

West Lakeland Township
Regular Meeting

July 10, 2006

Washington County Fairgrounds

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

Public Hearing – Preliminary Plat Approval, Autumn Run Second Addition

Chairman McPherson called to order a public hearing to consider a request by Jeff Hause and Gary Torgerson for preliminary plat approval for a plat to be known as Autumn Run Second Addition and proposed to be located generally in the SW Quarter of Section 28, north of 10th Street, all in West Lakeland Township. The property consists of approximately 32 acres and is proposed to be divided into approximately 12 lots. The applicants are also requesting a variance from the minimum lot size required for two lots in the proposed plat of autumn Run 2nd Addition. The lots affected by the variance request would be Lot 11, Block 1, proposed to contain 2.3 acres and Lot 12, Block 1, proposed to contain 2.2 acres. An additional variance was requested to allow retention of the barn on proposed Lot 1, Block 1. The existing barn exceeds the square footage allowed for accessory structures on a 2.5 acre lot. The barn contains 2700 square feet on the main level. A formal application has not yet been received for the reconsideration of this request. Since Mr. Hause does not have title to the land, both he and Mr. Torgerson need to be co-applicants on the request. Agreement to the development proposal would need to be obtained from all parties with interest in the land, including the contract purchaser, contract seller, mortgage holder, etc. Mr. David Johnson, the holder of Mr. Torgerson's contract for deed on the property, raised an issue of land ownership that is currently under judicial review. He requested that Mr. Torgerson be prohibited from making any further changes on the property until that issue is clarified. Mr. Hause agreed to meet with Mr. Johnson outside this forum to see if an agreement could be reached. Mr. McDonald recommended that a forma title opinion be obtained to clarify the interested parties.

Mr. Hause presented the proposal, replicating the same proposal approved a year earlier, which has expired. Chairman McPherson asked about the conditions recommended by the Planning Commission Report. Mr. Hause and Mr. Torgerson agreed that the conveyance of the small strip of land between the bulk of the property, and 10th Street would be conveyed to the neighboring lot owner, Mr. Tim Myrah, upon approval of the final plat. Mr. Myrah agreed that there is a verbal agreement to convey the land in concept for a nominal fee. Supervisor Peterson requested that this conveyance be completed as early in the process as feasible. Ms. Deb Oldway asked if the variance on lot size was a normal request in a development of this nature. Supervisor Peterson explained the desire of the Township to bring the long, narrow strip of land from that parcel to a more standard lot structure as the unique circumstance in this request.

Mr. Torgerson requested the request for variance for the retention of the barn be removed from consideration. It is no longer his desire to retain the structure. He plans to replace the building with a detached accessory building built to current code.

Addressing some of the remaining 16 recommendations from the planning commission are pending final transfer of the land to Mr. Hause.

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Also still pending is the engineering estimates to support the letter of credit. This is expected to be resolved in the next 30 days.

Based upon the unresolved ownership issues, the outstanding Planning Commission recommendations, and engineering reviews yet to be completed, Supervisor Kyllö recommended that the time period for review be extended. Mr. Hause understood the need for the extension

Having no further comment, Chairman McPherson closed the hearing at 7:36 PM.

Public Hearing – Preliminary Plat Approval for Artisan Development

Chairman McPherson called to order a public hearing at 7:40 PM to consider a request by Gustave Thill on behalf of Polly Thill, for preliminary plat approval for a plat to be known as Artisan and proposed to be located in the SW ¼ of Section 20 in West Lakeland Township. The property consists of approximately 65 acres and lies east of Neal Avenue. The proposed plat consists of 16 single family residential lots and an outlot.

The plat concept was presented by Connie Galary, with Cornerstone. The intent of the development is to accentuate the natural slopes of the site, with a little grading as possible. The plan was reviewed by the Planning Commission, and the development team reviewed with the planning commission, and are addressing their concerns.

The concerns over infiltration basins was reviewed. An engineer was brought onto the development team specifically to address these concerns. The proposal is set for review by the Valley Branch Watershed District. Research on existing infiltration basins is that long term cost of maintenance over a 20 year period are equivalent between storm ponds and infiltration basins. It is expected that with so much of the native vegetation remaining, the maintenance should be less problematic. The location of the ponds are also located such as to be accessible from the right of way. It appears that the Watershed District will assume the maintenance, so their review should be key.

A concern was raised about the proposed street design of Nicole Avenue. There are conflicts with grading to the required 30 MPH design, and not allowing a retaining wall in the right of way. The concern is in the part of the property not part of the development, but in the right of way outside of the plat, extending the road through to the new development. A clean connection to the new development was not left by the previous developer of Cherry Knoll. Options currently under consideration include requesting a variance to the road standard, a variance to allow a retaining wall in the right of way, or a variance to allow a longer than allowed cul-de-sac. The owners of the adjacent properties are not amenable to allowing grading through the established landscaping beyond the right of way. Ms. Geheren suggested a meeting with the development team and the landowners to review options. The options for the best way to approach a solution need to be reviewed with the Township engineer. Mr. Mark Ackerson asked about the drainage considerations for this road. The current culvert has had issues with managing volume runoff.

Mr. Vern Swedberg asked if the garbage collection site on the back corner of the lot be removed. That was agreed.

In general, Ms. Geheren reported that the engineering issues appeared to be manageable, and could be addressed outside the approval. The outlot would need to be

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addressed in the development agreement, with sufficient legal encumbrances to prohibit future independent development.

Having no more comment, Chairman McPherson closed the hearing at 8:16 PM.

Call to Order

Chairman McPherson called the regular meeting to order at 8:17 PM.

