



959 Paris Avenue Circle North, Minnesota 55082
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June 10, 2024

West Lakeland Town Hall

Present: Chairman Phil Moosbrugger, Supervisor John Buelow, Supervisor Rachel Dana, Marsha Olson, Treasurer; Jenny Samec, Deputy Clerk; Carrie Seifert, Clerk; Troy Gilchrist, Attorney

Public Hearing To consider adoption of proposed amendments to parts of Section 8.17.4.3 of the West Lakeland Town Code regarding community solar gardens.

Chairman Moosbrugger called to order a public hearing to review modifications to the town ordinance section 18.17.4.3 and Section 11.6.2.4. On behalf of the planning commission, Mr. Sean Flaherty presented a summary of the proposed change. Section 18.17.4.3 was revised to clarify in which zoning areas Solar Gardens and Solar Farms were to be considered as an allowed use versus a prohibited use. The proposed changes clarified that rooftop community solar systems are allowed in any zone where commercial buildings are permitted. The amendment adds to the prohibitions specified in section 8.17.4.3.3 a specific prohibition of community solar installations, solar gardens or solar farms, in the Single-Family Estate District. Solar installations will still be supported as accessory uses when appropriate in size and scale, focusing on providing solar power options to individual homeowners, but not on a commercial scale. The clarification is supported by the rationale presented at previous requests to provide for commercial solar installations in the SFE zone.

Chairman Moosbrugger opened for public comment on the modifications proposed for Section 18.

Mr. Casey Hayden, 12220 27th St N, supported the modifications to the ordinance, indicating that this change matched the position the planning commission and the board have taken in the past.

Mr. Tim Kelly, the attorney representing Oriana with a pending application for a community solar garden within the SFE district, does not see a rationale for this amendment. He presented the argument that he saw this change as contradictory to the comprehensive plan which favors the use of solar energy, as it would prohibit solar gardens in the bulk of the township. He expressed the opinion that the comprehensive plan noted the rural lifestyle as a key resource for the residents, with commercial activity restricted to protect the rural residential lifestyle.

Mr. Brad Cornell, 2733 Neal Ave, expressed concern with the solar gardens as an eyesore, detracting from the neighborhood and incompatible with the nature of the community. Privately owned rooftop solar installations are more in keeping with the neighborhood.

Ms. Lisa Bizelle, 2725 Manning Ave N, also spoke in favor of the proposed amendment, expressing concern that large commercial solar ground mounted installations are not comparable with a residential neighborhood and would detract from property values.

Mr. Amos Szajner, 2569 Manning Ave N, raised concern that there may be health concerns with a solar installation so close to residential properties.

Public Hearing to consider adoption of proposed amendments to Section 11.6.2 of the West Lakeland Town Code to add Section 11.6.2.4 creating an exemption from Section 11.6.2.3 for government offices.

Mr. Flaherty, on behalf of the planning commission, presented the proposed modification for section 11.6.2.4 to exempt the screening requirements from government offices. The intent is to be able to maintain the township hall as an asset to the community.

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Chairman Moosbrugger opened for public comments concerning this recommended amendment. No comments were received.

Chairman Moosbrugger closed the public hearing at 7:21 PM.

Call to Order

Chairman Moosbrugger called to order the regular meeting of the West Lakeland Town Board at 7:21 PM

Consideration of Amendments to Town Ordinance relative to Section 18.17.4.2 and Section 11.6.2.4 To consider adoption of proposed amendments to parts of Section 8.17.4.3 of the West Lakeland Town Code regarding community solar gardens.

Chairman Moosbrugger moved to adopt the amendments as presented by the Planning Commission for Section 18.17.4.2 and Section 11.6.2.4. Supervisor Dana seconded the motion.

Chairman Moosbrugger noted that he saw little purpose to require screening of government offices.

Chairman Moosbrugger noted that the township does want to encourage solar installations where appropriate in size and scope and believe that the intent of the ordinance was to limit solar installations in residential areas to smaller installations providing service to individual homes. He sees a large commercial use as incompatible with the residential area and not an accessory use. Solar installations are not permitted as a primary use in the SFE zone currently.

