

STILLWATER TOWN BOARD MEETING

May 13, 2010

Town Hall

7:00 P.M.

PRESENT: Chairperson Matt Beane, Supervisors Jim Hiniker, Linda Countryman, David Johnson and Sheila-Marie Untiedt, Clerk Kathy Schmoeckel, Attorney, Soren Mattick, Engineer Paul Pearson, Planner Berry Farrington, Treasurer Marsha Olson, Chief of Police Steve Nelson and Park Manager Rick Jacobson.

Public Hearing – Meister Variance

A public hearing was held to consider a request from Mark Meister for variance and a Certificate of Compliance to allow a Plant Nursery with a variance to allow a Plant Nursery on a parcel less than 10 acres in size. A variance is also requested to allow for an accessory structure that exceeds the maximum area requirements.

Neighbors present:

- Jon Schmoeckel, 14310 Dellwood Road
- Erick Rydeen, 14383 Dellwood Road
- Sandy Ruben, 8930 Oakhill Av N
- Jack Ruben
- Heinrich Bantli, 13565 116th Street N
- Pat Bantli
- Bill Lecuyer, 8980 Oakhill Ct
- Nick Howe, 10920 Norwood Av N
- Mark Howe, 8960 Oakhill Ct N
- Mark & Laurie Windisch, 8991 Oakhill Av N
- Joe Bush, 118 Main St, Stillwater
- Cowboy Meister, 8921 Oakhill Av N
- Brian Eckman, 13033 112th Street

Chairperson Matt Beane opened the public hearing and reviewed the applicant's request. The following comments and questions were made by the public:

- Laurie Windisch – She lives north of Cowboy. They moved in there in 1993 because they liked the privacy and peace. Cowboy moved in 8 years ago and has offered the use his toys. Their kids have played together and they have had a friendly relationship. Cowboy had talked to them about building his garage and they were not pleased with the size, but thought it would hide his equipment and the brush. They did not believe the size was even allowed and she called the building inspector and was told it was to code. She felt they could do nothing about it and believed their property took a nosedive in value. Last winter she noticed the lean-to and his equipment was more in their view. She feels that Cowboy has taken advantage of them as neighbors. The size of his business does not belong in a neighborhood. She does not like seeing the equipment, the large building, the itinerant workers coming in. Their peaceful sanctuary is being destroyed. She is completely against the variance.

- Sandy Ruben – In looking for their home they wanted a peaceful, scenic place. They left the suburbs to get away from the noise and commercial businesses. This neighborhood was not designed for this business. It does not match the vision of the Township. She is also worried about public safety. When they have addressed their concerns to Cowboy, they have been verbally abused. He has brought brush back from his job sites and the fires have smoldered for days. They worry about selling their home someday. She does not want the variance granted. A commercial business does not belong on a cul-de-sac.
- John Meyer – There are a lot of people doing things in the area – small businesses. He does not want Cowboy to be shut down. He has been a good neighbor.
- Erick Rydeen – He has been a great neighbor. They are the kind of people we want in the Township. He has always found Cowboy and his family to be good people. He is hoping the Board can come up with a creative way to deal with this.
- Jon Schmoeckel – He has no problem with Cowboy's business. He does bring in brush from other areas. If this variance is to be granted, it should be closely monitored. Cowboy is always willing to help his neighbors.
- Cowboy Meister – Sandy Ruben had him bring several loads of dirt from his yard to her, he built a driveway for her and put in a culvert. He always has a permit when he has a fire. He has planted 65 new evergreens. He also moved a huge boulder for Sandy Ruben. He plows snow for his neighbors.
- Bill Lecuyer – He plows for all of his neighbors.
- Meister – When he first moved in, he did landscaping on his property and all the neighbors complimented him on the work he did. Their building has a bar in it, but it is for personal use only. The building is used mostly by the neighborhood kids. One of his trucks has a beeper and he will unplug it. Jon Schmoeckel – That is required by OSHA. Meister – He started landscaping in 1986 and he works by himself and has occasional help. He has never had a customer come to his house. He does not expect to become a larger business. His sign has been there for the 8 years that he has lived there. He does not like noise himself. The lean-to was to hide his equipment and he thought it looked better than a hoop type structure. It is not attached to the building.
- Bill Lecuyer – Before Cowboy moved in, the place really looked bad. It looks much better now.
- Mark Windisch – This situation has been difficult for his family. He does not like to complain, but he does agree with his wife's comments. No one wants to live next door to a commercial business. He feels we can work this out. He was not happy with the lean-to. It was an eye sore. Cowboy is a good guy with a good heart, but this is getting out of hand. If he is granted a variance, what limits and what kind of constraints would there be?
- Matt Beane read a letter from Judy and Mark Leahy dated 5/13/10 in support of the landscape business.

