

West Lakeland Township

November 4, 2019

Oakland 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

Public Hearing, Vacate Easements, 13956 10th St N, St Boniface Oaks East

Chairman Kylo called to order the public hearing to consider the vacation of the drainage and utility easements at 13956 10th St N, St Boniface Oaks East at 7:00 PM.

Mr. Phil Moosbrugger presented the request to vacate the easements on the previously created lot line to support the move of the lot line to create two lots of approximately 20 acres. Review by the township engineer supported the revocation, if the easements on the northern lot line were retained. Replacing the southern easements was not necessary, as there is already an easement at the 100-year flood line that would ensure access to either of the two proposed parcels.

Chairman Kylo opened for public comment. None was received. Chairman Kylo closed the public hearing at 7:07 PM

Call to Order, Regular Meeting

Chairman Kylo called to order the regular meeting of the West Lakeland Town Board at 7:07 PM.

Vacation of Easements, 13956 10th St N, St Boniface Oaks East

Chairman Kylo asked for discussion on the request to vacate the easements at 13956 10th St N. No concerns were noted. Chairman Kylo moved to approve the vacation of the easements as identified on the survey presented and direct a resolution be drafted to document the action. Seconded by Supervisor Ebner, the motion carried. Chairman Kylo moved to approve the proposed lot line adjustment as presented on the survey. Seconded by Supervisor Ebner, the motion carried.

Suspend Regular Meeting

Chairman Kylo suspended the regular meeting to allow for a second public hearing.

Public Hearing for Ordinance Amendments to Chapter 4 of the West Lakeland Town Code

Chairman Kylo opened the public hearing at 7:10 PM. He introduced the modifications of Chapter 4, regarding short term rental use in the Township. The intention of the ordinance is to prohibit that use. It is determined that short term rentals, such as VRBO or AB&B, is not an appropriate use in the Township. Ms. Sylvia Zinn, 1545 Neal Ct N, asked for clarification if the use would allow for a boarding house. Language in the township limiting the number of nonrelated residents would prohibit such as use.

Chairman Kylo closed the public hearing at 7:15 PM

Reopen Regular Meeting

Chairman Kylo resumed the regular meeting of the West Lakeland Town Board at 7:15 PM.

Revision to Chapter 4, West Lakeland Town Code

Chairman Kylo asked for supervisor discussion. Supervisor Ebner noted this provided more detail as to what could or could not be allowed. Chairman Kylo moved to approve the modifications to Chapter 4 and direct the township attorney to draft a summary of the change for publication. Seconded by Supervisor Ebner, the motion carried.

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Suspend Regular Meeting

Chairman Kylo suspended the regular meeting to allow for a third public hearing.

Public Hearing for Ordinance Amendments to Chapter 16 of the West Lakeland Town Code

Chairman Kylo opened the public hearing at 7:20 PM. He introduced the modifications of Chapter 16 regarding controlled burning. Supervisor Schultz provided context and a summary of the change. On the recommendation of the DNR, more language was proposed to provide additional definition of the restrictions and address prohibited materials. Chairman Kylo asked for public comment. None was offered. Chairman Kylo closed the public hearing at 7:22 PM.

Reopen Regular Meeting

Chairman Kylo resumed the regular meeting of the West Lakeland Town Board at 7:22 PM.

Revision to Chapter 16, West Lakeland Town Code

Chairman Kylo asked for supervisor discussion regarding the proposed changes to Chapter 16. After discussion, Chairman Kylo moved to approve the proposed modifications to Section 16.1, regarding regulation of fire and burning, and direct the attorney to draft a summary for publication. Seconded by Supervisor Ebner, the motion carried.

Approval of the Minutes

Chairman Kylo moved to approve the minutes of the October 2019 regular meeting of the West Lakeland Town Board. Seconded by Supervisor Ebner, the motion carried.

Supervisor Ebner moved to approve the special meeting minutes regarding candidate interviews held October 14, 2019. Seconded by Supervisor Schultz, the motion carried.

Supervisor Ebner moved to approve the minutes of the Joint Township Workshop. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the report for October 2019, reflecting \$12,019 in receipts and \$64,947 in disbursements. Supervisor Ebner moved to approve the report and pay the invoices presented. Seconded by Supervisor Schultz, the motion carried.

Washington County Historical Society Presentation

Mr. Brent Peterson, Director of the Washington County Historical Society, presented to the board on the activity of the Historical Society, and the capital fund campaign to expand and improve exhibit space for the Society's collection at the current location at 1862 S Greeley Street. The Society is asking communities in Washington County including West Lakeland for support for the campaign. West Lakeland is being asked for \$3,000 per year for 5 years.

