

WEST LAKELAND TOWNSHIP

February 8, 2016

7:00 p.m.

Oak-Land Jr. High

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Carrie Seifert, Clerk; Mr. Scott McDonald, Township Attorney; Ms. Marsha Olson, Treasurer, Mr. Duane Stensland, Building Inspector; Dave Dupay, Planning Commission Chair

Public hearing, 7:01 PM, for Burr Oaks

Chairman Kylo opened the public hearing to consider the preliminary plat approval for the subdivision of Burr Oaks located in the northeast corner section 20 of West Lakeland . The property consists of 21 acres along 13635 30th Street North, and will have six single family residential lots. Mr. Horak, Landmark Survey, presented the proposal on behalf of the developer. The plat would add six lots, one of which would hold the current house, and add 800 feet of roadway.

Mr. Dave Dupay presented the consensus of the planning commission. The meeting at which this project was reviewed did not have a quorum, so an official voted recommendation is not available. Concerns raised in the discussion include the steepness, slopes and drainage of the driveways; sufficient sediment and infiltration ponds; the frontage along the cul de sac; and the screening along the driveways from headlight glare and approaching cars. It was noted there was a potential disconnect with where the setback on a cul de sac was measured. There was some thought the 160 feet of setback should be measured at the 50 foot setback line from the right of way along the cul de sac, whereas the code specified 160 feet of setback at the right of way. There are sixty instances where the frontage on the right of way was less than 60 feet. Mr. Dupay forwarded the request of the township engineer that any preliminary approval be done contingent upon approval of the final plans and specifications.

Chairman Kylo opened the discussion for public comments. Ms. Karla Graham, 2674 Northridge Lane, asked about the distance of the driveway of lot five from the lot line. Final location is based upon the survey presented at the time the building permit is issued, and must be 50 feet from the lot line. Concern was also raised about screening along the edge of the property line. Mr. Sean Flaherty, 2682 Northridge Lane, asked if the screening along lots 4 and 5 that bordered existing home sites, could be addressed as part of the developer's agreement. Mr. Dupay noted that the wetland designated area cannot be significantly altered, and no grading will be allowed. Mr. and Mrs. Graham asked about road improvements along 30th street and the new roadway. No road lighting will be added, and no road improvements are included in this proposal for 30th Street.

Having no further comments, Chairman Kylo moved to close the public hearing. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo closed the public hearing and opened the regular meeting for board discussion.

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Call to Order

At the conclusion of the public hearing, Chairman Kyлло opened the regular meeting of the Board of Supervisors.

Discussion of Burr Oaks Preliminary Plat

Supervisor Ebner raised the question of where to measure the 160 feet of frontage on a cul de sac. The current ordinance and the ordinance as of 2005 read 160 feet at the right of way. Older ordinances refer to the county development code. Chairman Kyлло noted concern about crowding driveways along the cul de sac if the 160 feet of frontage is at the setback line. This impacts the ability to manage snow removal in the cul de sac. The board and the developer discussed alternative roadway plans that might accommodate additional frontage. Mr. McDonald commented that his understanding was that 160 feet of frontage was applied at the setback line. Of largest concern is the setback line for lot 5, which is set substantially further back than the standard 50 feet to achieve the 160 feet.

Supervisor Schultz discussed the drainage along the steep slopes, and the impact of adding a roadway through the drainage area. The 42" culvert proposed should address the issue. Supervisor Ebner asked that the agreement include that the old farm buildings, less the current house and garage, be removed. It was noted that mailboxes on cull de sacs are no longer allowed by the postal service.

Chairman Kyлло moved to table the request and ask the developer to consider alternative to address the concern over setback issues, snow removal concerns, and compliance with the 160 feet of curb frontage at the 50 foot setback from the right of way as stated in the ordinance. Seconded by Supervisor Ebner, the motion carried.

Building Permit and Building Variance for Mr. Robert O'Geay

Mr. O'Geay was not present for the discussion. Mr. John Yanish, 1540 Neal Ave, appeared before the board to express his concerns. First, as the closest neighbor to this property, he would like a method to be more actively informed when modifications to the variance or building permit are requested. Mr. Yanish further indicates that his impression is that the specifications of the agreement behind the approved variance are not being strictly followed. The building appears larger than suggested at the initial hearing, and with a steeper pitch. Mr. Stensland, the building inspector, noted the size and pitch are in accordance with the ordinance and the variance. Chairman Kyлло noted that no alterations to the approved plan would be considered without an additional public hearing. No action was taken at this time.

Approval of the Minutes

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Supervisor Schultz moved, seconded by Supervisor Ebner, to approve the minutes of the January 2015 regular meeting as reviewed with minor modifications. The motion carried.

