

## West Lakeland Township

August 21, 2017

7:00 p.m.

Oak-Land Jr. High

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Jennifer Samec, Deputy Clerk; Ms. Marsha Olson, Treasurer; Mr. Dave Dupay, Planning Commission Chair; Duane Stensland, Building Inspector; Attorney Scott McDonald; Attorney Viet-Hanh Winchell; Engineer Ryan Stempki.

### Call to Order

Chairman Kylo called the regular meeting of the West Lakeland Town Board to order at 7:01 PM.

### Approval of the Minutes:

Supervisor Ebner moved to approve the minutes of the July 10, 2017 meeting with minor corrections. Seconded by Supervisor Schultz, the motion carried.

Supervisor Schultz moved to approve the minutes of the June 22, 2017 MS4 Public Meeting, incorporating the comments from Mr. Stempski, Township Engineer, and Mr. Dupay, Chairman of the Planning Commission. Seconded by Supervisor Ebner, the motion carried.

### Treasurer's Report

Ms. Olson presented the report for July 2017, reflecting \$311,358 in revenue and \$47,716 in expenses. Supervisor Ebner moved to approve the treasurer's report and authorize payment of the invoices presented. Seconded by Supervisor Schultz, the motion carried.

### Public Comment

No public comments were offered.

### Vacate Cul-de-Sac easement at 2889/2855 Overlook Avenue North

Mr. Jim White and Mr. Dave Bonestroo appeared before the board to request that the easement for the cul-de-sac in the original plat between 2889 and 2855 Overlook Avenue North be vacated. The cul-de-sac was abandoned in 1989 for a through street. Mr. McDonald noted that a public hearing would be required before the board could take action on this request. A hearing was scheduled for October 2, 2017. Mr. McDonald suggested that should the easement be vacated; the alignment of the property lines be managed by quick claim deeds between the impacted homeowners.

### Burr Oaks Subdivison, Final Plat and Development Agreement Approval

Mr. Joe Bush appeared before the board requesting approval of the final plat and developer's agreement for the Burr Oaks development. Mr. McDonald noted the pending items necessary for the completion of the developer's agreement. Washington County has not yet produced the mylars for signature. The payment of the escrow has not yet cleared. The title check has not yet released the previous landowner.

Supervisor Ebner asked about the new landowners. Mr. McDonald noted that he was aware of any concerns with TNT LLC.

Mr. Stempski noted that the completion date was incorrect on the documents presented for review. He suggested that the developer's agreement address the required stormwater maintenance agreement, and provide for the township to implement stormwater management districts should it become necessary to ensure maintenance of the stormwater system should the homeowner's association fail to do so. The stormwater management district or homeowner's association needs to be

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in existence before funds can be released. The stormwater maintenance agreement can also provide for a mechanism to assess maintenance and repairs to the homeowners. Mr. Stempski is also waiting for the demolition plan.

There are two recommended changes to the developer's agreement. First, to address the option of stormwater improvement district and stormwater management plan. Second, to clarify that funds will not be released without Valley Branch Watershed District approval.

Supervisor Schultz moved to approve the final plat, subject to the execution of the amended developer's agreement, clearing of the escrow deposit and evidence of satisfaction of the mortgage, and to allow the Chairman and Clerk to sign the developer's agreement outside the meeting and authorize the developer to begin work after signature of the developer's agreement. Seconded by Chairman Kylo, the motion carried. The mylars will be signed at the next regular meeting.

### **Proposed Outbuilding at 1191 Nolan Ave N**

Mr. Charles Guaker, 1191 Nolan Ave, appeared before the board to discuss the location of a proposed outbuilding on his lot. The site is a corner lot, with the house in the far corner of the property. The concern is how to define a corner lot, which is the front setback, and which is the side setback. The front setback is 50 feet, while the side setback is 25 feet. After discussion, and review of the proposed location, Chairman Kylo moved to require the 25 foot side yard setback based upon the proposed site layout. Seconded by Supervisor Ebner, the motion carried. Supervisor Schultz abstained from the vote, as Mr. Gauker is a neighbor.