Supervisor Ebner noted that he attended the open house and was impressed by the presentation by the architects and designers. He suggested that the request be held and addressed at the budget meeting.

Minor Subdivision 690 Novak Ave

Mr. Milo Horak presented on behalf of the property owner, David Kloeber, a request for minor subdivision at 690 Novak Avenue. Mr. Del Miske presented the review by the planning commission. After discussion, the planning commission could not reach a recommendation, concerned over the location of the bridge constructed over the lot line and in the easement. It was determined that legal

review would be needed to determine if the bridge was considered a building or obstruction which are not allowed in the township right of way or over the property line. A proposal was made by the property owner to address the maintenance of the bridge with an easement between the two properties. This solution still raised concerns over enforcement and maintenance in the long term. A suggestion was made that the property owner consider relocating the property line such that the bridge is clearly within one lot or the other. No action was taken at this time, with Mr. Horak taking that suggestion to the property owner.

CUP Application, 2930 Quant Avenue

Mr. Eric Simmer approached the board with an inquiry for a conditional use application for the property at 2930 Quant Avenue. This is currently an existing nonconforming use for a business that the tenant is vacating at year end. His request is to continue the existing use for liquid storage and trailer storage, with the existing use into tractor trailer service, maintenance and storage. The yard is Class 5 surface, and the fuel tank will be replaced to meet current requirements. The property is in the highway commercial zone.

After discussion, the consensus was that the application submitted was too broad, and more detail as to the use and the conditions of the activity are needed before it can be reviewed. Potentially, with a completed application, this could be reviewed by the planning commission and be considered for a public hearing at the December 9 meeting.

Animal Control Contracts.

The contracts for Companion Animal Control and Otter Lake Animal Care Center contracts were reviewed. Supervisor Ebner moved to approve the contracts to provide for companion animal control and impound. Seconded, by Supervisor Schultz, the motion carried, and the contracts were signed.

Joint Zoning Board

The board reviewed the resolution to participate in the Joint Zoning Board for the Lake Elmo Airport. Chairman Kyлло moved to approve the resolution. Seconded by Supervisor Ebner, the motion carried.

Township Election Site

Chairman Kyлло moved to designate Oakland Middle School as the 2020 election site for West Lakeland Township. Seconded by Supervisor Ebner, the motion carried.

Public Comment

No public comment was noted.

Road Repair Midwest Trail

The board revisited the request by Mr. Norenberg for road repair done on Midwest Trail. The estimate provided by Miller Excavating for the designated site is \$480. There is concern that the board will be setting precedent if reimbursement is authorized. Chairman Kyлло moved to approve a payment of \$480 to Mr. Steve Norenberg for curb repair and direct the township attorney to draw up an agreement for release of claims. Supervisor Ebner seconded. The motion passed with two aye votes, and Supervisor Schultz abstaining.

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30th Street Realignment

Chairman Kylo brought forward a summary of the meeting with himself, Mr. Ryan Stempski and MAC officials. Mr. Stempski has concerns regarding the construction and the suitability of the subsoils. MAC indicated it was an oversight that the Township was not included in the preconstruction meeting. MAC has agreed to allow engineering representation on site and will discuss an escrow for paying for engineering work with legal counsel. Chairman Kylo is continuing to work with MAC regarding the engineering concerns on the road construction. It was clearly noted to MAC that the township is not required to accept the road upon completion. Ms. Mary Vierling raised concerns about the water management, as most of the neighboring lots are lower than the airport property.

Baytown had previously offered to continue to share the maintenance of the road. This is under discussion at Baytown township.

MAC offered to install lighting and rumble strips along the curve should the Township request, which would add some additional safety controls along the curve. Ms. Mary Vierling commented as a resident of the area she does not support the lights and rumble strips as they would be disruptive to residences along the road.

After discussion, Chairman Kylo moved to authorize expenditures by Focus Engineering for up to \$16,000 in engineering oversight and inspection of the road realignment and construction between now and December 31, 2019. Seconded by Supervisor Schultz, the motion carried.

Swearing in Supervisor Appelt

Clerk Carrie Seifert issued the oath of office to Ms. Marian Appelt, accepting the appointment of Supervisor to complete the remainder of the term being vacated by Mr. Steve Ebner.

Adjourn

Chairman Kylo moved to adjourn the meeting. Seconded by Supervisor Appelt, the motion carried. Chairman Kylo adjourned the meeting at 10:10 PM.

Respectfully Submitted,



Elizabeth A. Vance
Secretary