

West Lakeland Township

March 2, 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;

Public Hearing to Allow an Accessory Structure Prior to Completion of the Residence.

Chairman Kylo called to order a public hearing at 7:00 PM to consider a request for variance to allow an accessory structure to be located on the lot prior to completion of the primary residence. Mr. Joe Busch, representing Mr. James McCloed, 11850 30th St N, appeared to present the request. Mr. McCloed currently owns a lot in Lake Elmo he is in the process of selling, and would like to retain and move the detached garage from that lot to his newly purchased lot in West Lakeland. In the site plan, the garage is to be located behind the primary residence, but he would be unable to move the structure to behind the residence after construction of the residence. The request is for the board to allow the structure to be moved, concurrent with the issuance of the building permit to construct the primary residence, and have the primary residence construction completed within one year. The intent is that construction will start as soon as possible after the permit is issued. Mr. Busch noted that Mr. McCloed is amenable to requesting the construction permit for the primary residence at the same time as the permit for the garage relocation, and is willing to post a letter of credit to ensure the work is completed in a timely manner.

Mr. Miske presented the recommendations from the planning commission. It was noted that there is prohibition on the code to moving the building on the proposed location. The variance is to the allow placing the garage prior to completion of the primary residence. The lot layout, which allows compliance with the ordinance with regard to placing the garage behind the primary residence, would necessitate placing the garage prior to the start of construction. It also makes sense that the foundation work for the garage and the residence would be occurring at the same time. The planning commission recommended approval for the request and suggested conditions that the permit be issued for the primary residence, the work be completed within one year, and that a surety bond be issued to ensure compliance.

Chairman Kylo opened the meeting for public discussion Mr. Jack Miller, residing across the street from the residence, sees no issues. An email from Mr. Tom Voight, 2875 Manning, also indicated no concerns with the request. An email from Mr. Vince Anderson asked a number of procedural questions, which were addressed.

Chairman Kylo closed the public hearing at 7:15 pm

Call to Order

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

Variance Request to Allow an Accessory Structure Prior to Completion of the Residence.

Chairman Kylo opened for supervisor discussion concerning the request to allow the accessory structure to be placed on the lot, 11853 30th St N, prior to completion of the main residence. Supervisor Appelt supported the issuance of the permit for the house and garage at the same time, and the request for a surety bond to ensure completion. Supervisor Schultz noted no significant concerns. Chairman Kylo noted the practical difficulties surrounding the location of the garage behind the primary

residence. He also supported the issuance of a surety bond to ensure compliance with the completion of the primary structure. After discussion, an amount of \$30,000 was proposed for a surety bond.

Chairman Kylo moved to approve the variance to allow the garage to be moved onto the lot, subject to the issuance of the building permit for the primary structure and the garage prior to the relocation of the building, and that the homeowner post a surety bond of \$30,000 to be released after the primary residence has been completed and a certificate of occupancy is issued, noting the practical difficulty of positioning the structure to be in compliance with town ordinances would be not possible after the primary residence is constructed. Supervisor Appelt seconded the motion.

It was noted that the landowner wanted to be able to store cars in the garage during the construction. Chairman Kylo amended his motion to authorize storage in the garage after the foundation for the primary structure is completed. Supervisor Schultz seconded the amendment. The motion and subsequent amendment passed.

Suspension of the Regular Meeting

Chairman Kylo suspended the regular meeting to allow for a second public hearing at 7:37 PM.

Public Hearing, Home Occupation Permit, 138771 17th St N.

Chairman Kylo resumed the public hearing regarding the request for a home occupation permit for Mr. Joe Kiesling at 13877 17th St N. for a construction contracting business. Work is done offsite, primarily in the overnight hours. The request is to store trailers and equipment on site. There will be minimal visits on site by employees or deliveries.

The public hearing was suspended in 2019 to allow for resolution of a property line dispute. The property line dispute has been resolved with an easement. No additional structure is proposed. The proposal is for fencing and trees for screening.

Chairman Kylo opened the discussion for public comment. Ms. Lisa Bond, 13899 17th St N, noted that the mediated agreement to resolve the boundary dispute requires that Mr. Kiesling complete the fence, tree planting, etc. by June 1st. She would like the conditions of the easement be included as conditions on the home occupation permit if approved. Ms. Sara Megchelsen, 13880 17th St N, asked about the number of trailers, equipment and vehicles that can be stored outside. It was noted the ordinance allows two pieces of equipment to be stored outside. An email from Mr. Vince Anderson asked clarifying questions on the request.

