

West Lakeland Township
Regular Meeting

September 11, 2006

Oak-Land Jr High School

PRESENT: Chairman John McPherson, Supervisor Dan Kylo, Supervisor Jerry Peterson, Sue Agrimson, Clerk; Ed Sumrud, Treasurer; Cara Geheren, Engineer; Scott McDonald, Attorney; Duane Stensland, Building Inspector; Ray Swanson, Planning Commission Chair; Elizabeth Vance, Deputy Clerk; Mary Rinkenberger, Deputy Clerk

Public Hearing for Scott and Natalie Leseman

Chairman McPherson called to order a public hearing at 7:00 PM to consider an application by Scott and Natalie Leseman, 1871 Morgan Ave, for variance to allow construction of an accessory building closer to the road than the residence. The structure is proposed to be located near the front of the residence and screened from the view of the road. Mr. Leseman presented to the board their proposal. The current residence sits at the back of the 410 ft deep lot. The building site proposed is an existing pad 250 feet from the road, and screened from all lot lines by trees. The issues with siting the location behind the current residence is interference with the existing septic and remaining space to comply with lot line setback requirements. There are also mature trees in the rear of the lot, the family would prefer to retain. The final concern is the slope of the lot. Placing the building behind the residence will put the accessory building 4 foot higher than the desired site, causing drainage concerns. The hearing closed at 7:07 PM

Call to Order

Chairman McPherson called to order the regular meeting of the West Lakeland Town Board at 7:07 P.M.

Approval of the Minutes

Supervisor Peterson indicated that the second to the motion for animal control was incorrectly recorded. Supervisor Kylo moved to accept the minutes as corrected. Seconded by Supervisor Peterson, the motion carried.

Treasurer's Report

Mr. Semrud presented the treasurer's report for August. The report indicates receipts of \$30,000 and expenses of \$21,000. An addendum for the donations for the township appreciation dinner was included, with donations for the event exceeding the costs. The difference was placed in the general fund, and can be directed for the same purpose next year. Supervisor Peterson moved to accept the report. Supervisor Kylo seconded the motion. The motion carried.

Payment of Invoices

Mr. Semrud presented the invoices for payment. Chairman McPherson asked about the TKDA invoice. Ms. Geheren did review and correct the invoices of concern from the previous month. Invoices did include PERA contributions for Ms. Rinkenberger, necessitated by state regulation. Supervisor Peterson moved, seconded by Supervisor Kylo, to authorize payment. The motion carried.

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Leseman Variance Request

Chairman McPherson asked for discussion on the variance request. Supervisor Kyлло commented he had been to the site, and agreed that the existing pad is a better location than behind the residence. After discussion, Supervisor Kyлло moved that the variance be granted based on an evaluation of hardship due to the location of the house deep in the lot and the construction of the pad prior to the introduction of this ordinance, substantial screening at the requested site and the location of the septic system. Supervisor Peterson seconded the motion. The motion carried.

Stuart Grubb, Emmons and Oliver Resources

Mr. Grubb is the assigned engineer from Emmons and Oliver Resources, hired to represent the Township interests in evaluation of the Xcel proposed fly ash disposal site. The Environmental Assessment Worksheet was issued August 28th, with comment allowed until October 15th for MPCA review. The proposal is to replace the current disposal site in Oak Park Heights with a new site suggested for the Tiller Corporation gravel pit in West Lakeland Township, to be in use by 2010. The EAW serves as a scoping document for the Environmental Impact Statement. In addition, there are a number of other permits required at all levels of government.

Comments discussed are issues around groundwater management and the potential for groundwater contamination. The karse topography prevalent throughout the township was not mentioned in the EAW and should be further investigated. The Valley Branch Watershed District, as the water management authority, should be involved in the discussions. The methodology used to determine that there will be no adverse impact on property values should also be challenged. Noise, visual and traffic impact should also be investigated more thoroughly. Xcel should also be challenged to appropriately document and consider alternatives, to include other uses for the fly ash.

Chairman McPherson opened the floor for questions. Representatives from Afton brought concerns of the impact of the karse topography. The sinkholes at Dancing Water in Woodbury caused a loss of 60,000 gallons of water. It was also commented that unlike the current site, the West Lakeland site is surrounded by homes which rely on independent wells, not a shared city well. The city well systems provide for treatment and filtration, which private wells do not. Concern was raised by the residents included a concern that Excel had not explored alternatives completely, and Mr. Grubb will investigate this concern in more depth.

Copies of the EAW can be obtained through Mary Osborne, 651-297-8510, or online.

Artisan Development

The Artisan Development, proposed by Polly and Gustave Thill, appeared before the board requesting final plat approval. Ms. Geheren gave an update on the outstanding engineering issues. The TDKA staff has not yet had time to thoroughly review the latest revision of the submittal. Outstanding issues include the written documentation of the construction easements for the proposed road to Cherry Knoll. Ms. Geheren also expressed continued concern with the infiltration basins, and access and funds for continued maintenance. The most recent documents from the developer, although not

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fully reviewed by TDKA staff, estimate \$11,000 per year for maintenance. A letter of credit is also pending; as are two minor details from the list of comments from the preliminary review.

Mr. McDonald added that the title opinion, needed to demonstrate ownership, is still outstanding. He also expressed concern on how the Township might hold the association responsible in the long term for the infiltration basin maintenance.

