

West Lakeland Township

July 8, 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, Duane Stensland, Building Inspector

Public Hearing, Ground Mounted Solar System, Variance to Construction in front of the Primary Residence, 93 Midwest Avenue North

Chairman Kylo called to order a public hearing to consider a conditional use permit request for a ground mounted solar system at 93 Midwest Avenue North. The application includes a variance request to allow the construction of the solar array in front of the primary residence. The public hearing was called to order at 7:04 PM. Mr. Joe Wenzel presented the details of his request. The array, 24 ft long, 9 ft tall and 10 ft wide, was recommended to be placed in front of the primary residence. Trees and shrubs are present to screen that location from the street and neighboring residences. Placing the array in the rear of the lot would require removal of several mature, healthy trees. Mr. Wenzel presented letters from the neighbors adjacent to the property supporting the request.

Mr. Del Miske reported on the planning commission review. The planning commission recommended to approve the conditional use permit and supported the request for variance with a 4-2 vote. It was noted that the septic and drainfield are to the rear of the lot, and the location is suitably screened.

Chairman Kylo opened for public comment. Mr. Henry Kretman, 149 Midwest Ave, asked about why the location could not be put into the back of the lot. He is concerned with this setting a precedence for future construction.

The public hearing was closed at 7:16 PM.

Call to Order, Regular Meeting

Chairman Kylo called to order the regular meeting of the West Lakeland Town Board at 7:16 PM

Review request, Ground Mounted Solar System, Variance to Construction in front of the Primary Residence, 93 Midwest Avenue North

Chairman Kylo opened for board discussion of the request to install a ground mounted solar array at 93 Midwest Avenue. The request includes a conditional use application for the ground mounted array and a variance to allow construction of the array in front of the primary residence.

Supervisor Ebner noted concerns about removing mature trees to allow a solar project. He noted the township has considered this sort of obstruction in allowing other construction in front of the primary residence in the past. He recommended that Mr. Wenzel be required to maintain the screening currently in place.

After discussion, Chairman Kylo moved to approve the conditional use permit to allow the ground mounted solar array at 93 Midwest Avenue N and approve the variance request to allow construction of the array in front of the primary residence siting the practical difficulties of the existing mature trees in the rear of the lot and location of the septic field, subject to the condition that the construction be in compliance with the plans presented and the existing vegetative screening be maintained, and to direct the township attorney to draft a resolution documenting the approval. Seconded by Supervisor Ebner, the motion carried.

Public Hearing to Review Proposed Amendments to the Town code regarding Maintenance of Township Right of Way

Chairman Kylo opened the public hearing to consider amendments to the town code regarding maintenance of the Township right of way at 7:20 PM. Supervisor Ebner clarified the reasons behind

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the proposed changes. Chairman Kylo noted that the allowed obstructions are placed in the right of way at the risk and cost of repair or replacement to be borne by the resident.

Mr. Vince Anderson raised a concern over the wording to prohibit obstructions, and then allow exceptions. The Township Attorney approved the language as written. Mr. Vince Anderson asked about the enforcement of the ordinance, and who is responsible for the maintenance of the right of way. Chairman Kylo noted that the township works with the residents, but ultimately has responsibility for the maintenance. It was noted that not all the right of way in the township is defined in the same way. Mr. Anderson asked about temporary snow markers and private traffic control signs. Temporary markers would be allowed. Private signage would need to comply with the ordinance.

Chairman Kylo closed the public comments at 7:40 PM.

Reopen of the Regular meeting to Consider the Proposed Changes to the Town Code Regarding Maintenance of the Township Right of Way.

Chairman Kylo reopened the regular meeting of the town board to consider the changes to the Town Code regarding maintenance of the Township right of way at 7:35 PM. After discussion, Supervisor Ebner moved to approve the modification of Township Section 16.8, Obstructions in the Town Right of Way, and direct the Township Attorney to public the modification. Seconded by Supervisor Schultz, the motion carried.

Public Hearing to Review Amendments to 17; 17.9.2.1, 17.9.2.4, 17.9.2.5, and add section 17.9.10 and 17.9.5 and sections 17.9.2.7, 17.9.9, and 17.10 to ordinance with the exception of striking 17.10.3.1 Regarding Domestic Fowl

Chairman Kylo opened the public hearing regarding the keeping of domestic fowl at 7:45 PM. Supervisor Ebner introduced the revisions, and the reasons for the change. Mr. Del Miske spoke for the planning commission, noted the reasoned arguments presented by Mr. CJ Walsh, and put forward the recommendation of the planning commission to strike the prohibition of roosters from the draft being considered at the public hearing. Chairman Kylo opened the hearing for public comment.

Mr. CJ Walsh, 1123 Oakgreen Ave N, appeared before the board to review the letter previously submitted to the town board. He explained the benefits of having roosters in the flock, and the inability to ensure that chicks purchased can be appropriately sexed to ensure roosters are not purchased.

