



WEST LAKELAND TOWNSHIP

959 Paris Avenue Circle North, Minnesota 55082
651/436-4773 · <http://www.westlakeland.govoffice2.com>

March 9, 2021

Town Meeting, Virtual

Call to Order:

Township Clerk Carrie Seifert called to order the annual town meeting at 8:00 PM. The meeting was held virtually under the authority of Minnesota State Statute 13.02.1.

Election of the Moderator:

Mr. Gary Horning nominated Mr. Steve Ebner as moderator. The motion was seconded by Mr. Del Miske. No other nominations were put forward. Mr. Gary Horning moved to name Mr. Steve Ebner as moderator. The motion was seconded by Mr. Greg Schaefer. Mr. Vince Anderson noted Mr. Ebner was the moderator at the last town meeting and Mr. Anderson has concerns with execution of the minutes of that meeting. Ms. Seifert noted the minutes can be amended by a vote of the residents. Ms. Winchell notified the residents that votes would be conducted by polling the residents with the poll functionality within the Zoom call. The clerk noted the motion to appoint Mr. Ebner as moderator was approved by majority vote.

Review of the Agenda

Mr. Vince Anderson asked if the audit was on the agenda. The clerk noted that the board of audit is on the agenda.

Board of Audit

Ms. Seifert reported the board of audit was conducted on February 28, 2021, reflecting a random sampling of receipts and disbursements. Results have been posted. The results reflect the ledger is accurate and true.

Senator Karin Housley

Senator Karin Housley spoke to the town residents on activity with the State Senate, noting the priority of work on recovery from Covid. Redistricting is coming up in 2022. She has made a priority of getting vaccines out to seniors and vulnerable state residents. Last year the bonding bill included funding for Highway 36 and Manning intersection improvements. Next, she and other representatives will begin working of funding for Lake Elmo Avenue and Manning Intersection.

Representative Shelly Christensen

The House of Representatives is also focused on Covid and vaccination roll out. She is focusing on legislation proposals assisting communities where coal plants are closing, such as Oak Park Heights. She is also working on legislation to assist in maintenance of the Historic Washington County Courthouse. She is also working on Highway 36 and Highway 15 improvements.

Washington County Commissioner Gary Kriesel

Commission Kriesel discussed the Manning Avenue and Highway 36 interchange. Road construction will begin in May or June and will take two years. The timely completion of this project as part of the bonding bill last year allowed for the matching federal grant to be retained. He noted the need for significant repairs for the Historic Washington County Courthouse, an estimated \$5,000,000 project. Manning Avenue phase 3 from County 14 to County 10 project will focus on safety



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improvements. Construction is expected in the next 3 to 5 years, with a potential stop light at 30th street as soon as 2022. Phase 2 of County 21 reconstruction, I 94 to 40th Street, is planned for 2025. County Highway 14 and 24 realignment at the railroad crossing and reconstruction of that intersection is programmed for 2023. The resurfacing of 10th Street should occur in 2025.

Mr. Frank Tichnor, Washington County Design Engineer, noted that the application by Washington County, West Lakeland, Baytown and Lake Elmo for LRIP funds for the intersection of Manning and 30th Street has been submitted.

Questions

Mr. Ebner asked if there were any questions of the representatives.

Mr. Steve Norenberg asked if Representative Christensen and Senator Housley were aware that the 3M settlement is over budget and appears that to put a municipal water system in West Lakeland will cost \$180,000,000 more than the current POETS systems. Mr. Norenberg believes that about 80% of the residents want to stay with their wells. He asked why we would spend that level of state funds for such a small number of residents. Senator Housley was not aware of the budget overrun to this extent and will look further into the issue. Representative Christensen welcomed a meeting to review the issue. Mr. Ebner noted that Chairman Kyllö and Supervisor Appelt represent the township in this issue.

Washington County Sheriff Dan Starry

Sheriff Starry provided an overview of Sheriff's office activities for 2020. Sheriff Starry introduced Chief Deputy Doug Anschutz. Chief Starry provided a summary of the activity in Washington County and West Lakeland. Deputy Anschutz noted additional resources for crisis response, traffic special enforcement team, and opioid response in cooperation with other agencies. Sheriff Starry was asked about the level of distracted drivers. This is not part of the impaired driver number but is still higher than it should be. Chairman Kyllö asked if Washington County will be supporting the upcoming Chauvin trial in Minneapolis. Sheriff Starry does not believe their resources will be used beyond the east Metro.

