is required, the township should assume the expense. Ms. Winchell thought that the auditor may be able to adjust the lot descriptions based on the plat, and a survey may not be needed.

Mr. and Mrs. John Joswiak, 1177 Nordic Ave, also border the easement, and support the vacation.

Chairman Kylo noted the written comments received from Mr. David Baker, 1343 Norcrest Ave, agreeing with the vacation.

Mr. Vince Anderson, 1815 Hillside Court, submitted written comments which were read by the clerk. He noted there are three adjoining properties, with 1150 Norrell Ave at the end of the easement. Ms. Winchell noted that this parcel is not part of the Sherwood Forest Plat. Mr. Anderson also asked about the language "vacating back" and asked about the sale of the land. Ms. Winchell noted that there is a difference between a fee interest and a dedicated roadway. The Township does not own the land outright, but it is dedicated as a roadway, and can only be used as a roadway unless the easement is vacated. Chairman Kylo noted that the impact on value would be determined by the County Assessor. Mr. Anderson is in opposition to the vacation, as he does not see an advantage to the Township. Supervisor Appelt noted there is an ongoing cost to the township to maintain the easement.

Having no further comment, Chairman Kylo closed the public hearing at 7:30 PM

Call to Order

Chairman Kylo called to order the regular meeting of the West Lakeland Town Board at 7:30 PM.

Consider a Vacation of a Portion of the Easement for 11th St N.

Supervisor Appelt asked if the drainage and utility easements should be retained or relocated. It was noted that easements in this subdivision were not placed on all lot lines, and the easements are

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standard process to allow for the potential of township or utility access as needed. After discussion, it was agreed that easements would not be essential.

Chairman Kylo moved to approve the resolution to vacate the 11th Street N Easement off Nordic Avenue with the addition to also vacate any drainage and utility easements on that same line, and have the township provide a survey if required. Seconded by Supervisor Schultz, the motion carried with a roll call vote.

Manning Corridor Project

County Commissioner Gary Kriesel introduced Nathan Arnold, Project Manager of the CSAH 15/Manning Avenue Phase 3 Capacity Improvement Project. Mr. Arnold presented a summary of the upcoming project. Phase 3 will connect the previous Phase 2 phases between the Lake Elmo Airport and 10th Street. The goals are addressed with 4 lane access, median and turn lanes and trail access. This may be divided into smaller phases at 18th Street. The timeline has not yet been determined, with the intention to do public outreach in 2020 and construction in 2023. The potential cost to the township would be for portion of the trail and a portion of the intersections as they intersect with the township. If a signal is added, the Township would bear a portion of that cost. The next action is an online open house in late July or early August.

Approval of the Minutes

Supervisor Schultz moved to approve the June 1, 2020 meeting with minor corrections. Seconded by Supervisor Appelt, the motion carried with a roll call vote.

Supervisor Schultz moved to approve the special meeting of June 29, 2020. Seconded by Supervisor Appelt, the motion carried with a roll call vote.

Treasurer's Report

Ms. Olson presented the treasurer's report for June, reflecting \$10,879 in receipts and \$56,289 in expenses. Supervisor Schultz moved to approve the report and authorize payment of the invoices presented. Seconded by Supervisor Appelt, the motion carried by roll call vote.

Proposal for a CUP for Ground Mounted Solar Panel

Mr. David Winegar, 910 Mark Ave N, appeared before the board to discuss the concept of a ground mounted solar panel array. It was recommended that Mr. Winegar ensure there are no concerns with covenants before proceeding. At this time, Mr. Winegar was not present at the meeting to address the questions raised by the board. Chairman Kylo moved to direct the town attorney to draft a letter to extend the timeframe for approval for an additional 60 days expiring on October 20, 2020 based on insufficient information on the permit application and uncertainty of the landowner's ability to attend the planning commission review or the public hearing. Seconded by Supervisor Appelt, the motion carried by roll call vote.

Home Occupation for Dog Training

Ms. Karla Carlson, 764 Neal Ave, appeared before the board to request a home occupation permit to provide private dog training at her residence. She would like to have 2-3 dogs on site for training for one to five months. The owner would not accompany the dog for training. Supervisor

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Appelt asked if this would fit the definition of a kennel. Kennels require conditional use permits and inspected annually. The board considered this to be a type 3 use, which would require a public hearing. The board deferred the issue to the planning commission for review. Chairman Kylo moved to direct the town attorney to publish the notice for public hearing. Seconded by Supervisor Appelt, the motion carried.

15th Street N Road Vacation and Property Apportionment

Ms. Winchell reported that any survey that would be required to resolve the potential lot line and split of the easement for 15th St N would most likely fall on the township. A survey would most likely be required to ensure appropriate legal descriptions. This easement has an outlot belonging to the township on the north side of the easement. Chairman Kylo reported on his discussion with Ms. Rita Wick, the landowner on the south side of the easement. The intent is to determine if a suitable division could be made such that the outlot owned by the township could become a compliant lot with sufficient frontage on a public road. Supervisor Schultz will investigate the potential value of the outlot.

It was determined to not proceed with the vacation for easements for cul-de-sacs where the road was constructed through at this time.

Proposal for a CUP for Ground Mounted Solar Panel

Ms. Danielle DeMarre, All Energy Solar, appeared at the meeting to represent Mr. Winegar. Supervisor Appelt noted the plans called for an 11 ft height of the array, and the ordinance restricts the height to 10 ft. After discussion of the details of the project, Chairman Kylo moved to instruct the attorney to draft a notice for public hearing and refer the matter to the planning commission for review. Seconded by Supervisor Appelt, the motion carried.

Noxious Weeds

Supervisor Appelt noted that thistles were found at 387 Midwest Avenue and wild parsnips were found at 30th Street and Neal. MAC was notified of the need to mow. There will be an insert in the next newsletter to address wild parsnips.

CARES Act regarding the Primary and General Election

Ms. Seifert noted that funds were made available through the CARES act to compensate for additional safety measures during the upcoming primary and general election. Ms. Seifert will be meeting with the staff at OakLand Middle School regarding the processes moving forward.

Spring Curbside Clean up

Ms. Samec reported on the spring curbside clean up event. 62 household participated in the event. It was recommended that the event be planned for Spring 2021

Other Business

Resolutions R-2020-9 for the building variance for Mr. Craig Alberg and R-2020-10 the setback variance for Mr. Joe Krantz were presented, to be signed at the township offices.

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Mr. Eric Votava presented an update on the project to install 5 township identification signs. Approval has been granted from Washington County. Consensus is the signs should not include the population count but should include the Township logo. Costs are to be validated before ordering.

Mr. Mark Votava noted the Planning Commission will continue to meet in a virtual forum.

Supervisor Schultz noted an email from Washington County Emergency Management waiving some well testing fees. He also noted that the water levels have triggered a lot of additional pumping from the last storms.

Mr. Duane Stensland, Building Inspector, asked for clarification on the collection of the well advisory fee as it relates to issuance of the certificate of occupancy. There is a delay in the testing and test results which has caused some confusion.

Supervisor Appelt noted an email from a resident regarding a potential solar farm. More information is pending.

Ms. Seifert asked about the resolution for 2930 Quant Ave N. This is still pending the close date on the property.

Adjourn

Having no further business, Chairman Kylo moved to adjourn the meeting. Seconded by Supervisor Appelt, the motion carried by roll call vote.

Respectfully Submitted,



Elizabeth A. Vance
Secretary