

## WEST LAKELAND TOWNSHIP

### Regular Meeting

August 14, 2006

Hooley Hall(Washington County Fairgrounds)

Present: Chairman John McPherson; Supervisor Dan Kylo; Supervisor Jerry Peterson; Susan Agrimson, Clerk; Cara Geheren, Engineer; Scott McDonald, Attorney; Duane Stensland, Building Inspector; Ray Swanson, Planning Commission Chair

#### **Public Hearing –**

To consider a request by Alvin Roth, 2654 Neal Avenue, for preliminary plat approval for a plat, yet as unnamed, and proposed to be located in the east ½ of Section 19 in West Lakeland Township. The property consists of approximately 7.5 acres and lies west of Neal Avenue. The proposed plat consists of 3 single family residential lots.

The public hearing was called to order at 7:00 p.m. Mr. Roth commented that the name for the plat will be Higbee's Hollow. Attorney McDonald asked to see the final survey that the Board will be approve. Driveway access will all be on Neal Avenue. There are no drainage or utility easements noted by Mr. Roth. Attorney McDonald noted that it shows that the survey indicates it's a subdivision. McDonald compared the subdivision plat with the preliminary plat. He indicated that the plat meets minimum acreage requirements.

Board indicated that it would approve the preliminary plat based on utility and drainage easements dedicated along lot lines and that the lots will be 2 ½ acres outside of road right- of- way. Fourth lot is not part of the plat. There are two small shallow ponds noted by Planning Commission Chair, Ray Swanson, that would need to be part of future platting. Fly zone issue from the Lake Elmo Airport will be in the sale papers as indicated by Mr. Roth. Attorney McDonald said that this is an unusual plat without Developer's Agreement and advised that the Board should require one. Engineer Geheren said that the plat should be approved with an erosion control permit by Valley Branch.

Hearing further comments, Chairman McPherson closed the public hearing at 7:16 p.m.

**Call to Order** – Chairman McPherson called the regular meeting to order at 7:17 p.m.

#### **Approval of the July 10, 2006 Meeting Minutes –**

Supervisor Kylo commented that the minutes should reflect a few minor corrections. The minutes referred to "Mr. Trogon" and should all be corrected to read "Mr. Torgerson" throughout the minutes. In reference to Mr. Al Roth's request, the minutes should read "subdivision"; not "submission". There was reference to the public hearing slated for August 15<sup>th</sup>; it should read August 14<sup>th</sup>..

A motion was made by Supervisor Kylo to accept the minutes as read with the corrections to be made as previously stated. Seconded by Supervisor Peterson. Motion carried.

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#### **Treasurer's Report -**

Mr. Semrud presented the treasurer's report for July. The report reflected receipts of \$148,000(majority of this amount is receipt of first ½ of property taxes from County ); disbursements \$73,000(significant portion of this is the assessment fee from the County and the bill for clean- up day from Waste Management of \$14,000 and pool and driveway escrow returns). This leaves West Lakeland with a net change for the year of \$60,000 more income than expenses.

Investments both in checking accounts, money markets and CD's totaling a little over \$1.3 million. There will be a CD expiring next month with Lake Elmo and treasurer will work at asking them to extend the special offer that was available during one of their grand openings just recently.

Mr. Semrud said that he received from the Office of the State Auditor a Best Practices Review Survey as it relates to asset management. He thought of our asset policy and found that this report refers to infrastructure assets. He questioned the Board as to whether there is a long term infrastructure policy in place. Chairman McPherson indicated that one was put into action a number of years ago. The Board instructed him give the report to Engineer Geheren for her to completion and sending it off.

Chairman McPherson asked Ms. Geheren to see if there was a revised bill based on the issue on their bill. She said that there were some spillover charges by Jake of approximately five hours on culvert issues. She will make a draft incorporating the extra charges and adjusting the bill on some overcharging. The Board agreed that Treasurer Semrud should hold the bill until next month and payment will be forthcoming with the necessary adjustments.

Supervisor Peterson moved and seconded by Supervisor Kyлло to approve the treasurer's report as presented. The motion carried.

#### **Review and Pay Bills**

Invoices were presented for payment. Supervisor Peterson made a motion and seconded by Supervisor Kyлло to pay the invoices as presented. The motion carried.

#### **Request for Preliminary Plat Approval by Alvin Roth - Higbee's Hollow**

Attorney McDonald reiterated that the motion for preliminary plat approval would be subject to the plat showing the drainage and utility easement along the lot lines and subject to a Developers Agreement ; lot owners would be informed that the property is in a fly zone of Lake Elmo Airport and well advisory area; subject to all the typical provisions that we put in preliminary plat approval that shows the Valley Branch erosion control permit and that each lot should contain 2 ½ acres not including the road right-of-way. There will be no letter of credit as there are no road improvements necessary on this plat.