Assistant Bayport Fire Chief Gallowitz

Assistant Chief Gallowitz provided a review of 2020. There is a current roster of 23 active members, with a combined 315 years of service. There has been a decrease of calls for service year on year. There were 171 calls for service and two structure fires within West Lakeland in 2020. A question was asked if Chief Gallowitz had an opinion on the proposal for a municipal water system proposed for West Lakeland. Chief Gallowitz responded that he did not have enough information at this time to express an opinion. Supervisor Appelt noted that the current proposal includes fire hydrants and is sized to accommodate the increased flow.

Motion to Approve the Board of Audit

Mr. Ebner noted that the board of audit was not formally approved. Mr. Gary Horning moved to approve the board of audit as presented. The motion was seconded by Mr. Del Miske. Mr. Vince Anderson expressed concerns with the audit. He thinks the audit does not meet the specifics of



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Minnesota Statute 366.21. He asked if there is a requirement for an outside audit. Ms. Marsha Olsen, township treasurer, noted the town is required to have an external audit under the population and revenue thresholds established by the State Auditor. These revenue thresholds are adjusted annually. Mr. Ebner noted the motion to approve the board was passed by majority vote.

Dan Kylo, Town Board Chairman

Chairman Kylo noted that 2020 was an unusual year for the township, with major issues such as the Lake Elmo Airport expansion, the 3M Settlement, the impact of the Covid restrictions on meetings, and the purchase of the town hall. The board is proposing a 2022 levy of \$996,745. This is 14% increase over last year. Most increases in the general fund are in fire protection, recycling cost, additional workload for the clerk and attorney, and costs for the new town hall. There are also increases in the road and bridge fund for anticipated expenditures. There is a projected decrease in income from gravel tax received by the Township also. A comment was made that we should maybe raise the levy a little more, in anticipation of more unexpected expenses. Chairman Kylo noted that as a township, we are prudent with our funds, and doing the best we can.

Dave Schultz, Town Supervisor

He has been representing the township in the Manning Avenue Corridor Improvement Project, and noted the township's participation in the LRIP fund request to offset the costs of this project to the township. Supervisor Schultz also noted the reasons for the increase in the road and bridge in anticipation of future road maintenance.

Marian Appelt, Town Supervisor

Supervisor Appelt represents the township as the liaison with the planning commission and commends the work that has been done. Supervisor Appelt also represents the township on the technical committee regarding the 3M settlement funds and PFAS contamination. Three options have been put forth from the co-trustees in September, all included a municipal water system for West Lakeland Township. The board has been working with the co-trustees and has added additional special meetings to keep residents informed. Technical experts have been hired by the township to understand the engineering and the financial impacts of the proposed plans. The board will be doing a survey of the affected residents for additional feedback. The system has been redesigned since last fall to include fire flow. The board will continue to ask the co-trustees to consider retention of the wells for irrigation. Thus far, the State had required the wells be sealed for the expedited projects and wants to be consistent with those expedited projects. Mr. Rick Forman asked if the settlement funds had been depleted. Supervisor Appelt indicated that the funds are not depleted, but the estimates for the proposed solutions indicate that the funds would be at a deficit. A question was raised how treated water impacts a septic system. According to Washington County, the small amount of chorine added to the water would have minimal impact on the septic system. There will be a follow up meeting on March 25th. Supervisor Appelt confirmed that the board was looking into an outside firm to complete the survey of the residents regarding the 3M settlement proposed solution. Mr. Steve Norenberg suggested residents attend the upcoming meeting of the co-trustees.



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Marsha Olson, Treasurer

For the year 2020, the town of West Lakeland recorded \$1,347,884 in receipts. The town recorded expenditures of \$1,533,623. At the end of December, the general fund balance was \$917,944, the road and bridge fund balance was \$190,667 and the capital improvement fund balance was \$190,957. Total assets at the end of December were \$1,299,568.

Mark Votava, Planning Commission Chairman

The planning commission consists of seven volunteers appointed by the board, to provide advice and recommendations. Mr. Votava noted there is currently a vacancy on the planning commission. In the past year, the commission reviewed the ordinances and application process for conditional use permits, interim use permits and certificates of compliance. The commission also reviewed zoning ordinance changes in the highway commercial and neighborhood commercial zones.

Old Business

Mr. Gary Horning asked a board meeting to address the open meeting violation issue that appeared in the Pioneer Press in the January time frame, presumably resulting from a complaint being filed by a resident. Supervisor Schultz responded that over the past number of years Mr. Anderson has sent a number of correspondences to the board alleging violations of illegal meetings and other activities. Last year four accusations were sent to the State of Minnesota to which the town board had to respond. The town satisfactorily responded to two of the four accusations. The remaining two concern a journal of votes and the moving of the location for the June 10, 2020 board meeting. The administrative review indicated that a journal of votes is not satisfied by the meeting minutes.

