

West Lakeland Township

August 12, 2019

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; Ms. Viet Hanh Winchell, Township Attorney, Ryan Stempski, Township Engineer, Duane Stensland, Building Inspector

Public hearing to consider an application for a Home Occupation Permit, by Joseph Kiesling of 13877 17th Street North for a proposed contracting business, continued from May 6, 2019

Chairman Kylo called to order the public hearing at 7:00 PM. The hearing was continued to allow time for the applicant and neighbors to resolve the ongoing property dispute. Mr. Kiesling indicated that the lot line dispute has not been resolved. The action is scheduled for a court hearing. Mr. Kiesling asked for an indefinite extension to the request, pending resolution.

When asked the neighbors, Mr. and Mrs. Bond, indicated that they did not support the indefinite extension, but wanted resolution to the request. In their opinion, Mr. Kiesling is continuing to operate the business without the conditional use permit, and do not feel that Mr. Kiesling will comply without enforcement.

Ms. Winchell noted that while the request is pending, there is not a conditional use permit, Mr. Kiesling cannot operate a business from the property. At the most, he can have a home office and park a company truck. Business equipment or materials cannot be stored on the property until the conditional use permit is issued. Should business activity be observed, it should be documented, and reported to the board for enforcement action.

The request for indefinite extension was signed by Chairman Kylo. When the property dispute is resolved, any party can bring the action back before the board. A new public hearing will need to be convened when the issue is brought forward.

Ms. Laurie Evans, 13959 17th Street, asked about the actions by the board should a building be built without a permit. Chairman Kylo responded with the actions that can be taken by the board to ensure enforcement.

Chairman Kylo closed the public hearing at 7:30 PM

Call to Order

The regular meeting of the West Lakeland Town Board was called to order by Chairman Kylo at 7:30 PM

Approval of the Minutes

Supervisor Schultz moved to approve the minutes of the July 8, 2019 regular meeting. Seconded by Supervisor Ebner, the motion carried.

Supervisor Ebner moved to approve the special meeting of August 2, 2019. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olsen presented the report for July 2019, reflecting \$357,935 in receipts and \$55,106 in expenses. Supervisor Ebner moved to approve the report as presented. Seconded by Supervisor Schultz, the motion carried.

Concept Plan, Solar Garden at 1937 Stagecoach Trail N

Mr. Sam Falk, Novel Energy Solutions, presented a concept plan for a solar garden at 1937 Stagecoach Trail. The current ordinance restricts the coverage of the solar array to 10% of ground

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coverage. This proposal would cover approximately 62% of the total lot area. Screening would be added along the perimeter of the lot should the use move forward.

Ms. Winchell noted that with the large coverage and size of the array, this may require rezoning for the use. At a minimum, for the design presented a variance would be required.

The board felt the 62% coverage was too excessive for a variance, but they referred the proposal to the planning commission for a recommendation.

Burr Oaks, Release of 1 Year Warranty Security

Ryan Stempski noted that he has done the final inspections, and the remaining items have been completed. The only item remaining is recording of the low floor elevations. Valley Branch has asked the township to see that through. He believes they can release the security, regardless of this issue, but should hold onto the escrow to cover that last item. Attorney Winchell stated that there is no grounds to keep the security, but can keep the escrow with an addendum to the Developer's Agreement. She has been working with the VBWD attorney. Motion to release the security deposit of \$133,875 by Chairman Kylo for Burr Oaks and authorize retention of the escrow and instruct attorney Winchell to draft and record the addendum to the Developer's Agreement for the record of low floor elevations. Seconded by Supervisor Ebner. Motion carried.

Final Acceptance of Roads, Stensland Woods

Mr. Stempski, Township Engineer, presented the proposal for acceptance of the roads and other improvements for Stensland Woods and initiate the one-year warranty program. There are no issues anticipated with the development. Mr. Stempski recommended the reduction of the security amount by 75%. Ms. Seifert noted the escrow balance was currently negative. Ms. Winchell noted that the security is separate from the escrow deposit, but since the improvements took over two seasons, it might be appropriate to modify the developer's agreement.

Chairman Kylo moved to allow a modification of the development agreement to reduce the security retained to 25% and move \$2,608.81 of the remaining security deposit to the escrow fund, noting the extended period to complete the development improvements. Seconded by Supervisor Schultz, the motion carried.

Supervisor Ebner moved to accept the roads and improvements, initiate the one-year warranty period and reduce the security deposit to \$61,935.50. Seconded by Chairman Kylo, the motion carried.

Outside Council, Lake Elmo Airport Expansion

Chairman Kylo raised the potential need for outside council to advise the board regarding the Lake Elmo Airport Expansion. Issues raised by this proposal may be outside the expertise of the Township attorney. After discussion, Chairman Kylo agreed to initiate an initial consultation.

Resignation of Supervisor Ebner

Chairman Kylo accepted the resignation of Supervisor Ebner, effective November 2019. The board discussed a process for identifying and selecting a candidate to be appointed for the remainder of the term. Chairman Kylo moved to direct the clerk to post the position and convene an appointment committee. Seconded by Supervisor Schultz, the motion carried.

Road Maintenance Activity

The spray patch quote from RCM was tabled, pending input from the Baytown Town Board. At this time, Baytown has opted not to maintain the shared section of 30th Street. After discussion,

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Supervisor Ebner moved to authorize \$4,900 for repair of pot holes. Seconded by Chairman Kyлло, the motion passed with a nay vote from Supervisor Schultz

Supervisor Schultz brought forward the pay estimate for the 4th/6th Street improvement project. The project was completed a few weeks ago. No predraws were made on the contract. Supervisor Schultz moved to issue a payment to Minnesota Paving and Materials for \$442,859.75 and authorize the clerk and chairman to sign the check outside the meeting. Seconded by Supervisor Ebner, the motion carried.

Review Draft Short Term Rental Ordinance

The draft ordinance regulating short term rental was reviewed. After discussion, the draft was returned to the planning commission for additional review.

Public Comment

Ms. Carla Ekwall asked about the stop signs not returned on 6th Street. Mr. Stempski noted that according to the Minnesota Uniform Traffic Control standards, this intersection does not meet the minimum standards to require traffic control signs. The standards will be shared with the community.

Concept for Lot Spilt

Ms. Joann Ekwall, 13397 6th Street N, requested an opportunity to review a lot split proposal with the planning commission. The lot is 2.75 acres, and each of the proposed lots would be less than the 2.5-acre minimum lot size. She believes there is practical difficulties present on the lot because of the existing easements on the lot. The request was referred to the planning commission for review.

Planning Commission Update

Mr. Miske reported on the work reviewed by planning commission. It was noted that terms of the planning commission members have expired. Supervisor Schultz moved to appoint Ms. Elizabeth Vance, Mr. Sean Flaherty, Mr. Brian Krafthefer and Mr. Ed Gorman to a new 3-year term. Seconded by Supervisor Ebner, the motion carried.

Additional Business

Resolution R-2019-5 and conditional use permit 20-19-2 were presented for signature.

Adjourn

Having no further business, Supervisor Ebner moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. Chairman Kyлло adjourned the meeting at 10:07 PM.

Respectfully Submitted,



Elizabeth A. Vance