

STILLWATER TOWN BOARD MEETING

June 11, 2009

Town Hall

7:00 P.M.

PRESENT: Chairperson Sheila-Marie Untiedt, Supervisors Jim Hiniker, Linda Countryman, David Johnson and Matt Beane, Stillwater Township Clerk Pat Bantli, Deputy Clerk Kathy Schmoeckel, Deputy Clerk Kathy Nelson, Treasurer Carol Collins, Attorney Soren Mattick, Planner Berry Farrington, Chief of Police Steve Nelson and Park Manager Rick Jacobson.

Johnson Variance Hearing

Neighbors present: Bruce Bartie, 11306 Arcola Trail N  
Ronald Johnson, 11080 Arcola Trail N

Ronald Johnson is proposing an addition to his private horse training facility. A variance is needed due to set-back issues. A former planner wrongly told Mr. Johnson that the set-back was 20 feet when it should have been 100 feet. He built his building with a 25 foot set-back. Strict enforcement of our zoning would cause a hardship for him. The addition would not increase encroachment of the set-back line. The situation was not created by the homeowner. In all other regards, it meets Township standards. Planner Berry Farrington reviewed their proposed conditions.

The following comments were made:

?Bruce Bartie - He owns the property to the north. Why is there a 100' set-back for animals? Berry Farrington - This is ours as well as Washington County. It is to address noise, smell and other issues. Bartie - Would he be able to drill a well on his property if it were within 100' of this building? Farrington - This is regulated by the state. Bartie - He wants to make sure there will be no impact if he decides to divide his property in the future. Soren Mattick - The building is already there, no additional set-back issues are involved. Bartie - He is worried about a well on his own property. Sheila-Marie Untiedt - We will ask our planner to find out the answer to your question. Ronald Johnson - There is no liquid waste that goes into the ground water. There would be no liquid contamination. David Johnson - He does not think it would be a problem since we have 10 acre zoning unless you cluster and even with 2-1/2 acres the set-back should not be a problem.

?Bruce Bartie - He would like to see some natural screening.

?Jim Hiniker - An e-mail from Duane Laabs should be placed in the record.

The public hearing was closed at 7:15 p.m.

There were Board comments:

- ? David Johnson - What are you building? Ronald Johnson - They are looking to find a way to accommodate bulk shavings. It would be enclosed.
- ? David Johnson - What type of activity would take place on the north side? Ronald Johnson - They have a tractor and a rotary cutter. D. Johnson - With the addition that will no longer take place? R. Johnson - Yes.
- ? David Johnson - What type of movement takes place along the back side of the building? Ronald Johnson - They would need to get their manure spreader out, and the grass is mowed a couple of times a year. They would be willing to consider screening.
- ? Jim Hiniker - What is the difference between a private and commercial facility? Berry Farrington - Private is for their own horse, a commercial facility boards horses.

M/S/P Hiniker/Johnson moved to approve the Ronald Johnson variance as requested using the conditions set out by the planner, plus a condition that the applicant install plantings to screen the structure from the neighboring property to the north, and that the applicant consult with the neighboring property owner to reach an agreement on the nature of the materials to be planted. (5 ayes)

Certificate of Compliance - Since the variance has been granted, the request meets Township standards. Berry Farrington reviewed the conditions TKDA has suggested. There was discussion of the manure management plan.

M/S/P Johnson/Hiniker moved to approve the Ronald Johnson Certificate of Compliance with the Planner's conditions plus a condition that the manure management plan is adhered to. (5 ayes)

Wick Variance Hearing - 7:25 p.m.

Neighbors present: Bob & Diane Thompson - 14925 114th St N  
Jeff Wick - 11460 Palisade Avenue N  
Jim & Mary Beytien - 15121 113th St

Mr. Wick is requesting a variance to build an accessory building prior to building his residence. The accessory building will be used to facilitate the sale of his current residence and to store tools while building his new house. The request does not meet the hardship requirement. It is not related to the uniqueness of the land. Washington County has allowed this in the past with a tight time frame and other communities have required that funds be provided to demolish the accessory structure if the home is never built. Berry Farrington reviewed possible findings for approval and proposed conditions. She also reviewed possible findings if the Board chooses to deny the variance. TKDA had received one call from a neighbor with some concern for this building.

There were the following questions and comments:

- ? Jeff Wick - He feels he has met all conditions for the variance except for the escrow and would offer that along with an agreement with the Township that they can

remove the structure if needed. After this is over, it will be as if the variance never happened.

