

West Lakeland Township

September 11, 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.

Call to Order

Chairman Kylo called the regular meeting of the West Lakeland Town Board to order at 7:02 PM.

Approval of the Minutes:

Chairman Kylo moved to approve the minutes of the August 21, 2017 meeting with minor corrections. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the report for August 2017, reflecting \$610,595 in revenue and \$57,910 in expenses. The Town's asset balance is at \$2,390,462. Chairman Kylo moved to approve the treasurer's report and authorize payment of the invoices presented. Seconded by Supervisor Ebner, the motion carried.

Public Comment

No public comments were offered.

Kathy Pelnar, 2018 Animal Control Contract

Ms. Kathy Pelnar appeared before the board to discuss the 2018 animal control contract. Changes requested in the contract including changing the impound location from Hillcrest Animal Hospital to the Humane Society. The concern is the additional time and mileage to Maplewood. Impounding at Hillcrest can take twice as long for a run and has fewer weekend hours than the Humane Society. Ms. Pelnar will agree to a reduced rate per call if the Humane Society in Woodbury is selected as the impound location. This location is used by a number of the communities she services. The Humane Society will also collect the fees as needed, and is open seven days per week. Chairman Kylo moved to direct the Clerk to contact the Humane Society to act as the township impound facility, and approve the increase from \$300 to \$400 for the retainer charge, with a response rate decrease to \$75.00 per trip. Supervisor Ebner seconded the motion and the motion carried.

Isaac Stensland, Preliminary Plat Approval Extension

Mr. Isaac Stensland appeared before the board to request a preliminary plat approval extension. Ms. Winchell recommended a resolution be done to document the approval, to ensure the conditions remain the same, and that the escrow be replenished as necessary. Chairman Kylo moved to direct Attorney Winchell to draft resolution for the extension of the preliminary plat approval for 180 days with all conditions staying current and require the escrow to be brought to a balance of \$5000 by the next meeting on Oct. 2, 2017. Seconded by Supervisor Ebner, the motion moved.

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

Mr. Duane Stensland has not been able to contact the landowner at the Project Caring Assisted Living Facility to complete the necessary reviews. This action is tabled until the contact can be made.

Property Improvement at 991 Neal Ave without Permit

Mr. Stensland appeared before the board concerning the home improvements made at 991 Neal Ave without a valid building permit. At the last meeting, it came to the board's attention that improvements were made without permits. Mr. Stensland was able to meet with the property owner, who is also the real estate agent, and walked through the property. To review the structure would have required removal of the sheetrock, trim, etc. The homeowner did have a mold mitigation company come in to mitigate the mold, and will provide the township with the results. Mr. Stensland also expressed concern over the two septic systems, and there are issues with the septic from the main house, and getting a permit for the necessary upgrades to that system. The septic to the pool house met inspection standards. The electrical inspector is scheduled to come out and inspect that system, and will provide results of that inspection to the township. The structure was open in parts, and the structure itself was not altered. It is still on the same footprint, and is structurally sound. Once the requested information is provided, it is a matter of the needed permit fees, and sign off on the final inspection. Ms. Winchell recommended that the township get copies of the report indicating that the work was done by the appropriate subcontractor, and suggested a resolution be drafted and filed with the county recorder, noting that there were issues, and work was done without permits and inspections. Supervisor Ebner asked about the possibility of selling at two residences, and homeowner indicated that was not the intent. Chairman Kylo moved to have Ms. Winchell draft a resolution for signature outside the regular meeting and recorded with Washington County of the work done without permit. Seconded by Supervisor Ebner, the motion carried.