Chairman Kylo closed the public hearing at 8:07 PM

Resumption of the Regular Meeting

Chairman Kylo resumed the regular meeting at 8:07 PM.

Home Occupation Permit, 138771 17th St N

Chairman Kylo opened for supervisor discussion of the home occupation request. It was noted that the hours of operation on the permit, and as clarified by Mr. Kiesling, are not in normal business hours. Chairman Kylo noted that since the work was done primarily off site, it is not a significant concern. A question was raised about materials stored on site. Mr. Kiesling clarified that the materials currently on site are for his own personal home projects. The board reviewed the storage and number of vehicles, equipment and trailers on site. Mr. Kiesling noted that the equipment will not all fit inside the current accessory structure.

After discussion, Supervisor Schultz moved to approve the home occupation permit subject to having not more than two pieces of equipment stored outside, the hours of operation to depart late

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evening and return in the morning Monday through Friday, subject to the construction of the screening fence and planting of the screening trees, subject to the conditions of the easement signed to resolve the property dispute being completed not later than June 1, 2020. Seconded by Supervisor Appelt the motion carried.

Approval of the Minutes

Chairman Kylo moved to approve the minutes of the February 10, 2020 regular meeting with minor corrections. Seconded by Supervisor Schultz, the motion carried.

Supervisor Schultz moved to approve the minutes of the Board of Audit held Feb 10, 2020. Seconded by Supervisor Appelt, the motion carried.

Chairman Kylo moved to approve the minutes of the Budget Meeting held January 29, 2020. Seconded by Supervisor Schultz, the motion carried.

Tiller Corporation, 5 Year Permit Renewal

Ms. Christina Morrison presented the request from Tiller Corporation for the renewal of the mining permit for an additional five years. Tiller has been in operation at that site for 30 years. The site includes 287 acres of property. Nineteen acres were reclaimed in the past 5 year cycle. Mining will continue in the Phase 1 portion of the property for the next 5 year period. Operations are seasonal, with some trucking year round. Annual production is between 200,000 and 500,000 tons per year, depending on the projects being supported.

Chairman Kylo asked about projects for the near terms. In the next season, work is focusing on projects in Clearwater and Elk River. Supervisor Appelt asked about the operation of the wash plant, and if there were concerns over the potential spread of waterborne contaminants. The water is not treated, but it is not known if there are environmental concerns over the execution of the wash plant. Supervisor Schultz asked about the 40 acre parcel off of 10th Street owned by Tiller Corporation. There is no intention to mine that parcel at this time.

Chairman Kylo moved to approve to Washington County of the renewal of the mining permit for Tiller Corporation for an additional five years. Seconded by Supervisor Appelt, the motion carried.

Draft Grading Permit

Mr. Mark Votava, chairman of the planning commission, presented the current draft grading permit. It was suggested that the permit refer to requirements for traffic control devices. After discussion, it was returned to the planning commission for additional revisions.

Road Vacations

Supervisor Schultz noted that the board consider vacation of some road easements identified as no longer required by the township. He suggested the township vacate the easement for 11th Street after east of Nordic Avenue and 15th Street to the east of Omaha. Neither road easement is predicted to be constructed.

Washington County, Solicitation of Federal Funds

Washington County presented a request for the board to support a request for the 2020 solicitation of Federal Funds from the Metropolitan Council Regional Solicitation Program for the reconstruction of Manning Avenue between I94 and 30th Street. The county is looking for a letter of support for the project. A similar request was made to Lake Elmo and Baytown. Chairman Kylo moved to sign the letter of support. Seconded by Supervisor Schultz, the motion carried

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Treasurer's Report

Ms. Olson presented the treasurer's report for February 2020 reflecting \$66,149 in receipts and \$48,480 in expenses, and \$1,552,521 as the remaining fund balance. Chairman Kylo moved to approve the report and pay the invoices presented by the clerk. Seconded by Supervisor Schultz, the motion carried.

Public Comment

No public comment was received

Planning Commission Activity

Mr. Votava presented a summary of work being done by the planning commission. The planning commission is in the process of a full review of permit types and where the different types of permits, specifically interim use permits and conditional use permits, might apply.

Old/New Business

Supervisor Schultz will attend the MAT legal short course in April.

Chairman Kylo noted a summons was received for a consolidation hearing on April 30th. It was suggested that a closed meeting be held to discuss options with counsel.

Adjourn

Chairman Kylo moved to adjourn the regular meeting, having no further business. Seconded by Supervisor Appelt, the motion carried. The meeting was adjourned at 9:45 PM.

Respectfully Submitted,



Elizabeth A. Vance

Secretary