

WEST LAKELAND TOWNSHIP

Regular Meeting

June 2, 2008

7:00 p.m.

Oak-Land Jr. High

Present: Chairman Dan Kylo, Supervisor John McPherson, Supervisor Ron Goette; Susan Agrimson, Clerk; Ed Semrud, Treasurer; Matt Woodruff, Engineer; Scott McDonald, Attorney; Duane Stensland, Building Inspector; Ray Swanson, Planning Commission Chair

Public Hearing – To consider an application by Ken and Marilyn Bellanger, 915 Midwest Trail N. for a variance to allow construction of a detached accessory building. The applicants are requesting a variance for a sideyard setback on the westerly side of their property.

The public hearing was called to order at 7:08 p.m. by Chairman Dan Kylo. Mr. Bellanger presented topography and original blueprints from former homeowner. The proposed 28' x 30' accessory building will match roofline of the residence which sits on approximately 2.8 acres. Eighty percent of the structure is not visible from road which faces south. If this accessory structure were built without variance, it would make for a difficult entry into the existing attached garage. The proposed structure would be 30' from front of residence and behind a hill. Because of contours (steep slope behind house), the accessory structure couldn't be positioned further back on rear property line. His most immediate neighbor did sign letter and has no problem with this variance request. Mr. Bellanger indicated that the existing shed is to be removed. There appeared to be no public opposition to this project. The Board determined that there several hardships that would necessitate a variance to be granted in order to construct the accessory structure – steep slope to the rear of the house, restricted access on westerly side of property (less area on the easterly side of property), the septic system in front and the well is close to house. The public hearing closed at 7:15.

Approval of Minutes – With minor corrections noted by Supervisor Goette and Daniel Kylo, Supervisor Goette made a motion to accept the minutes as corrected. Seconded by Supervisor McPherson. Motion carried.

Treasurer's Report – Upon presentation of the monthly financial report, Treasurer Ed Semrud explained that due to the earliness of this Board meeting, it is abbreviated by two pages as he didn't have the bank statements with which to work with. He will have a fully detailed report next month. He added that there were receipts of \$15,608.71 and expenses of \$75,853.80 with a net change of -\$60,245.09. He explained that this was due to the final payment of the fire contract to Bayport last month. With the first half of 2008 taxes coming toward late June or early July, he assured the Board that we would be in good shape. Mr. Semrud also noted that there was a C.D. that was cashed in that had matured for \$100,000 at First State Bank of Bayport. He also requested authority be granted him by the Board to cut a check for \$25,000 in order to move our money market account from Jennings State Bank to Central Bank where we would be getting a better return of funds. A motion to grant Mr. Semrud authority to move the funds from First State Bank of Bayport to Central Bank was made by Supervisor McPherson and seconded by Supervisor Goette.

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The Board reviewed the *annual insurance premium* received from Country Insurance of \$715.65. There was discussion about clean up day liability which the Clerk said was covered. A question came up about the Belwin Sports Complex certificate of insurance. The Clerk said that Belwin has not been diligent in supplying this information to the Township. Clerk Agrimson will contact the office of Belwin to obtain the most current certificate of insurance. With all this being said, the Board concurred that premium amount was acceptable. Supervisor McPherson moved to pay this annual premium. Seconded by Supervisor Goette. Motion carried.

Treasurer Semrud brought up the fact that Clerk Agrimson has been experiencing *computer problems* and needed to bring the computer in to St. Croix Computer of Stillwater for repairs- adding on more memory and external drive to backup township data as well as addressing what appeared to be viruses from the internet. The Board agreed to pay for the current repairs which would amount to \$289.22. There was discussion about replacing the Compaq computer with an Apple computer. The Board directed the Clerk to obtain information about a different computer and bring findings back to next month's meeting. The Treasurer will review the 2008 budget to see if this would be a possibility.

Review and Pay Bills for Month of May

Mr. Semrud presented the bills for payment. Supervisor Goette moved to pay the bills as presented and was seconded by Supervisor McPherson. Motion carried.

Request for Variance – Ken and Marilyn Bellanger(915 Midwest Trail N.)

Chairman Kylo asked for discussion on the Bellanger variance request. With no public opposition noted, Supervisor Goette made a motion to grant the variance request of the accessory building to be located 10' from westerly property line(current ordinance requires 25') due to several hardships – steep slope to the rear of the house, restricted access on westerly side of property(less area on the easterly side of property noted), the septic system in front and the well is close to house. Also noted is that when this house was constructed, the ordinance required 10' setback from sideline. Further, the property was inspected by the building inspector and a Board member. Seconded by Supervisor McPherson. Motion carried.

Artisan Letter of Credit-

It is noted that the Letter of Credit on this development will expire on July 12, 2008 in the amount of \$132,200. Engineer Woodruff said that the final overlay is not yet completed. He will talk to the developer and tell him that they should have an extension in place before the July meeting if this project is not completed by then.

