

## WEST LAKELAND TOWNSHIP

Regular Meeting

May 9, 2011

7:00 p.m.

Oak-Land Jr. High School

Present: Chairman Dan Kylo, Supervisor Dave Schultz, Supervisor Steve Ebner, Mr. Ed Semrud, Treasurer; Ms. Sue Agrimson, Clerk; Mr. Scott McDonald, Attorney; Mr. Duane Stensland, Building Inspector, Ryan Stempski, Township Engineer

### **Public Hearing for Considering an Application for Brad Cornell, 2743 Neil Ave, to build an accessory building closer to the side lot line closer than 25 feet.**

Chairman Kylo called to order a public hearing to consider an application by Mr. Brad Cornell to build an accessory building closer to the side lot line than the allowed setback of 25 feet.

Mr. Cornell presented to the board documentation from Mr. Tim Potts and Ms. Laura Kaschmetter, neighbors to the north and south, noting no concerns and expressing support for the variance.

The existing building was built in 1988. The request is to add an extension to the building. To comply with the setback requirements, the addition would need to be offset from the original structure. This offset would cause the building to encroach on the septic system and would interfere with the traffic patterns, allowing access to the barn with tractors and trailers. At the time the building was constructed, the current structure was within the allowable setback restriction of 10 feet. The overall size of the structure with the proposed addition would be within the limitations of the ordinance.

Mr. Dupay provided the report from the planning commission. The planning commission voted to approve the variance based on the following findings: the original structure was built prior to the existing setback restrictions; the proposed expansion would not be any more nonconforming than the existing structure; and the alternative site would most likely compromise the septic system, and if future upgrades to the system were required, the offset building would limit options for upgrading two a two tank system. The planning commission also found the following mitigating circumstances: there is ample screening to the north; and there is a larger existing building on the other side of the property line. The planning commission recommended the building inspector verify that the setback proposed is truly not any closer to the property line than the existing structure.

Chairman Kylo opened for public comments. No comments were received. Having no further discussion, Chairman Kylo moved to close the public hearing. Seconded by Supervisor Ebner, the motion carried.

### **Call to Order**

Chairman Kylo called to order the regular meeting of the West Lakeland Board of Supervisors at 7:10 PM.

### **Approval of the Minutes**

Supervisor Ebner provided typographical corrections to the draft presented. Ms. Votova requested the spelling of her name be corrected. Chairman Kylo moved to accept the minutes as corrected. Seconded by Supervisor Ebner, the motion carried.

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### **Request for Variance Brad Cornell, 2743 Neil Ave, to build an accessory building closer to the side lot line closer than 25 feet.**

The board reviewed the comments from the public hearing regarding the request for variance. Chairman Kyлло moved to approve the variance based upon the findings of hardship in that locating the structure in compliance with the current ordinance would degrade the septic system and make the building inaccessible for the use intended, noting that the original building construction in 1988 allowed a 10 foot setback, the current screening, the existing structure immediately opposite on the adjacent property, and the support of the adjacent property owners. Seconded by Supervisor Schultz, the motion carried.

### **T Mobile proposal for Wireless Communication Facility**

Mr. Steve Carlson, representing T Mobile, approached the board with a concept for the wireless communication facility and tower off 30<sup>th</sup> street. T Mobile is attempting to correct a coverage gap in West Lakeland Township, and has secured a lease agreement for a location off 30<sup>th</sup> Street. Prior to selecting this site, T Mobile reviewed the effectiveness of co-locating off a monopole in Baytown Township, but that location did not provide a high enough site above grade to address the coverage gap. T Mobile also looked at locating an antenna on the existing Xcel transmission towers, which provided lower coverage with more difficulty to access for supporting facilities and maintenance, with significant concern over safety for employees and coordinating maintenance with Xcel because of the high voltage lines.

The proposed tower is to be located next to the Xcel Energy easement. The site would be a fenced 60 ft x 60 ft area. The tower site would accommodate up to three other carriers. The tower height proposed is 125 feet, of galvanized steel, which will blend into the sight line of the transmission tower. It is a similar 3 legged structure.

Supervisor Ebner asked about interference with the Lake Elmo airspace access. This is a necessary condition to get the FAA permit. It does not meet the height requirements to mandate lighting.

Chairman Kyлло asked about the co-location on the Xcel transmission tower. This is not desirable because of concerns with safety, and that this would be only a one carrier solution. The proposed separate tower would allow for multiple access points and eliminate the need to work in close proximity to the high voltage lines.

Supervisor Schultz asked about the Baytown site. This site is substantially higher in terms of elevation, but the antenna would be located lower on that site, with restricted access through the foliage.

Ms. Votova asked about the support of the neighbors for the project, if any township revenue is projected, and if there is provision for removal of the tower in the future. Mr. Carlson noted there is a provision in the contract with the landowner for removal of the tower and restoration should the contract be terminated. The landowner, as the leaseholder, has demonstrated support of the project. There is sufficient screening for other neighboring landowners, as the nearest home is over 600 feet away. Assessments are normally done at the County level.

Chairman Kyлло moved to refer the request to the Planning Commission for review. Seconded by Supervisor Schultz, the motion carried.