This is not the view from Minnesota Association of Townships, and MAT is not aware of a municipality that keeps a formal journal of votes as described in the State's response. A bureaucrat that was not a practicing attorney from the State of MN admitted to looking up the definition of Journal in the Merriam Webster Dictionary for its definition. The definition reads, a record of current transactions, or an account of day to day events, or a record of transactions kept by a deliberative or legislative body, or a log. This person took this definition and applied it to our case and concluded that journal of votes are different than meeting minutes. The Minnesota Association of Townships (MAT) attorney disagreed with this person's interpretation. The MAT attorney also stated that he is not aware of any municipality in MN that keeps a journal of votes as this person from the state describes. Chairman Kylo reached out to surrounding communities (Washington County, Bayport, Baytown, Lake Elmo, Stillwater) and none of these do what this bureaucrat recommends we do. The state legislature has been asked to clarify the terminology by the Association of Townships and League of Cities and MN Association of Counties.

Supervisor Schultz continued the issue regarding the move of the June 10, 2020 meeting. The meeting was moved after being locked out of Oakland middle school. A sign was placed on the door of the school stating the new location, and a person stayed behind at the original location to direct attendees to the new location. All persons with known business before the board were present at the alternative location.



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Supervisor Schultz contacted Attorney Winchell on her devoted time spent on Mr. Anderson's accusations for the past year and first part of this year. Approximately 35 hours were devoted to this, totaling almost \$6,000 dollars. That's over half of year's rent at the town's old location or the town hall parking lot could be plowed over 50 times for this dollar amount.

Preliminary Election Results

Clerk Seifert provided preliminary results for the town election. Dave Schultz received 114 votes, and 8 write-ins. The election results will be certified on March 10, 2021.

Proposed 2022 Tax Levy

The Board proposed a levy for 2022 of \$996,745. This includes \$331,645 for the general fund, \$465,100 for the road and bridge fund, and \$200,000 for the capital improvement fund. Mr. Greg Schaefer moved to approve the levy as proposed. The motion was seconded by Mr. Del Miske.

Ms. Mary Vierling asked for \$22,500 to engage an engineer to study the environmental and air quality impact of evaporator use on the adjacent residential areas of West Lakeland Township adjacent to the Lake Elmo Airport. Chairman Kylo asked to clarify the objective of the study. Ms. Vierling would like to know if the evaporators would cause any health concerns or fog that could disrupt the landing strip. The funds would be requested for this year, with the increase in the 2022 levy to replace the funds. Supervisor Schultz noted that the evaporators under consideration are on the Manning Avenue side of the Lake Elmo airport, and he considers them to be new technology in this application.

Ms. Winchell, township attorney, clarified that the vote on the levy is not for a specific line item. Specific expenditures are determined by the board and are not directed as part of the authorization of the levy.

A point of order was raised by Mr. Del Miske that the motion on the table is regarding the levy, not the airport.

Mr. Ebner clarified that the levy amount proposed is \$996,745, and with the additional funds requested would be \$1,019,245. There is a current motion on the floor for \$996,745.

Ms. Tamara Morrissey asked on the budget for town hall costs, and why the budget shows no costs for 2021. Is this also an area that should have additional add funds in 2022 for 2021 expenses? Chairman Kylo noted that the documents compare the 2021 levy with the 2022 levy and the town hall was unforeseen when the 2021 budget was set. The funds to maintain the town hall in 2021 will be from the general fund. Ms. Morrissey would like to see the levy be increased to provide a contingency fund for the potential impact of costs and uncertainty from the PFAS contamination solution. Mr. Ebner noted there are funds over and above the budgeted amounts that the township has in reserve.

Supervisor Schultz requested a friendly amendment to the motion to increase the amount of the levy by \$22,000. Mr. Greg Schaefer and Mr. Del Miske agreed to the friendly amendment. With that amendment, the motion is to approve the levy for 2022 in the total amount of \$1,018,745, with \$353,645 for the general fund, \$465,100 for the road and bridge fund, and \$200,000 for the capital improvement fund. The amended motion was seconded by Ms. Tamara Morrissey.

Mr. Ebner reported that the motion carried by majority vote.



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Set Time and Place for Next Annual Town Meeting

Mr. Dave Schultz moved for the 2022 annual meeting to be held at the Township Hall, 959 Paris Ave Circle N, on Tuesday March 8, 2022, at 8:00 PM. Ms. Marian Appelt seconded the motion. Mr. Ebner reported that the motion carried by majority vote.

General Discussion

No general discussion was raised.

Adjourn

Mr. Dan Kylo moved to adjourn. The motion was seconded by Mr. Gary Horning. Mr. Ebner asked for any objection to the motion. Mr. Ebner adjourned the meeting.

Respectfully Submitted,

Elizabeth A. Vance
Recording Secretary

Steve Ebner
Moderator

Carrie Seifert
Clerk