

## West Lakeland Township

May 6, 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; Mr. Scott McDonald, Township Attorney

### **Public Hearing, Conditional Use Permit for Project Caring, 14410 21<sup>st</sup> Street North**

Chairman Kylo called to order a public hearing to use the residence as an assisted-care facility pursuant to the Town Ordinances related to Community Residences at 7:02 PM. Mr. David Itman presented the request. The property he purchased was being used as an assisted care facility for six residents at the time of purchase. Under the previous owners, the property was brought to meet state requirements for this use. The request is to issue a conditional use permit and allow up to 10 residents. There would be no expansion of the building but would operate within the current building. There would be no additional parking required. Two employees would be on site with the residents. The planning commission recommended approval, given that all state codes were met. After public discussion, Chairman Kylo closed the public hearing at 7:08 PM

### **Call to Order**

Chairman Kylo called to order the regular meeting of the West Lakeland Town Board at 7:08 PM.

### **Public Hearing, Conditional Use Permit for Project Caring, 14410 21<sup>st</sup> Street North**

The board discussed the request for the conditional use permit for an assisted care facility for 10 residents. Chairman Kylo reported on his site visit. It appeared all safety measures were in place. The residents seemed content and the necessary care was being provided. Supervisor Ebner noted that at the public hearing regarding the modification of the ordinance to allow assisted care facilities as a conditional use, residents spoke highly of the facility. After discussion, Chairman Kylo moved, seconded by Supervisor Ebner, to approve the conditional use permit addendum to allow up to 10 residents, pursuant to the town ordinances and direct the town attorney to prepare a resolution documenting the approval. The motion carried.

Chairman Kylo suspended the regular meeting.

### **Public Hearing, Home Occupation Permit, 13877 17<sup>th</sup> Street North**

Chairman Kylo called to order a public hearing to consider an application for a Home Occupation Permit, by Joseph Kiesling of 13877 17th Street North, for a contracting business operated from the residence. Mr. Kiesling described his business, and the request to store trailers outside but behind a privacy fence. The trailers are used to haul equipment, including a bobcat. There is a garage and an accessory structure. Mr. Kiesling indicated that there was not space inside the buildings to store the trailers and all the equipment. The hours of the operation are in the evening, but all work is done offsite. The truck and trailers usually leave in the evening and return the following morning.

Mr. Bill Bond, 13389 17<sup>th</sup> Street, noted that the equipment on the site includes two large trailers, a truck, van and lift truck, all of which are stored outside. Since purchasing the property, Mr. Kiesling has removed the trees along the drive and built an accessory structure where there used to be a much smaller carport. Mr. and Mrs. Bond contend the actions of Mr. Kiesling has devalued their property. Currently Mr. and Mrs. Bond and Mr. Kiesling are involved in a property encroachment issue. The trees removed and the accessory structure may cross the property line. Mr. and Mrs. Bond also indicated there is debris from the business on the property. Ms. Laurie Evans, 13959 17<sup>th</sup> Street North, also contended that there is debris and excess vehicles and equipment on the property. The question was also raised about how the neighbors could be ensured that the privacy fence would be adequately

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maintained into the future. Mr. John Evans also expressed concern about the impact of a construction use on property values. Mr. Robert Horning, 13880 17<sup>th</sup> Street N is concerned about the potential change in character of the neighborhood.

The planning commission reviewed the request, and recommended approval with the conditions that the trailers be screened by a minimum six foot privacy fence. The issue of property encroachment was not brought before the planning commission. The board reviewed the size of accessory structures that could be on the 5 acre lot.

When discussing the lot line dispute, Mr. Kiesling indicated he thought the trees and the location of the accessory structure were on his property. Mr. and Mrs. Bond disputed this issue. Mr. McDonald noted that the adverse possession and property encroachment issues should be resolved before the board can respond to the request for the home occupation permit. The results of that resolution might change the conditions to be considered for the permit. Mr. McDonald further noted that the ordinance allows for outside storage for one trailer and one vehicle. Additional outside storage is not authorized under the ordinance.

Supervisor Ebner reviewed the conditions that must be met for a Type 3 business. This use does qualify as a Type 3 business. The request has concerns with the storage of outside equipment, hours of operation and providing the necessary screening. Chairman Kylo noted that the fence proposed for screening could not be built until the property dispute is resolved.

Supervisor Schultz moved for a continuance of the public hearing until the June regular meeting. Seconded by Supervisor Ebner, the motion carried. Chairman Kylo continued the public hearing and resumed the regular meeting.

### **Approval of the Minutes**

Supervisor Ebner moved to approve the minutes of the April 8, 2019 town board meeting, with minor corrections. Seconded by Supervisor Schultz, the motion carried.

Supervisor Ebner moved to approve the minutes of 2019 Local Board of Appeal and Equalization. Seconded by Supervisor Schultz, the motion carried.

