

WEST LAKELAND TOWNSHIP

April 11, 2016

7:00 p.m.

Oak-Land Jr. High

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Mary Rinkenberger, Deputy Clerk; Mr. Scott McDonald, Township Attorney; Ms. Marsha Olson, Treasurer,

Public Hearing – Amend the Conditional Use Permit for Aggregate Industries

Chairman Kylo called to order a public hearing to review a requested amendment to the Conditional Use Permit held by Aggregate Industries to lift the restrictions on traffic to exit the gate on Stagecoach Trail to within a 5 mile radius and not more than 10% of the total truck traffic in a 24 hour period at 7:06 PM.

Ms. Patty Christensen and Mr. Tim Festermacher represented Aggregate Industries. Ms. Christensen explained the request to lift the restrictions would allow Aggregate Industries to compete on projects in the east Metro on a more competitive basis. Currently those local projects are going to Tiller or Bryan Rock. Since the projects are let to operations currently using 10th Street and Stagecoach Trail, there would be no increase in truck traffic, it would originate at a different location. The daily count of traffic from the Aggregate pit varies, and averages 200 to 250 trucks per day. Most currently, and will continue, to use the main gate on Hudson Blvd. Local projects that exceed that 5 mile radius include, for example, the CostCo construction on 694. After discussion with Washington County, there was no concern on the part of the county on roads or traffic by easing the restrictions on exiting onto Stagecoach Trail. Aggregate Industries has been a good neighbor, and will continue to work to address neighborhood concerns and manage the behavior of the contracted haulers.

Mr. Dave Dupay presented the planning commission recommendation. It was not a unanimous decision. The final recommendation was to extend the 5 mile radius to 15 miles, and retain the 10% restriction on truck traffic. The planning commission review indicated that the current volume is at 5% of the total truck traffic, since only exiting traffic moves through that gate. It was also recommended that the access to the gate be better aligned with 10th street, to allow an easier crossing of Stagecoach Trail.

Historically, until 1981, there were no township rules or controls on mining. Both Bryan Rock, Miller and Tiller were in operation at that time, and the County permits were in existence at that time, and the township adopted the permits as written. Aggregate Industries expanded operations into West Lakeland Township after the ordinances were adopted, thus allowing the Township to provide for expanded restrictions.

Chairman Kylo opened the hearing to public comment.

Residents neighboring the exit expressed concern over the noise generated by the gravel trucks, the speed and volume of the traffic, and the impact on the home value. Miller Excavating, after receiving community concerns, has rerouted some of their traffic. It was asked if there could be restriction on motor braking at this intersection.

Concern was expressed for the safety of walkers, runners, and bicyclists on Stagecoach and 10th Street with regard to the increasing traffic. There are two concerns: the speed of the trucks, and debris that fall from the trucks. Concern was also raised that trucks have been observed passing on the right.

Concern was raised on the impact of the truck traffic on road maintenance costs. Chairman Kylo noted that these roads are built to accommodate this level of truck traffic, and are managed by the County, not the township.

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The question was raised on why Aggregate could not compete competitively using the exit on Hudson Blvd. Ms. Christensen noted that their assessment indicated there would be no increase in traffic moving through the intersection of 10th Street and Stagecoach Trail. The work that would use that exit is currently going to mining operations along Stagecoach that already pass through that intersection. The core traffic would continue to use the exit on Hudson Blvd. The concern is the time spent at the scale on I-94 relative to the total time of the haul. Since each truck is weighed at departure, the scale can be seen as non value added time reducing the number of loads that can be transported per day.

Concern was raised on the impact on 22nd Street. The contention is that trucks leaving the main gate will route through St Croix Trail to 22nd Street then on to Stagecoach to avoid the scale. This would cause additional wear on a Township road.

The question was raised on how this amendment would impact the activity by Cemstone vehicles, which use the same exit. Cemstone has a permit with the City of Lakeland, and has no restrictions on travel to or from their site.

Residents suggested the board consider removing all gravel operations from the Township. Concern was also raised on how any limitation based on the number of trips would be enforced.

Having no more public comments, Chairman Kylo asked for board member comments.

Supervisor Ebner noted that the contention that Aggregate is competing for the same local work as Bryan Rock, Miller and Tiller, and thus the traffic at 10th and Stagecoach would remain the same. Traffic on Stagecoach could be less if work was diverted from Miller or Byran Rock.

Supervisor Schultz noted that the County might be the most appropriate municipality to regulate the use of motor brakes on these county roads. He thinks it makes sense to allow Aggregate to compete on a more level basis, and the 5 mile/ 10% limitation may be too restrictive, but would like some limitations. It was noted that last year, the Township received \$75,000 in income from gravel operations.

Chairman Kylo noted that the public does not favor increasing truck traffic on this route. He sees little justification for the 5 mile restriction, and notes that there is a growing demand for gravel as a commodity as the economy improves. Using mining operations close to the construction keeps costs down.

The public hearing was closed at 7:59 PM

Call to Order

Chairman Kylo called to order the regular meeting of the West Lakeland Town Board at 8:00 PM.

