STILLWATER TOWN BOARD MEETING

October 9, 2008 Town Hall 7:00 P.M.

PRESENT: Chairperson Linda Countryman, Supervisors Jim Hiniker, David Johnson, Sheila-Marie Untiedt and Jim Doriott, Clerk Pat Bantli, Deputy Clerk Kathy Schmoeckel, Treasurer Carol Collins, Attorney Soren Mattick, Planner Sherri Buss, Engineer Paul Pearson, Chief of Police Steve Nelson and Park Manager Rick Jacobson.

## Orn Variance Public Hearing

Neighbors present: Carolyn Leys, 9378 Neal Avenue North
Brad Orn 8755 176th Street North

Applicant Bradley Orn is requesting a variance from improved road frontage and consideration of drainage/walkway easement confinement. His lot is located within the Shoreland Zone and is a nonconforming lot of less than 5 acres. Chairperson Linda Countryman opened the public hearing and introduced Planner Sherri Buss who reviewed the application and the issues to be considered.

The following questions and comments were made:

- Jim Hiniker - Was 92nd Street supposed to connect to Newgate? David Johnson - This was a way to connect and eliminate a long dead end cul-de-sac. Hiniker - Who would pay for a road? Johnson - Typically the developer would pay.
- Hiniker - Who owns the neighboring property? Buss - The lot to the west is a separate ownership. It was previously under the same ownership as the Orn lot.
- Jim Doriott - Who has ownership of the easement? Soren Mattick - The Township. Doriott - There are no taxes paid now? Mattick - No.
- Carolyn Leys - She owns the land north and west of 92nd Street. She allows neighbors to dump leaves and brush on her property. The neighbors use an informal path within the road easement to bring material to her property.
- Sherri Buss - Douglas Voegeli, who owns the property directly north of the Orn lot, had sent her an e-mail comment that he wants the neighbors to continue to be able to use the path within the easement to take their brush, etc. to the Leys' property. He also wants to make sure there is some kind of drainage easement and would want the walkway easement defined so neighbors can still walk to the lake. Also, if the Township grants a trail easement, could Mr. Orn be compelled to remove the fence and cut brush to make the trail?
- David Johnson - Is the easement something the County did? Sherri Buss - Yes.
- Johnson - Where would a trail easement go? Buss - You could make it a condition that the applicant work with the planner and engineer for trail and drainage easements. The easement would probably be placed as far to the west as possible on the property. Johnson - If the house is on the easterly portion of the property,

he assumes they would want the trail on the westerly portion. Buss - That is the logical place.

- Jim Doriott - Would the Township take over the trail? Soren Mattick - That is the Township's option. Doriott - That would be the best way to keep it passable. Buss - There could be an easement and it could be called an unimproved trail, or the Board could improve the trail by mowing, adding wood chips or another surface. Doriott - Would it be open to the public? Buss - Yes.
- Carolyn Leys - She lives on Neal Avenue and she does not know of any neighbors that walk down to the lake. It is not really a usable lake. David Johnson - If it was travelable, more people might use it. He would not be favorable to abandoning the opportunity we have for access to a lake as a Township trail.
- Carolyn Leys - She is concerned that there would be run-off from the road.
- Pat Raleigh - What about liability? Johnson - This would be no different than any other Township trail.
- Brad Orn - He is open to all suggestions. He is looking to the Board for direction. He prefers not to have an easement through the middle of the property.
- Sheila-Marie Untiedt - If 92nd Street had been built there would be no driveway issue. If an error had not been made in recording the easements, there would not have been trail and driveway easements on the entire property.

The public hearing closed at 7:35 p.m.

