

## West Lakeland Township

December 8, 2014

7:00 p.m.

Oak-Land Jr. High

PRESENT: Chairman Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz, Ms. Sue Agrimson, Township Clerk; Ms. Mary Rinkenberger, Deputy Clerk; Mr. Scott McDonald, Township Attorney; Ms. Marsha Olson, Treasurer; Mr. Duane Stensland, Building Inspector

### Call to Order

Chairman Kylo called together the regular meeting of the West Lakeland Board of Supervisors at 7:04 p.m.

### Approval of the Minutes

Corrections were noted to the minutes of the November 10, 2014 regular meeting. Supervisor Schultz moved to approve the minutes as noted. Seconded by Supervisor Ebner. The motion carried.

Corrections were noted to the minutes of the November 11, 2014 Town Board 1:00 pm. tour of the Tennis Sanitation facility in St. Paul Park and also discussion and planning of the 2015 Annual Clean Up Day. Supervisor Ebner made a motion to approve the minutes as corrected. Seconded by Supervisor Schultz. The motion carried.

Upon review of the minutes of the November 12, 2014 meeting at Miller Excavation in Baytown Township regarding snowplow issues, Supervisor Schultz made a motion to approve the minutes as read. Seconded by Supervisor Ebner. The motion carried.

### Treasurers Report

Ms. Olson presented the treasurer's report reflecting \$27,989.59 in receipts and \$62,205.63 in expenses. Net assets of the Township are \$1,231,804.04 Supervisor Schultz made a motion to accept the treasurer's report. Seconded by Supervisor Ebner. The motion carried.

### Review and Pay Invoices

Supervisor Schultz noted that a thank you gift to Mr. Guy Glover (Santa for the Township Holiday gathering) should be forthcoming from the Board. The Board discussed what they have done in years past. Supervisor Schultz made a motion to give a gift of \$100 from the Lake Elmo Inn to Mr. Glover. Seconded by Supervisor Ebner. The motion carried. Clerk Agrimson was directed to purchase the gift card and send the thank you note with gift card to Mr. Glover.

### Comment Opportunity

There were no comments or questions from the public.

### City of Bayport New Fire Hall and Fire Contract

Logan Martin (Bayport City Administrator); Fire Chief Mark Swenson and Captain Josh Eisinger were present to discuss information on the new fire hall and fire contract with West Lakeland for 2015.

Chief Swenson shared that the existing fire hall that was built in 1960 with 6,000 square feet has been inadequate and unsafe for some time – apparatus inside the barn are inches apart. With that in mind, the City had been seeking options for a new facility. With the legislative help from Representative Kathy Lohmer and Senator Karin Housley, vacant and unused State surplus

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land at 5<sup>th</sup> Avenue and Stagecoach Trail has been transferred to the City of Bayport at no charge for the purpose of constructing a new fire station.

Administrator Martin went on to say that the price tag to construct a new fire hall of approximately \$6,000,000 includes building construction costs, site preparation fees, extending municipal water and sewer utilities, furniture, permits, consultant fees and other soft costs. This estimate is still dependent upon bid results, final interest/financing costs related to any general obligation bonds to be issued to Bayport and additional grant monies received. So far the city has received \$1 million in grants which includes the Anderson Window Company.

Under the proposed funding plan, Bayport would provide a \$2 million up-front payment and the remaining cost would be shared amongst the four participating communities (Bayport, Baytown Township, Oak Park Heights and West Lakeland Township). The cost sharing method for financing would be identical to the “fair share formula” currently used to calculate the annual fire contract fees for each of the four municipalities. West Lakeland’s cost share is equal to 19.91% of the projected cost, \$517,660 or \$34,511 per year for 15 years.

Mr. Martin said that the fire department budget will not be raised more than 3% in any given year during the term of the Agreement.

Supervisor Ebner inquired about the future of the current fire station. Mr. Logan said it could possibly house other city vehicles, etc. but that it would be rolled in with other City assets.

There is a recommendation that there be an advisory board of involved communities that would meet quarterly so as to avoid any “surprises” in the Fire Contract costs, etc. like what has happened in the past few years due to unexpected expenses. The cost for the coming year should be within 5% of last year’s amount which was \$80,425.00.

Supervisor Ebner made a motion to address additional Town Board concerns (as recommended by Attorney McDonald) regarding prepayment of general obligation bonds if the Town Board would choose to do so at a future date and how that would affect the remaining project costs and if something were to happen to destroy the new fire station, what the insurance arrangement for payment back to the participating municipalities would be to cover their share. This could be accomplished by an addendum that would not change the language of the proposed Contract that will be approved by the four communities. Seconded by Supervisor Dave Schultz. The motion carried. This information was submitted to Administrator Martin and he will get back to us at a later date on the outcome of these suggestions and a Contract with an addendum for signature.

