

West Lakeland Township

October 2, 2017

7:00 p.m.

Oak-Land Jr. High

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Carrie Seifert, Clerk; Jennifer Samec, Deputy Clerk; Ms. Marsha Olson, Treasurer; Mr. Dave Dupay, Planning Commission Chair; Duane Stensland, Building Inspector; Attorney Viet-Hanh Winchell, Attorney Scott McDonald, Mr. Ryan Stempiski, Township Engineer

Public Hearing to consider an application by Steven and Kelly Bowen, 772 Neal Ave N, for a variance to allow the garage addition to be less than 25 feet setback from the south property line.

The public hearing was called to order by Chairman Kylo at 7:04 PM. Mr. Bowen presented his request, and the construction proposal to the board. He noted that the house is located at the 25 ft side setback line, and at the time of purchase, was under the impression that the 10 ft setback applied to the side lot lines, as that was the requirement at the time the house was constructed. He also noted that the contours of the lot limit construction elsewhere on the lot. The current garage is a tuck under garage, which would be turned into living space for the family.

Mr. Dupay presented the planning commission recommendations. The planning commission recognized as practical difficulties of the location of the current garage, the location of the well, and location of the drain field, as well as the layout of the home. It was noted that there were existing trees to provide screening to the neighboring residences. The planning commission recommended approval, and suggested conditions that the build be completed to the presented plan, and the temporary storage units be removed.

Mr. Eric Carlson, 764 Neal Ave N, objected to the variance. As the closest neighbor, he was concerned about the new construction moving the master bedroom close to the property line, and was concerned about the noise moving across the lot, and wanted to ensure privacy in their lot. Mr. Bowen noted these concerns, and noted that there will not be windows in the new addition on the side facing the lot line, and the wood line that currently separates the lots will remain.

Ms. Bethany Peterson, 832 Neal Ave N, supported the variance, and saw the location as appropriate, and approves of neighbors improving their property.

Chairman Kylo closed the public hearing

Regular Meeting – Supervisor Discussion of Variance Request, Steve and Kelly Bowen, 772 Neal Ave N.

Chairman Kylo opened the regular meeting for discussion of the variance requested by Mr. and Mrs. Bowen.

Supervisor Schultz noted that locating the garage as proposed made the most sense with the current structure, and noted that the location of the well under the front stoop would limit construction options. Chairman Kylo noted that the current vegetation did seem to provide sufficient screening between this lot and the neighboring lot. There are about 260 feet between the two houses.

After discussion, Chairman Kylo moved to approve the variance and direct a resolution documenting approval, noting the practical difficulties of the location of the well, the steep slopes on the lot, and location of the septic field; further noting that the lot is a currently nonconforming lot with the house built prior to the current setback requirements, and subject to the conditions that the temporary carports be removed, the build be compliant to the plans presented, and the building site be surveyed and staked to ensure that the construction complies with a 10 foot setback, and the screening be maintained with replacement trees at least 6 ft in height. Seconded by Supervisor Ebner, the motion carried

Chairman Kylo suspended the regular meeting to return to the next public hearing.

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Public hearing to consider an application by James and Yvonne White, the owners of the property located at 2889 Overlook Ave N, and David and Elizabeth Bonestroo, the owners of the property located at 2855 Overlook Ave N, all being in the town of the West Lakeland, for a vacation of a portion of Overlook Ave.

Chairman Kylo called to order the public hearing to consider a road vacation at 7:32 PM. Mr. James White presented the request to vacate the not used cul de sac at 2889/2885 Overlook Ave N. The cul de sac was part of the original plat, but was replaced by a through street as the area developed. The neighboring property owners would like to clean up the property lines to give each lot clear title.

Mr. Dave Dupay, chairman of the planning commission, noted that with the current agreement on the lot line locations, the resolution could be accomplished with quit claim deeds once the vacation was complete. There is no reasonable expectation that the cul de sac would ever be used.

Mr. McDonald suggested that the drainage and utility easements be retained by the township, as they are along the current road.

There was no public discussion

Chairman Kylo adjourned the public hearing and resumed the regular meeting.

Regular Meeting – Supervisor Discussion of Vacation of roadway at 2889/2855 Overlook Ave N.

Chairman Kylo resumed the regular meeting and open for supervisor discussion of the request to vacate the easement at 2889/2855 Overlook Ave N. The supervisors agreed that this would provide a solution to clean up the lot lines and that there was no need to retain the cul de sac as part of Overlook Avenue, as it would never make sense to construct it. Chairman Kylo moved to approve the vacation of the cul de sac on Overlook Avenue at 2889 and 2885, while retaining the drainage and utility easements, and direct a resolution be drafted granting the vacation, with the condition that the vacation not be filed until the receipt of the quick claim deeds. Seconded by Supervisor Schultz, the motion carried.

Approval of the Minutes

Chairman Kylo moved to approve the minutes, with minor corrections. Seconded by Supervisor Ebner, the motion carried.

Treasurer's Report

Ms. Olsen presented the treasurer's report for September 2017, reflecting revenue of \$18,682 and expenses of \$36,636. The current assets are at \$2,372,525. Supervisor Ebner moved to approve the report and pay the invoices presented for payment. Seconded by Supervisor Schultz, the motion carried.