- ?Jim Beytien - Is the Township assured they can tear down the structure for \$5,000?  
Sheila-Marie Untiedt - She would comfortably guess it is enough.
- ?Linda Countryman - Explained that the process escrow is a separate escrow from the \$5,000 for demolishing if needed.
- ?Bob Thompson - Asked for clarification of the timeline. Berry Farrington - If the variance was granted, he would need to begin the house by August 2010.
- ?Thompson - He is worried about a commercial operation here. Sheila-Marie Untiedt - This is called out in the conditions.
- ?Thompson - Mr. Wick presented this to the neighbors in a professional and neighborly way.
- ?Jonathan Rogoff (14797 115th St) - They have no objections. Mr. Wick was very cordial in the way he handled this.
- ?Jim Hiniker - When do you expect to complete the house? Wick - He assumes it will be complete in 11 to 12 months. Hiniker - We should put a completion date in the conditions. Soren Mattick - We could require a certificate of occupancy by August 2011.
- ?Mary Beytien - Is part of the building to store construction materials? Wick - The ultimate purpose of the building will be a game room. Beytien - Could people live there? Mattick - No, people could not live there. Sheila-Marie Untiedt - Your comment is fair. Wick - He reviewed the contractors he has talked to.
- ?Jim Beytien - He is concerned that they had a manufactured home brought in to the neighborhood. He would like to see the Board check that \$5,000 would be sufficient.
- ?Dave Johnson (9042 Norell Av N) - He had a similar situation ten years ago and there was never a problem. It worked out well.

The public hearing closed at 7:45 p.m.

M/S/P Johnson/Hiniker moved to approve the Wick Variance subject to the identified conditions and with the additional condition that a building permit be obtained by August 2010 with a certificate of occupancy by August 2011. (5 ayes)

Regular Meeting – 7:50 p.m.

1. AGENDA - M/S/P Hiniker/Beane moved to adopt the agenda as amended. (5 ayes)
2. MINUTES - M/S/P Countryman/Johnson moved to approve the 5/28/09 Stillwater Town Board Meeting minutes as written. (5 ayes)
3. TREASURER -
  - a) Report given. The reports have been given to Bob Ranalla for posting on the web.
  - b) The following claims and checks were approved for payment.

5/09 SC	US BANK	\$ 12.50
19146	Billie P. Bantli	1,058.50
19147	Matthew R. Beane	222.74
19148	Carol L. Collins	384.85
19149	David Johnson	148.50
19150	Kathleen Nelson	420.70
19151	Stephen Nelson	1,089.73
19152	VOID	
19153	Kathryn Schmoeckel	425.88
19154	Billie P. Bantli	261.43
19155	Clareys Safety Equip	26.69
19156	Carol L. Collins	121.87
19157	Kathleen Nelson	105.60
19158	Stephen Nelson	785.00
19159	On Site Sanitation	317.38
19160	Robert P. Ranalla, Sr	7.40
19161	Kathryn Schmoeckel	33.20
19162	Stillwater Gazette	273.02
19163	Stillwater Printing	458.59
19164	TKDA	3,372.63
19165	Campbell, Knutson	1,348.50
19166	VOID	
19167	Robert P. Ranalla, Sr	277.05
90010	IRS	731.20
90011	PERA	354.43
90012	MN Dept of Revenue	37.96

4. CLERK - We are starting to get more mail at the town hall. The post office box lease will end on June 30, 2009.

5. COMMUNICATION COMMITTEE - A winner was selected at random from the eight correct submissions in our photo contest. The new signs for the website have been put up at the town hall.

Waste Haulers Hearing - 8:00 p.m.

Neighbors present: Pat Raleigh - 9490 Pawnee Ave N  
 Bruce Goldstrand - 10824 Myeron Road  
 Jim Duncan - 9760 Primrose Lane  
 Fran Duncan - 9760 Primrose Lane  
 Rex Perry - 9033 Fairy Falls Road  
 Holly Anderson - 10077 Oakgreen Ave N  
 Gary Anderson - 10077 Oakgreen Ave N  
 Dave Johnson - 9042 Norell Ave N  
 James Beytien - 15121 113th St N  
 Michael Maroney - 10757 Stonebridge Trail N  
 Nancy Bartie - 11306 Arcola Trail N