Having no further comments, Chairman Kylo closed the hearing at 7:54 PM.

Board Review, Amendment to Livestock Ordinance, Section 17

Chairman Kylo resumed the regular meeting at 7:54 PM to review the proposed ordinance to amend the livestock ordinance regarding domestic fowl. It was noted there have been 5 recorded complaints regarding roosters over the past 15 years. If roosters become an issue, there are other methods to address the issue in the current code. After discussion, Supervisor Ebner moved to approve the amendments to 17; 17.9.2.1, 17.9.2.4, 17.9.7, 17.9.2.7, 17.9.9.5 add section 17.9.10 with the exception of striking 17.10.3.1. from the proposed language, and to direct the township attorney to publish the ordinance. Seconded by Supervisor Schultz, the motion carried.

Approval of the Minutes

Chairman Kylo move to approve the minutes of the June 2019 regular meeting. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report:

Ms. Olson presented the treasurer's report reflecting \$36,673 in receipts, and \$162,063 in expenses. The township net assets are \$1,858, 643. Chairman Kylo asked about the cost for road

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maintenance for \$22,025. This is for the tree removal prior to the 4th Street/6th Street project. Chairman Kylo moved to approve the report. Seconded by Supervisor Schultz, the motion carried.

Public Comment:

Ms. Jennifer Heddle, 1323 Orwell Ave N., asked about safety concerns for the neighborhood considering the residence for troubled youth in her neighborhood. There have been several incidences of concern in the past few weeks, including trespass, resulting in multiple calls to the Washington County Sheriff. The maintenance of the home is also lacking, with garbage left out and furniture in the yard. Ms. Carrie Seifert echoed these concerns. Chairman Kylo responded that the use is permitted through Washington County, and the township is not notified of the permit when it is issued. Chairman Kylo will discuss the concerns with Commissioner Kriesel, and recommended the residents continue to direct their concerns to him.

Mr. Vince Anderson brought forward a number of concerns regarding how the minutes of the township are recorded and maintained. Chairman Kylo asked that these concerns be documented and directed to the Township Attorney.

Fence Construction, 12020 18th Street North

Mr. Mike Biebl, 12020 18th Street North, appeared before the board to review the requirements for construction of a 9 ft fence. The purpose of the fence is to screen the property from the street lights and traffic in the Royal Golf Club Development in Lake Elmo. After review, it was advised that the only requirement was a Township Building Permit.

Roads Update:

The final wear course was completed for the 4th Street/6th Street loop Project. The seal coat project should start shortly. It was noted that the extreme freeze cycle of the past winter has added significant wear to the township roads.

Supervisor Schultz was asked when the road signs would be returned after completion of the 6th Street and 4th Street project. The signs not yet installed will not be returned.

Draft Short-Term Rental Ordinance

The Planning Commission presented a draft revision to the Town Code to address Short Term Rental use. The township attorney requested that the text further clarify the restrictions. Supervisor Schultz asked about the term "home sharing", and how this would be interpreted with this change. The home sharing differs in that there is no documented lease agreement. It was suggested that Stillwater's ordinance be reviewed. Mr. Khayree Duckett, Government Affairs Director for the St Paul Association of Realtors, offered to be a resource as the township explored this property use. The action was referred to the planning commission for additional review.

Additional Business

The board signed the Conditional Use Permit for the assisted care facility at 14410 21st Street.

Mr. Rick Weyrauch, Baytown Supervisor, appeared before the board to discuss the agreement for ongoing maintenance of 30th Street. Baytown township is willing to continue to support sharing the cost of the repair of the road and would like to work together to find a vehicle that can continue the shared expense considering the potential rerouting of the street. The West Lakeland Town Board will discuss at a separate meeting.

Supervisor Schultz asked about Baytown's intent to repair 30th Street between Manning and Neal Avenues. The Baytown board is in favor of waiting to see if a larger project will be scheduled.

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Supervisor Schultz noted that the warranty period for Burr Oaks is about to expire. He will review the project with the Township Engineer.

Supervisor Schultz reported on the Metropolitan Council meeting regarding the review of the West Lakeland 2040 Comprehensive Plan. Mr. Votava will invite the Met Council representative and/or staff member to review the final comments from the review.

Planning Commission:

Mr. Votava confirmed the agenda items for the Planning Commission meeting. These items include the Comprehensive Plan Review, Short Term Rental Ordinance, Draft Conditional Use Permit Application, and Burning Permit Ordinance review.

Adjourn:

Supervisor Schultz moved to adjourn the meeting. Seconded by Supervisor Ebner, the motion carried. Chairman Kylo adjourned the meeting at 9:56 PM

Respectfully Submitted,



Elizabeth A. Vance