

West Lakeland Township

October 14, 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

Call to Order

Chairman Kylo called to order the regular meeting of the Town Board at 7:00 PM.

Approval of the Minutes

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

Supervisor Ebner moved to approve the special meeting with Attorney Dan Gregerson, held September 11, 2019. Seconded by Supervisor Schultz, the motion carried.

Supervisor Ebner moved to approve the special meeting of October 8, 2019. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report for September 2019. The report reflects \$3,216 in receipts and \$190,224 in expenses. Current assets are \$1,509,537. Chairman Kylo moved to approve the report and pay the invoices presented. Seconded by Supervisor Ebner, the motion carried.

Valley Branch Watershed District, Flood Conditions and Concerns

Ms. Jill Lucas, Chairman of Valley Branch Watershed District, and Mr. Ed Marchan, Valley Branch Watershed District Manager, appeared before the board to discuss issues with flood conditions. Ms. Lucas noted that 2019 is the wettest year on record, and the wettest 5 years and 10 years on record. As a result, there is more flooding than experienced in the past. She discussed issues with flooding at Cloverdale Lake, Lake McDonald, Downs Lake and Goose Lake. Valley Branch Watershed District is a planning organization and is not equipped for emergency response. Actions currently being recommended to address concerns are pumping and sand bags. Emergency needs should be addressed to Washington County.

Valley Branch Watershed District meets the 2nd and 4th Thursday of each month. In addition, Valley Branch Watershed District will be hosting an open workshop on October 29, 2019 to discuss construction rules and potential changes to the 10-year water management plan.

A concern was raised regarding the drainage easements in West Lakeland Township. There is an issue with lack of awareness that the purpose of the easement is drainage, and improvements within the easement are installed at the owner's risk. The easement will be used as needed for maintenance and repair of the drainage system.

Brittany Harmon, Companion Animal Control

With the retirement of the current animal control officer, Ms. Kathi Pelnar, the board reviewed a proposal from Ms. Brittany Harmon, Companion Animal Control, for animal control services. There is anticipated to be little change in day to day operations between Ms. Pelnar and Ms. Harmon. The impound contract would be moved to Otter Lake Animal Care Center. This location may be a better fit as it stays within state lines. The transition between Ms. Pelnar and Ms. Harmon would be effective January 1, 2020.

Chairman Kylo asked about enforcement of the barking ordinance. Ms. Harmon replied that she responds when the welfare of the animal is at question and works with the Washington County sheriff on issues that are solely enforcement and focuses on education.

Lot Line Realignment, 13956 10th Street N

Mr. Philip Moosbrugger represented the landlord in the request for a realignment of the lot lines for St Boniface Oaks East. Ms. Winchell, township attorney, noted that the vacation of the easements needs to have a public hearing. She also suggested that the landowner draft a quit claim deed after the easements are resolved to record the lot line realignment with Washington County. The public hearing is scheduled for November 4, 2019.

Appointment of Town Supervisor

Supervisor Ebner has submitted his resignation and will be resigning effective November 2019. The search committee interviewed two candidates, both of which have volunteered to take on the position and are qualified for the appointment. The search committee consisted of Chairman Kyлло, Supervisor Schultz, and Clerk Seifert.

Chairman Kyлло nominated Ms. Marian Appelt to fill the remainder of Supervisor Ebner's term of office. Seconded by Chairman Kyлло, the motion carried. Ms. Appelt accepted the position and will take the oath of office at the November board meeting. The board thanked Ms. Anna Rios for her willingness to participate in the Township.

Curb Damage, 795 Midwest Trail

Mr. Steve Norenberg, 795 Midwest Trail, noted snowplow damage to the curb along the street next to his driveway. He had contacted Washington County and West Lakeland Township to determine if and when the damage would be repaired. In his opinion, not repairing the curbing would cause issues with erosion and could be a road hazard, as well as being unsightly at the edge of his lawn.

After a perceived lack of response, Mr. Norenberg had the contractor repairing his driveway repair the curbing at the same time and is asking the township for reimbursement of \$1,600 for repair of the curb.

Ms. Winchell noted that the curbing is part of the dedicated right of way, and repair of the road is the responsibility of the Township. The Township road contractor or Township engineer should review the repair to determine if the repair was appropriate. Mr. Norenberg did not get prior authorization for the repair and cannot obligate township funds.

The township asked Miller Excavating, the contractor responsible for Township road repair, to evaluate the repair and submit an estimate of cost. The area to be reviewed is restricted to the 14 feet that were damaged.

Joint Airport Zoning Board

The board discussed the proposed resolution to participate as a member of the Joint Airport Zoning Board. The action was held for the November 2019 meeting.

Snow and Sand Contract, 2019-2020

Supervisor Schultz presented the contract bid from Miller Excavating for snow plowing and salt/sand for the 2019-2020 snow plow season. Salt is to be purchased through the state contract, but state supplies are expected to be limited, and will need to be augmented. The overall increase in cost is approximately 3%.

Supervisor Schultz moved to accept the bid for snow services for 2019-2020. Seconded by Supervisor Ebner, the motion carried.

Proposed Ordinance Revisions

Mr. Del Miske presented the draft revision of the township ordinance to address Short Term Rental within the township. Fundamentally, the draft defines a short-term rental as rental of 180 days or less and prohibits that use within the Township. The board referred the draft to a public hearing.

Mr. Del Miske presented the modifications to the ordinance to define more deliberately the regulation of fires and burning. Discussion added more clarification of the jurisdiction for permitting of running fires. The board referred the draft to a public hearing.

Ms. Winchell was directed to prepare the notifications for the hearings.

Curbside Recycling Event

Ms. Samec provided a summary of the September curbside recycling event. Three haulers and 34 residents participated. Primarily, the refuse was mattresses, box springs, furniture, washers and dryers. It was suggested that a spring event may have higher participation. The Township will consider an event in May 2020.

Public Comment

Ms. Mary Vierling asked about the township maintenance of the drainage system. Chairman Kyлло described the inspection and maintenance process.

Conditional Use Permit

Ms. Winchell noted there is no specific conditional use permit application for the township. The planning commission was tasked with developing that application. Ms. Winchell also noted that a conditional use permit can transfer with the land upon sale. She advised the township to consider which uses are appropriate for a conditional use permit, and which uses are best described with an interim use permit. The planning commission was tasked with reviewing the ordinance with respect to where conditional use or interim use would apply.

Ms. Winchell noted that the use on Quant Avenue does not have a conditional use permit but is an existing nonconforming use. It would be up to the board to allow the use to continue upon a potential sale.

Old/New Business

Supervisor Schultz will sit in on the Planning Commission on October 24.

Mr. Brian Krafthefer will attend the next joint airport zoning board meeting.

Informational meetings are scheduled for Oct 22 and Oct 24 concerning the 3M settlement project.

Adjourn

Chairman Kyлло motioned to adjourn the meeting, Seconded by Supervisor Ebner, the motioned carried. Chairman Kyлло adjourned the meeting at 9:21 PM.

Respectfully Submitted,



Elizabeth A. Vance

October 14, 2019

West Lakeland Township

Oakland Middle School

Secretary