Ranelle Brandt - 9833 Norell Ave N  
Fred Brandt - 9833 Norell Ave N  
Jonathan Rogoff - 14797 115th St N  
Torre Heiland - Waste Management  
Kent Johnson - 10562 Mendel Rd N  
Dale Newton - 11770 Arcola Trail N  
Randa Bassitt - 10055 Oakgreen Ave N  
Mary Petrisko - 9328 Neal Ave N  
Steve Jensen - 9130 St. Croix Trail N  
Keith Wolf - 9222 Norell Ave N  
Delores Gannon - 10560 Mayfield Ave N  
James Gannon - 10560 Mayfield Ave N  
Jeff Ranta - 10311 Norell Ave N  
Mary Ranta - 10311 Norell Ave N  
Sharon Johnson - 12920 112th St N  
Hannah Gruber - 13595 Partridge Rd  
Donald Scipe - 10830 Pawnee Av N  
Lynn Ettl - 14125 120th St N  
Darrell & Chris Roberts - 9685 Stonebridge Trail N  
Dale Jensen - 12030 87th St Circle N  
Roger Schrankler - 12790 103rd St N  
Rodney & Wendy Blake - 7959 Minar Ave N  
Doug Carnival - 737 Goodrich Ave, St Paul  
David & Lynne Murphy - 9098 Fairy Falls Rd  
Tom & Liz Rieser – 12733 103rd St N  
Mark Prchal - 10787 Myeron Rd  
Barry Dayton - 9919 Primrose Ave N  
Kate & Chris Carlsen - 10611 Mendel Rd N  
Barb Medinger - 8802 Stonebridge Trail N  
Peter Cushner - 10020 Norell Ave N  
Mr & Mrs Edward Basham - 10599 Mayfield Ave N  
Diane Polk - 14703 102nd St N  
Richard Schultz - 13055 Boutwell Rd N  
Dale & Sue Jay - 13890 108th St N  
Sue Cadwell - 10910 Norell Ave N  
Barb Riehle - 10950 Norell Ave N

Chairperson Sheila-Marie Untiedt reviewed the procedure for the hearing. We are here to take comments this evening. The comments should be limited since there are so many people here. Everyone will have a chance to speak. No decision will be made this evening. The process started because there has been some differential in hauling costs and they expect there would be less wear and tear on our roads. On the con side, there would be loss of individual choice and fewer people to bid on future contracts. Vacation service and recycling are other issues.

Soren Mattick explained that there are now two licensed haulers in the Township -

Maroney's and Waste Management. We are looking for various options which does not necessarily mean going to a single hauler. The Township will decide if they want to take the next step to start the planning process. He reviewed the process which takes at least 180 days.

The e-mails the Township have received will become part of the record.

There were the following comments and questions:

- ? Jim Duncan - Why is this becoming an issue? He does not want the government to take away choices. Where is the money coming from? This is something beyond the scope of the Town Board. Can we make a resolution to stop this process?  
Soren Mattick - Yes.
- ? Fran Duncan - What we have now works fine. She hates to lose an option. Now there is an ad on the website for Maroney's. Linda Countryman - That was to let people know that there is more to recycle. Fran Duncan - Has a decision been made? Sheila-Marie Untiedt - No.
- ? Dale Jensen - He does not support this. He does not want the government to do the peoples' job for them. People can make their own decisions.
- ? Randa Bassitt - Ditto. She wants to have the choice to switch their hauler if needed. They can negotiate their own prices and services. She does not understand how this even came up.
- ? Nancy Bartie - She wants to have the choice. She would like to see this put to an end tonight.
- ? Roger Schrankler - He is in support of everything that has been said. People can negotiate for themselves.
- ? Dave Bassitt - Why spend the time on this? Competition is good. Why are all these people here unless they don't care for it?
- ? Rick Jacobson - He had a choice 18 years ago to choose Maroney's and he is happy with that choice. At least he had a choice.
- ? Lynn Ettl - If she's paying, then she would like to decide who she pays.
- ? Jim Gannon - He agrees with what has been said.
- ? Dale Newton - They use Maroney's. He suggested the idea of negotiating as a group rather than the government deciding. We should at least have the criteria that they use the Newport solid waste processing facility. We should encourage businesses that contribute to our tax base. Prices should be based on volume.
- ? Wendy Blake - She had Waste Management and it was a nightmare. She would not want to go back to them. Maroney's have been fabulous. If Maroney's is put out of business, then Waste Management would have a monopoly. We should encourage small business.
- ? Jim Beytein - He does not care what we decide to do but something needs to be done. We should qualify more haulers so we have more competition.  
Sheila-Marie Untiedt - We have more licenses available.
- ? Rex Perry - Regarding wear to the roads by heavy trucks, trucks are full when they go. We will still have the same number of trucks since they will haul the same amount of trash.
- ? Doug Carnival - He represents National Solid Waste Management and has been

involved in a number of communities around the state. Most have decided not to go with a single hauler. Citizens want to make the decision themselves. We should let competition drive the decision. This would mean additional expense to the city, citizens would call with complaints rather than calling their hauler. He will let his association know that there are more licenses available.

