

WEST LAKELAND TOWNSHIP

February 29, 2016

7:00 p.m.

Oak-Land Jr. High

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Carrie Seifert, Clerk; Mary Rinkenberger, Deputy Clerk; Mr. Ryan Stempksi, Township Engineer; Mr. Scott McDonald, Township Attorney; Ms. Marsha Olson, Treasurer, Mr. Duane Stensland, Building Inspector

Public Hearing for Preliminary Plat Approval for Burr Oaks

Chairman Kylo called to order the continuation of the public hearing from the February 8, 2016 meeting regarding preliminary plat approval for Burr Oaks, located on the north east ¼ section of Section 20 in West Lakeland Township. The plat would develop six lots on the 21 acre property. In response to the concerns raised at the February review, the developer extended the proposed road to allow for 160 feet of frontage on the setback line, and a drainage easement was added to accommodate the drainage from the site.

Mr. Ryan Stempksi reported on his review of the plan, and highlighted the need to accommodate drainage and utility easements along both sides of the roadway. He also noted that the drainage and utility easements are reflected on the plat, but not on the grading plan. With regard to the road and driveways, particularly for lot 5, that the construction standards are met with regard to the steep slopes and safe rollover. The Watershed District will need to review and approve of the plat. There will also be need for follow up to confirm the engineering details as the plat moves forward.

Public comment for this public hearing was closed at 7:20 PM.

Public Hearing for the amendment of the Town Ordinances for Section 10, regarding Home Occupations.

Supervisor Ebner presented a summary of the intent of the ordinance. The primary difference is the classification for review being based on the type of business and the impact on the surrounding community. Type 1 is run entirely inside the home, where there is no outside presence. Type 2 is where all activity is inside a building, and there is one additional employee. Type 2 would require a certificate of compliance. Type 3 businesses would have increase trips per day from the site, potential of noise generation and some equipment on the property. Type 4 would be other businesses with other special considerations. Type 3 and 4 would require a public hearing.

A resident asked what was in the ordinance to address smell and other impacts, to go back to an existing business to say that it no longer is an appropriate use. Chairman Kylo responded that any changes in operation different from that approved in the permit would be cause for review and a new permit would be required.

Mr. Vince Anderson raised concern with specific wording within the proposed ordinance. Mr. Anderson was asked to put his concerns and suggestions in writing.

Chairman Kylo closed the public portion of the hearing at 7:45 PM

Call to Order

The regular meeting for March 2016 was called to order by Chairman Kylo at 7:45 PM

Preliminary Plat Approval for Burr Oaks.

Chairman Kylo moved to approve the preliminary plat as revised, conditioned upon review by the Valley Branch Watershed District, Township Engineer, establishment of a development agreement, sufficient security funds posted, and to direct a resolution to document the approval be prepared. Seconded by Supervisor Ebner, the motion carried.

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Discussion of Amendment of the Town Ordinances for Section 10, regarding Home Occupations

Chairman Kylo moved to table the discussion of the modification of the Town Ordinance Section 10 until the next regular meeting to allow the written comments to be considered. Seconded by Supervisor Schultz, the motion carried. Supervisor Ebner agreed to receive and coordinate the review of the written comments.

Public Information Meeting, regarding potential asphalt production plant for Tiller Corporation

Mr. Mike Caron and staff from Tiller Corporation appeared at the board's request to provide for information to the public regarding an inquiry to the board for construction of an asphalt plant within their location at I-94 and Stagecoach Trail. No request has been submitted and no decisions will be made at this time.

Tiller Corporation has been considering expanding their operations by installing an asphalt production plant at the site currently under operation in West Lakeland Township. Mr. Caron provided a diagram of the size of the plant, and the proposed location of the plant on the site. Photos of a similar operation in Blaine were provided for review. To make asphalt, the aggregate has to be heated and the moisture driven off. Mr. Caron explained how the asphalt process is completed, how the materials are managed, controlled, and how the asphalt plant functions.

Mr. Tom Fix asked about legal concerns for the proposal, and if this would trigger rezoning of the site, and if the pollution generation would be allowed under the current conditional use permit. There was confusion if this was an allowed use, or a nonconforming use, and if the asphalt plant would make the use more non-conforming.

Ms. Denise Karveaki, asked what is required to prohibit the use. Chairman Kylo explained the review process. Mr. Mike Johnson asked about the review process for the current permit. Chairman Kylo explained the process of the annual inspections to ensure the operation remains consistent with the permit.

Ms. Cheryl Rock asked about the impact of the additional operation on the truck traffic generated by the site. Mr. Caron responded that addition of the asphalt plant would not change the hours of operation and would not be operated year round. The truck traffic would not be substantially impacted, since the materials for the asphalt are already on site, and are being moved off site as components. Mr. Caron noted the move is not to create additional product, but make better use of product currently moving through the plant. Reclaim is already being brought in to be crushed at the site. Mr. Caron also noted there was no evidence of storm water runoff pollution from the materials being stored at the site.