Supervisor Ebner moved, seconded by Supervisor Schultz, to approve the minutes of the January 2016 budget meeting as reviewed with minor modifications. The motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report for January 2016, reflecting \$3,210 in receipts and \$39,644 in expenses, and reflecting \$1,458,686 in current assets. Chairman Kylo moved to approve the report as presented. Seconded by Supervisor Ebner, the motion carried.

Review and Pay Invoices

Chairman Kylo moved to pay the invoices presented for payment by the clerk and treasurer. Seconded by Supervisor Schultz, the motion carried.

Cartway Request, Mr Terry Emerson

Mr. Terry Emerson, raised the issue of his request for cartway through the 3M property. Mr. McDonald noted he has reviewed this issue with the attorney's representing 3M and Mr. Emerson, and agreed upon the process to be followed. An escrow should be established to provide for potential damages and other incurred expenses. After discussion, Chairman Kylo moved to request a \$5,000 replenishing escrow from Mr. Emerson. Seconded by Supervisor Ebner, the motion carried. Mr. Emerson agreed to the amount. The next step then is to have an appraiser evaluate the potential damage to the property adjacent to the landlocked property. There are two proposals for the cartway, and both should be reviewed to determine the potential damages. Mr. McDonald was asked to determine a list of considerations to be given to the appraiser. Chairman Kylo will find three appraisers to bid on the proposal. Chairman Kylo moved to authorize Mr. McDonald to establish the criteria to be considered in the appraisal, and to authorize Chairman Kylo to solicit up to three bids based upon these criteria, for an appraisal to determine to financial impact on the property, reflecting the cartway along the lake and with the cartway directly accessing Manning Avenue. Seconded by Supervisor Ebner, the motion carried.

Public Comment

Mr. Vince Anderson noted the minutes should reflect when corrections are made. Mr. Anderson also noted that there were not multiple copies of documents for public review. Chairman Kylo noted that the requirement was to provide one copy for public review, and the additional time and expense of printing and copying multiple copies on the chance one is not sufficient is not a sustainable expense for the Township. Additional copies can be requested directly from the clerk. Mr. Anderson

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also urged the board to take action to reject the MAC plan for expansion at the Lake Elmo Regional Airport.

Approve Focus Engineering Rates

The 2016 rates for the designated engineer for West Lakeland remains essentially unchanged from 2015. Chairman Kylo moved to approve and sign the 2016 contract. Seconded by Supervisor Schultz, the motion carried.

Approval of Election Judges

Supervisor Schultz moved to approve the slate of election judges provided by the clerk. Seconded by Supervisor Ebner, the motion carried.

Revocation of Home Occupation, Mr. Robert Lind

Mr. McDonald presented the resolution to document the revocation of Mr. Lind's home occupation permit for a limousine service from his home. It was noted there was a typographical error with the date on the document. Chairman Kylo moved to approve the resolution confirming the revocation, and authorize the correction of the date to be corrected, and to authorize the chairman to sign the corrected copy outside the meeting. Seconded by Supervisor Ebner, the motion carried. Mr. McDonald noted that a letter notifying Mr. Lind through his attorney of the decision to revoke the permit was provided as discussed at the last meeting. The resolution will be forwarded to Mr. Lind via certified mail and his attorney via email.

Aggregate Industries Request to Modify the CUP to expand the 5 mile radius restriction and remove the restriction of truck traffic from the exit on Stagecoach Trail

Aggregate Industries appeared before the board to begin discussion of amending the conditional use permit to remove the current restrictions to business conducted from the access from Stagecoach Trail. The current permit allows exit for work to be done within a 5 mile radius of the plant, and restricts the amount of truck traffic leaving this exit. These constraints limit what projects can be successfully bid from this pit. The restrictions are also more restrictive than applied to other gravel operations in the township and surrounding area. Aggregate Industries does not expect to see vastly increased activity on Stagecoach, but allow for more flexibility for their contractors. Last year 3500 vehicles exited this gate, and the estimate is that this would increase by about 500 trips. Any modification would require review by the planning commission and a public hearing. A hearing was targeted for the April 11 regular meeting.

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Clerk Compensation

To comply with the requirements for filing for Township election, Ms. Seifert was required to maintain office hours above that required in her current employment agreement. Chairman Kylo moved to approve \$141.20 for the additional 8 hours of work required of the clerk associated with the filing for Township Elections. Seconded by Supervisor Schultz, the motion carried.

Lake Elmo Airport Expansion

Supervisor Ebner noted that the township did send a notice of the Feb 11 informational meeting. The public has until March 9 to provide comments. Supervisor Schultz drafted a comment letter on behalf of the board expressing concerns with the expansion plan. After discussion, Supervisor Schultz moved to authorize the board to sign and forward the comment letter to MAC. Seconded by Supervisor Ebner, the motion carried.

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 9:20 PM

Respectfully submitted,



Elizabeth Vance
Recording Secretary