

## WEST LAKELAND TOWNSHIP

Regular Meeting

February 11, 2008

6:30 p.m.

Oak-Land Jr. High School

Present:

Chairman Dan Kylo, Supervisor John McPherson, Supervisor Ron Goette; Sue Agrimson, Clerk; Ed Semrud, Treasurer; Matt Woodruff, Engineer; Scott McDonald, Attorney; Duane Stensland, Building Inspector; Ray Swanson, Planning Commission Chairman; Elizabeth Vance, Deputy Clerk, Mary Rinkenberger, Deputy Clerk

### **Board of Review**

Chairman Kylo called to order at 6:40 p.m. the Board of Review. Ms. Rinkenberger and Mr. Semrud presented the Clerk's Summary for Fiscal Year Ended December 31, 2007 as well as the Treasurer's Summary for comparison in reviewing their books. The towns supervisors did random checking between the two records as to checks written as well as receipts of checks received for building permits and various escrow accounts. Each requested item matched successfully. The accounting system used by the town clerk includes interest received; so to make the books match, Mr. Semrud from here on out will be putting the interest earnings in his ledger. The Board of Review was adjourned at 7:00 p.m.

### **Public Hearing – Application for Conditional Use Permit, Scanel Properties**

Chairman Kylo called to order a public hearing to review a request for a conditional user permit to allow construction and operation of a truck driving learning and training center to be operated by Century College. The proposed use is to be located on presently vacant land in the SW quarter of Section 33 and in the NW quarter of Section 4 between Hudson Blvd. and I-94 on land owned by Tiller Corporation which is partially in West Lakeland and partially in the City of Afton. The property is zoned Single Family Residential and schools are an allowed conditional use in the zone. Ms. Mary McKee and Ms. Velvet Walker represented Century College. Lonnie Provencher represented Scanel Properties. The use of the site was clarified as to be just for the truck driving instruction, and no other uses, such as motorcycle training. Security at the site was addressed, based upon discussion from the planning commission review. It was intended to have gated entrances to restrict access to the driving range. Access to the car parking at the entrance to the building would be open. There is not a current plan to fence the entire property. The buildings and gates would be wired to the College security system, monitored by College security staff.

The building proposed is an approximately 10,000 sq foot educational facility. There are two classrooms. There is an open area with bathrooms, study rooms, private offices for the faculty. The top side of the property, neighboring I-94, is two internal truck bays where trucks could be used for instruction under cover. The third bay is a canopy bay. The exterior building surface would be architectural corrugated steel, in conjunction with brick and glass. The site of the building is about 300 feet from the Interstate right of way. The driving range and building occupy 9.5 acres of the 37 acre parcel.

Supervisor Goette asked about the parking for the trucks that exceed the bay capacity. The intent would be that these would be parked on the backside of the building, next to the canopy bay. It was believed that there would be sufficient screening from the building and from the natural topography along I-94 to ensure the security of the

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vehicles. Supervisor Goette indicated that he believed there was a community discouragement in Afton to allow additional open truck parking in that corridor.

The general site would be the east side of the site. The ingress and egress would be across the street from the church. The parking would be between the building and Hudson road. The truck parking would be to the east, with the track to the northeast of the building as well. Storm water management would be on the west side, with additional green space on that side of the lot. It was confirmed that no fuel, and no refueling, will be on site.

The board discussed proposed signage. The plan is to have Century Transportation Center on the building, and some sort of signage along the interstate. The best place for visibility is at the southeast corner of the site. This might be the best location for some type of monument or sign. The preference of the board would be signage, instead of parking a trailer with lettering visible to the Interstate. The size of the monument was not yet determined. The applicant was provided the specifications from the zoning ordinance.

Afton was represented by the Mayor Julia Welter and council person Peg Knowles, Afton's main concern expressed from residents is the tax roll concerns. It sounds like it won't come off the tax rolls. It's an interesting and worthwhile proposal, commented Mayor Welter. It fits into Afton's ordinance changes. This will remain a private facility, leased to the state, for the foreseeable future. There are ties to the current site, owned by the state, which will be leased to Fed Ex, and the other 60 programs and adjunct facilities that are part of Century College which will limit any appetite for acquisition by the state.

