

## WEST LAKELAND TOWNSHIP

September 14, 2015

7:00 p.m.

Oak-Land Jr. High

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

### **Public Hearing**

To consider adoption of an amendment to the zoning provisions of the West Lakeland Town Code. The proposed amendment would add section 8.17 to the code which sets performance standards for renewable energy systems, including solar energy systems, proposed to be constructed in West Lakeland Township.

The public hearing was called to order by Chairman Kylo at 7:00 PM. Copies of the proposed amendment were made available to the public. Chairman Kylo explained the reasoning behind the ordinance with increased interest in solar activity, including solar farms and solar gardens.

Mr. Dupay was asked to present comments representing the planning commission. The work was based upon a draft model county ordinance developed for the Minnesota Department of Commerce, and ordinances from a number of Minnesota communities. Mr. Vince Anderson asked for clarification of definitions and text in the code. The recommendations were noted by the board.

Having no other comments, Chairman Kylo closed the public hearing at 7:20 PM.

### **Public Hearing**

To consider a variance request by Priscilla K Thill for an outbuilding to be constructed in front of the residence at 13274 24<sup>th</sup> St N, Block 1 Artisan. Chairman Kylo called the public hearing to order at 7:21 PM. Mr. Gus Thill represented Ms. Priscilla K Thill

The building is to be 1,320 sq ft in size, and comply with the development's architectural review standards. The building will meet all setback requirements, with access from the existing driveway. The practical difficulties noted requiring the building to be placed in front of the primary residence is the location of the well on the southeast corner of the lot, the slopes in excess of 12% grade to the north and east of the home, and the septic on the northwest corner of the residence. In addition to the slope, there are extensive wetlands on the property. The structure would be visible from lots 11, 9 and 14.

Mr. Dupay reported, on behalf of the planning commission, that there were no concerns raised at their review. The proposed site is well off the roadway and reasonably screened. The practical difficulties noted do restrict the locations on which the accessory building can be constructed.

Chairman Kylo noted a site visit supported the noted practical difficulties. Having no further comment, the public hearing was closed at 7:32 PM.

### **Call To Order**

The regular meeting of the West Lakeland Town Board was called to order by Chairman Kylo at 7:30 PM.

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### **Draft Ordinance**

Action on the draft ordinance was delayed to allow for the draft to incorporate the comments received. No action was taken at this time.

### **Variance Request**

Chairman Kyлло opened for discussion the variance request for the accessory structure in front of the residence at 13274 24<sup>th</sup> St N, Block 1 Artisan. After review, Chairman Kyлло moved to authorize Mr. McDonald to draft a resolution to approve the variance to allow construction as noted on the submitted documents, noting the practical difficulties of the steep slopes, the home location at the back of the lot, the wetlands in the middle of the lot, and the location of the septic and well, further noting the building is to be setback 120 ft from the road right of way with screening the front and side, and no noted opposition from neighboring property owners, with the lot staked to allow for validation of the setback. Seconded by Supervisor Ebner, the motion carried.

### **Role of Washington County in Land Use**

Mr. Donald Theisen, Director of Public Works for Washington County, appeared before the board to discuss the changing role of Washington County in land use issues in the townships. The intent of the County Commissioners is to transition more of the decision making authority from the County to the Townships. The County would maintain a role in watersheds, mining, subdivision, wetlands, protected waterways and similar issues. The intent is to reduce redundancy, allow decisions to be made more locally, and to streamline the permit processes. No specific timeline has been established for the transition. The target is to be able to manage the transition with the next comprehensive plan publication. Mr. McDonald raised a concern of sufficient staff expertise at the township level. Supervisor Ebner asked if a public hearing would be required. It was not, but the board agreed that it would be a prudent action, and discussed potential hearing dates and communication with the township residents.

### **Approval of the Minutes**

The board reviewed the minutes of the August 2015 meeting. Supervisor Ebner moved to approve the minutes. Seconded by Supervisor Schultz, the motion carried.

### **Treasurer's Report**

Ms. Olson presented the treasurer's report for August 2015. Supervisor Schultz moved to approve the report. Seconded by Supervisor Ebner, the motion carried.

### **Review and Pay Bills**

Chairman Kyлло moved to pay the invoices presented for payment. Seconded by Supervisor Ebner, the motion carried.