Supervisor Dana noted that the focus of the township is to encourage single family residences on large lots, with solar installations of a size and scope to be accessory to the home, not a commercial endeavor. Supervisor Buelow raised concern with potential distraction to pilots at the Lake Elmo Airport and drivers on Manning Avenue. He also asked about the dangers from the high voltage being transmitted.

Having no further discussion, Chairman Moosbrugger moved to adopt the proposed changes to section 8.17.4.3 and Section 11.6.2.4 of the Town Code. Seconded by Supervisor Dana, the motion carried.

Mr. Gilchrist, Township Attorney, presented a draft resolution documenting the adoption of the amendment to both section 8.17.4.3 and Section 11.6.2.4. Chairman Moosbrugger moved to approve the resolution for publication of the modifications to section 8 and section 11. Seconded by Supervisor Dana, the motion carried.

Chairman Moosbrugger suspended the regular meeting to allow for the next published public hearing.

Public Hearing to consider a conditional use permit submitted by Oriana CSG 2020-14 LLC to construct and operate a ground mounted 1 MW AC Community Solar Array on property (PID 1902920210001) owned by Eagle Hill Farm LLC located in the North ½ of the Northwest ¼ of Section 19 (South of Lake Elmo Airport)

Chairman Moosbrugger opened the public hearing at 7:30 PM. Mr. Tim Kelly, representing Oriana GCS 2020-14 LLC, presented the proposal for a conditional use permit to install a 1 MW AC Community Solar Array (Solar Farm). Township Attorney, Mr. Gilchrist, noted that the amendment to the town code regarding zoning for solar use discussed at the previous hearing would apply to this application as no exclusions were noted.



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Mr. Kelly presented a letter to the board, demonstrating their assessment of compliance of the application for a conditional use permit. In response to concerns raised at the earlier hearing, Mr. Kelly cited assessment records from Chicago County and Washington County which did not show a decrease in home values. He also noted that the applicant submitted a glare study compliant with FAA requirements. Chairman Moosbrugger asked if the Metropolitan Airport Commission was aware of the request. The applicant has not had any communication with that agency.

Mr. Sean Flaherty presented the review by the planning commission. He noted that there have been multiple submissions for a solar farm on this property, and all have been rejected as not being compliant with the ordinance. It continues to be the opinion of the planning commission that a solar farm is not an allowed use in the Single-Family Estate district, and further noted that the maximum surface area for any installation is limited to 10 percent of the property.

Chairman Moosbrugger opened the hearing for Public Comment

Mr. Jared Lawrence, 12240 27th St, is concerned about the immediate proximity of the installation to his residence. The proposed plan puts the array within 300 feet of his house.

Mr. Brad Cornell, 2733 Neal Ave N, noted the strong opposition from the residents in the area, and believes a conditional use should not be granted with such strong opposition from the neighboring community.

Mr. Amos Szajner, 2569 Manning Ave, objected to the conditional use permit concerned that it will detract from property values, added hazards to the airport and a reduction of the wildlife in the area. He does not see this use as compatible with the neighborhood.

Ms. Cathy Haden, 12220 27th St N, noted this plan puts the panels within 75 feet of the property line. She has health concerns living that close to the array. She noted the comprehensive plan states the primary purpose of the township is to retain the character and rural lifestyle, and a solar farm is not a compatible use. She also expressed concern on the impact on the safe flight operations at Lake Elmo Airport. She also expressed concern that with the State considering larger capacity for solar farms, this site may be subject to expansion in the future.

Mr. Dave Schultz, 1440 Norcrest Ave N, expressed concern that if the array was put into the area, residents would no longer be able to sell excess power from home arrays back to Excel Energy.

Ms. Denise Cornell, 2733 Neal Ave, spoke in opposition to the conditional use permit, noting that her brother's property in Chisago County next to the solar array did drop in value.

Ms. Marian Appelt, 2655 Neal Ave N, noted that the board and planning commission have been consistent with previous applications that this is not an allowed use in a single-family estate. The intent has been consistent.

Ms. Sue Szajner, 2569 Manning Ave, noted a number of neighboring communities have likewise limited solar farms in residential area.

Mr. Tim Kelly, representing Oriana LLC, believes there are insufficient grounds for denial of the application. There are no specific restrictions for health concerns in the ordinance. The glare study was included as requested, and the array does comply with the 10% of the property area restriction.

Supervisor Buelow asked about the voltage of the array and expressed concern about stray voltage. The array would operate at 484 volts.