Public Comment

There was no public comment presented

Autumn Run Preliminary Plat

Mr. Steve Johnston appeared before the board regarding the approval of the preliminary plat, seeking permission to move forward with a referral to the planning commission and public hearing while the remaining documents needed for the complete submittal package are completed. The concern is that the purchase agreement expires at the end of the year, and the developer would like to have an

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approved preliminary plat prior to that time. Mr. Johnston felt that the remaining items would be completed within a week.

Mr. Stempski noted that if the needed items are completed within the week, as suggested, there would be sufficient time for review and comment before the hearing date and the planning commission review. He also noted that this should be submitted for Valley Branch Watershed District review.

It was noted that there may be an additional requirement for a variance for the one acre buildable homesite on one of the proposed lots. The concerns over the location of the access road have been addressed between the developer, Washington County and West Lakeland Township.

Chairman Kylo moved to refer the request for the preliminary plat approval and request for variance to the planning commission, and direct the clerk to schedule the public hearings, on the condition that the application and submission package are completed and received by the clerk, planning commission and township engineer. Seconded by Supervisor Schultz the motion carried.

Duane Stensland – Building Inspector, to discuss the potential life safety impact of increasing the number of residents to 10 at the Project Caring Assisting Living Facility.

Mr. Isaac Stensland, consulting with Mr. Duane Stensland, presented the report of the inspection of the assisted living facility at 14410 21st Street. The report noted that this should be reviewed as an R-4 facility, with the assumption of housing 10 residents, as requested by Ms. Fitzgerald, the owner of the property. The requirements for the health and safety features for the home when used as residence is dictated by the Minnesota Department of Human Services and Department of Health.

Additional safety features that would be required to bring the facility into compliance with the guidelines required by the building code, Department of Human Services, and Department of Health include fire sprinkler system, fire alarm and detection system, and additional accessibility features. The report also noted that the facility would need one hour fire rated corridors and one hour fire rated party walls that are not present. With living quarters in both upper and lower levels, the separation between these floors would also need to meet the one hour fire rating. Standard residential ducting does not meet this requirement. It was suggested that Ms. Fitzgerald contract with a design professional to prepare a code design review for the work necessary to bring it to code, and have that reviewed and then apply for the necessary permits to implement the plan.

Ms. Winchell noted that the facility is currently in violation of the code. Pending any potential amendment to allow for that number of residents. Chairman Kylo moved to direct the town attorney to draft a letter to the homeowner of detailing violation, and request the homeowner provide a remediation plan. Seconded by Supervisor Ebner, the motion carried. Ms. Winchell was also asked to determine if the violation needs to be reported to the licensing agency.

Chairman Kylo moved to approve up to 12 hours of work regarding the review of this facility, documented with the submission of a reimbursement request, at \$65 per hour. Seconded by Supervisor Schultz, the motion carried.

Supervisor Ebner moved to table the consideration of an amendment to the town code regarding residential assisted living facilities until further notice. Seconded by Supervisor Schultz, the motion carried.

Resolution for Stensland Woods, preliminary Plat Approval

Chairman Kylo signed the resolution for the extension of the preliminary plat approval for Stensland Woods, granted in February 2017.

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Application for Fee Trust Land from the Prairie Island Indian Community

Chairman Kylo noted that the application for the request for the land owned by the Prairie Island Indian Community in West Lakeland Township to be put into trust has been processed by the Department of the Interior and the Bureau of Indian Affairs, and the township has been formally notified. However, township officials have not had the opportunity to view the application. The township has been asked for a response by November 19th.

Chairman Kylo is working with the BIA contact to get access to the application, and that the application be reviewed by Mr. Quigley as consulting attorney, township council and the chairman. After discussion, it was suggested that there be two special meetings, one with Mr. Quigley to provide legal counsel on the response, and a second to review the comment document.

It was determined that community response be requested in writing prior to November 1, to be complied for the Township response. The clerk was directed to send a notice requesting comment.

Chairman Kylo moved to authorize the two special meetings and the consultation with Mr. Quigley. Seconded by Supervisor Ebner, the motion carried.

Planning Commission Members

Mr. Dupay brought before the board the letter of resignation from Mr. Rich Leone from the planning commission. The board accepted the resignation. Mr. Dupay introduced Mr. Dave Sanocki, 12691 5th St, as a volunteer to fill the remainder of Mr. Leone's term. Mr. Dupay recommended Mr. Sanocki be appointed, noting his experience in civil engineering, and service in municipal planning in his current career. Supervisor Schultz moved to appoint Mr. Dave Sanocki to the West Lakeland Planning commission. Seconded by Supervisor Ebner, the motion carried.

Snow Plow Contract

Supervisor Schultz presented the contract from Miller Excavating for snow plow services for the 2017-2018 snow plow season. The rates are similar. It was noted that the township would begin purchasing salt on the state salt contract. Supervisor Schultz moved the chairman sign the contract for services. Seconded by Chairman Kylo, the motion carried.

Additional Business

Chairman Kylo noted a complaint from a resident, citing a neighbor that was burning unauthorized materials. If there is not a permit for the fire, that is also an ordinance violation. It was noted that the correct action on the part of the resident is to notify the Washington County Sherriff. No additional action was required at this time.

Adjourn

Having no further business, Supervisor Ebner moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. The meeting was adjourned by Chairman Kylo at 9:48 PM.

Respectfully submitted,



Elizabeth Vance
Recording Secretary