Steve and Kelly Bowen, 772 Neal Ave North, to present concept of building a 3-car garage that may require a building variance

Steve and Kelly Bowen appeared before the board to discuss a variance to the side yard setback for the construction of a 3 car attached garage. The request is to allow a structure within 10 feet of the side lot line, the setback at the time the house was constructed. Their concern is having sufficient space for their property, and safe access for their small children. The existing garage is a tuck under garage, and this will become living spaces, with the garage in front of that location. It was noted that construction on the other side of the house would be restricted by the steep slopes. There is a screen of trees between the driveway and the next property. It was noted that the neighboring residence was a distance away, far back in the lot. It was noted that this is a nonconforming lot, of 2 acres. The board directed the action be deferred to the planning commission for review. Chairman Kylo moved to direct Attorney Winchell to draft a public notice for a building variance request of Steve and Kelly Bowen of 772 Neal Ave North for a side set back addition to their house and the clerk to schedule the hearing, pending receipt of the completed application. Seconded by Supervisor Schultz, the motion carried.

Summary of Order of Judgement for Charter Bus Service operated by Mr. Lind

Ms. Winchell presented a summary of the action. The judge granted the summary judgement, and upheld the board's decision to revoke the home occupation relating to the bus service, and found there was a reasonable basis for the board's action. Mr. Lind has sixty days to appeal from the date of

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filing. If the business continues, it is a court ordered violation, and would be subject to court sanctions. The township would need to bring any additional violation to the attention of the court. No legal fees can be recovered at this point. Supervisor Schultz asked if the buses have been removed from the property. It was reported by a resident that the buses are continuing to operate. If there are noticed infractions, notify the chairman. The board will review again at the next regular meeting.

Ash Tree and Emerald Ash Bore

Supervisor Schultz noted areas for ash tree removal. There are three developments that have ash trees, with some of the trees in the right of way. There is concern about disease being spread from the ash tree. Ms. Bonnie Haines did review the tree of concern. That particular tree was not impacted. There is ash bore infection at the rest area in the township.

Bonnie Haines, Arborist from BJ Haines addressed the board on the risk and management of the ash trees. This area is seeing an increase in Emerald Ash Bore. St. Paul has about 60% of their ash trees infected. It is mostly transmitted by humans. As trees are cut down and moved around, there is a chance of transferring the infection. In Stillwater township, they are budgeting to remove the trees. St Paul and Minneapolis have taken the same approach. With the proximity of the township to the rest stop area, it can be expected to spread into the township. The state is aware of the infection in the rest area. It is recommended that removal be done in the winter. There are about 60 ash trees in the right of way, some of which need trimming at the current time. There are funds to trim the trees, but not to remove these trees. Ms. Haines suggested that the trees that are declining be selected for removal first. Chairman Kylo asked if an estimate could be made using that approach. This, and a completed inventory, could be included in the next budget discussion.

Ordinance Revisions

Supervisor Ebner presented proposed amendments to the ordinance to allow community residences. Some changes were made since the last review. A public hearing is required, as this is a zoning change. It was suggested the public hearing be scheduled for the November regular meeting.

Supervisor Ebner updated the board on the research regarding including in the ordinances licensing township garbage haulers. He had conversations with Washington County and reviewed other municipal ordinances. Currently, Denmark Township is the only township that licenses garbage haulers. The main reason for ordinances is to control hours and days of collection, background checks on employees, and limit the number of haulers. Otherwise, there are limited advantages to license haulers. There are currently four haulers that are known to serve the township. The cost of licensing varies among the communities polled. Supervisor Ebner is not convinced that the maintenance and enforcement of the license is worth the potential benefits. Prior to licensing, the township needs to understand the purpose of the license, and the controls that are desired. The action was tabled until there is a more evident need.