### **Concept, Variance for Accessory Building in Front of the Residence**

Mr. Dan Thurmes, representing Mr. Joseph Wren, presented a concept plan for an accessory structure in front of the residence at 12772 22<sup>nd</sup> St N. There was an error in the photo mapping so the accessory building was staked in the wrong position, making it 17 feet in front of the residence. All other setbacks are met. The building was 75% complete before the builder found the error. The septic system is on the east side of the lot, and the well is on the west side of the lot, and the rear of the lot has issues

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with sufficient space for setback and steep grades. There is an added issue with determining the location of the front of the house, given the shape of the lot and the location of the house. The board referred the action to the planning commission for review and directed the clerk to schedule a public hearing for October. Noting the date of the request, Chairman Kylo moved to direct the clerk to prepare a notice of extension for the applicant, noting the variance will be disapproved if the notice of extension is not signed by the applicant. Seconded by Supervisor Ebner, the motion carried. A verbal agreement was noted at the meeting. The notice was signed and returned to the clerk to be forwarded to the applicant.

### **Concept, Variance for Accessory Building in Front of the Residence**

Ms. Deb Hanson presented a concept for a variance for an accessory structure in front of the residence at 13380<sup>th</sup> 12<sup>th</sup> St N. The request was presented by Mr. Dave Klinger. The request is to build a 14' x 14' shed on the 2.65 acre lot in front of the residence. Practical difficulties include the severe slopes that run throughout the property and the location of the well and the septic. The proposed location is just north of the current garage, to the west of the home, where there is a reasonably flat clear space and an existing pad is in place. Chairman Kylo and Mr. Stensland have visited the site, and recognize the practical difficulties noted. The request was referred to the planning commission for review. Chairman Kylo moved to direct publishing the notice and scheduling a public hearing. Seconded by Supervisor Schultz, the motion carried.

### **Concept, Subdivision on 30<sup>th</sup> Street**

Mr. Joe Bush, on behalf of Cordell Campbell, presented concept alternatives for a subdivision on 30<sup>th</sup> Street. The concept layout that is completely in compliance with the zoning ordinance, setbacks and lot sizes puts an access road on the east boundary. This concept, however, eliminates a number of mature oak trees. A second concept moves the entrance to the west, but creates a nonbuildable outlot and two lots are marginal in terms of the minimum lot size. The review of the concept did raise concerns about the steep slopes approaching two of the lots, and concern that these lots were truly accessible. Outlots are permitted, and the lot size definition in West Lakeland can accommodate those concerns. There is concern over the cost of maintaining the outlot and the right of way, as well as the access to all lots. The board recommended the proposal be reviewed by the planning commission.

### **Appeal of Conditional Use Permit**

The board has received an appeal from Mr. and Mrs. Bob Lind regarding the revocation of the conditional use permit for a home occupation for a party bus service. Mr. McDonald explained the appeal process required the board to appoint a three member panel to hear the appeal. Chairman Kylo moved to appoint Mr. Dave Dupay, Mr. Brian Krafthefer, and Mr. Sean Flaherty to the review board. Seconded by Supervisor Ebner, the motion carried. A secondary motion by Chairman Kylo was made to direct Mr. Dupay and Mr. McDonald to set a special meeting and determine the detailed procedures, with a date not later than October 9, 2015. Seconded by Supervisor Ebner, the motion carried.

### **Middle St Croix Water Management Organization Budget**

Middle St Croix Water Management Organization has completed the budget for 2016. This budget increases West Lakeland's portion to \$19,348. The increase is in response to the need to do more water management projects. Chair Kylo was the only vote not to increase the 2016 Middle St. Croix Water Management Organization Budget.

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### **Road Maintenance Update**

Supervisor Schultz provided an update to the ongoing road maintenance programs. Minnesota Department of Transportation has accepted the resolution for the modification of the speed limit on Nolan Avenue, and appropriate signs have been installed.

The invoices for the seal coat and patching have been received, and a project list for 2016 has identified work to be done in the coming year.

### **Additional Business**

The board was asked to review a contract to join the agreement with the Washington County Conservation District and the East Metro Water Resources Education Program. The services provided by the East Metro Water Resources Education Program meet the education requirements of the MS4 permit. Chairman Kylo moved the board approve the contract for 2016-2018. Seconded by Supervisor Schultz, the motion carried.

Mr. McDonald presented the result of his research on the authority of MAC to vacate a township road under eminent domain authority. Mr. McDonald noted that MAC cannot vacate the road, but does have the authority to obtain the land through eminent domain authority. It was noted that the road was transferred to the Township by easement, so MAC continues to maintain ownership of the underlying land.

Ms. Seifert noted the article in the Pioneer Press citing misconduct on how calibration procedures were completed on the machine testing water quality. According to Mr. Eric Peterson at the Minnesota Department of Health, no West Lakeland homes are known to be impacted.

### **Public Comment**

No public comment was received from the persons in attendance.

### **Adjourn**

Having no further business, Supervisor Schultz moved to adjourn the meeting. Seconded by Supervisor Ebner, the motion passed. Chairman Kylo adjourned the meeting at 9:37 PM.

Respectfully submitted,



Elizabeth Vance  
Recording Secretary