

WEST LAKELAND TOWNSHIP

Regular Meeting

February 13, 2012

7:00 p.m.

Oak-Land Jr. High School

Present: Chairman Dan Kyлло, Supervisor Dave Schultz, Supervisor Steve Ebner, Ms. Marsha Olson, Treasurer; Ms. Sue Agrimson, Clerk; Mr. Scott McDonald, Attorney; Mr. Duane Stensland, Building Inspector, Mr. Frank Ticknor, TKDA, Township Engineer, Mr. Dave Dupay, Planning Commission Chair, Betsy Vance, Deputy Clerk

Public hearing –*To consider an application by Elizabeth and Donald Vance (together with Peg Warren Walsh) owners of the property of 1045 Oakgreen Avenue South and adjoining for a conditional use permit (SFE District) for keeping 6 horses on 7 acres of grazable land (12 acres required unless CUP obtained). A copy of the application is on file with the Town Clerk.*

Minutes for the meeting with regards to the public hearing and request for conditional use permit were taken by Ms. Sue Agrimson, clerk, and provided to be included in the regular meeting minutes

One of the owners of 1045 Oakgreen Avenue S., Elizabeth Vance began by introducing herself, the other property owners and the owners of the majority of horses. The Nixes (residents at the said address) have had much experience in horse ownership around the country. The Walshes would like to place their 6 mo. old colt and a Shetland pony on the pasture as well. There would be 6 horses on the 7 acres.

Ms. Vance indicated that the pasture will not be the primary food source for the horses and that there will be an independent outside supply of nutrition for the horses. She also said that there will be rotation of the horses so as not to tear up the land with their hooves which could have an erosion effect. The families have investigated the management of drainage and water consistent with the guidelines as documented by some outside sources which included the U of M Extension Service, Rutgers' University, and EC 1558 dated May 2003, Managing Small Acre Horsefarms, Oregon University Extension Service. She said that a barn containing livestock has been on the site for over 40 years with no issue of water contamination as the drainage flows around the wellhead.

She then spoke to the topic of manure management and said that it will be recycled back into the pasture as fertilizer as the season permits and will be composted on site in other months. The composting area will be tarped to minimize runoff from rain. This site will not be on the natural drainage way. Ms. Nix indicated that she has found someone who will purchase some of the manure. Ms. Vance said that they have talked to the neighbors abutting the area along the fence line and there seems to be no issues or concerns from them.

The horses will be out daily and will be stabled in the barn with their stables cleaned daily. They will be worked out daily in the pen or ridden to provide exercise and will not be dependent upon the pasture for that. In closing, Ms. Vance stated that there will not be any commercial use with regard to the variance request on this property.

Planning Commission Chair, Dave Dupay, took the floor and commented that the Planning Commission had reviewed the request at their February 8, 2012 meeting. He

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said that the request is in accordance with Section 17.9.7 of the Code and also recommended the Board approve of the CUP with the following conditions:

1. Annual inspection for erosion, waste management. Inspection shall include but not be limited to manure management, odor, light and noise, maintenance of vegetation, fence (a/k/a livestock containment system) upkeep.
2. Change of ownership or interest of either of the two parcels or any portion thereof that would be reduction of grazable property, constitutes a review of the CUP.
3. Management of drainage and waste consistent with the guidelines in the submitted document EC 1558 dated May 2003, Managing Small Acre Horsefarms, Oregon University Extension Service.
4. Horses are owned or leased by resident(s). There is no commercial use of the horses on this property.
5. The pasture shall not be the only source of nutrition. Independent feed sources will be provided.

Attorney McDonald stated that he has no reservations in recommending approving the request to the Board. He said that the conditions should line up with our Ordinances; the Planning Commission has placed conditions over and above Ordinance requirements and that change of ownership should have to come in to the Board for review.

Chairman Kylo made mention that he received an email from neighboring resident Mr. Tom McElin in which he saw no problem with the Board approving the CUP. Other neighbors expressing approval are: Mr. Bob Hegarty and Joel Sandstrom.