A discussion on the cost and financial guarantee options for the maintenance of the infiltration basins followed. The developer indicated the figures presented to TDKA may be overstated. The developer has also offered to place funds in escrow for the first three to five years of the development, until the homeowners' association is fully established. The Thill family also offered to hold in escrow \$5,000 for maintenance during the first five years of the development. The concern of the supervisors is not for the short term liability, clearly under warranty with the developer while construction is ongoing, but the longer term responsibility under the control of the homeowners' association. The concern is that the homeowners' association may not have the ongoing ability to bear the maintenance costs. With no shared assets, there is no surety for the expense. For standard drainage ponds, special assessments have been able to address the long term costs, but both the Washington County Conservation District and the Valley Branch Watershed have indicated maintenance costs of infiltration basis are more ongoing expenses. Mr. McDonald indicated that assessments could be done, but would incur overhead cost.

The board discussed options for establishing sufficient funds to secure the maintenance expense over time. A letter of credit for a ten year term was discussed to bridge until the homeowner's association was established. It was also suggested that the developer's agreement waive some of the administrative requirements of the assessment process to allow for a more streamlined execution.

Additional concerns raised by neighbors included the traffic volume into Cherryknoll. This is not a primary entrance, and will not be used during construction. It was agreed by the developer that building would be limited from seven to seven on weekdays. The drainage in the area will be reviewed as the detailed road construction plan is completed. Ms. Geheren will look at drainage at Cherryknoll to see if there is an independent concern.

After continued discussion, Supervisor Peterson moved to grant plat approval, subject to \$10,000 being placed in escrow for a period of 10 years, a condition statement in the developer's agreement that the homeowner's association would be responsible for long term maintenance of the infiltration basins and if not properly maintained, would agree to authorize the township to do the maintenance and assess the residents with a waiver of the 429 special assessment procedures; completion of the letter of credit for an amount to be determined by the engineer; documented title opinion; completed developer's agreement to the satisfaction of the township engineer; easement agreements completed in writing; resolution of remaining engineering issues to the satisfaction of the township engineer. Supervisor Peterson further moved to authorize the chairman, clerk, and planning commission chair to sign the preliminary plat documents upon indication of satisfactory compliance with the conditions above by the engineer and township attorney. Seconded by Supervisor Kylo, the motion carried.

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Autumn Run II Addition

The first open issue for approval of the Autumn Run II plat is the issue of ownership. The written title opinion has not yet been presented to the Township attorney. Final ruling is expected in November. Funds will not be released to the developer to complete the purchase agreement until final plat approval has been granted. The second concern is the title transfer to Mr. Myra has not yet been completed. The drainage easement vacation has not yet been recorded with Washington County. Record of this vacation needs to be established to meet the County conditions for approval. The amount needed for the letter of credit has not yet been established. The developer's agreement has not yet been completed. The removal of the barn has not yet been completed. The barn is to be removed within 90 days of closing, and could be a condition of approval or part of the developer's agreement. After discussion, Supervisor Peterson moved to grant plat approval, with the documents to be held by the Township attorney until completion of the following conditions: deed has been cleared and properly documented; title transfer to Mr. Myra of the connection to Oakgreen Avenue, documentation of the drainage easement, completion of the developer's agreement and letter of credit. Seconded by Supervisor Kylo, the motion carried.

Deer Feeding Ban

The board considered a draft ordinance to ban feeding deer in West Lakeland Township. Feeding the deer creates a nuisance, and needs to be unestablished to allow for deer harvesting. Supervisor Kylo moved to adopt the draft ordinance. Seconded by Supervisor Peterson, the motion carried.

Galway and Loramere

Ms. Geheren gave the Board an update on the outstanding issues for Galway and Loramere developments. The developers for Loramere have addressed the remaining issues to Ms. Geheren's satisfaction, and she recommends the letter of credit be released. The signs should also come down, or come into compliance with the township ordinance. After discussion, Supervisor Kylo moved the letter of credit be returned subject to the removal of the signs, or bringing the signage into compliance with Township standards. Seconded by Supervisor Peterson, the motion carried.

Ms. Geheren reported that the outstanding issues for the Galway development have been completed. There were drainage issues when a homeowner added a culvert not part of the development grading plan, and without permit or review. It has subsequently been modified with a pipe appropriately sized and installed. Seeding and erosion control will be done in the next few weeks. Ms. Geheren recommended the letter of credit be reduced to \$10,000. After discussion, Supervisor Peterson moved to reduce the letter of credit for Galway to \$10,000. Seconded by Supervisor Kylo, the motion carried.

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Reschedule 11/13 and 12/11 Meetings

Due to conflicts with the school activities, the November and December regular meetings need to be rescheduled. After discussion, it was suggested to move these meetings to November 6th and December 4th.

Primary Election

Ms. Agrimson announced the time and location for the primary election.

Home Application for Tony Morley, 1423 Norcrest Ave N

The Board considered an application for a home occupation permit requested by Mr. Tony Morley, 1423 Norcrest Avenue for business of Graphic Design/Illustration. No concerns were raised. Supervisor Kyлло moved to approve the permit. Seconded by Supervisor Peterson, the motion carried.

Resignation of Supervisor Peterson

Supervisor Peterson presented to the board his letter of resignation from office. Chairman McPherson regretfully accepted the resignation, and presented a plaque for appreciation of Supervisor Peterson's dedicated service. Supervisor Kyлло moved to appoint Mr. Ron Goette to the remainder of Supervisor Peterson's term. Seconded by Chairman McPherson, the motion carried.

Adjourn

Having no further business, Supervisor Kyлло moved to adjourn the meeting. Seconded by Chairman McPherson, the motion carried. Chairman McPherson adjourned the meeting at 9:40 PM

Respectfully Submitted,



Elizabeth A. Vance
Deputy Clerk