

WEST LAKELAND TOWNSHIP

February 13, 2017

7:00 p.m.

Oak-Land Jr. High

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

Call to Order

Chairman Kylo called to order the regular meeting of the West Lakeland Town Board at 7:05 PM.

Discussion of the Jurisdiction on Land in Federal Trust

Mr. Kevin Quigley, of Foley and Quigley, returned to address the board and the open question of the role of the Metropolitan Council and the Township with regard to managing public services such as sewer and water, if extended into land held in Federal Trust currently owned by the Prairie Island Indian Community. West Lakeland is unique in that it is a township of a rural nature and without the current need or desire for public Metropolitan services such as sewer and water, but adjacent to communities with those services. The land in West Lakeland potentially being put into Federal trust is in West Lakeland, but adjacent to those communities.

Mr. Quigley noted the draft application for trust status indicates the use continues to be agricultural or low density housings, and indicates no jurisdictional or land use conflicts.

The Metropolitan Council requires that each community update its comprehensive plan every 10 years, and if there is an event or action in any community that would impact the projected development or need for services, the plans can be amended or required to be amended as those changes are identified. For example, should the flow through the waste disposal system be greater than expected, this can trigger a finding of substantial change.

Should the land be put into federal trust, the zoning and land use authority belongs to the Indian Tribe. The state or state agencies have no authority over that land. Generally, the tribal government will work cooperatively with neighboring jurisdictions and enter into joint powers agreements to address concerns such as public services.

Theoretically, should the tribe desire waste disposal services on the parcel within West Lakeland, the tribe has the authority to develop a waste water management system meeting federal standards within the boundary of the trust land, or can enter into an agreement with the adjacent community of Lake Elmo to extend metropolitan sewer services into that parcel. In either instance, West Lakeland has no role in the action. The joint powers agreement would require Lake Elmo to amend their comprehensive plan, and that would allow for comment from West Lakeland, but not an approval role. There would be no requirement for West Lakeland to modify the comprehensive plan because West Lakeland is not a party to the change.

Mr. Quigley provided examples where similar challenges for services were faced by local municipalities neighboring federal trust land. Where the local municipality refused to work with the

WEST LAKELAND TOWNSHIP

February 13, 2017

7:00 p.m.

Oak-Land Jr. High

tribe to address the concerns, the tribe generally was able to find a method to meet the needs regardless of the objections. Where the local municipality was willing to negotiate a solution with the tribe, the result was generally beneficial to both communities.

Public Hearing, Preliminary Plat for Stensland Woods

Chairman Kylo opened the public hearing for the preliminary plat for Stensland Woods at 7:59 PM. The development is proposed on the northwest quarter section 134, bordered on 8th Street N. The proposal is for 3 single family residential lots on 9 acres, with a 700 foot roadway from the cul de sac on 8th Street. Mr. Isaac Stensland provided an overview of the proposal.

Mr. Dupay provided a summary of the planning commission comments. There is concern over the steep grades with the proposed road, and the impact on erosion and snow control. The developer has received, but not acted upon, the engineering comments from the Township Engineer. It was also recommended that concrete curb and gutter be considered if not for the entire roadway, the cul de sacs and the area of steep slopes.

Mr. Stempski, Township Engineer, raised the issue of the current cul de sac on 8th Street, and the Township's willingness to have a cul de sac from a cul de sac. Mr. Stensland noted that the long term plan is to extend 8th street through to the Tiller property, when that property is reclaimed from the current mining use. This will need to be addressed in the wording of the access and easement agreements. Leaving the current cul de sac as it is in the short term had no noticeable detriments. Mr. Schultz noted that the snow contractor and the fire chief have no concern over leaving both cul de sacs in place.

No public comment was received, and the hearing was closed at 8:15 PM

Open of Regular Meeting

Chairman Kylo closed the public hearing, and resumed the regular meeting at 8:15 PM

Preliminary Plat for Stensland Woods

Mr. Dupay asked if the plat involved an outlot. Any outlot will need to be attached to a buildable parcel. Supervisor Schultz does not support making this part of the right of way, as it increases the land that must be maintained by the township. Concern was also raised over the slopes at the proposed roadway where it enters into the development. The board discussed stormwater management and maintenance. This would be addressed by the WMO. After discussion, Chairman Kylo moved to authorize a draft resolution to document the approval of the preliminary plat for Stensland Woods subject to attaching the outlot to a buildable parcel, addressing the 2-1 slope along

WEST LAKELAND TOWNSHIP

February 13, 2017

7:00 p.m.

Oak-Land Jr. High

the proposed roadway, consideration of concrete curb and gutter, satisfactorily addressing the concerns raised in the review by the township engineer, satisfactorily addressing the concerns of the Watershed review, approval of the road by the Washington County Highway Department, completion of a developer's agreement, letter of credit, cash escrow with the clerk, and documented approval of septic system proposals. Seconded by Supervisor Ebner, the motion carried.