Amend the Conditional Use Permit for Aggregate Industries

The board considered the restriction on movement to within 5 miles of the gate. It was agreed that the 5 mile limit was too restrictive, and after 10 miles, restricting on distance made no sense since you were well out of the Township, and traffic would use the main gate. The restriction of traffic to 10% of the total traffic continues to allow for a limit on the traffic entering into that intersection. Chairman Kylo moved to lift the restriction of traffic within 5 miles of the site and retain the restriction

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to within 10% of the total truck traffic, and to direct Mr. McDonald to draft a resolution documenting the change to the conditional use permit. Seconded by Supervisor Ebner, the motion carried.

Urban Deer Management

Urban Deer Management, a group of bow hunters that do controlled hunts in the metro area, has had a relationship with West Lakeland since 2005. As a nonprofit organization, their objective is to assist local communities with the management of deer population. Generally, does and fawns are targeted. The alternative is more costly sharpshooter harvest, trapping or sterilization. Procedures are maintained to limit the impact on the community. Hunters access only properties that have given permission for such access, and do not field dress the deer on site. Supervisor Ebner noted he has had Urban Deer Management on his property, and was impressed by their professional, courteous actions. Additional information is available through the Township Website.

Approval of the Minutes

Supervisor Ebner moved to approve the Minutes of the May 2016 meeting as corrected. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report for March 2016, reflecting \$78,322 in receipts and \$42,433 in expenses. Supervisor Ebner moved to approve the report. Seconded by Chairman Kylo, the motion carried.

Ms. Olson noted the additional time required to upgrade Township records to CTAS 7 to allow the Township to submit financial statements to the State of Minnesota. The estimated additional time was 15 hours. Chairman Kylo moved to authorize payment of \$120 to Ms. Olson for the additional time worked. Seconded by Supervisor Ebner, the motion carried.

Review and Pay Invoices

Supervisor Schultz moved to approve payment of the invoices presented. Seconded by Supervisor Ebner, the motion carried.

Hard Drives Conditional Use Permit Renewal and amendment to allow Rock Crushing on Site.

Hard Drives owns the Tower Asphalt facility, and are requesting a renewal of their 5 year conditional use permit and asked for an amendment to allow crushing of material on the north portion of the property. The site between Hudson Road and I-94 has been completely mined, but is empty and below the grade of Hudson road. Hard Drives would like to bring material into that site to be crushed, about three times per year for about a week at a time, crushing 7,000 to 10,000 tons of material. Chairman Kylo moved to defer the request to the Planning Commission for review, and scheduled a public hearing at the May 9 meeting. Seconded by Supervisor Ebner, the motion carried.

Washington County Transition of Land Use Issues and Controls

The board reviewed the request by Washington County to transfer land use controls to the Township. The County would like the townships to assume responsibility for zoning, subdivision and land use activity. Doing so would eliminate duplicity, redundancy and confusion.

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Supervisor Schultz raised concerns of the need for the Township to leverage professional staff more often, at a higher cost and a more formal process. Supervisor Ebner concurred, but noted the Township Ordinances are more complete than they have been in the past, indicating less need to rely on County ordinances to govern activity. It was noted that the update on the Comprehensive Plan by 2018 will require professional assistance regardless of the outcome of this discussion.

The County will maintain some level of professional planning staff for the areas being retained in their jurisdiction, such as mining, wetlands and shorelands.

Mr. McDonald noted that the Township may have limited ordinances or expertise with commercial development as the I-94 corridor continues to grow.

Chairman Kylo moved to table the decision to allow additional review. Seconded by Supervisor Ebner, the motion carried.

Mandatory E Filing for Ordinance Violations

Mr. McDonald brought before the board a notice from Washington County that beginning in August, local ordinance violations needed to be filed electronically, and coded to allow the violation to be entered into the County systems. It was suggested that a staff attorney at Lawson, McDonald could complete the task. Mr. McDonald was asked to provide an estimate of the cost for the next meeting.

West Lakeland Data Practices Policy

It came to the attention of the board that a formal policy regarding response to data practices requests was needed. Chairman Kylo provided a draft policy for the board's review. Concern was raised about the ability to manage requests with limited staff in terms of the time to respond to requests and how to manage the costs of such requests. Supervisor Ebner volunteered to review this policy and compare to those of other communities.

Old Business

The MAC Planning Environmental Committee passed the modified plan for a 3500 ft runway at the Lake Elmo Airport. The proposal will go to the full MAC council for review.

Chairman Kylo noted that the adjustment of boundaries between the Middle St Croix Watershed District and Valley Branch Watershed district will require a public hearing. Additional details on the requirements will be forthcoming

Additional concerns were raised over chickens in residential areas.

Concern was raised by residents that Mr. Lind was operating the party bus service for which his permit was revoked. Chairman Kylo moved to authorize Mr. McDonald to proceed with obtaining affidavits and preparing a complaint. Seconded by Supervisor Ebner, the motion carried.

A request was received from Woodbury regarding a change to their comprehensive plan. The area being changed has no direct impact on West Lakeland. Chairman Kylo moved to return a response of no comment to Woodbury. Seconded by Supervisor Ebner, the motion carried.

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Supervisor Schultz is working through the impact of modifying road requirements to comply with 9 ton load limitations, and is working with Washington County on street naming discrepancies

Adjourn

Supervisor Ebner moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. The meeting was adjourned at 9:42 PM.

Respectfully submitted,



Elizabeth Vance
Recording Secretary