### **Jake Mildon** – Application for Home Occupation to operate a hot tub repair shop at 1909 St Croix Trail

Mr. Mildon is in the process of purchasing the property from Jeff Hause which sits on 13 acres. The closing is pending for end of April 2015. He brought in photos of views from road, aerials of said property as well as the inside of the shop (2500 Sq. feet) showing repair process of hot tubs. He indicated that he will not have any employees working for him and no hazardous materials stored on the property. No retail sales will take place on the property.

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Supervisor Ebner made a motion to issue a permit to Jake Mildon to operate a hot tub repair and storage shop with no outside storage; contingent upon his residing on the property. Seconded by Supervisor Kyлло. The motion carried.

### **Lewis Martin(Martin Consulting) Representing Verizon with a request to place a cell tower at 2595 Oakgreen Avenue(Timothy & Sharon Wolfgram-owners)**

Mr. Martin is requesting a Conditional Use Permit for the installation and operation of a new monopole cell tower and the associated equipment located at 2595 Oakgreen. The tower proposed to be 120' to 129' with a lightning rod on top; not to exceed the 150' limitation set forth in the Ordinances. This tower is proposed to be located toward the rear of the property in the woods which will provide natural screening with a technician servicing the tower about once a month. It would be set up for co-location by other companies as Verizon has its own broadcast spectrum.

He said that Verizon has been working on a new location for 18 months to improve cell reception in this area. The closest Verizon tower is 1.1 miles away from this proposed location. Ideally, they wanted to co-locate on another tower but the options available didn't work.

Mr. Martin will send Clerk Agrimson an email with the Certification from the manufacturer of the tower as soon as it becomes available.

The timetable for the construction of the tower is out at least 5-6 months if approved by the Town Board with recommendations from the Planning Commission. He was referred to the December 16, 2014 Planning Commission meeting with a public hearing scheduled for the January 12, 2015 regular Town Board meeting.

### **Attorney Edward Pardee, representing the Delores Westin Family, requesting consideration to build home south of 10<sup>th</sup> Street North & West of Neal Avenue**

This request was originally brought before the Town Board in 1992 with road front issues of less than the required 160'), substandard lot size(2.27 acres), flood plain elevations and Code restrictions on the number of residences that may share a common driveway. This property is landlocked.

Mr. Pardee was referred to the January Planning Commission meeting. Chairman Kyлло stated that he thought that the Board and the Township Engineer should have an onsite visit of this property in order to check out the easement for safety of vehicle passage on the shared driveway and other pre-existing issues. Chairman Kyлло will work on a date in which to conduct a visit to the property.

### **Robert Lind(1445 Neal Avenue) – Review Home Occupation Permit(landscape and charter bus services)**

Several neighbors were in attendance and expressed their long standing concerns of alleged violations over Mr. Lind's landscape and bus service. Neighbor, Mr. Greg Zinn, 1495 Neal Avenue Ct. N, called for the immediate revocation of Mr. Linds's permit and if this didn't happen, they would pursue litigation. He also commented that he has videos with him this evening that show compelling proof of numerous alleged violations from 2007 and 2008; i.e., numerous buses parked on property which come back in the early morning hours; storage and removal of material such as black dirt; stones, gravel & dirt and other vendors showing up on

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Mr. Lind's property as well as an auction that was conducted last week(December 3<sup>rd</sup>). Mr. Zinn did ask the Board if he could show about a half hour worth of these videos of several instances that he had recorded of Mr. Lind's trucks hauling materials off the property in 2007 and 2008 with the alleged violations that he and neighbors have complained about for the past 14 years.

Mr. Tom Olsen, 1515 Neal Avenue Ct. N., noted that in the video that the "for sale" sign shows the timing of violations in relation to when the home was sold and how long the new occupants have lived there.

Mr. Steve Iverson, 1485 Neal Avenue Ct. N., asked the Town Board to revoke the permit. He said that since the November Town Board meeting, there have been loads of material leaving the Lind property. He has noted that he feels that there are multiple employees coming to the property that the permit doesn't cover.

Ms. Jennifer Rolf, 1465 Neal Avenue Ct. N, presented photographs taken recently from her property of the alleged violations showing constant traffic in the morning. She indicated that her home has full view of the Lind property.

Ms. Sylvia Zinn, 1495 Neal Avenue Avenue Ct. N. requested that the permit be withdrawn. She expressed the fact that they have complained about Mr. Lind's alleged business violations since 2007. She says that he has violated MN Statute 462.3595.