Treasurer's Report

Ms. Olson presented the report of January 2017, reflecting \$1,558 in revenue, and \$62,848 in expenses. The Township has \$1,634,706 in assets. Supervisor Ebner moved to approve the report and pay the invoices presented. Seconded by Supervisor Schultz, the motion carried.

Approval of the Minutes

Supervisor Schultz moved to approve the minutes as corrected of the January 2017 regular meeting. Seconded by Chairman Kylo, the motion carried.

Supervisor Ebner moved to approve the minutes of the Joint meeting as corrected of the Town Board, Planning Commission with members of Met Council and staff held January 31, 2017. Seconded by Supervisor Schultz, the motion carried.

Extension of Preliminary Plat for Burr Oaks

Ms. Kathy Madore of Edina Reality, appeared before the board to request an extension of the preliminary plat approval for the Burr Oaks project. The preliminary plat was approved in June 2016. There have been delays due to the change in the selection of builders, health issues of the developer, and issues over the bids for the road work to be done. There is also a possibility of a sale of the property, although the existing developer will remain the same.

Mr. Dupay asked if a written request for extension was received from the developer and the owner of the property. The township received an email, but not a signed document. The board discussed the ability of the board to provide an extension given the approval of the plat was June 2016, and the implications of any sale of the property on the approval. There has been a precedent to allow an extension for Mr. Thill's development. After discussion, Chairman Kylo moved to extend the preliminary plat approval for six months, contingent on a formal letter from the landowner requesting the extension, formal documentation to allow Ms. Madore to represent him before the township, if sold, the new owner will need to provide formal notice that the plan will not be changed, and the escrow fund replenishment to the initial amount of \$5,000 before March 13. Seconded by Supervisor Ebner, the motion carried.

Letter of Engagement with Foley and Quigley

WEST LAKELAND TOWNSHIP

February 13, 2017

7:00 p.m.

Oak-Land Jr. High

Mr. Kevin Quigley, since performing the first consultation for the township with regard to Indian law and jurisdiction, has moved to an independent firm of Foley and Quigley. As a result, the clerk sent a letter of authority to transfer the files for the services for West Lakeland Township from Gray Plant Moody to Foley and Quigley. The Chairman also signed a new letter of engagement with Foley and Quigley. Supervisor Schultz moved to ratify the action of the clerk and the chairman in this matter. Seconded by Supervisor Ebner, the motion carried.

Focus Engineering

The board reviewed the rates for services from Focus Engineering. Costs are unchanged from 2016. Chairman Kylo moved to approve the rate structure. Seconded by Supervisor Schultz, the motion carried.

Election Judges

Chairman Kylo moved, seconded by Supervisor Schultz, to approve the slate of election judges for the 2017 Township Election. The motion carried.

Reimbursement for Ms. Richtman work on recycling programs

Ms. Richtman submitted to the board for request for reimbursement of additional time for \$1,275 for work done above the estimate of the initial contracted scope. Ms. Seifert did note that Ms. Richtman was requested, in the future, to identify cost overruns before the work was done. Chairman Kylo moved to approve the additional payment of \$1,275 to compensate for the additional work. Seconded by Supervisor Ebner, the motion carried.

Comprehensive Plan

Comprehensive Plan amendment has been received from Lake Elmo. Supervisor Schultz commented on the Golf Course Community use that has been added to the Lake Elmo plan. The town board members are watching the current development at the Tartan Park property, but the language in the draft Comprehensive Plan is more general.

The 2030 Comprehensive Plan draft has been received for review from Baytown. Supervisor Schultz would like to consider a response to Baytown plan with regards to the section on aviation.

The planning commission will be considering how to approach the update to the West Lakeland Comprehensive plan. It appears to be more within the capacity of the planning commission than originally expected.

Additional Business

Supervisor Ebner reported that the computer for the deputy clerk, Ms. Samec, is up and running with no additional funds required.

WEST LAKELAND TOWNSHIP

February 13, 2017

7:00 p.m.

Oak-Land Jr. High

Ms. Samec requested permission to be reimbursed at the training rate for CTAS training provided by the State of Minnesota. There is no cost for the training itself. Supervisor Schultz moved to authorize payment at the training rate for CTAS training on February 23, and to reimburse for mileage. Seconded by Supervisor Ebner, the motion carried.

Supervisor Ebner reported that the update to the ordinances has been completed and the draft provided to the planning commission for review, and for the board to discuss at the next regular meeting.

Adjourn:

Having, no further business, Supervisor Ebner moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo adjourned the meeting at 9:33 PM.

Respectfully submitted,



Elizabeth Vance
Recording Secretary