Chairman Kylo then asked for any public comment. Supervisor Dave Schultz asked about how this request matches up with the County Ordinance. Comment was that it is verbatim of what the County has on their books. Attorney Scott McDonald advised the homeowners to check with Washington County on their variance request and make sure the conditions line up with the County Ordinance. No residents appeared to speak in opposition to the request.

Having no further comments, Chairman Kylo closed the hearing at 7:35 PM.

Call to Order

The regular meeting of the West Lakeland Board of Supervisors was called to order by Chairman Kylo at 7:40 PM.

Request for Variance

Minutes for the meeting with regards to the public hearing and request for conditional use permit were taken by Ms. Sue Agrimson, clerk, and provided to be included in the regular meeting minutes

The board reviewed the conditional use request for the Vances/Walshes. Chairman Dan Kylo made a motion to grant the variance request with the five conditions placed by the Planning Commission(as mentioned above) and if there is a change in ownership, there would be a need to come before the Town Board. Seconded by Supervisor Ebner, the motion carried.

Approval of the Minutes

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Supervisor Ebner moved to approve the minutes with minor corrections. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the report for January 2012. The net change reflected a \$41,000 increase in 2011 and a net loss for January 2012 of \$28,000. The net increase in 2011 was credited to more than expected building permit fees, and higher income from gravel taxes. The largest expenditure for Jan 2012 was road maintenance. Supervisor Schultz asked the clerk to investigate if sales tax is appropriate for the invoiced charges from St. Croix Tree Service. Supervisor Ebner moved to accept the report as presented, seconded by Supervisor Schultz, the motion carried.

Review and Pay Invoices

A new 4-1 printer for the clerk was discussed. Chairman Kylo moved to authorize expenditure up to \$350 for the purchase of a printer and extended warranty. Seconded by Supervisor Ebner, the motion carried.

No action was taken on a membership for the Federal Surplus Property Program.

The Bayport fire contract renewal was presented for signature. Mr. McDonald raised for discussion the language regarding exemption from liability. He recommended the language be reviewed with the insurance agent to determine if appropriate liability coverage is in place. Ms. Agrimson will compare this language with the current contract, and the contract of neighboring communities that have contracted for service. Chairman Kylo moved to authorize signature of the contract renewal, and payment for the fire service, pending clarification of the liability language. Seconded by Supervisor Ebner, the motion carried.

Ms. Agrimson noted that the Artisan Letter of Credit is due to expire March 31, 2011. She has been notified that Mr. Thill has requested an additional extension. She also noted there is currently a negative balance in the escrow account.

Supervisor Ebner moved to pay the invoices as presented. Seconded by Supervisor Schultz, the motion carried

2012 Street Projects

Mr. Frank Ticknor presented a memo of ongoing street maintenance projects.

The seal coating for 2012 will be done in conjunction with Lake Elmo. Mr. Ticknor and Supervisor Schultz will do a final selection of roads for the work with a road survey in the spring. Baytown has also expressed an interest in partnering with the two communities as well.

Mr. Ticknor brought forward the reclaim of O'Ryan Trail as a project for 2012 with the 22nd Street repair project on hold. This road is not a good candidate for injection because the soils are substandard making the process not as effective. Mr. Ticknor was requested to put together some alternate proposals and cost estimates for review. A final decision would be made after the estimated expenditure for seal coat is more firm.

The board recommended that a traffic count be done on 22nd this summer while the Stillwater Bridge is closed for maintenance.

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Other Business

Code ordinances will be reformatted for better maintenance and publication and be available for the March meeting.

The regular meeting for March will be on March 5th, and start at 6:30 PM to allow for the Board of Review.

Mr. Dupay noted that there has been a request from a member of the planning commission to be excused from the commission. A search is underway for a new candidates.

The board discussed attendance at the spring short course sponsored by the Minnesota Association of Townships.

Ms. Olson was welcomed to the position, and given an official West Lakeland Township cap.

Adjourn

Having no further business, Supervisor Ebner moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo adjourned the meeting at 9:10 PM.

Respectfully Submitted



Elizabeth A. Vance
Deputy Clerk