- ? Sue Caldwell - Both they and their neighbors are opposed. We need more pick-up on mattresses and other appliances than one day a week. She would like to see recycling every week.
- ? Jonathan Rogoff - He is a lawyer and economist, now retired. He commended the Township for taking this up. It is worth considering. We do not now have competition. This is oligopoly and we have higher prices than with a single hauler. He is a Waste Management customer and he does not want two trucks coming down his street. He chose Waste Management because that is what his neighbors had. Waste Management has had trash flying from their truck, but Maroney's transfer from one truck to another truck and there are problems with that. Beyond the price, we should also consider quality of service. He would like to hear from suppliers as to how they try to keep roads clean. He has picked up hundreds of pieces of trash along his street. He would volunteer to work on this committee if this goes forward. This is a worthwhile exercise since it puts haulers on notice.
- ? Kent Johnson - If we are looking to save roads, it would be better with smaller trucks. He would like us to drop this idea tonight.
- ? Mike Maroney - They are opposed to this. They are a small company and if small haulers are gone, in the future there will be no one left to bid against the big companies.
- ? Duane Laabs - He commended the Board to have democracy and allow people to come forward and speak on this. With respect to the haulers, he is not sure why they do not want this to go forward. It would be better to band together as a group with concerns rather than to work as individuals. Jim Hiniker - We need to get the facts before we make a decision. Laabs - How many people would like to pay less? Then, the only process is this.
- ? Susan Basham - If she wanted to pay \$30 for her trash, she would move to Bayport or Stillwater. We live farther apart than in the city. She is opposed to this.
- ? Mary and Jeff Ranta - They came here for choice a number of years ago. They were switched to Waste Management without notice. Their bill went up 52% and she called and asked reasons but they had no explanation and they changed their hauler. She likes Maroney's weekly recycling.
- ? Barb Riehle - She is opposed to this. She is happy with Maroney's since they moved in about 14 years ago.
- ? Barry Dayton - He came here to find out what is going on. He is torn. This might be a way to get a better deal. Is there another way to pursue this?
- ? Dale Joy - He has been a resident for about 10 years. He is torn himself. He does not want this to continue if this will cost additional Township budget dollars. He is open at this point.
- ? Bonnie Haines - She has Maroney's now. As a small business manager she would hate to see us go to Waste Management. She would like to see us be pro choice.

- We have enough rules and regulations. At least let us decide who our haulers are.
- ?Mike Maroney - He had been asked why he would be against this. In North St. Paul, they went to one hauler and they lost the bid by 5 cents a household to a large hauler. He does not want to lose his customers.
- ?Richard Schultz - He is in favor of choice. There are different prices. The Township could do negotiating to get consistency across the area.
- ?Linda Countryman - She asked Doug Carnival what type of investment is involved for haulers. Carnival - The Township lets it out for bid. The losers will have to do something about their excess capacity. It prevents other haulers from coming into the community. If people are unhappy about service or prices, they can talk to the other hauler. Jim Duncan - Say Waste Management gets the bid and Maroney's is out. In the following year, what happens? When government gets involved, things get more expensive.
- ?Lynn Ettl - For several years she has been involved with the adopt a highway program and she also runs. She hardly ever sees garbage on the road. She sees cigarettes, alcohol and diapers. There is more road damage from Raleigh's heavy trucks than from waste haulers' trucks.
- ?Kent Johnson - There is a video on the MnDOT website showing road damage with larger trucks such as Waste Management has.
- ?Fran Duncan - Do we license our haulers? Sheila-Marie Untiedt - Yes. Duncan - For a year? Soren Mattick - Yes. Duncan - Can we address quality issues when we issue licenses?
- ?Pat Raleigh - They have Maroney's and have had no problems. She would like to know what would be the price for the Township for going through with this process.
- ?Kate Carlson - Why are we talking about this? Who started it? When we go with one service, it can get bought up by someone else. David Johnson - This was a Board action. We have responsibility for cost controls. We looked at other issues besides roads and our fire contract that we could cooperate with the City of Stillwater on to give an advantage to Township citizens.
- ?Wendy Blake - When the Township contracts with roads, the Township has to deal with it. When you contract with a hauler the people have to deal with it.
- ?Jim Gannon - He had lived in Stillwater and had Waste Management and was not happy with it.
- ?Barry Dayton - He is no longer torn and would like to vote to shut this down. We have learned about our service tonight. Would there be something like a gasprices.com that people could check on garbage haulers? Doug Carnival - He is not aware of anything like that. People can talk to their neighbors, etc. He is not advocating one company over another.
- ?David Johnson - Negotiating should be done at the time of annual licensing. With respect to prices, we should compare prices with Grant or May which are more like us rather than Stillwater or Bayport.
- ?Jonathan Rogoff - Regarding quality of service, Maroney's left trash in his street. Recycling is found on the street throughout the community. Maybe people could walk their road and pick up trash in their area. There is some responsibility for citizens. This could be a suggestion in the newsletter.