Supervisor McPherson asked about traffic patterns. There would be trucks going in and out of the school, 8 trucks coming and going in the second and third week of class every couple of hours. The intent is to leave the property and go directly to the highway. The school would be operated year round. Traffic was not a major concern to the city, according to the mayor. Traffic patterns from the neighboring Shepherd of the Valley church are actually more aggressive than that proposed by this facility.

Dr. Swanson, on behalf of the planning commission, commented as to the results of their review. A joint powers agreement will be needed to establish the management of the property. The conditional use permit will go to the landowner, not the leaseholder of Century College. The viability of the lease with the approved operator, Century College, could be part of the terms of the conditional use permit. The building and entrances lie outside West Lakeland's jurisdiction. As proposed, the size of the building, signage, etc. violate the West Lakeland Township zoning ordinances. Mobile signs are not regulated by the current ordinance. Signs were a concern at the Afton Planning Commission. The city has not taken trucking out as a use west of Neal in Afton.

Ms. McKee clarified two items on the planning commission. There is intent to teach with double trailers from this site, as spot training or tutoring. There is concern with a time limit on the length of the truck leases to two years, but would extend that to three. The planning commission would be okay with every two to three years. The concern was in terms of condition of the trucks and that there be no maintenance done on site. It was agreed to consider that as part of the potential conditions of use. Although

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the student training was completed by 3:30, there would be some lingering truck traffic for refueling of the tractors, etc. that would continue until 5:00 PM

Discussion followed as to potential uses should the college discontinue the lease. The intent would be that it would continue to be an educational facility, with a similar use structure. Mr. McDonald commented that the permit could provide control on how the land was used, but it would be difficult to deny a similar private use.

Mr. McDonald commented that the considerations for granting a conditional user permit should include, but are not limited to: the impact on health, safety and welfare of neighbors; traffic; utility and school capacities; property values; comprehensive plan impacts; the standard zoning ordinances; market feasibility; ground water, surface water and air quality; and if it complies as an allowed use. Although it is a shared location, Mr. McDonald suggested that the board proceed with drafting terms and conditions for the conditional use permit as if it were entirely within West Lakeland Township jurisdiction. This could then be reviewed with a similar document created by the City of Afton to create a common permit. One condition should be the successful implementation of the joint powers agreement.

The public hearing was closed at 8:80 PM.

### **Call to Order**

Chairman Kylo called the regular meeting of the West Lakeland Town Board to order at 8:10 PM.

### **Review of Conditional Use Application, Scanell Properties**

Chairman Kylo asked to board what conditions should be considered. The items detailed by in the Planning Commission report would be applicable, with a change in the hours of operation to 7 to 5 PM. This is consistent with Tower Asphalt's permit. The restriction on double and tandem trailers should be removed. 24 hour residence is not permitted on site. No sirens are allowed for emergency crew training. There could be lights on the emergency vehicles, but not sirens. The time restriction on vehicle lease was removed, replaced with a condition that would not permit mechanical work on the vehicles on site. Lighting was only provided on the building, and should be compliant with specifications that restrict the light not leave the site. Currently, there is only one resident within 500 feet of the site.

The board reviewed signage specifications. It should be covered through the ordinance restrictions, with variances requested as needed.

Chairman McPherson moved to authorize Mr. McDonald to draft a provisional conditional use permit based upon the planning condition recommendations as amended, no fuel storage on site, no refueling on site, compliance with water management regulations, agreement on joint powers agreement with Afton, engineering ordinances and other standard conditions as appropriate. Seconded by Supervisor Goette, the motion carried. No building permits shall be issued until the joint powers agreement has been approved and authorized by both communities.

### **Approval of the Minutes**

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Typographical errors were corrected in the January regular minutes. Supervisor Goette moved to approve the minutes as amended. Seconded by Supervisor McPherson, the motion carried.