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Resolution for Holiday Stationstore

This Resolution (for settlement purposed only pursuant to Rule 408), presented by Attorney McDonald, regarding findings of the previously approved hours of operation variance granted to Holiday Stationstores, Inc. for the site at the northeast corner of Manning Avenue and Highway 94. It is further noted that this Resolution meets with the consent of the Holiday Stationstores, Inc and the plaintiffs in the action captioned *Franklin v. Town of West Lakeland*, No. 82-C1-07-004081. The Town Board finds that the hours of operation comply with the standards of the West Lakeland Township Zoning Ordinance and that the hours of operations are nunc pro tunc considered to be part of the Conditional Use Permit application previously approved by the Town Board on May 14, 2007. If restrictions on hours of operation are later enacted for the zoning district encompassing the site at the northeast corner of Manning Avenue North and Highway 94, Holiday's previously approved variance for operation permitting 24 hour per day operation at the site remains in force and effect. On the advice of Attorney McDonald stating that he didn't see any downside with the signing of this Resolution that was received from Holidaystation Store attorney, Supervisor McPherson made a motion to sign as presented. Seconded by Supervisor Goette. Motion carried.

Century College Trucking

Attorney McDonald presented a draft of a Joint Powers agreement between the City of Afton and the Town of West Lakeland for a Century College truck driving school to be partially located in Afton and West Lakeland received from the attorney representing Century. Afton has approved construction of the school and is looking for expedience in West Lakeland signing off on the Joint Powers Agreement. The Board will be meeting at a later to discuss the ramifications of this Agreement. A date will be determined for this activity.

The Board is opposed to anything that wouldn't give West Lakeland a fair tax share and voice with the project. It was noted that the County will review this Joint Powers Agreement at their meeting tomorrow evening. Planning Commission Chair, Ray Swanson, will be attending this meeting.

Rustling Wilds Resolution

Attorney McDonald presented the Rustling Wilds Resolution for signature. This project was approved previously.

Jeff and Julie Nelson Variance Resolution

Attorney McDonald presented a draft Resolution for Board signature (variance request approved May 12, 2008). Chairman Kylo said that Building Inspector, Duane Stensland will need a \$20,000 bond from the Nelsons before he can issue a building permit to the Nelsons. Attorney McDonald will send Mr. Nelson a copy of the Resolution. Resolution is good for a year until such time a permit is applied for. Mr. McDonald will make corrections and present corrected draft for July 7th board meeting.

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Verizon Wireless Conditional Use Permit for Construction of 145' wireless communications tower on Tower Asphalt property on Hudson Boulevard (approved May 12, 2008)

Attorney McDonald said that he would bring to the July meeting a copy of the CUP for Chairman Kylllo and Clerk Agrimson signatures.

Letter from Builder's Association dated May 2, 2008

Clerk Agrimson received an email from Tom Bakritges, Local Governmental Affairs Director, Builders Association of the Twin Cities. The intent of this communication was for the Association to ascertain that the building permit fee we assess is administered properly. The Association also would like for us to show allocation/breakdown for each township department. Attorney McDonald advised that we will reply at a later date showing the justification of costs. He also stated that the Board has the right to assess a certain amount that is passed on to the permit applicant. Mr. McDonald will investigate findings from other communities dealing with this issue. In the meantime, the Clerk was directed to write a letter to Mr. Backritges indicating that his email has been referred to our attorney who will investigate and we will get back to him at such a time that we have more information. A motion was made by Supervisor Goette to authorize Attorney McDonald to investigate this matter. Seconded by Supervisor McPherson. Motion carried.

July Town Board Meeting

Due to a vacation conflict, the July town board meeting will be held on Monday, July 7th in the Oak-Land Jr. High School Cafeteria at 7:00 p.m.

Other Business –

Attorney McDonald presented the Board with the Conditional Use Permit for Holiday Stationstores and Developers Agreement for Chairman and Clerk signatures.

Supervisors McPherson and Goette said that some O'Ryan Trail neighbors are complaining about grass growing at a vacated property. The Board said that they could deal with this issue as a public nuisance and with the fact that the home could become a target of vandalism. However, Supervisor Goette said that peoples' lots should not be micromanaged by the Board. Safety issues could at some time be addressed down the road with the glut of foreclosures that are imminent. This issue is taken under advisement.

687 7th off of Oakgreen Ct. N. – erosion sinkhole issue. Supervisor McPherson explained a plan that won't affect existing cistern. Engineer Woodruff advised hiring an excavator and have someone climb in manhole and check to see what is causing the water to backup. Supervisor McPherson will talk to Miller Excavating to authorize completion of repairs.

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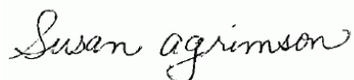
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Xcel Fly Ash – Chairman Kylo indicated that he has been in communication with Attorney Tom Casey (representing West Lakeland on Fly Ash proposal) and he indicated that Mr. Casey wants to know if West Lakeland wants him to appeal the EIS findings or not? The cost to do this could range anywhere from \$30-\$50,000. Mr. Casey's advisement is to not go this route and just keep nose in the rulemaking process. Representative Julie Bunn is being kept apprised of the process through Chairman Kylo.

Supervisor Goette indicated that he had received a call from Clerk Agrimson regarding a resident's complaint of defacement of a sign on 30th and Omaha. Supervisor Goette said that he went out to investigate and found other signs along 30th to have spray painting on them. Supervisor McPherson said that he would assess the damage and get back to Clerk Agrimson on what signs to replace.

With no further discussion, Supervisor McPherson made a motion to adjourn. Seconded by Supervisor Goette. The meeting was adjourned at 9:48 p.m.

Respectfully submitted,



Susan Agrimson
Town Clerk