The public hearing was closed at 7:40 p.m.

Regular Meeting – 7:40 p.m.

1. AGENDA – M/S/P Countryman/Johnson moved to adopt the agenda as amended. (5 ayes)

2. MINUTES – M/S/P Untiedt/Hiniker moved to approve the 4/8/10 Stillwater Town Board Meeting minutes as written. (5 ayes)

3. MEISTER VARIANCE – Planner Berry Farrington reviewed the issues involved per her memorandum dated 5/6/10. There was discussion of the problem of setting a precedent and also the number of violations here. There was discussion of how many people may work for him and how many commercial trucks may be coming and going. Is this really a landscape business rather than a plant nursery? A landscaping business would not be allowed in our ordinances. This is a residential type neighborhood and we need to be careful with what exceptions we are willing to make. There was discussion of possibly allowing a plant nursery with equipment parked inside and the pile of rocks, brush, etc. would not be allowed. The lean-to would need to be removed. There will be more discussion at the next meeting after conditions have been developed and discussed with the applicant.

4. CHIEF OF POLICE –
 - a) Parcheta Water Ski Permit – Neither Steve Nelson nor Washington County Sgt. Cusick have received any complaints about her water ski course.
M/S/P Johnson/Hiniker moved approval of the Parcheta Water Ski Permit for another year to set up a water ski course on Loon Lake as we have in the past. (5 ayes)
 - b) Sheriff's Office Request – The Sheriff's office has requested to have a shoot on Saturday, September 25, 2010 at their public works building. They need written permission from the Board per their CUP. Steve Nelson will check if there are any weddings planned at the Outing Lodge on that date and the sheriff's office should consider having their shoot during the morning hours. The Clerk will write a letter to be signed at the next meeting. They will be applying for an amendment to their CUP to allow retired officers to shoot. The wording can be drawn more broadly to allow what the sheriff allows.
 - c) Report – There was only one burning permit because of the burning ban. Three dogs were impounded with all being claimed.
 - d) Brush removal – Rick Jacobson had supervised Sentence to Serve to remove brush around the town hall. The debris around Little Carnelian park should also be cleaned up. They are also looking to Sentence to Serve to spread wood chips in Otto Berg Park.
 - e) Stillwater Marathon – It will be held on Sunday, May 30.
 - f) Bicycling Event – Sue Cadwell as present to discuss issues she had with the recent event by the Twin Cities Bicycle Club. The Township was not aware of the event. The City of Stillwater is looking into reviewing their permitting for this type of event and they will forward theirs to us for review when it is complete. Requiring a refundable deposit is a possibility. Steve Nelson will contact the Twin Cities Bicycle Club to get some background.

5. TREASURER –
 - a) Report given.

b) Expense Reimbursement – Marsha Olson had a report on various reimbursements to neighboring townships.

M/S/P Untiedt/Countryman moved to reimburse Kathy Schmoeckel \$40.00 per month for equipment and to reimburse Barbara Riehle \$20.00 per month for equipment. (5 ayes)

c) Painting Town Hall – An item will be placed on the web site to advertise for quotes to paint the town hall exterior.

d) The following claims and checks were approved for payment.

