

## WEST LAKELAND TOWNSHIP

July 13, 2015

7:00 p.m.

Oak-Land Jr. High

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Ms. Carrie Seifert, Clerk in Training; Sue Agrimson, Retiring Clerk; Mary Rinkenberger, Deputy Clerk; Mr. Scott McDonald, Township Attorney; Ms. Marsha Olson, Treasurer, Mr. Duane Stensland, Building Inspector

### **Call to Order**

Chairman Kylo called to order the regular meeting of the West Lakeland Board of Supervisors at 7:10 PM.

### **Recognition**

Chairman Kylo recognized Ms. Sue Agrimson, retiring clerk, for 21 years of service to the Township.

### **Approval of the Minutes**

Supervisor Ebner moved to approve the minutes of the June regular meeting. Seconded by Supervisor Schultz, the motion carried.

### **Treasurer's Report**

Ms. Olson presented the treasurer's report, reflecting \$7,900 in receipts and \$62,000 of expenses, for a net asset total of \$1,308,278. Chairman Kylo moved to approve the report. Seconded by Supervisor Ebner, the motion carried.

### **Review and Pay Invoices**

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

### **Public Comment**

Chairman Kylo opened the floor for public comment. Mr. Vince Anderson asked about further information from Chairman Kylo regarding the Lake Elmo Airport. Chairman Kylo had not been able to contact the party at MAC.

Ms. Peggy Szostak, 1787 Nolan Ave. asked about the speed control change on Nolan Avenue, and if the entire road could be reset to the slower speed. Supervisor Schultz explained the section of the state statute that allowed for the speed change implemented at the last regular meeting, and will study how additional controls might be added.

### **Review Home Occupation**

Mr. James Trunzo appeared before the board with the revision to his home occupation permit for small engine repair and parts sales. Repair is done inside, and work is done only sporadically for a limited customer base. There is no signage, no employees, and work is done by appointment only. After discussion, Chairman Kylo moved to approve the home occupation permit for Mr. James Trunzo to operate a small engine repair business, noting the conditions of no employees, no outside storage and no signage. Seconded by Supervisor Ebner, the motion carried.

### **Request for Outbuilding in front of the Residence**

Mr. Gus Thill, on behalf of Polly Thill, owner of Artisan Lot 10, Block 1, for a variance to permit an outbuilding in front of the residence. The requested building is 30x44, with a height of 28 feet. The topography and wetlands make it difficult to locate a structure other than in front of the residence. The

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well is located on the southeast corner of the home, and the existing septic is on the northwest corner. The planning committee has reviewed the request and recommend approval, noting the practical difficulties of the location of the wetland, well, septic, and the slopes leaving no other feasible building location. Supervisor Ebner also noted he has visited the site and concurs that the proposed location is the best location. The board scheduled the public hearing for the August regular meeting.

### **Peddler and Solicitation Permit, Ms. Luanne Nye, 13220 10<sup>th</sup> St N.**

Ms. Luanne Nye requested a peddler and solicitation permit to promote her business for pet sitting and light housekeeping. Work will be done at the residence. The solicitation will be done by pamphlets left at the residence. Supervisor Schultz moved to approve the permit for peddling and solicitation for the purpose of advertising pet sitting/light housekeeping within the town of West Lakeland. Seconded by Chairman Kylo, the motion carried.

### **Transition of the Clerk**

Chairman Kylo moved to approve Ms. Agrimson's retirement date of 7/31, and to have Ms. Seifert assume the duties as of 8/1. Seconded by Supervisor Schultz, the motion carried. Ms. Agrimson will swear in Ms. Seifert, and Ms. Seifert will swear in Ms. Rinkenberger as Deputy Clerk.

### **Lake Elmo Runway Expansion**

The board reported on the MAC public involvement meeting held on July 9. A second session will be held July 16. There is an open comment period until August 5. Supervisor Schultz raised concerns about the impact of extending the runway on safety, noting that there have been no issues at the Lake Elmo airport connected with landings on the current runway. He sees more potential concerns with allowing larger aircraft or night operations. Supervisor Ebner raised concerns that information available to the public is not all understood or available in terms of the federal mandates, security requirements, and what uses could be allowed with the expansion. Supervisor Schultz presented a draft comment letter from the board to MAC for board review. The board will review the draft and provide comment for review at the August regular meeting.

Ms. Denise Cornell, 2733 Neal Ave, raised concerns over the rerouting of 30<sup>th</sup> Street. This will impact how the driveway relates to the intersection of Neal and 30<sup>th</sup> street, and will impact the neighboring homeowners as well.