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Chairman Moosbrugger noted that 8 residents have emailed the board, expressing objection to the conditional use permit. Having no further public comments, Chairman Moosbrugger closed the public hearing at 8:01 PM.

Resumption of the Regular Meeting

The regular meeting was resumed at 8:01 PM

Consideration of the application for a Conditional Use Permit conditional use permit submitted by Oriana CSG 2020-14 LLC to construct and operate a ground mounted 1 MW AC Community Solar Array on property (PID 1902920210001) owned by Eagle Hill Farm LLC located in the North ½ of the Northwest ¼ of Section 19 (South of Lake Elmo Airport)

Chairman Moosbrugger moved to direct counsel to prepare findings to deny the conditional use permit. Seconded by Supervisor Buelow, the motion was opened for discussion.

Chairman Moosbrugger expressed concern that the solar farm would impact property values and is not compatible with the rural character and views of the area. He also noted that a solar farm is not a primary use within the Single-Family Estate District, and since there is no residence to which the solar farm would directly serve on the property, it cannot be considered an accessory use.

Supervisor Dana concurred that this a solar farm is not allowed as a primary use. Health and safety from the glare are concerns, but the primary reason to deny the application is that a solar farm is not allowed as a primary use.

Supervisor Beulow expressed concern over the potential hazards from stray voltage and does not see any benefit to the community to allow this conditional use.

After discussion, the motion to direct the attorney to draft a resolution documenting the denial of the request was approved.

Approval of the Minutes

Chairman Moosbrugger moved to accept the minutes of the May 13, 2024 regular meeting with minor corrections. Seconded by Supervisor Buelow, the motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report for May, noting \$77,892 in receipts and \$94,121 in expenses. Chairman Moosbrugger moved to approve the report and pay the invoices presented by the clerk. Seconded by Supervisor Buelow, the motion carried by roll call vote (3-0).

Planning Commission Update

Mr. Sean Flaherty presented a summary of activity undertaken by the planning commission. He noted that the planning commission did complete interviews of applicants for the vacant position. All three were well qualified applicants. The Planning Commission nominated Marian Appelt. The Commission also considered the application for variance requested by Emily and Nathan Timm and found no concerns with granting this variance.

Supervisor Dana moved to appoint Ms. Marian Appelt to the West Lakeland Planning Commission. Seconded by Supervisor Buelow, the motion carried.

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Washington County Proposal for 14386 Hudson Road

Mr. Greg Wood, Building Services Director, presented a proposal being reviewed by Washington County to use the vacant truck driving school as a county site for yard waste drop off, vehicle parking and storage, K-9 Kennel Facilities, and a law enforcement training facility. About 10 of the 37 acres in this site are in West Lakeland. In concept, the board members supported this use. Mr. Flaherty noted the use was compatible with current ordinances. No action was requested or taken at this time.

Annual Insurance Review

Mr. Joshua McDuffie, Country Financial, presented the annual review of insurance coverage carried by West Lakeland Township. Country Financial has been insuring the township since the 1980's. The coverage for the town hall, storage shed and property contents was reviewed for any modifications. As a result, inland marine coverage can be removed from the Township coverage. After review of all covered provisions, it was noted that the premium does increase from last year. After discussion, Chairman Moosbrugger moved to renew the policy and pay the annual premium. Seconded by Supervisor Dana, the motion was carried by roll call vote (3-0).

The clerk was directed to investigate other options for consideration at the next annual renewal.

Variance Application, 14725 28th St N, to Allow an Accessory Structure Closer to the Street than the Primary Residence

Ms. Emily Timm presented the request for a variance to allow an accessory structure closer to the road than the main residence. The difficulties noted with behind the request include the angled shape of the lot, leaving the location in front of the residence a more suitable location, the location of the septic, shed, slopes and the large number of mature trees that would restrict access to the rear of the lot. Clearing the trees to add a rear garage and additional drive access would significantly impact the lot and the three neighboring landowners. It was also noted that the proposal has been approved by the HOA. Ms. Timm presented letters of support from all the neighbors. None were in favor of a structure in the rear of the lot.

Mr. Flaherty noted the planning commission reviewed the concept and is in support of the variance.

