

West Lakeland Township

June 11, 2018

7:00 p.m.

Oak-Land Middle School

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Carrie Seifert, Clerk; Jennifer Samec, Deputy Clerk; Ms. Marsha Olson, Treasurer; Mr. Mark Votava, Planning Commission Vice Chair; Mr. Ryan Stempski, Engineer, Mr. Scott McDonald, Attorney, Mr. Duane Stensland, Building Inspector

Call to Order

Chairman Kylo called the regular meeting to order at 7:00 PM. Due to delays with the technical equipment, the agenda was adjusted to allowed to correct the issues.

Minutes

Supervisor Schultz moved to approve the minutes of the regular May 2018 meeting. Seconded by Supervisor Ebner, the motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report. Supervisor Schultz moved to approve the report and pay the invoices presented. Seconded by Supervisor Ebner, the motion carried.

Joe Bush, Burr Oaks Development, seeking an extension on completing improvements per the Developer's agreement

Mr. McDonald noted there is a time frame associated with a developer's agreement to complete all the required work. It is not uncommon to have this timeframe extended. The final burn permit for the existing home has been scheduled, and the final road overlay will be delayed until after scheduled activity is completed. The security for the project is cash held by the Township. Chairman Kylo moved to extend the timeframe for completion of improvements for Burr Oaks Development as documented in the developer's agreement by 60 days. Seconded by Supervisor Schultz, the motion carried.

Public hearing for Adoption of Amendments to some of the Zoning Provisions to the West Lakeland Code

Chairman Kylo suspended the regular meeting at 7:22 PM to open the public hearing to consider adoptions of amendments to the zoning provisions of the West Lakeland town code.

Supervisor Ebner provided the context for the proposed amendment. Comments from the preliminary review of the 2040 Comprehensive Plan Draft noted that Mining/Gravel Extraction existed in the township, and it was not noted to be an allowed use.

It is a correction to the ordinances, in one of the previous updates, it was left out as an allowed use in the SFE and Neighborhood commercial district. It is a correction, and does not change what has been going on. No new mining activity is proposed, and all action will be under a conditional use permit

Mr. Nick Dragisich, 13595 4th St N noted the action should have first been referred to the planning commission prior to the public hearing. He noted his opinion that the use proposed in the amendment was in conflict with the comprehensive plan, which notes the gravel uses as current nonconforming uses. Changing to an allowed use would change the landscape of the SFE district. He would like the board to consider the impact of making mining and gravel extraction as an allowed use in the SFE district, and the potential impact on land and water quality, and overall impact on property values.

Mr. McDonald noted that there is a difference between a legal nonconforming use and an allowed conditional use. It is not clear when the allowed conditional use language may have been

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dropped from the town code, but this should be considered a change to the code, rather than an administrative correction.

Mr. Charlie Devine, Afton, noted that Denmark Township was unable to prevent a gravel/mining operation through a conditional use permit process, and suggested that should the existing and potential mining areas be addressed in the town code, if desired, through an overlay district to provide more targeted control measures.

Mr. Mike Olson, 740 Midwest Trail, noted that the aggregate is a valuable resource, and would like the board to consider how to best blend accessing that resource with the residential use predominate in the township, and protect the homeowners.

Chairman Kyлло moved to refer the proposal to the planning commission for review and take no action at this time. Seconded by Supervisor Ebner, the motion carried. Chairman Kyлло closed the public hearing at 7:57 PM

Public Hearing to Consider an Application by Eric Nordstrom, 1255 Omaha Ave N, for a variance to allow an accessory structure (pole barn) to be located closer to the street than the main residence.

Chairman Kyлло opened a public hearing to consider an application by Mr. Eric Nordstrom 1255 Omaha Ave N, to allow an accessory structure to be located closer to the street than the main residence at 7:59 PM. Mr. Nordstrom noted the practical difficulties of building the proposed 30x40 foot structure behind the residence. The house is currently constructed at the rear of the lot, and as such there is not sufficient room to comply with the setback requirements. There is also a utility easement at the front of the property which further restricts where the building can be located. He noted the proposed site is well within the lot setback requirements, and in a screened, wooded location.

