

West Lakeland Township Regular Meeting

June 1, 2020

7:00 PM

Web Conference

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

Call to Order:

Chairman Kylo called the meeting to order at 7:02 PM. Ms. Winchell explained the authorization for the remote meeting, and the processes for conduct of the regular meeting and the scheduled public hearings. Ms. Siefert called the roll of the board of supervisors.

Public Hearing, Variance to Town Ordinance 6.9.4 to allow an accessory structure in front of the main residence, 14101 234d Street Ct N

Mr. Craig Alberg presented the request for the variance to allow an accessory structure in front of the primary residence. The practical difficulties presented by Mr. Alberg include the steep slopes at the rear of the lot and the mature trees on the lot. The requested building site is within the authorized setbacks and would be screened by existing trees from the neighboring lots. With the existing accessory structure, the combined existing and proposed structures would not exceed the allowed 2500 sq. ft.

Mr. Del Miske presented the recommendation of the planning commission to recommend the board approve the variance, recognizing the practical difficulties proposed by the topography of the lot. It was noted the existing accessory structure also appears to be closer to the front lot line than the existing residence.

Mr. Tom Bibeau, 14070 23rd St N, asked for clarification to the location, but had no objection to the request. Mr. Vince Anderson asked if a site visit was a requirement for the variance. Chairman Kylo indicated it was not required, but a site visit was completed.

Having no further public comment, Chairman Kylo closed the public hearing at 7:21 PM

Call to Order

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

Variance to Town Ordinance 6.9.4 to allow an accessory structure in front of the main residence, 14101 23rd Street Ct N

Supervisor Appelt supported the recommendation of the planning commission, and recognizes the practical difficulties presented by the topography. She would like to have the existing structure addressed in the variance as well, since it is also in front of the primary residence.

Supervisor Schultz commented that in this instance a separate formal survey would not be necessary. He recognizes the practical difficulties, and support the variance requests.

After discussion, Chairman Kylo moved to approve the requested variance from Town Ordinance 6.9.4 to allow a new accessory structure closer to the street than the front setback to the main residence and to recognize the existing structure to also be in front of the main residence, with both buildings to total less than the 2500 sq. ft authorized by code in recognition of the practical difficulties from the steep slopes, location of the well and septic, and to direct the attorney to document a resolution documenting the approval. Seconded by Supervisor Appelt, the motion carried with a roll call vote.

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Suspend Regular Meeting

Chairman Kylo suspended the regular meeting to allow for a second public hearing.

Public Hearing, 12882 20th St N, request for a variance of the side setback, town ordinance 5.3 to allow an accessory structure to be less than 25 ft from the side lot line.

Chairman Kylo opened the public hearing at 7:37 PM. Mr. Joe Kranz, 12882 20th St N, presented his proposal and request for variance. He would like to extend his garage to the west, moving into the 25 ft side setback by 5'3". He noted the septic system is to the north, and steep slopes behind the lot limit the ability to reconfigure the addition to avoid encroachment into the setback.

Mr. Del Miske reported on the planning commission review, noting the planning commission did not recommend the board support the request, indicating there were a number of potential options to not encroach on the setback and there was not an immediate difficulty to prevent such alternatives.

Chairman Kylo opened the meeting for public comment. Mr. Jeff Rose, 12972 20th St N, supported the request, noting that there is a steep hill in the lot, and even with the encroachment, there is more than sufficient distance to the neighboring residence. Mr. Tom Bibeau, 14070 23rd St N, asked for some clarification, but had no objection to the request.

Having no further comment, Chairman Kylo closed the public hearing at 7:47 PM.

Resumption of the Regular Meeting

The regular meeting was resumed at 7:47 PM

Request for variance to the side setback, town ordinance 5.3 to allow an accessory structure to be less than 25 ft from the side lot line, 12882 20th St N.

Supervisor Appelt noted that a concern raised in the planning commission meeting was the ability to pump the septic tanks should the setback be reduced. Supervisor Schultz asked about the offset needed to stay within the setback. Mr. Kranz noted the addition would need to be moved 12 feet, which would be difficult to align with the current residence, would be near or on the septic system, and would require construction on slopes with a 4 to 6 foot rise.

After further discussion, Chairman Kylo moved to approve the variance request to allow the structure to be less than 25 ft from the side lot line at 19.8 ft, as proposed on the site plan, at 12882 20th St N, recognizing the practical difficulties of encroaching on the septic system and with the condition that screening be planted at the lot line and to direct the attorney to draft a resolution documenting the approval. Seconded by Supervisor Schultz, the motion carried by roll call vote.

Approval of the minutes

Supervisor Schultz moved to approve the minutes of the May 2020 regular meeting with minor corrections. Seconded by Chairman Kylo, the motion carried by roll call vote.

Chairman Kylo moved to approve the minutes of the May 15, 2020 special meeting with minor corrections. Seconded by Supervisor Schultz, the motion carried by roll call vote.

Continued Nonconforming Use at 2930 Quant Ave N

Mr. Trent Nicholson of Horticulture Services, presented to the board a concept to continue a commercial use at 2930 Quant Ave N. The location currently has a nonconforming commercial use

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active with Liquid Transport. Mr. Nicholson is proposing using the site for his landscaping maintenance company, with trucks and trailers in and out of the site daily. The use of the site would not substantially change, as it is used as a vehicle storage and maintenance site currently. The proposal includes an above ground fuel system currently on site to be used, and some storage of lawn chemicals. Handling of these items is regulated by the state, and would need to be inspected by the Fire Marshall.