Supervisor Kyлло made a motion to approve the preliminary plat subject to the conditions as stated by Attorney McDonald. Seconded by Supervisor Peterson. Motion carries.

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#### **Urban Deer Management – Matt Reischl**

Mr. Reischl stated that they were hired by the Township late last Fall to curb the deer population. Approximately 16 deer were taken at that time. They will be doing the hunt again this year. He said that there have been some changes with the DNR laws regarding feeding of deer and setting up of established feeding stations and hunting. The language is not available in writing yet. Basically, any trail leading to a feeding station is against the law to hunt in. He has communicated with Supervisor Kylo that the Town adopt an ordinance that there be no deer feeding during the deer hunting season which will be approximately September 14, 2006.through January 1, 2006.

Supervisor Kylo asked about the distance of this trail in relation to the feeding guidelines especially if it crossed several lots. Reischl indicated that any trail that leads to an established feeding station would be off limits for hunting. He figured that the word could get out by newsletter and website. They will also be going out door to door asking property owners for hunting permission.

A resident in the audience questioned what happens to deer carcasses? Mr. Reischl said that four or five landowners last year asked for them. They also have a contact with the DNR that works with needy families. Another resident, Lori Jelen-Freeman of 14240 10<sup>th</sup> Street , stated she was more than glad to have the hunters on her property. There will be a five deer limit per hunter. The Town Office will maintain a list of property owners that wish to have the bow hunters on their property.

Supervisor Kylo asked Attorney McDonald about the temporary variance necessary to go closer than the 500 foot distance. The attorney stated that the ordinance from last year would cover the permitted bow hunters this year. He also said that the Board should give him permission to keep in contact the Urban Deer Management to get the language about the established deer feeding stations worked in the current ordinance and that it would be ready for the September meeting. Supervisor Kylo will be in contact with Matt Reischl and relay the information to Attorney McDonald before the September meeting. Supervisor Kylo made a motion to continue the discussion concerning the ordinance of firearm discharge and deer feeding and to authorize Attorney McDonald to work with him to work on establishing an ordinance on deer feeding before the September meeting. Seconded by Supervisor Peterson. Motion carries.

#### **Animal Control Officer – Kathi Pelnar**

The Board discussed at length the pros and cons of the proposals for impounding by the Woodbury Animal Shelter and the presently used Hillcrest Animal Hospital. Supervisor Peterson made a motion to stay with the Hillcrest Animal Hospital. Seconded by Supervisor Peterson. Clerk Agrimson will work with Ms. Pelnar and the Hospital to obtain 24 hour access to their facility.

#### **Artisan Development(Thill Family)**

Connie Volare from Cornerstone Surveyors stated the development is not ready for final plat approval. They are still working on resolving a few issues that were discussed at previous meetings.

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One of the items needing to be worked out in the Developers Agreement is to resolve retaining wall/grading easement issues with neighbors by Nicolle Avenue. Developer has been successful on the east side which has all been verbal with nothing in writing. Some of the property owners have expressed their feelings in not having their property graded. Ms. Volare discussed the possibility of obtaining authorization from town board for the retaining wall if that has to be an option. She said it would probably be best not to have a wall but if that is the only option, then they have to move forward with the approximate 30' retaining wall. Affected homeowners are aware of the potential of the wall going in regardless of their hesitations on minor grading on their property.

Another resident at the end of cul de sac worried about runoff, flooding his driveway. Ms. Volare indicated that there is rip rap and established vegetation down there. She thought that curb might have been built too low in the adjoining development. Eric from Larson Engineering was introduced to better explain the query in this regard. He said that there will be new catch basins in that area to collect all the water that would be from the road to avoid water rushing across that driveway. They have reviewed the original design of the neighboring development with the Valley Branch Watershed and did account for the future use of Nicolle Avenue as what the runoff should be in that pipe. Overall, the measures that will be taken should improve the overall existing and potential flow of water through this area.

Gustave Thill is still working with neighbors on the finer details of the retaining wall and he is fairly optimistic that the property owners would be more comfortable if the wall is the only option. Discussion followed on the placement of the wall that will encroach a bit on the township right of way. Homeowner, John Gross, will allow grading on his property which means he will lose a couple of trees. However, an agreement was made to have them replaced by the Thills. The other property owner could have the wall come on his property about 7'-8', if developer is allowed to do the 3 to 1 slope. If not, then with the 4-1 slope, then the wall would move in about 12'. There again, with the loss of the one tree, the Thills are willing to spade in several healthy white pines to compensate for the loss. Attorney McDonald stated that due to the fact that preliminary approval was given with the wall, if that is the only option, it will have to be allowed. The Town Board is legally bound to allow the retaining wall construction to gain access from Nicolle Avenue in to the proposed Artisan development.