Having no further public comment, Chairman Kyлло closed the public hearing and resumed the regular meeting at 8:03 PM

Consideration of Application by Eric Nordstrom, 1255 Omaha Ave N, for a variance to allow an accessory structure (pole barn) to be located closer to the street than the main residence.

Mr. Mark Votava provided the planning commission's recommendation of approval. He noted there was not a practical location that would comply with the ordinance. Supervisor Schultz also noted that the site selected was well screened, and without opposition from the neighboring landowners. Chairman Kyлло moved to approve the variance request to allow construction of an accessory structure in front of the residence, noting the practical difficulties proposed by the proximity of the residence to the lot line, the existing utility easement, and location of the septic system and well, subject to setback requirements in the town ordinance. Seconded by Supervisor Ebner, the motion carried.

Public Comment

No public comment was offered.

Autumn Run Second Edition

Mr. Jeff Hause presented the preliminary plat for approval and raised a discussion of potential variances for Outlot A. An application for a variance request has not yet been submitted at this date. The request for the variance is to allow the two upper lots to access the current cul de sac to provide for better drainage and water management. Chairman Kyлло moved to refer the request for variance to the planning commission for review, subject to submission of a complete application. Seconded by Supervisor Schultz, the motion carried.

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Mr. Bob McDonald and Mr. Hause would like to begin the work on the lower lots. There is some minor engineering work to be completed, and watershed review remaining to be completed. After discussion of the work remaining on the lower lots, Supervisor Schultz moved to authorize the chairman, clerk and planning commission chairman to sign the plat of Autumn Run Second Edition outside a regular meeting upon review, approval and signature of the developer's agreement and storm water maintenance agreement, upon receipt of security, and with no additional objections noted upon review. Seconded by Supervisor Ebner, the motion carried.

Proposed Variance Request, Tom and Pam Barnes, 1734 Manning Trail N, for an accessory structure within the setback limits.

Mr. Barnes explained the request to construct a 960 sqft accessory structure. The lot is neighbored by Outlot K in Lake Elmo, which has been deeded to Mr. and Mrs. Barnes. Since the outlot is in a different municipality, the lots cannot be combined. A legal agreement was recommended to establish a permanent tie between the two parcels. Chairman Kylo moved to refer the request to the planning commission for review. Seconded by Supervisor Ebner, the motion carried.

Review Public Data Request Form/Data Practices Act

The form for the request for public data was brought forward for public review. Supervisor Schultz would like to clarify one request per form. He also raised the issue of the ability to charge for reimbursement of time and materials, and document control over scanned or photocopied documents. Ms. Siefert noted that the number of requests has been small, and noted that the state statute does allow for a request for funds on large requests. Chairman Kylo moved to modify the form to specify one request per form. Seconded by Supervisor Schultz, the motion carried.

Spray Patch Quotes

Two bids were received for patching pot holes. Bids were requested from RCM and Farnier. Farnier chose not to bid. RCM quoted \$111,925 for repair of township roads. An additional quote to share with Baytown for repair on 30th Street, with the township share of \$6,050. Supervisor Schultz moved to approve both bids from RCM. Seconded by Chairman Kylo, the motion carried.

EAW for Lake Elmo Airport Proposed Expansion

Supervisor Schultz reported on the status of the EAW response. Mr. Tom Casey noted there may be additional work with regard to agency comments on the EAW. There is additional opportunity to comment through Valley Branch Watershed and DNR reviews. No action was taken at this time.

Additional Business

Resolution R-2018-7 approving the amendment to permit community residence with up to 10 patients with a proper conditional use permit was presented for signature.

Mr. Votava noted there was still an open vacancy on the planning commission.

Adjourn

Chairman Kylo moved to adjourn. Seconded by Supervisor Ebner, the motion carried. The meeting was adjourned at 9:07 PM.

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Respectfully submitted,

A handwritten signature in black ink that reads "Elizabeth Vance". The signature is written in a cursive style and is placed on a light green rectangular background.

Elizabeth Vance
Recording Secretary