Ms. Winchell explained that this is a nonconforming use because it does not have a conditional use permit. As long as the same use is continued, no conditional use permit is required, and it can continue as a nonconforming property. An expansion of use would require a conditional use permit to be issued. She also suggested that the board document the use, regardless of the path chosen.

The board discussed the extent and nature of the use as compared to that of Liquid Transport. After discussion, Supervisor Appelt moved to allow the nonconforming use to continue under Horticulture Services, and direct the town attorney to prepare a resolution documenting the approval and the nature and extent of the use. Seconded by Supervisor Schultz, the motion carried with a roll call vote.

Treasurer's Report

Ms. Olson presented the treasurer's report of May, reflecting \$14,012 in receipts and \$91,496 in expenses. Chairman Kylo moved to approve the report and authorize payment of the invoices presented. Seconded by Supervisor Appelt, the motion carried by roll call vote.

Replacing the Residence at Black's Nursery

Ms. Sarah Flynn appeared before the board to present a concept to remove the current residence on the Black Nursery property, and build a new residence at a new location on the lot. The proposed house would stay on the same 3.4 acre parcel as the greenhouse and use the same driveway. Relocating the residence will allow for safer parking. Supervisor Schultz suggested that Ms. Flynn consider connecting to the water line that services Lakeland next to the site. Chairman Kylo moved to refer the request to the planning commission for review. Seconded by Supervisor Schultz, the motion carried.

Home Occupation Permit, 1505 Neal Ave Ct N

Mr. Karl Auleciems, 1505 Neal Ave Ct, submitted a Type 2 home occupation permit to allow him to perform bobcat services. This would entail moving his bobcat on a trailer on and off the site. Chairman Kylo noted the application is incomplete in the description of the business to support a permit. Chairman Kylo noted that this appeared to be a type 3 business and would require a conditional use permit, and notified Mr. Auleciems of this requirement, and notified Mr. Auleciems of this requirement and asked Mr. Auleciems to appear before the board to discuss the request. Mr. Auleciems was not in attendance. Ms. Winchell noted there is pending litigation with Mr. Auleciems. It was noted that Mr. Auleciems had been operating a landscaping business without a permit, and there have been three separate orders finding Mr. Auleciems in contempt.

Mr. Greg Zinn lives adjacent to the property at 1495 Neal Ave Ct, and believes this is a type 3 business, and the description is too vague to allow it to be approved as presented. Ms. Sylvia Zinn noted that the trailer and bobcat are moving at least 3 times a week in and out of the property, as early as 7 AM and as late as 12:30 AM

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Mr. Steven Iverson of 1585 Neal Ave Ct would also like to see the Type 2 application be denied. He has also seen the early morning activity, and has seen brush being transported onto the property for burning.

Mr. Steve Rolfe, 1465 Neal Ave Ct, has also observed the frequent activity of the bobcat and trailer. He also indicates that the speed of travel with the truck and trailer is too fast for safety on the cul de sac. Mr. Dean Milbrath, 1545 Neal Ave Ct, also supports the concern over the speed of travel.

Chairman Kylo moved to deny the application for a type 2 home occupation business for bobcat work as insufficiently documented and an incorrect classification of the business. Seconded by Supervisor Appelt, the motion carried by roll call vote.

Chairman Kylo moved to direct the attorney to construct a letter of denial. Seconded by Supervisor Schultz, the motion carried by Roll Call vote.

Road Vacation of 11th and 15th Street

Ms. Winchell presented a summary of her research into the option to vacate the unused easements at 11th Street and 15th Street. The division of the land of the vacated easement is to be determined by the landowners. She noted that one of the parcels is owned by the township on the 15th Street easement, and based upon the plat documents, with the easement split in the middle, it would leave the parcel practically landlocked and without access. As such, the easement cannot be vacated. Supervisor Schultz will speak with the neighboring landowner to determine if a division can be determined that would not leave the lot landlocked. Chairman Kylo will speak with the landowner on the 15th Street easement.

After discussion, Supervisor Appelt moved to authorize a notice of public hearing to vacate the 11th Street easement. Seconded by Supervisor Schultz, the motion carried by roll call vote.

Review Draft Grading Permit

After review, Supervisor Schultz moved to approve the grading and fill permit application. Seconded by Supervisor Appelt, the motion carried.

Update Discussion of the MPCA/DNR Conceptual Drinking Water Plan

Supervisor Appelt provided a summary of the discussion of the conceptual drinking water plan being developed by the MPCA/DNR trustees to define the good, better and best options. It is expected to have the plan completed by January 2021, with public meetings in the fall. Two options in discussion for West Lakeland are individual wells with filters or a municipal water system. It was suggested that the topic, and upcoming hearings, be included in the next township newsletter.

Spring Curbside Cleanup Event

Ms. Samec presented the proposal for the spring cleanup event scheduled for the third week of June. Notices will be sent to the residents.

Sign Resolution R-2020-6, Renaming 23rd St C N to 23rd St N

Washington County records have this street under both 23rd St and 23rd St C N. The resolution will document realignment of the name. Supervisor Schultz moved to approve the resolution. Seconded by Supervisor Appelt, the motion carried with a roll call vote.

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Old and New Business

Ms. Siefert discussed the need for PPE and protective dividers for the upcoming elections. Mr. Votava has been in contact with local scouts to see if there was interest in building the dividers as an Eagle Scout project.

Adjourn

Having no further business, Supervisor Schultz moved to adjourn the meeting. Seconded by Supervisor Appelt, the motion carried by roll call vote. Chairman Kylo adjourned the meeting at 10:40 PM.

Respectfully Submitted,



Elizabeth A. Vance
Secretary