Regular Meeting

1. AGENDA - M/S/P Hiniker/Untiedt moved to adopt the agenda as amended. (5 ayes)

2. MINUTES - M/S/P Hiniker/Doriott moved to approve the 9/25/08 Stillwater Town Board Meeting minutes as written. (4 ayes, Untiedt abstain)

3. TREASURER -
   a) Claims and checks #18867 through #18890 were approved for payment.
   b) List of committee members - Carol Collins compiled a list of committee members and their payment amounts. She will check again about the Park Committee's compensation. She will also add the Joint Board to the list and rates of pay for all other employees and staff. A job description will be developed for the various positions. There will be more discussion at the budget meeting.
   c) Budget meeting - M/S/P Johnson/Hiniker moved to set the budget meeting for Wednesday, December 3, 2008 at 7:00 p.m. (5 ayes)

4. ORN VARIANCE - Engineer Paul Pearson had a drawing showing where two drainage easements are needed to handle drainage from the properties to the north. Culverts under the proposed driveway are also likely to be needed. There was discussion of the possibility of putting in a Township road here and who would pay for it. The consensus was that the neighbors would not wish to have a road put in. Attorney Soren Mattick suggested that before the application is approved, he should bring back encroachment

agreements for drainage and trail easements for the applicant to see if he agrees to them. The applicant's surveyor should determine the actual lines and legal description of the variances for the trail and drainage.

M/S/P Johnson/Untiedt moved to direct staff to work with the applicant to provide trail and drainage easements and develop the encroachment easements. The applicant is responsible for obtaining the legal description for trail and drainage easements. (5 ayes)

5. CHIEF OF POLICE -
   a) The monthly incident report was provided.
   b) There have been seven burning permits, none for buckthorn.
   c) There was one dog impounded and one cat impounded.
   d) Minar Avenue Stop Signs have been put up and the neighbors believe it helps to slow down traffic.
   e) Watson Kennel Sign - The old one will be torn down and the new one is ready to be put up.
   f) "Sentence to Serve" will be cleaning up the ditches on Otchipwe and Stonebridge.
   g) A new computer program is being put in for dog licensing.

6. PLANNER -
   a) Sherri Buss has the certificate of compliance for the Crosswinds Church sign. It meets all ordinance requirements.
   b) Comprehensive Plan - The Planning Commission has recommended approval for sending the plan to Metropolitan Council. The Board will hold its approval until hearing the County's comments. Then the plan can be sent to the Council.
   c) Wind Energy Conversion Systems - The Planning Commission has recommended adopting Washington County's performance standards. Sherri Buss will check with other communities as to height and lot size standards for the next Board meeting. There will need to be a public hearing before adoption of the ordinance.
   d) Metropolitan Council Post 2030 Sewer Area - Sherri Buss had received a letter from Metropolitan Council dated September 29, 2008 stating their study is expected to be done around 2011-2012. She will follow-up with them to have them remove their map since it serves no purpose and they cannot justify the line.
   e) Park Map At The Election - Soren indicated that placement of the map in the Town Hall entry during the election is all right. Residents should be asked to call Board members or Park Committee members if they are interested in selling or donating land for parks, but should not be asked to submit comments and no polls should be taken on election night.

7. ENGINEER - Sheila-Marie Untiedt and Paul Pearson had visited 9850 Old Deer Trail to see the erosion problems there. Paul Pearson had pictures and a map. He believes the Soil and Water Conservation District has previously been involved with drainage and erosion control in this area. There does not seem to be anything done by the Township

to cause this. The party should utilize Soil and Water Conservation District and the watershed since this is a matter we cannot solve nor should we.

8. PARK COMMITTEE -
   a) The new trash cans are in the park.
   b) Brian Axdahl was wondering if we were interested in his property as a park. The Park Committee will discuss this at their next meeting and members will be instructed to look at this property at the southwest corner of 116th Street and Arcola.
   c) Raleigh will pull the stumps out of Little Carnelian Lake.

9. COMMUNICATION COMMITTEE - The newsletter should go out next week. Rick Jacobson had been asked to provide information on the upcoming farmers' market.

10. UPDATE LAND WITHIN THE ORDERLY ANNEXATION AREA - Art Palmer is looking for rezoning of his property at Highway 96 and CR 15. Mr. Palmer had indicated to David Johnson that the city was open to rezoning if the Township did not object. Mr. Turnblad had told David Johnson that the city had no intention of rezoning.

11. ADJOURNMENT - The meeting was adjourned at 9:35 p.m.

Clerk_____

Chairperson_____

Approved_____