It was noted for town board information that the Valley Branch Watershed has given approval subject to standard conditions. It is noteworthy that it does not cite specific directions that West Lakeland would be responsible for storm water management. The draft for VBWD policy states that there would be some flexibility in enforcing how communities will be directed to manage storm water. It does appear that there might possibly be some flexibility in opting out of self-management if the watershed should take over this responsibility

In the meantime, Cara is working on options with the developer and thought they may be willing to escrow some funds to help with the management of storm water storage in the interim. TKDA might have a formula to work with until a final decision is made in a couple of years. Attorney McDonald stated that a homeowners' association

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could possibly assume responsibility with contributions from its property owners for periodic maintenance.

#### **Horseshoe Lake Boat Access**

A resident who lives close to this access, Terry Emerson, said that there is a lot of car/boat traffic on old Manning Avenue. It was suggested that a sign stating "No boat launching" on town road right of way be posted. Attorney McDonald informed the Board that they do have the ability to control what happens in that area. At present time, we do not have an ordinance in place to control this. There are no parking signs at the present.

Attorney suggested we obtain a copy of Lake Elmo's ordinance pertaining to boat launching. He will contact the municipality for this document.

#### **20<sup>th</sup> Street /20<sup>th</sup> St. Ct. N. House Numbering Issue**

It has come to light that there are house numbers on these two streets that are identical. There are also homes on the south side of 20<sup>th</sup> Street that are not in compliance with the Uniform Street Naming and Numbering System established by Washington County. This could cause a safety issue as emergency response teams are always aware of cities and towns using this system. These homes have numbers that makes it appear that they would be on the north side of 20<sup>th</sup>. A letter has been sent by the Clerk stating the problem and the need for the homes to change their house numbers in accordance with the System. We have met resistance with the request by two homeowners.

Ray Swanson suggested that the residents be reminded to have their mailbox numbers clearly visible with letters and numbers according to postal standards.

Clerk Agrimson will continue to work on the issue with the Building Inspector.

#### **Magler Addition Warranty**

The letter of credit in the amount of \$172,000 is due to expire on August 31, 2006. Engineer Geheren said that the second wear course was placed last year and is coming to the end of the one year warranty. They did a walk through and determined that there were no corrective measures necessary and recommend a release of the letter of credit. Supervisor Peterson brought up the fact that the curb at the end of the cul-de-sac is pushed out a bit. Ms. Geheren thought that the release of the letter of credit should be based on resolving this issue. Chairman McPherson indicated that he would go out tomorrow and talk with Mr. Magler to see if this problem does exist as it was not noticed by the engineer.

#### **Loramere**

This development still has lots of work to be done and the engineer is in the process of creating a punch list. The second wear course was placed last year with the letter of credit expiring on August 31, 2006 in the amount of \$75,000. She felt that there

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was a strong possibility of the work not being completed by August 31st. The second wear was course installed last year. They have a lot of erosion problems. There are erosion control devices in the catch basins that have not been removed yet. Washouts exist around the pond. It appears that there is still a lot of work being done in the area and it still good that these items are still in place. It appears that the work will not be done by August 31<sup>st</sup>.

The Board authorizes Attorney McDonald to work with Mick Lynskey to extend letter of credit.

**Galway**

This development is under a two year warranty period and the washouts are yet to be repaired. Engineer Geheren will talk to Todd Erickson again to get Raleigh Excavating to get resolved. Suggestion was made to either pull funds from letter of credit(\$50,000 and expires on September 2, 2006) and do work ourselves or don't issue any more building permits. Chairman McPherson says that a lot of the cisterns will need to be cleaned out eventually. The engineer will work to resolve the problem.

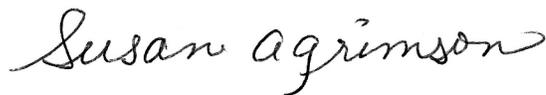
**Scott Leseman – Request an outbuilding variance**

Mr. Leseman(1781 Morgan) discussed his dilemma of proposing to construct an outbuilding(32 x 62) within the parameters of the ordinance. He is requesting that he build it approximately 17' closer to the road than the front of the house. The Board said that they would go out and look at the situation this week. Mr. Leseman indicated that this building would be screened from view from the road. If the Board sees that there would not be a problem with this variance, he is requesting a public hearing at the September meeting.

**Adjourn**

With no further business, Supervisor Peterson moved to adjourn the meeting. Seconded by Supervisor Kylo. The motion carried. Meeting adjourned at 9:43 p.m.

Respectfully Submitted,



Susan Agrimson  
Town Clerk

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