

WEST LAKELAND TOWNSHIP

October 10, 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. Dave Dupay, Planning Commission Chair; Duane Stensland, Building Inspector

Call to Order

Chairman Kylo called the meeting to order at 7:05 PM, beginning with the public hearing for Mr. and Mrs. Beebe.

Public Hearing, Building Variance to Allow Construction of Accessory Structure Closer to the Street than the Residence

Chairman Kylo resumed the public hearing, suspended from the previous month, to consider an application by Laurie and Russ Beebe, 12421 24th St N, to allow construction of a garage on their property closer to the street than the residence. Mr. Beebe provided the survey of the property, and Mr. Dupay provided the comments from the planning commission not available at the September meeting.

Mr. Dupay provided the planning commission's recommended approval, citing the location of the drainfield, the slope in the rear of the lot, the location of the retaining wall, and the location of the well as practical difficulties. The location of the proposed garage was recommended to be approved because of how the exterior matches with the current residence, and provides for screening from the neighboring lot better than the location in the side yard. The location proposed was supported by the neighbor for that reason. It was noted there was no public opposition to the request.

Chairman Kylo opened the hearing to board discussion. Supervisor Ebner noted the steep slopes, wetlands and potential for erosion into the wetland as supporting practical difficulties to support the request. He also supports the proposed location because of the available screening. Chairman Kylo moved to approve the request for variance and to direct Mr. McDonald to prepare a supporting resolution, citing the practical difficulties of the steep topography, location of the septic system in the back, the well on the west side, the location of the swale and the wetlands, and recognizing the existing screening at the proposed lot, and the condition that the exterior match the house. Seconded by Supervisor Ebner, the motion carried.

Public Hearing, Building Variance to Allow Construction of Accessory Structure within the rear setback

Chairman Kylo called to order the public hearing for the request of Jason and Gina Gorman, 13233 22nd Street, to allow construction of an accessory building closer to the rear lot line than 50 feet. The proposal is to request a setback of 35 feet. When the planning for the accessory structure was done, the website indicated the setback was 35 feet, and the plan was completed with that intent. When applying for permits, the discrepancy was noted that the setback was 50 feet. The purpose of the accessory building is to provide a pool house, and the location proposed would be the only practical site that would allow access to the pool. To retain the 50 foot setback, the alternative locations would be in front of the residence, also not allowed by ordinance, or over the drainfield. No public comment was raised.

Mr. Dupay provided the planning commission recommendation to approve the variance. It was noted that lot is limited in where an accessory structure can be built because of the slopes, and the confusion on the needed setback should be considered as a practical difficulty. It was noted that the only neighbor that could be possibly be impacted is on the other side of the slope.

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Supervisor Schultz noted he had visited the site when the pool was installed, and concurred with the restrictions caused by the steep slopes. Both Supervisor Schultz and Supervisor Ebner support considering the conflicting information between the copy of the ordinance on the website, and the current code as a practical difficulty. Chairman Kylo moved to grant the variance and direct Mr. McDonald to draft a resolution documenting the approval, citing the practical difficulties of the steep slopes, location of the drainfield, and the change in the required setback since the construction of the main residence. Seconded by Supervisor Schultz, the motion carried.

Public Hearing to Consider an Amendment to the West Lakeland Township Ordinances to replace Section 9, Erosion, Water Management and Land Alteration

The proposal is to replace Section 9, Erosion, Water Management, and Land Alteration in its entirety, and modifications of Section 8 and Section 12 to correspond with the new proposed Section 9.

Mr. Mike Isensee, MSCWMO, provide background for the change in the ordinance to comply with the Minnesota MIDS statute. An effort has been underway since 2012 to provide for simplified, streamlined, and consistent water management regulations throughout the Water Management Organizations. MIDS focuses on small storm events, and finds ways to disconnect impervious surfaces to allow for additional infiltration, and align ordinances between communities to protect and preserve waterways.

The ordinance does not set new rules, but relies on standards already in place, and aligns West Lakeland Ordinances with those standards and requirements. Mr. Dupay noted that it will be important to understand where the triggers to the MIDS review are at with regard to subdivisions, building permits and grading permits.

Supervisor Ebner moved to adopt the proposed Section 9 and changes to Section 8 and 12, and direct Mr. McDonald to prepare a summary for publication. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report for September 2016. The report reflected \$41,550 in receipts and \$166,048 in expenses, resulting in \$1,566,265 in net assets for the Township. Supervisor Ebner moved to accept the report and pay the invoices presented. Seconded by Supervisor Schultz, the motion carried. It was clarified that Ms. Rinkenberger would be paid as a consultant through the transition of the new deputy clerk.

Approval of the Minutes

Chairman Kylo moved to approve the minutes for the September 2016 regular meeting with minor corrections. Seconded by Supervisor Ebner, the motion carried.

Application for Federal Trust

Chairman Kylo noted that the application by the Prairie Island Indian Community to place the 112 acres purchased into Federal Trust has not yet been received. The public meeting with the tribal council is scheduled for October 13, 2016. It was requested that questions be submitted in advance in writing.

Urban Deer Management

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Mr. Kent Wheelock appeared before the board to update Urban Deer Management activities. This organization has been working with the township and township residents since 2007, harvesting excess deer. The organization is composed of seasoned and trained bow hunters, and anyone who would like to have UDM hunt on their land should contact the township clerk. Supervisor Ebner moved to approve the agreement policy statement with Urban Deer Management for 2016. Seconded by Chairman Kylo, the motion carried.