### **Public Comment**

Supervisor Schultz was asked about the plan to rebuild Oakgreen Avenue. He noted the funds have not been programmed by Washington County. The current projection is that the work will be done in 2021.

### **Renewal of Conditional Use Permit, Bryant Rock**

Ms. Kirsten Pauly, Sunde Engineering, presented the 5 year renewal of the permit for mining. Washington County retains authority for mining operations, but requests that the township review the permit renewal. There are no new operating activities proposed and no new requests. Bryant Rock would like to continue the existing permit. Extraction is moving, and there is estimated between 6 and 10 years left of limestone operations. Reclamation actives have begun in areas no longer being mined. No complaints have been noted by the board. Chairman Kylo moved to send a recommendation of approval for the extension of the conditional use permit. Seconded by Supervisor Schultz, the motion carried.

### **MAC Airport Expansion**

Supervisor Schultz presented the appraisal provided for MAC with regard to the relocation of 30<sup>th</sup> Street. Supervisor Schultz requested Dahlen, Dwyer, Foley and Tinker review the appraisal. Mr. Dahlen's cursory review raised some concerns over the classification of the road condition and the allocation of value between the two townships. Supervisor Schultz indicated that the appraisal may be

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used in support of condemnation of the road. Supervisor Schultz also noted that the road proposed is to be built to AHSTHO standards, which are not equivalent to MnDOT standards. There may also be issues with the location of township boundaries within the proposed plan. No action was taken at this time.

### **Road Repair Projects.**

Chairman Kylo moved to approve the contract proposal from Gopher State Seal Coat for \$9,140. Seconded by Supervisor Ebner, the motion carried.

Four contracts from RCM Contracting for spray patching were presented and reviewed. Chairman Kylo moved to approve the spray patching proposed contract for the shared road of 30<sup>th</sup> Street for half of the total, \$16,375, or \$8,187.50 for West Lakeland Township. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo moved to approve the contract for the shared road between Manning and Neal for half of the total, \$13,100, or \$6,650 for West Lakeland Township. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo moved to approve the spray patch for the identified township roads in the amount of \$131,000. Seconded by Supervisor Schultz, the motion carried. The final contract presented was for seal coat. Chairman Kylo moved to approve \$23,375 for seal coat of the township roads. Seconded by Supervisor Schultz, the motion carried.

### **Treasurer's Report**

Ms. Olsen presented the report for April 2019. The report reflects \$6,875 in revenue and \$53,937 in expenses. The current assets of the Township are \$2,023,072. Supervisor Ebner moved to approve the report. Seconded by Supervisor Schultz, the motion carried.

Ms. Olsen reported that her computer has stopped working, and thus was unable to print the check run. Supervisor Ebner moved to allow the chairman to sign the checks as presented by the clerk outside the meeting. Seconded by Supervisor Schultz, the motion carried.

### **Amendment of the Budget Meeting Minutes**

Ms. Seifert is recommended to the board that the minutes of the 2019 Budget meeting be modified to reflect on page 4, the table of accounts. Supervisor Ebner moved to correct the tables on Page 4 reflecting the direct allocation of funds to the CIP account in the amount of \$200,000 and adjust the amount assigned to the road and bridge fund of \$395,000 as identified by the clerk and treasurer. Seconded by Supervisor Schultz, the motion carried.

### **Technology Requirements**

Supervisor Ebner reported on the search for a larger screen for the Township offices. Chairman Kylo moved to approve up to \$450 for a monitor screen and wall mount for the Township conference room. Seconded by Supervisor Schultz, the motion carried.

New computers were needed for the Treasurer and Recording Secretary. After discussion, Chairman Kylo moved to approve up to \$1,100 for laptop computers for the Recording Secretary and Treasurer, including needed software. Seconded by Supervisor Ebner, the motion carried.

### **Proposed Ordinance Changes**

Supervisor Ebner presented the draft Right of Way Maintenance Ordinance. After discussion, the board would like to include a minimum distance from the road surface that will be subject to mowing. The board also reviewed the draft ordinance on domestic fowl. After discussion, the board requested additional clarification of the penalties. Both draft ordinances were returned to the planning commission for additional review without action.

### **Certificate of Compliance Fees**

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Ms. Seifert noted that the section regarding fees for the certificate of compliance is not clear. When a hearing is required, the fees are specified, but not for a certificate of compliance. Chairman Kylo moved to add to the fee schedule a \$25 fee for a certificate of compliance. Seconded by Supervisor Ebner, the motion carried.

### Adjourn

Having no further business, Supervisor Schultz moved to adjourn the meeting. Seconded by Supervisor Ebner, the motion carried. Chairman Kylo adjourned the meeting at 9:37 PM

Respectfully Submitted,



Elizabeth A. Vance