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### **Treasurer's Report**

Mr. Semrud presented the treasurer's report for April 2011, reflecting \$38,000 in receipts and \$28,000 in expenses. The largest receipt is from gas taxes, and the largest expense is snow removal.

Ms. Votova inquired as to the methods used to manage the Township investments.

Mr. Ebner moved to approve the treasurer's report. Seconded by Supervisor Schultz, the motion carried.

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

Mr. Semrud presented invoices for payment. Invoices include a payment for April to the Minnesota Department of Revenue and a bill from Waste Management. Supervisor Schultz moved to pay the invoices presented. Seconded by Supervisor Ebner, the motion carried.

### **Request for Variance for Construction of an Accessory Structure closer to the street than the Primary Residence**

Mr. and Mrs. Bischoff, of 14131 30<sup>th</sup> Street, came with a proposal to build a garage in front of the house. The lot is wooded, and deep and narrow. The septic system location restricts the access to the rear of the lot. When the house was constructed 24 years ago, the ordinance restricting the location of the accessory structure did not exist. Supervisor Ebner moved to defer the request to the planning commission. Seconded by Chairman Kylo, the motion carried. The hearing was scheduled for June 13, 2011.

### **First Annual St Croix Ultimate Spring Fling, Lucy Winton Bell Conditional Use Permit.**

The board reviewed the event, First Annual St Croix Ultimate Spring Fling event being hosted at the Lucy Winton Bell Soccer Fields. The event was represented by Mr. Steve Hobbs, from Lucy Winton Bell, and Ms. Lisa Campbell, the organizer of the event. The event is a youth and family gathering, featuring a walk, ultimate Frisbee competition, silent auction and family games and includes education from SAVE, Suicide Awareness Voices and Education.

The question was raised on how this might fit within the conditional use permit given to Lucy Winton Bell for operation. Attendance is expected to be up to 200, with up to 120 involved in the Ultimate Frisbee competition. There may be some smaller soccer games underway at this time, but a major tournament is not scheduled. Chairman Kylo expressed concern on traffic flow, and asked if traffic control was being brought in for

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the walk and the event. The Washington County Sheriff's office and the City of Lakeland have been contacted in regards to the event.

Mr. McDonald noted that the use is not prohibited under the permit, but is also not specifically allowed. He suggested the organizers provide a written request to conduct the event under Section 10 of the permit, so that there is precedence for prior notification and approval.

### **Minor Subdivision, John and David See**

Mr. Joel Anez, representing John and David See, presented a plan to divide the 29 acre parcel into two lots. He presented a preliminary plat document. Wetland report and soil tests have been completed, without issue. Each lot is compliant with the current zoning ordinance. The preliminary plat included drainage and utility easements along the lot line, and dedication of the street easement.

Supervisor Schultz moved to approve the minor subdivision as described in the preliminary plat, See Corner Estates. Seconded by Supervisor Ebner, the motion carried. The board requested the final plat be brought to the next regular meeting for signature.

### **2011 Road Repair Projects**

Mr. Stempski provided the certificate for bids for the 2011 seal coat project. West Lakeland teamed with Lake Elmo and the recommended bid from Pearson Brothers came in at \$1.00 per square yard. The contract was awarded at the City of Lake Elmo meeting. At that price, the recommended work came close to the budgeted \$45,000. Additional work can be added or subtracted from this project within reason. The bids included Pearson Brothers, Allied Blacktop and Aztec Corporation. Pearson's bid was the low cost option. The project includes 19<sup>th</sup> Street, Northridge Circle, Northridge Court, Hillside Court, Neal Avenue, Neal Court, 4<sup>th</sup> Street, 4<sup>th</sup> Street Circle, and 4<sup>th</sup> Street Court. Supervisor Ebner moved to accept the bid from Pearson Brothers, in conjunction with Lake Elmo. Seconded by Supervisor Schultz, the motion carried.

Mr. Stempski provided an update on the 2011 street improvement projects. \$180,000 is budgeted for reconstruction improvements. Options to be considered by the board are to do projects that align with the current budgets, such as the proposed reclaim projects on O'Ryan or 22d Street. A second alternative is to retain a portion of the funds for larger projects in the future, such as 22d Street or 30<sup>th</sup> Street. Supervisor Schultz will proceed to get a bid for crack sealing.

### **Additional Business**

Clean up day is scheduled for Saturday, May 21, 2011, from 8 AM to noon.

Ms. Agrimson noted the schedule for the summer regular meetings. The July meeting will be July 11, 2011 and the August meeting will be August 8, 2011.

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The Joint Powers Agreement with the City of Lakeland for water services has been received, and reviewed by Mr. McDonald. Concerns were raised in that there was no term associated with the agreement. It was suggested there be a length of time and a required review. The second concern is that service cannot be extended. Issuing the building permit may not necessarily be tied to the joint powers agreement.

The clerk noted the special meeting for the review of the draft recodification of the town ordinances is scheduled for May 17, 2011, 7 PM.

**Adjourn**

Chairman Kylo moved to adjourn the meeting, given no further business. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo adjourned the meeting at 9:30 PM

Respectfully Submitted

A handwritten signature in black ink that reads "Elizabeth Anne Vance". The signature is written in a cursive style and is positioned above the printed name and title.

Elizabeth A. Vance  
Deputy Clerk