Mr. Rick Forman noted that the county roads in the Township are more like city streets than highways, and trucks have been observed driving in an unsafe manner. Mr. Caron noted that if the trucks can be identified, concerns over driver behavior will be addressed, but noted there are a number of gravel operations using those same county highways.

Mr. Ben Fried asked about the timing of the decision. Mr. Caron responded there was no definitive decision to proceed or associated time table at this time.

Mr. John Christensen raised concerns over the level of pollutants generated by the asphalt plant. He is also concerned about the potential for negative impact on property values. Mr. Dale Opteson asked about the components of the asphalt, and also raised concern over the potential pollutants produced by the plant.

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Mr. Bill Reiners asked about the impact on ground water, from the plant, the mining and the storage of materials.

Mr. Caron noted that Tiller does consider the impact of the neighborhood, as demonstrated by the objection to the Xcel disposal site. The company produces asphalt, so that is why this project is being considered. If the company chooses to move forward, it will be done in accordance with the required MPCA standards to protect air and ground water. The site must be permitted for operation, and must demonstrate to the MPCA the emissions are within the tolerances of the permit, which are substantially less than the allowed amounts, as it will not be operating at 24 hour, full year capacity.

Ms. Lisa Raham asked about the odors emitted from the plant. Mr. Caron noted the counterflow design proposed for this site will produce less fumes than that of the plant currently in operation in Lakeland. A similar plant is in operation in Scandia without any complaints.

Chairman Kylo closed the discussion at 8:58 PM.

Approval of the Minutes

Supervisor Schultz moved to approve the minutes as corrected of the February 8th 2016 regular meeting. Seconded by Supervisor Ebner, the motion carried.

Supervisor Ebner moved to approve the minutes of the Board of Audit as corrected. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the report for February 2016, reflecting \$63,098 in receipts and \$26,896 in expenses. Supervisor Ebner moved to approve the report. Seconded, by Supervisor Schultz, the motion carried.

Chairman Kylo moved to renew the expiring Certificate of Deposit at Lake Elmo bank for two years. Seconded by Supervisor Schultz, the motion carried.

Review and Pay Invoices

Supervisor Ebner moved to pay the invoices presented by the treasurer and clerk. Seconded by Supervisor Schultz, the motion carried.

Aggregate Industries, Renew Conditional Use Permit

Ms. Patty Christensen appeared before the board to request renewal of the conditional use permit for the mine for another five years. There have been no substantive changes in the operation. The mine will be entering into phase two between 2016 and 2020. Aggregate will begin reclamation of phase 1, with a long range land use of single family housing. Chairman Kylo moved to approve the renewal of the 5 year permit with the current conditions and restrictions. Seconded by Supervisor Ebner, the motion carried.

Aggregate would also like the board to consider an amendment to the permit to remove the restrictions on the use of the back gate on Stagecoach Trail and the restriction of the radius of operation for trucks using that gate. The lifting of that restriction will increase volume from about 10% to 20%, the majority of the traffic will still exit from the front gate. The change will allow Aggregate to bid more cost effectively for work in the east metro area. This work is currently going to other pits in the area, such as Tiller, Barton and Bryant. The board referred the request to the Planning Commission for review, and directed the clerk to schedule a public hearing.

Valley Branch Watershed District

The board reviewed a proposal to redraw the lines between Valley Branch Watershed District and the Middle St Croix Water Management Organization. The changes better reflect the water flow through the

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districts, but had minimal impact on the land management processes. Chairman Kylo moved to approve the petition and resolution. Seconded by Supervisor Ebner, the motion carried.

Road Engineering Standards on Local Streets

Mr. Ryan Stempki presented a proposal to change the standards for local street construction from a 7 ton minimum standard to a 9 ton minimum standard. This would be an increase in construction cost, but the township would get a better, long lasting road. The township does not pay to build most roads, but do pay for ongoing maintenance.

Other Business

The Town Board Organizational meeting was set for Wednesday, March 16, 2016 at 9 AM.

Supervisor Schultz noted the Lake Elmo Airport informational meeting on February 11, 2016 was well attended.

Chairman Kylo moved to approve payment for services for the Youth Service Bureau for 2016. Seconded by Supervisor Schultz, the motion carried.

Supervisor Ebner will be attending an administrative meeting, where the proposal to change Met Council representation from appointed members to elected members, or appointed by elected community leaders.

It was noted that there have been concerns raised over residential chicken coops. It was noted that chickens are considered livestock.

Adjourn

Having no further business, Supervisor Ebner moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. The meeting was adjourned at 10:04 PM.

Respectfully submitted,



Elizabeth Vance
Recording Secretary