Chairman Moosbrugger moved to direct the clerk to schedule a public hearing for the July regular meeting and direct counsel to prepare the notice of the hearing and draft a resolution of approval based upon the recommendation of the planning commission. Seconded by Supervisor Dana, the motion carried.

Emerald Ash Borer and Update on Tree Removal

Mr. Matt Schmidt, M&S Tree Service, provided an update on the status of tree removal for Emerald Ash Borer infestation in the township right of way. He suggested that there be a visual inspection of the right of way to verify the remaining work. Specifically, there are trees that still need to be removed in the Wynstone neighborhood and it is recommended that the residents get a second notice of the removal. Mr. Gilchrist recommended a signature from the landowner be obtained for any questionable right of way access or non-platted roadways.

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After discussion, Chairman Moosbrugger directed the clerk to schedule a special meeting to review right of way maintenance requirements, potential expenditures for the road and bridge fund compared to the budget and a road inventory review.

AV Equipment Installation

Mr. Dan Kylo, building manager, presented a summary of the AV equipment, specifically cameras, in the town hall main meeting room and conference room, installed by Advanced Sound and Light. A computer is required to operate the equipment, with system specifications provided by Mr. Greg Briggs of Advanced Sound and Light. Sufficient funds are currently appropriated to allow for that purchase.

Braun Intertec

There have been modifications to the contract reviewed at the last meeting. Chairman Moosbrugger moved to authorize the signature on the revised contact with Braun Intertec for geotechnical services for 8 miles of road as part of the 2025-26 road project at a cost of \$21,316. Seconded by Supervisor Dana, the motion was carried by roll call vote (3-0).

Town Hall Renovation

Bids were returned and reviewed at a special meeting, noting that the renovations are now scoped to the ADA improvements, warming kitchen, and expanded door. The full scope of the project was beyond the target expenditure. Supervisor Beulow expressed concern that a bond was not required of the contractor. A bond was not part of the bid requirement. Supervisor Dana noted that the low bid, Mission Construction, is a well-known and reputable contractor in the area. She further noted that a build schedule with target completion dates would be part of the final contract. After discussion, Chairman Moosbrugger moved to accept the low bid of \$154,400 from Mission Construction. Seconded by Supervisor Dana, the motion carried by roll call vote, 2 aye and Supervisor Beulow voting nay.

Township Night Out

Ms. Marian Appelt, representing the committee for Township Night Out, presented the plan for the event on Tuesday August 7. This year will be more closely aligned with National Night Out. Plans include an ice cream social event. The committee would like to replace the banner, as the date changes annually and would like to purchase rather than rent the chest freezer for the ice cream, anticipating this event will continue into the future. Next year will be the 75th anniversary of the township, so a larger event is in the works. After discussion, Supervisor Dana moved to authorize expenditures not to exceed \$800 in support of the 2024 Township Night Out. Seconded by Supervisor Moosbrugger, the motion carried by roll call vote (3-0)

Additional Business

Supervisor Dana presented a comment from the Minnesota Department of Health, recommending use of shared wells in the TCE contamination area. Any future wells would be established by the developer. The township is not interested in enforcing use of shared wells.

Supervisor Beulow noted the MS4 sediment discharge on Oakgreen Avenue is part of the county road system and was thus resolved by Washington County.



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Chairman Moosbrugger provided a notice from Washington County, with the intention of restricting traffic at 30th Street and Oakgreen for one day to complete the work on the intersection.

It was noted that Mr. Troy Gilchrist was contracted as the Township Attorney. Chairman Moosbrugger moved to authorize the transfer of township records to his firm, Town Law Center. Seconded by Supervisor Dana, the motion carried.

Supervisor Beulow asked about the action required to move township elections to November. The topic will be added to a future agenda.

Supervisor Dana suggested the board consider more frequent regular meetings rather than long meetings and special meetings.

Public Comment

Ms. Mary Vierling asked about representation at the Valley Branch Watershed District. Supervisor Moosbrugger is that representative. She noted that the evaporators installed to manage ground water are not performing as anticipated, and Valley Branch Watershed District has notified MAC that the site is not in compliance with groundwater runoff restrictions.

Adjourn

Having no further business, Supervisor Buelow moved to adjourn the meeting, Seconded by Chairman Moosbrugger, the motion carried. Chairman Moosbrugger adjourned the meeting at 10:10 PM.