Ms. Jo Iverson, 1485 Neal Avenue Ct. N. observed Mr. Lind's alleged business violations and its impact on the neighborhood.

Mr. & Mrs. Dale Peleski, 1475 Neal Avenue Ct. N., asked that the permit be revoked.

Mr. Dean Milbrath, 1545 Neal Avenue Ct. N. feels that Mr. Lind has grown the business beyond the permit.

Mr. Lind refuted the allegations and contended he was following the permit and that all he was doing in 2007 and 2008 was hauling extra boulders and extra fill materials to his father's business in South St. Paul. He said that he often uses his skid loader to load portable equipment onto his truck and trailer and that can be mistaken for him loading landscape products. He said he often picks up landscape products or material the day before and leaves them on the truck or trailer overnight to be delivered the next day to the job site which could also be mistaken for hauling product from his property. Mr. Lind also addressed the auction issue and said he has just as much right to hold an auction or garage sale as any of his neighbors do. Mr. Lind then addressed the timeliness of his own landscaping project and said he has a big yard and he works long hours and can only work on his yard when he has time. He has brought in a lot of material over the years to fill in large low areas on his property and boulders for his retaining wall. He said he is sorry that it is taking so long to finish and sorry that it is creating such a disturbance in the neighborhood.

Attorney, Larry Laver, appeared with Mr. Lind, but did not make a formal presentation but did contend that the complaints were baseless and would represent Mr. Lind if litigation was pursued by the neighbors of Mr. Lind.

Supervisor Ebner said that at the minimum, we should enforce the permit as written with just one bus stored on property and asked if the Board could decrease the amount of traffic coming and going onto Lind's property.

Township Attorney, Scott McDonald, said that in light of threatened possible litigation, the Board could hold a Closed Meeting to further discuss the course of actions they must take.

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Chairman Kylo moved to table this discussion until the Board has had the Closed Meeting. He will find a good date for the Town Board members to meet with the Attorney McDonald with the intent to present a resolution of this matter at the January 12, 2015 Town Board meeting. Seconded by Supervisor Schultz. The motion carried.

**Review of draft Ordinance Amendments as presented by Supervisor Ebner**(that event centers do not fit in with allowed uses in current Ordinance under Home Occupation and that kennel inspection and associated fees with kennels be updated on fee schedule – **Tabled**

**Building Permit Fee Schedule update – Tabled**

**Review of draft from Attorney McDonald regarding the clarification in a recently approved Resolution for Aggregate Industries at the August 18, 2014 Town Board meeting – Tabled**

**Nominate Rich Leone(1280 5<sup>th</sup> Street N.) for seat on Planning Commission**

Chairman Kylo indicated that he had talked to Mr. Rich Leone, independent of the Board, about the open volunteer position on the West Lakeland Planning Commission. Mr. Leone did attend a Planning Commission few months ago and did have contact with Supervisor Ebner. However, he didn't know that Mr. Leone would be showing up at that meeting. Chairman Kylo made a motion to accept Mr. Rich Leone as a member of the Planning Commission. Seconded by Supervisor Schultz. The motion carried.

**Procedure for replacement of retiring Town Clerk**

Chairman Kylo made a motion that the Board would give him latitude in talking to potential candidates for the Town Clerk position as well as placement of application/job description on website, newsletter and/or Gazette. Seconded by Supervisor Ebner. The motion carried.

**Manning Avenue Corridor Safety Improvement Project neighborhood meetings to be held on December 15<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> at St. Lucas Church**

Chairman Kylo said that he would be in attendance at all three of these meetings.

**Manning Trail Repaving Project Update**

Supervisor Schultz said that the project was not budgeted for this year as the request for roadwork on Manning Trail came up unexpectedly later in the year from the City of Lake Elmo. Our share is estimated to be about \$63,000 that will be paid out some time in 2015.

**Tony Lerud(8804 Glacier Road, Woodbury) applying for a Peddling and Soliciting Permit**

Mr. Lerud was in attendance at this meeting and asked what he should do to obtain a Peddling and Soliciting Permit. The Board instructed him to find the application on the Township website and send the required amount to the Town Clerk for review by Board at the next Town Board meeting or when he would be available to attend one.

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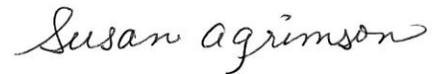
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**Adjourn**

Having no further business, Supervisor Schultz moved to adjourn the meeting. Seconded by Supervisor Ebner. The motion passed. Chairman Kylo adjourned the meeting at 10:28 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Susan Agrimson".

Susan Agrimson  
Town Clerk

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