Soccer Complex, off 30th St

Mr. Jeff Stone, St Croix Valley Soccer Club, appeared before the board to discuss the potential of a soccer complex on the south side of 30th Street, just south of the Lake Elmo airport. The club has begun preliminary purchase discussions, but want to evaluate the feasibility of the request before investing funds. Currently the club uses the fields at the Lucy Winton Bell complex, but has outgrown that facility. The first phase would be for nine fields, and four more in Phase 2. The proposed complex would be about twice the size of the Lucy Winton Bell complex.

Concerns raised in the discussion are the ability of the road network to support the added traffic, the amount of parking that would need to be made available, and the impact on the neighboring wetland. It was suggested that the club meet with neighboring land owners as part of the exploration. Lucy Winton Bell is not located in a residential area, where this proposed location does have a number of surrounding residences.

No action was requested of the board at this time.

Proposed Minor Subdivision, Windbreak Meadows

Mr. Isaac Stensland appeared before the board with a proposal for a minor subdivision on 9 acres on 8th Street North. The proposal is for three lots, with a road access. There are currently no structures on the property. It was noted that when this land was proposed for development in the past, it was discovered that this is two tax parcels, and there are abnormalities with the frontage of the lot. Mr. Dupay noted concern about the length of the cul de sac that would result with this development. It was also noted that creation of a public road would make this a major subdivision. Supervisor Ebner advised that with the cul de sac design, snow management be considered.

No action was requested of the board at this time

Request for Forgiveness of Building Permit Fees for Non Profit Granite House

Carol and Tom Insley appeared before the board requesting forgiveness of all or part of the building permit fees for the construction of Granite House, 2114 Stagecoach Trail N. This is a nonprofit construction of an assisted living facility for severely handicapped. The facility will allow the residents to live in a community setting as an alternative to nursing home care. The foundation is ready to begin construction, but the costs are higher than anticipated. When asked if this could be done, Mr. McDonald noted that there needs to be a basis or policy statement on which the Township fees could be waived.

All board members agreed that the goal of the foundation is a worthy cause, and it was noted that one of the targeted residents is a resident of the Township. Ms. Insley added that they expect Granite House to become a community resource, providing a sensory garden and educational opportunities. Priority of enrollment will be given to Washington County residents.

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After discussion, the board agreed to hold the township fees included in the building permit fees in escrow, to allow Mrs. Insley to get guidance from Mr. McDonald on a possible service agreement between Granite House and West Lakeland Township

Adoption of Section 10 of the Town Code Concerning Home Occupation

The board reviewed the final draft of Section 10 concerning Home Occupation, and related modifications of Section 4.4.1 and 4.4.2. Minor corrections to the numbering scheme were made since the last draft, and duplicative language was removed. Supervisor Schultz moved to adopt the recommended changes, and direct Mr. McDonald to prepare a summary for publication. Seconded by Chairman Kylo, the motion carried.

Temporary Family Health Care Dwellings

The board considered a draft resolution for temporary health care dwellings. The board supported the intent of the provision, but raised concerns with managing the temporary nature of the dwelling, ensuring sufficient septic and water access. The Township is not staffed to provide for the oversight that would be required of such a program. Chairman Kylo moved to opt out of the provisions of MN Statute 462.3593, and to draft the exclusion of this provision to be included as part of the township ordinance. Seconded by Supervisor Schultz, the motion carried.

Comprehensive Plan for 2030

The town board needs to determine the level of effort needed for the 2030 comprehensive plan. The current plan needs to be assessed to determine if the current plan is fundamentally appropriate or if larger review is needed. Chairman Kylo moved to authorize an expenditure of estimated \$600 to hire Mr. Ben Gonzola to review the level of effort required for the 2030 Comprehensive Plan. Seconded by Supervisor Schultz, the motion carried.

Easement Road from Lake Elmo Development

Mr. McDonald reported on the issue of township control on the easement road from the development proposed at the current Tartan Park site. A letter was drafted, signed by the Chairman, and forwarded to the City of Lake Elmo, outlining the Township's concerns. Currently, there is no application for roadwork. As a public road, it would need to meet West Lakeland's road construction standards. As a private drive, it would need to be permitted by West Lakeland Township to connect to a township road. Chairman Kylo will meet with a representative of the developer.

Additional Business

Mr. Dupay noted that the planning commission's review of the township ordinances to comply with MNCIS system has been completed, and has been implemented. It was suggested that any remaining corrections be reviewed as the entire town code is reviewed for recodification.

It was noted that election judge wages need to meet minimum wage standards. It was also noted that the appropriate approving authority for the wages for the election judges is the town board, not at the town annual meeting. Supervisor Schultz moved to set the wages to \$9.50 for election judges and \$10.50 for the head judge. Seconded by Chairman Kylo, the motion carried.

Supervisor Schultz provided the contract renewal for snow plow services from Miller Excavating. For the most part, the contract is similar to last year, with some minor increase for insurance and labor

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rates. Mr. McDonald suggested revision to the language on indemnification. Supervisor Schultz will review changes with Miller Excavating.

The clerk noted the room change for the regular board meetings from the cafeteria to the auditorium.

Chairman Kylo noted the repair work estimate for culverts under the MS4 inspection and maintenance program was underestimated. The repair of the sink hole near a catch basin in the Cherry Knoll development and the road spillways on Park Avenue will require an additional \$5,500. Supervisor Ebner moved to authorize an additional \$5,500 for MS4 repair and maintenance. Seconded by Supervisor Schultz, the motion carried.

Adjourn

Supervisor Schultz moved to adjourn the meeting. Seconded by Supervisor Ebner, the motion carried. The meeting was adjourned at 10:06 PM.

Respectfully submitted,



Elizabeth Vance

Recording Secretary