### **Home Occupation, Mr. Bob Lind**

Mr. Bob Lind was issued a notice of violation on May. This gave him one month to come into compliance with the home occupation permit, which expired on June 18. At this point, the board needs to determine if the violations have been corrected or if the permit is to be revoked. The landowner's attorney has requested the opportunity to be heard by the board prior to the decision. Chairman Kylo moved to schedule a public hearing for August 3, to review if violations have been noted after the June 18 date. Seconded by Supervisor Schultz, the motion carried.

### **Recycling/Consulting Contract, Ms. Karen Richtman**

The board signed the contract with Ms. Karen Richtman, Service on a Shoestring, for recycling/consulting services as approved at the June regular meeting.

### **Resumption of Burning Permits**

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The board addressed the terms by which Mr. Karl Auelciems could receive burning permits through the township. Due to concerns over what was being burned, Mr. Auelciems was previously required to receive a permit through the Bayport Fire Department. Chief Swenson noted he has had no issues. Supervisor Schultz noted clarification from Washington County on the burning of raw lumber. A contractor cannot burn raw lumber as a means of disposal, but a private resident can burn limited quantities. Chairman Kylo moved to reinstate the issuance of fire permits from the Township Fire Warden, with an inspection at each permit issuance, to be reviewed after six months. Seconded by Supervisor Ebner, the motion carried.

The board addressed the resumption of burn permits for Matt Schmidt, acting as a resident. It was noted that M&S tree service, as a contractor, cannot be issued burn permits. Permits were previously issued by the Minnesota DNR. It was noted that Supervisor Schultz did issue a permit for burning brush for July 4. Mr. Schmidt reported that all brush burned was from the property. It was noted, and Mr. Schmidt acknowledged, that brush or debris from the tree service could not be disposed of on site. Any logs being retained are for burning in the enclosed wood burner. The brush burned July 4<sup>th</sup> was from the property. The logs are burned within the stove for heating his garage. Mr. Jim Marciniak expressed concern that the brush from the tree service was being left to be burned. Chairman Kylo moved to reinstate the issuance of fire permits from the Township Fire Warden, with an inspection at each permit issuance, to be reviewed after six months. Seconded by Supervisor Schultz, the motion carried. Supervisor Ebner recused himself from the discussion and the vote due to a conflict of interest. It was noted that if there were concerns over the burn, the concern should be raised at that time.

### **Road Update**

Supervisor Schultz noted that the seal coat project in conjunction with Lake Elmo has been started. Due to an oversight, 9<sup>th</sup> St Ct was left out of the calculations, so 9<sup>th</sup> St Ct was done in lieu of 28<sup>th</sup> St. Street sweeping will be done within the following two weeks.

The contractor previously mowing of the ditches retired last year. Supervisor Schultz received two bids for this year's mowing. The bid was originally released to Mr. John Beulow. However, because of issues with the quality of the mowing, the contract was pulled from Mr. Beulow, and issued to M&S Tree Service, the second bidder. M&S Tree Service indicated they will purchase the equipment for the now retired contractor, and that equipment will not be stored at 1067 Nolan Ave except during the periods of mowing.

Supervisor Schultz reported on the Manning Ave upgrade.

### **Draft Ordinance Revisions**

Supervisor Ebner reported on the work with the planning commission on revision of the Home Occupation Ordinance to reflect tiered categories of occupations which would trigger different levels of review. The proposed delineation is that if all restrictions of Section 10.2 are met, no hearing would be required and the use could be addressed with a certificate of compliance. If there are potential impacts on traffic, noise, equipment on site, moving of goods, outside storage, etc. a public hearing would be required and the use would need a conditional use permit. The Planning Commission will work on drafting language to this effect for review.

Supervisor Ebner presented the draft solar energy ordinance for review and feedback. The draft will also be provided to Washington County for comment as well.

### **Additional Business**

Supervisor Ebner noted he will attend the St Croix Workshop on the Water for local leaders.

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Chairman Kylo requested the clerk schedule a review of the interim home occupation permit held by Ms. Jane Grant-Abban, 1375 Neal Ave N.

Chairman Kylo moved to reclassify the position of Deputy Clerk held by Elizabeth Vance to that of recording secretary. Seconded by Supervisor Schultz, the motion carried.

Supervisor Ebner reported on the resolution of the recycling services on Manning Trail. There was confusion of which municipality was providing services.

### **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 10:00 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Elizabeth Anne Vance". The signature is written in black ink on a light-colored background.

Elizabeth Vance