Approval of the Minutes

The minutes of the June 12, 2006 minutes and the July 22, 2006 audit review meeting were presented for approval. Minor spelling corrections were made to the regular meeting minutes. Supervisor Peterson moved, seconded by Supervisor Kylo, to accept the minutes as corrected. The motion carried. Supervisor Kylo recommended minor changes to the Audit review meeting minutes. Mr. Semrud provided additional clarification. Supervisor Peterson moved, seconded by Supervisor Kylo, to accept the minutes as corrected. The motion carried.

Treasurer's Report

Mr. Semrud presented the treasurer's report for June. The report reflected \$49,000 in revenues, and \$65,000 in expenses. Property tax payments are expected in July. The audit review is complete, with a satisfactory review. Some suggestions were made to improve the processes. Suggestions were also made to recommend where tighter control could be had, for example, a tighter control on building permits issued. Supervisor Peterson, seconded by Supervisor Kylo, to approve the treasurer's report as presented. The motion carried.

Review and Pay Bills

Invoices were presented for payment. Supervisor Peterson, seconded by Supervisor Kylo, to pay the invoices as presented. The motion carried.

Request for Preliminary Plat Approval, Autumn Run Second Edition

Preliminary approval was discussed with the a number of necessary conditions. The ownership issue needs to be resolved with formal documentation of ownership. Engineering issues need to be resolved to the Township Engineer's satisfaction. The conveyance of the land to Mr. Myrah needs to be completed. The letter of credit and engineering estimates and developer's agreement need to be completed. A formal application and necessary fees must be submitted. The remaining recommendations by the planning commission need to be resolved. The variance for the lot size is based on township request to deed off strip to better manage the access limitations from Oakgreen Avenue, compliance with recommendation by planning commission. Supervisor Peterson moved to grant preliminary approval, subject to the conditions listed above, and grant approval for the variance in lot size. Supervisor Kylo seconded the motion. The motion carried.

Request for Preliminary Plat Approval, Artisan Development

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Mr. McDonald appeared to be satisfied that the legal issues regarding the outlot could be managed in the developer's agreement. Ms. Geheren thought the engineering issues could be resolved as detail planning continued. Supervisor Peterson moved to grant preliminary plat approval, subject to the Outlot A being attached to one of the two listed lots so as not to be independently developable in the future, and subject to the acceptance of the letter of credit, developer's agreement, evidence on ownership, Watershed approval, compliance with the planning commission recommendations, and payment of necessary fees and costs. Supervisor Kylo seconded the motion. The motion carried.

Animal Control Services

Ms. Kathi Pelnar, of the Animal Control Service of Hudson, Wisconsin presented a proposal for animal control services in West Lakeland Township. Having reviewed the proposal, Chairman McPherson suggested that patrolling may not be a requirement at this point in time. The supervisors agreed. Cats are not currently under the ordinances. It was requested that the impound agreement with Hillcrest Animal Clinic be retained as the impound location. Payment of fees would continue to process through the clinic, or Ms. Pelnar if the impound was not completed. Ms. Pelnar explained how she would address nuisance complaints, such as dog barking. After discussion, Supervisor Peterson moved that Ms. Pelnar be retained for animal control services. Seconded by Supervisor Kylo, the motion carried. Ms. Agrimson requested the proposal be modified based upon the discussion. Mr. McDonald met with Ms. Pelnar to make the adjustments.

Alvin Roth, Request for Submission

Mr. Roth, 2654 Neal Avenue, appeared with a request to subdivide 39 acres into 4 lots, three parcels of 2.50 acres each and one parcel of 31.51 acres. After meeting with the planning commission, only minor recommendations were made. A public hearing was set for the next regular meeting, August 14th.

John Kawohl, Final Plat Approval, Windbreak Meadows

Mr. Kawohl appeared before the board to request final approval for Windbreak Meadows subdivision. Approval has been granted by Washington County. The planning commission reviewed the proposal on May 17th. Of concern was building the road to Township standards. Ms. Geheren reported that the engineering issues are complete, with the exception of the completion of the letter of credit. Supervisor Kylo moved to authorize the clerk and chairman to sign off on the final plan contingent upon review by Mr. McDonald that all conditions of the preliminary approval were met. Seconded by Supervisor Peterson, the motion carried.

Duke Realty, Rezoning Request

Mr. McDonald reported that a meeting is pending with Afton to review the proposal, and a draft of a joint powers agreement has been initiated. He continues to work through the detailed issues.

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Request for Proposal, Environmental Engineering Consultant

A response was received to the request for proposal from Emmons and Olivier Resources. Ms. Geheren reviewed the proposal briefly, concluding that the proposal appeared reasonable. The firm is highly regarded, and well suited to the work. It was suggested that the proposal be reviewed by staff at TDKA, with a recommendation and comment provided to Supervisor Kylo.

Review and Sign 2006 Street Improvement Projects

Ms. Geheren presented the contract for signature.

Washington County Assessing Service Fees

A letter defining the assessment service fees for 2007 was received. Rates have not yet been increased, but an increase of 5 to 7.5% from the current 18% is under consideration.

Sign Resolution from June Regular Meeting

Mr. McDonald presented resolutions for variances from Mr. Herman Dannholz and Ms. Linda Goughnour approved at the June regular meeting.

Election Judge Training

Ms. Agrimson requested permission to lease a building at the Fairgrounds for Election Judge training. The request was approved.

Washington County Contract for Emergency Preparedness

Supervisor Kylo will replace Chairman McPherson as the point of contact for Emergency Preparedness.

Additional Business

Supervisor Peterson announced his attention to retire after the September regular meeting.

Adjourn

Having no further business, Supervisor Peterson moved to adjourn the meeting. Seconded by Supervisor Kylo, the motion carried. The meeting was adjourned at 9:45 PM.

Respectfully Submitted,



Elizabeth A. Vance
Recording Secretary