<u>Check No.</u>	<u>Vendor</u>	<u>Amount</u>
19493	Beane, Matthew R.	\$ 449.85
19494	Countryman, Linda P.	296.99
19495	Nelson, Kathleen M	239.36
19496	Nelson, Stephen W	1,089.73
19497	Olson, Marsha A	332.45
19498	Ranalla, Sr. Robert P	387.87
19499	Riehle, Barbara	399.87
19500	Schmoeckel, Kathryn G	612.73
19501	Untiedt, Sheila-Marie	511.00
19502	Bryan Rock Products, Inc.	5,503.93
19503	Campbell Knutson, PA	3,968.50
19504	Helmer Printing, Inc.	103.00
19505	Jack Kramer	10,735.01
19506	League of Minnesota Cities	8,611.00
19507	MFRA	850.20
19508	Maroney's Sanitation	301.80
19509	Department of Labor & Industry	162.56
19510	Patty Ogborn	305.78
19511	Marsha Olson	71.74
19512	On Site Sanitation	165.80
19513	Public Safety Equipment Safety Co	30.00
19514	Qwest	101.21
19515	MJ Raleigh Trucking	16,932.87
19516	Kathleen Nelson	12.12
19517	Stephen Nelson	785.00
19518	Robert Ranalla Sr	12.00
19519	Barbara Riehle	157.98
19520	Kathryn Schmoeckel	93.28
19521	St. Paul Stamp Works, Inc.	143.99
19522	Stillwater Gazette	37.92
19523	TKDA	2,779.41
512101	PERA	322.51
512102	IRS	741.48
512103	MN Dept of Revenue	1.22

6. COMMUNICATION COMMITTEE –

a) Garage Sale – Rick Jacobson, Gloria Sell and Sheila-Marie Untiedt have been working on the community garage sale. The cost to residents will be \$10 to be in

the parking lot and \$5 to be on the map. Sheila-Marie Untiedt will order 25 signs with dates.

- b) Recycling Coordinator Job Description – Attorney Soren Mattick will send the old recycling contract to Sheila-Marie Untiedt. It will be placed in the upcoming newsletter.
- c) Facebook – Stillwater Township should consider a facebook page to provide free advertising.

(Sheila-Marie Untiedt left.)

7. ATTORNEY –

- a) Expenses Outside Meetings – There is an issue of how to authorize expenses outside of Board meetings. We can set a dollar amount and who will make the decision. Soren Mattick will make up a proposal to allow a \$750 limit with the approval of the Chair and one other Board member with a copy to the Clerk. The money is to be used for general maintenance. More discussion at the next meeting
- b) Certificate of Plat Correction – M/S/P Johnson/Hiniker moved approval of the Certificate of Plat Correction for Silver Lake Estates. (4 ayes)

8. ENGINEER –

- a) Road Restriction Signage – There is a new state statute where if a road is not posted, there is a 10 ton limit. Township roads typically are a 5 ton limit in the spring. Engineer Paul Pearson had done a study of Township roads and a cost analysis for thru streets only and for all streets. Paul Pearson felt that posting on all roads would save on road repair. There was discussion as to whether signs could be posted only at Township entry points. Soren Mattick will check in that. Paul Pearson will check how many entry points there would be. More discussion at the next meeting.
- b) Pot Holes on 90th Street – There are pot holes on 90th Street where the Otta Seal had been laid down. Is this covered by our warranty? Paul Pearson will check. More discussion at the next meeting.

9. CLERK –

- a) Recycling Grant – We will not apply for the recycling grant since we have not spent the entire amount from 2 years ago.
- b) Bid for Electrical Work – M/S/P Johnson/Hiniker moved approval of the bid for electrical work for the Town Hall. (3 ayes, Countryman abstain)
- c) Spring Cleaning – The Clerk had been contacted about cleaning the carpeting and tile in the town hall. This will be tabled until after the election in November.
- d) Next Meeting – The next Town Board meeting will be June 10, 2010 unless something comes up before that.

10. PARK COMMITTEE – Matt Beane reported on the Park Committee meeting on Monday, May 10.

M/S/P Johnson/Countryman moved approval of the expenditure for wood chips as per the bid presented before the Board. (4 ayes)

M/S/P Countryman/Hiniker moved approval of \$300 for stump removal around the Town Hall. (4 ayes)

M/S/P Johnson/Hiniker moved approval of the \$224.77 expenditure to maintain the basketball net and hoop in Otto Berg Park. (4 ayes)

11. PARK MANAGER – Park Manager Rick Jacobson discussed planting trees and bushes in Otto Berg Park.

M/S/P Johnson/Countryman moved approval of \$1,000 from Axdahl as a credit against their park dedication. (4 ayes)

David Johnson will contact Brian Axdahl and the Clerk will write him a letter to outline the agreement.

12. OVERHEAD PROJECTOR – Matt Beane had obtained a bid for an overhead projector from Advanced Home Environments. They will be asked to attend the next meeting to make a presentation. Consideration could also be given to a large LCD television.

13. ADJOURNMENT – The meeting was adjourned at 10:25 p.m.

Clerk_____

Chairperson_____

Approved_____