

WEST LAKELAND TOWNSHIP

November 14, 2016

7:00 p.m.

Oak-Land Jr. High

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Carrie Seifert, Clerk; Mr. Scott McDonald, Township Attorney; Ms. Marsha Olson, Treasurer; Mr. Dave Dupay, Planning Commission Chair; Duane Stensland, Building Inspector

Public Hearing: To Consider an Ordinance to Opt out of Minnesota Statute 462.3593 Regarding Temporary Family Health Care Dwellings.

Chairman Kylo called to order the public hearing at 7:08 PM. Mr. McDonald provided a summary of the intent of the proposed ordinance. Minnesota Statute 462.3593 allows for temporary housing to be created for temporary care or support of family members that may not be allowed under the current zoning ordinances. The statute allows a municipality to choose to opt out of this provisions of the statute.

Chairman Kylo opened the floor for public discussion. Mr. Vince Anderson, in support of the ordinance, raised questions of clarification on the procedure used to generate the final draft and the documents included at the time the public hearing notice was published. Supervisor Ebner provided the clarification. Having no other public comment, Chairman Kylo opened the discussion to the board of supervisors.

Chairman Kylo noted he was not in favor of adopting the authorization from the state statute. The township staff does not have the capacity to monitor temporary housing units to ensure the units are used within the intent of the statute. There is also a concern over the cost to the homeowner to connect to water and septic, and still maintain the structure as temporary.

Supervisor Ebner supports the basic intent of the statute, but agrees that West Lakeland is not sufficiently staffed to provide sufficient oversight and enforcement so that the temporary structures would be temporary and used as intended by the statute.

Supervisor Schultz noted that septic systems are managed by Washington County, and Washington County regulations and procedures would need to be modified to accommodate this use.

Supervisor Ebner moved to accept the proposed ordinance 6.7.6 to opt out of the provisions of Minnesota Statute 462.3593 for temporary dwellings, and authorize the clerk to publish the ordinance. Seconded by Chairman Kylo, the motion carried.

Supervisor Ebner moved to close the public hearing. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo adjourned the public hearing at 7:20 PM.

Call to Order

Chairman Kylo called to order the regular meeting of the West Lakeland Board of Supervisors at 7:20 PM.

Treasurer's Report

Ms. Olsen presented the treasurer's report for November 2016. Chairman Kylo moved to accept the report as presented. Seconded by Supervisor Schultz, the motion carried.

Chairman Kylo moved to pay the invoices presented by the treasurer. Seconded by Supervisor Ebner, the motion carried. Supervisor Schultz noted that the invoice for street striping on 30th street is listed for the total cost. This was a cooperative project with Baytown, and Baytown will reimburse West Lakeland for \$3,355.33 for their share of the work.

Mr. Dupay found a mobile web mapping service, Trimble Terraflex, to replace the system previously authorized for purchase from Respect for \$3,000. The Terraflex product is available as a

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subscription. Chairman Kylo moved to authorize annual subscription of \$360 for Trimble Terraflex mobile web mapping service, which will result in a \$2,640 savings. Seconded by Supervisor Ebner, the motion carried.

Approval of the Minutes

It was noted that the minutes did not formally reflect a closure of the public hearing and an opening of the regular meeting. This will be more closely followed in future meetings. Supervisor Schultz moved to accept the minutes with minor corrections. Seconded by Supervisor Ebner, the motion carried.

Wetlands Management Administration

Mr. Jay Riggs of the Washington Conservation District presented a summary of the administrative requirements to manage wetlands. Generally, in Washington County, the administrative actions to support wetlands management are delegated to the Washington Conservation District or to the Valley Branch Watershed District. A draft resolution was proposed to delegate administration of Wetlands Management to staff and a contract was presented to assign administrative support of wetlands in West Lakeland to the Washington Conservation District at no cost. Mr. McDonald suggested the document be more specific in terms of identifying staff to which such authority is delegated. Mr. Riggs clarified that under the terms of the contract and the proposed resolution, the clerk would be delegated the administrative responsibility and the Conservation District would provide the drafted documents for signature and technical support.

Chairman Kylo moved to approve the resolution 2016-12 to delegate decision making regarding the Wetland Conservation Act to staff, with technical support from Washington Conservation District. Seconded by Supervisor Ebner, the motion carried.

Recycling Options

Ms. Karen Richtman presented to the township staff options in lieu of the annual cleanup day. One of the projects proposed for 2017 was to ensure that funds were effectively used to move materials into the correct waste stream. At the 2016 clean up day, Tennis removed 42.19 tons of garbage at a cost of \$12,847. Ms. Rickman noted that a cleanup day activity such as held by West Lakeland is becoming a less common activity. More options are available to residents to dispose of unwanted materials. Grant funds may be available to provide a more suitable, less costly alternative.

The board discussed the options of some of the proposals brought forward. A concern was raised that items such as tires and mattresses are still dropped in ditches rather than having proper disposal. The assumption that waste from outside the township from areas that no longer offer a cleanup day option are being disposed of at West Lakeland's cleanup day event. An informal poll of residents at the meeting indicated about 50% are in favor of the event, and 50% are not.

Supervisor Ebner asked Ms. Richtman to summarize what is done in neighboring communities, and return for additional discussion. Grant applications will be processed early in 2017, and the township will want to have some plan for a proposal to qualify for the grant funds.

Service Agreement, Granite House

Mr. McDonald summarized the discussion of the board at the last regular meeting to generate a contract for services with Granite House in the amount of the township's share of the building permit

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fees. At least one resident of West Lakeland will receive services from this care facility. The action was tabled until the amount of the building fee was clearly identified.