- ? Duane Laabs - What is next in the process? Sheila-Marie Untiedt - The public hearing will be closed tonight and the record will remain open for written comments for 10 days. Soren Mattick - The Board could make a decision tonight. The Board has typically reviewed information and made a decision at the next meeting or later. There is no requirement to keep the record open.
- ? Diane Bassitt - Is it possible for people to make a resolution tonight? Sheila-Marie Untiedt - We can do that. Traditionally we have left the record open.
- ? David Johnson - If there is a resolution by the public, is that a recommendation or a requirement? Sheila-Marie Untiedt - It is the Board vote that matters.
- ? Nancy Bartie - She has heard a lot tonight about trash blowing. Their trash had once been stolen. People should consider putting their trash out the morning of rather than the night before pick-up.
- ? Pat Raleigh - What is the cost of the process to the Township? Sheila-Marie Untiedt - The Board meets anyway. If we go forward, we would need to determine the costs. We have not gotten that far.
- ? Jim Duncan - He suggested a resolution that this matter be dropped here tonight and go no further.
- ? Jonathan Rogoff - It is wrong for a public body to ask for a show of hands. That's why we have a ballot box.

The public hearing was closed at 9:20 p.m.

6. ORGANIZED HAULING - The Board offered their thoughts on how to proceed:
- ? Linda Countryman - The vote is clear. She would like to see this resolved this evening.
- ? Jim Hiniker - The room is stacked with those against this. If we had a true representation, he does not feel it would be this way.
- ? David Johnson - We have had a lot of public input and we should respect our tradition of keeping the record open for 10 days. He would like to have time to reflect on this. We do listen to the community. There is no risk in letting the record stay open. This will be on our next agenda.
- ? Matt Beane - He agrees with David Johnson. Waiting 10 days gives everybody a chance to speak. It does not matter if we vote tonight or at the next meeting.
- ? Sheila-Marie Untiedt - Of the calls she has received, about 40% have been in favor. She thinks people that are in support are less likely to be vocal.

M/S/P Johnson/Hiniker moved to table the issue and put it on the agenda for the June 25, 2009 meeting at 8:00 p.m. (4 ayes, Countryman, nay)

7. CHIEF OF POLICE -
- a) Report given. There have been 13 burning permits, 3 for buckthorn. A burning ban has been reinstated.
  - b) Orwell Court Garbage Complaint - Steve Nelson had talked to the parent of a person who had been observed throwing garbage.
  - c) Old Radio - Apparently the buyer is no longer interested. Steve Nelson will try e-bay.

- d) South Twin Lake - "No Motorized Vehicle" signage will be put up for South Twin Lake on Highway 96.
- e) Township Picnic - The Washington County canine unit will be at the picnic at 1:00 p.m.
- f) Bear Sightings - have been reported in the Township. So far they have not bothered anybody.

8. PARK COMMITTEE -

- a) Township Picnic - Next agenda for the committee - is a mailing needed?
- b) Farmers' Market - Are "Parking Lot Reserved" signs needed for the Farmers' Market? Rick Jacobson will check with Raleighs for cones to be put in place. Banners will be put up this week.
- c) Little Carnelian Signs - Jim Doriott had bids for the new signs.

M/S/P Beane/Hiniker moved to accept the cost for the Little Carnelian Park signs as quoted by St. Croix Recreation to be taken out of park funds. (5 ayes)

9. WASHINGTON COUNTY WASTE PUBLIC HEARING - Sheila-Marie Untiedt had received notice of the public hearing on Tuesday, June 23 at 7:00 p.m.

10. U-REKA LETTER OF SUPPORT - Linda Countryman had done research on them including their grant application.

M/S/P Hiniker/Johnson moved to authorize the chair to sign the letter of support to U-reka. (5 ayes)

11. ADJOURNMENT - The meeting was adjourned at 10:10 p.m.

Clerk\_\_\_\_\_

Chairperson\_\_\_\_\_

Approved\_\_\_\_\_