### **Treasurer's Report**

Mr. Semrud presented the report for the month of January. The report reflected \$8,000 in revenues, and expenses of \$48,000. The expenses were driven by the snow removal costs and the fire contract renewal. This has caused a significant drain on funds in the next two months, and Mr. Semrud recommended the board consider the need to liquefy a CD. There are money market accounts available to see through February issue, but will need to add more liquid funds for March. Next CD matures in May, about the same time that we get property taxes. Supervisor McPherson moved to approve the report as presented. Seconded by Supervisor Goette, the motion carried.

### **Review and Pay Bills**

Supervisor Goette moved, seconded by Supervisor McPherson, to pay the invoices as presented. The motion carried.

### **Overview of Street Improvement Projects**

Mr. Woodruff presented the proposed street improvement projects, including overlay and seal coat. The letter to board members dated January 24<sup>th</sup>, itemized the projects, and provided a cost estimate. The total estimate is \$145,000. Not all recommendations are absolutely necessary at this time, depending on budget. \$145K is the total estimate. Mr. Woodruff will coordinate the request for bids, with the expectation to open bids in the regular April meeting. Supervisor McPherson will coordinate a bid from Bergmann for striping.

### **TKDA Engineering Contract Rates**

TKDA has proposed a new contract for services. Mr. Woodruff provided an overview of the proposed increases in rates. Work is done in an hourly basis, charged in quarter hour increments. The township is charged that hourly rate, with a 2.75 multiplier. This multiplier has been constant since the effective date of the current contract in 1988. Current contract is dated 1988, and have been constantly at that 2.75 multiplier. With the rising costs, TDKA's expenses are beginning to exceed the contract multiplier, hence the proposed change. New clients to TDKA are charged a 3.00 multiplier, and industry standard for architectural engineering firms is a 3.10 multiplier. The requested change is to move West Lakeland's multiplier from 2.75 to 2.85. In real terms, this would increase Mr. Woodruff's currently charged rates by \$3.43 per hour. The change would be effective January 1, 2008.

Supervisor McPherson recommended retaining the firm with this increase. The relationship has been positive, and the work more than satisfactory. Supervisor McPherson moved to adopt the billing schedule. Seconded by Supervisor Goette, the motion carried.

### **Review Daniel Ruza's permitting process for an accessory structure on Lot 2, Magler Addition – March 30, 2008 deadline**

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Chairman Kylo asked for an update. Mr. Sensland reported that plans have been drawn up to change the accessory structure to living space, and expects a formal request in March. There is a well, but no septic currently on site. The board directed the clerk; Ms. Agrimson, to send a reminder notice to Mr. Ruza with the March 30<sup>th</sup> deadline for compliance.

**Review and Sign Artisan Resolution**

A signed copy of the resolution for approval of the Artisan development was not in the clerk's file. A file copy of the resolution for the Artisan development was provided to Mr. McDonald for review, and then provided to the board for signature.

**Sign Bayport Fire contract**

The amount of the renewal for fire services is \$64,768 for termination Feb 2009. Supervisor McPherson moved to authorize renewal of the contract. Seconded by Supervisor Goette, the motion carried.

**Resolution for Rustling Wilds**

Mr. McDonald provided a draft resolution on the Rustling Wilds development, and requested board review for signature at the next regular meeting.

**March regular town meeting will be held Monday, March 3rd in Cafeteria (due to Annual Meeting (8:00 p.m.) and Town Board Election (10:00 a.m.-8:00 p.m.) on Tuesday March 11<sup>th</sup>.**

A motion was made by Supervisor McPherson, seconded by Supervisor Goette, to meet on March 3d, 2008 to accommodate the annual meeting. The motion carried.

**Other Business**

Chairman McPherson updated the board on the flyash site. Ms. McPherson was able to contact Gov Pawlenty, and said he would look at the issue. The study commissioned by the City of Afton on geological impact raised concerns on the plume, and the credibility of the soil estimates. Valley Branch analysis indicates that the plume will reach the St Croix much faster than the EIS indicated.

**Adjourn**

Having no further business, Supervisor Goette moved to adjourn the meeting. Seconded by Supervisor McPherson, the motion carried. Chairman Kylo adjourned the meeting at 10:00 PM.

Respectfully Submitted



Elizabeth A. Vance  
Deputy Clerk

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