### **Dayton Holding Company, Proposed Sign Permit**

Mr. Jacob Steen, of Larkin Hoffman, representing Mr. Steve Nelson, appeared before the board to discuss the possibility of placing at 14' x 48' electronic billboard on the southwest quadrant of Stagecoach and I-94. A permit was issued in 1990, and a sign erected but later removed because it did not meet Washington County ordinances. Until the change of planning and zoning from Washington County to the township, the sign was not allowed by Washington County zoning. The current ordinance would restrict the sign to 32 square feet. It is also uncertain how the lighting restrictions in the ordinance would apply to this electronic billboard. Supervisor Schultz noted the parcel is a noncompliant lot, less than the 5 acres required for commercial development. The request was referred to the planning commission for review.

### **Small Issuer of Tax Exempt Bonds**

Mr. McDonald presented to the board the benefits and role of the township as a small issuer of tax exempt bonds. The city of Stillwater will on occasion provide an incentive to another municipality to issue bonds for projects in their jurisdiction. After discussion, the board agreed that there was interest in the concept. No specific proposal was presented.

### **Joint Powers Agreement and Court Data Services Agreement**

Ms. Winchell presented resolutions to document the joint powers agreement and court data services agreement necessary for the township to request an ORI number is requested from the BCA through the FBI. The agreements do not change the prosecuting authority. Chairman Kylo moved to sign the resolution approving the Joint Powers Agreement with the State of Minnesota and West Lakeland and authorize signature of the agreement and court data services agreement. Seconded by Supervisor Ebner, the motion carried.

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### Review of Proposed Amendments to the Town Code Regarding Community Residences

Supervisor Ebner presented proposed changes to sections 4.3.2, 11 and 11.20 regarding community residences for up to 10 residents. The amendments create performance standards and building requirements. A conditional use permit would still be required for this use.

### Compliance of Single Family Residence, 991 Neal Ave N

Mr. Stensland reported to the town board the alleged violation of the town code restricting to only one residence per lot. It appears that the pool house at 991 Neal Ave N has been upgraded to qualify as a residential dwelling, in addition to the primary residence. The primary residence is also showing signs of major remodeling with no permits on record. Ms. Winchell was directed to send a notice to the property owner to clarify the number of dwellings on the site, and evidence of permits for the work completed. The board also asked Ms. Winchell to determine if an injunction against the sale can be put into place until the violation is clarified.

### Additional Business

Chairman Kylo presented the City of Woodbury's request for feedback regarding the amendment to their Comprehensive Plan addressing the developments Glen Valley at Valley Creek and Stonemill Farms 16<sup>th</sup> Addition. The board has no comment. No action was taken.

Supervisor Schultz presented an update on road maintenance. Patching continues. M&S Tree Service, who has had the contract for tree removal with the township, has merged this service with BJ Haines tree service in Stillwater. An updated agreement was provided, with no changes in pricing or in services. Insurance certification is required before work can be let to BJ Haines.

Supervisor Schultz reported on the community engagement meeting for the Lake Elmo Airport expansion. Supervisor Schultz expressed concern over the proposed Baytown Comprehensive Plan regarding maintenance of 30<sup>th</sup> street and potential changes to the municipal boundary.

Mr. Dupay presented the discussion of the planning commission of the question of allowing residential use in a commercial district. The proposal is that the property be rezoned as residential single family estates, and three lots created, and a conditional use be applied to the nursery operation. Supervisor Ebner will review the discussion with Ms. Nickerson.

Supervisor Ebner raised the question of working with Washington County staff on licensing trash haulers. The board would like a better understanding of the benefits and costs of such an action. Supervisor Ebner will contact Washington County for additional information.

### Adjourn

Having no further business, Chairman Kylo moved to adjourn the meeting. Seconded by Supervisor Ebner, the motion carried. The meeting was adjourned at 9:35 PM.

Respectfully submitted,



Carrie Seifert  
Clerk

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