Comprehensive Plan for 2030

The board and planning commission need to begin in 2017 the update of the comprehensive plan through 2030. Every 10 years, the Metropolitan Council requires each municipality to update the long range comprehensive plan. The update is due in 2018. Chairman Kylo asked Sambatek Planning Services for an overview of the level of effort needed to update the plan, with estimates of time and cost.

Mr. Jim Robinson appeared before the board to present potential alternatives. The first option is to use Sambatek as a technical advisor and have the planning commission provide the effort to update the plan. This would cost \$3,000 to \$5,000. The second option is to have Sambatek draft the plan for planning commission and board review. This would be \$15,000 to \$25,000. Mr. Robinson is unaware of major changes to the requirements of the Metropolitan Council that would make the comprehensive plan much more problematic. The projection of minimal changes in terms of urban development also simplify the components of the plan. Supervisor Schultz suggested the options be discussed with the planning commission.

Petition from Residents for Resolution Regarding Sewer and Water Services

Residents of the township appeared before the board with a petition requesting a resolution stating the intent of the board to uphold the Township's current comprehensive plan and the Metropolitan Council 2040 plan specifically related to the desire to not allow the extension of public water and sewer services into the township.

As a result of the purchase of the land on I-94 and Manning Avenue, the residents are concerned over the possibility of high intensity land use being brought onto that property, and believe that would lead to extension of public sewer and water into the township, and that any extension of services into West Lakeland would be a substantial departure from the vision on the 2040 Met Council plan. There is concern that with the potential of the land being entered into trust, the ability of the town board to control the activity becomes limited. Residents do not want to see intensified land use. The concern of the residents proposing the resolution was to limit access of intensified use on that parcel, and that impact on neighboring parcels. The residents would like a resolution with a clear expressed support of the current comprehensive plan.

Chairman Kylo noted that the board does not have any intention to allow intensified land use in the land under its jurisdiction. There is not clear understanding of how land in Trust is controlled relative to Metropolitan Council guidance. Chairman Kylo's discussion with the senior planner at the Metropolitan council indicated that access would be managed by agreement between Lake Elmo and the Prairie Island Indian Community, and West Lakeland would have no jurisdiction. Chairman Kylo would like additional clarification in writing on the jurisdictional control.

Chairman Kylo is hesitant to state that there would never be circumstances where extending water and sewer into the zoned commercial zone would be appropriate. At the current time, and in the current comprehensive plan, there are no intentions to bring public water and sewer into the township, but the board wants to have options as the I-94 corridor develops, including the current commercial zone not part of the Four Sisters property. Chairman Kylo noted on behalf of the board that they fully support the current comprehensive plan. There is no desire for intensified development within the

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Township. Supervisor Ebner noted that the resolution would not provide any stronger statement of support of the desire to not have urban services such as public sewer and water than the current comprehensive plan already provides. That plan is the formal statement of the intent for development in the Township. At the current time, there has been no discussion of extending services into the property owned by Four Sisters. Mr. McDonald noted that the township has not received the official notice of the application submitted by the PIIC to the BIA to have the land purchased by Four Sisters to be put into trust at this time, and any use for gaming land would have additional approvals required.

Chairman Kylo moved to direct Mr. McDonald to prepare a resolution regarding the expansion of public sewer and water to ensure limited, appropriate land use. Seconded by Supervisor Ebner, the motion carried. Chairman Kylo thanked the residents for their participation and patience with the process.

Royal Golf Course Development

Chairman Kylo spoke with Mr. Ben Gonzola, Sambatek Planning Services, regarding the Royal Golf Course Development. Currently the development has not been approved by the city of Lake Elmo. Chairman Kylo also speak with Frank Tlchnor regarding transferring the 18th street into a cul de sac. The expansion of Manning Avenue may lag behind this development. The improvements could be delayed, if traffic allows, until the expansion of Manning Avenue. Any improvement cost to 18th Street would be borne by the Township until such time Washington County initiates the Manning Avenue Expansion. Chairman Kylo also met with Mr. and Mrs. Barnes and representatives of the developer to determine appropriate controls along their property line. There was positive discussion to meet their concerns.

Response to Prairie Island Request for Trust Land

There has not been a formal application from the Bureau of Indian Affairs regarding the request of the Prairie Island Indian Community to include the land in West Lakeland as Federal Trust land. It was suggested that some initial workshops or meetings be scheduled to proactively begin preparing the township's response. The board discussed hiring a consulting attorney with expertise in Indian law, and Indian gaming to review alternative actions. The board agreed to investigate a public meeting with a qualified consulting attorney to begin the process.

Additional Business

The board signed resolution 2016-10 documenting the approval for the variance to the zoning ordinance approved at the last meeting for Mr. and Mrs. Beebe.

The board signed resolution 2016-11, documenting the approval for the variance to the zoning ordinance approved at the last meeting for Mr. Gorman.

Supervisor Schultz presented the snow plow contract for the 2016-2017 season. Supervisor Schultz moved to approve the contract. Seconded by Supervisor Ebner, the motion carried.

A summary for publication of the newly adopted revision of the town code regarding home occupations was presented to the board. Chairman Kylo moved to approve the summary for publication. Seconded by Supervisor Ebner, the motion carried.

A summary for publication of the modification of the town code to accommodate MIDS approved at the last meeting was presented to the board. Supervisor Schultz moved to approve the summary for publication. Seconded by Chairman Kylo, the motion carried.

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Due to personal concerns, Santa may not be available to participate in the planned Township Christmas event. The board agreed to cancel the event, to accommodate Santa's personal concerns and schedule.

Supervisor Ebner noted that surplus computers are available through the State of Minnesota. Supervisor Ebner moved to authorize purchase of up to \$80 for a computer for the incoming deputy clerk. Seconded by Supervisor Schultz, the motion carried.

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 11:14 PM.

Respectfully submitted,



Elizabeth Vance

Recording Secretary