Request for Electronic Billboard

The planning commission reviewed the request to install an electronic billboard at Stagecoach and I-94 between the frontage road and the freeway. The parcel is in the highway commercial zone, and is substandard for any commercial use, at 1.5 acres. It seemed to be an appropriate use for the property. The planning commission recommend, because of the substandard use, the limited access, and location between the frontage road and highway, that the use be addressed as a variance and conditional use permit. There is concern about the size requested, as it is much larger than is currently

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allowed. Modification of the size may require amendment to the ordinance's performance standards in the highway commercial zone. Chairman Kyлло asked about the need to have the requested height. This is driven by the height of Stagecoach and the interstate relative to the grade of the lot at the current post foundation. The planning commission wanted a legal opinion if a conditional use permit is appropriate for this use. There was concern about the text amendment to the ordinance because there is not a desire to have a number of such signs in the township. Ms. Winchell indicated a CUP may be appropriate, with conditions relative to the property which would allow the use. The principal practical difficulty is that this lot is not suitable for much else. The next step is a formal application and a public hearing.

Planning Commission Report

With regard to the proposal for a garage condo complex, the planning commission saw some benefit to the concept, while recognizing the opposition from the immediate neighbors. The planning commission did not see to change the zoning of this section at this time. It was recommended to review if this is an appropriate place for a change in zoning over the long term as it is adjacent to the airport. Supervisor Ebner noted that the developer did a good job of trying to buffer the site and address the neighbors' concerns. Overall, with that level of opposition, it was difficult to be able to support the use. At this time, there is no formal request.

The planning commission reviewed the requirement for one acre buildable site as part of a valid lot in the subdivision code. This requirement is more pervasive in the ordinance than it might appear. One option is to eliminate the requirement, but this may not provide enough protection for the future homeowner. There is also a thought that the one acre may be arbitrary, and more space than is actually required. The definition of buildable may need additional clarification. The board asked the planning commission to proposal alternative performance standards.

Mr. Dupay provided the forms and documents for the application for conditional use permits and subdivision applications. Chairman Kyлло noted that the appearance before the board prior to appearance before the planning commission is not essential. There is no reason the applicant cannot begin with the planning commission review. The proposal adds review by contract staff, such as engineer, attorney and planner, which may increase the cost to the applicant. The hope is these documents provide a more orderly process. Chairman Kyлло will contact the current planning agency, Sambatec, for comments and about how they could facilitate the process, and provide a proposed fee structure.

Mr. Dupay proposed renting wide format scanners to transfer hard copy documents to electronic files. This may include preliminary plats, mylars, etc. Estimated rental cost is \$300 per month. Moving forward, the developer can be required to provide electronic copies of the submittal documents.

Additional Business

Mr. Ed Marchan, a resident of West Lakeland, is currently serving on the Valley Branch Watershed District Board of Managers, and his term is expiring. The appointment is made by Washington County. Chairman Kyлло motioned to write a letter to support Mr. Marchan for reappointment to the Valley Branch Watershed District Board of Managers on behalf of the board, Supervisor Ebner seconded and the motion carried.

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Washington County Historical Society is asking for a donation. The Society does store historical records on behalf of the township. Chairman Kylo motioned to donate \$250 to the Washington County Historical Society. Seconded by Supervisor Ebner, the motion carried.

Supervisor Schultz reported on the Joint Bayport Fire Advisory Group meeting. The fire chief addressed expanding development and traffic, including additional coverage for the St Croix River Crossing. The cost of managing the new facility may cause the cost of fire support to be reassessed sooner than expected.

Supervisor Schultz presented a contract for \$16,957 for Gopher State for crack sealing roads pending repair next year. Chairman Kylo moved to sign the contract presented. Seconded by Supervisor Schultz, the motion carried.

Supervisor Schultz noted that the school district was looking at Century College truckdriving site for a bus garage. The school has been empty for close to six months. Century College did not own the property. About 17 percent of that site is in the township. There is a moratorium for storage facilities in the corridor by Afton. No formal proposal is before the board at this time.

Adjourn

Having no further business, Chairman Kylo moved to adjourn the meeting. Seconded by Supervisor Ebner, the motion carried. The meeting was adjourned at 9:56 PM.

Respectfully submitted,



Elizabeth Vance
Recording Secretary