

## STILLWATER TOWN BOARD MEETING

March 24, 2022

Township Hall - \*Hybrid

7:00 P.M.

PRESENT: Chairperson Sheila-Marie Untiedt, Supervisors Mike McMahon, Tim Sinclair, Robert Geisen and Rod Hunter. Clerk Barbara Riehle, Community Service Officer Mark Caroon, Planner Evan Monson.

### **REGULAR MEETING**

1. AGENDA – M/S/P Geisen/Sinclair moved to adopt the agenda as written. (5 ayes)
2. MINUTES – M/S/P Sinclair/Hunter moved to approve the 03/10/22 Regular meeting minutes which include closed session portion. (5 ayes)

Chairperson Sheila-Marie Untiedt opened the public meeting and reviewed a format for hearing all those who wish to speak.

3. PLANNER – Evan Monson was present and gave an overview of his staff report which evaluates the 2022 application submittal. Additional materials (including maps) were posted to the website.

Each year, the Township reviews the application request and operations data from the prior year at 15250 100<sup>th</sup> Street North.

In 2020, the Town Board approved mine operations with an Interim Use Permit (IUP), which covers a 5-year operating period; and Washington County approved the renewal of the Conditional Use Permit (CUP) which is also a 5-year operating period. The Township's Mining Ordinance specifies that mining operations must have a valid IUP and Annual Operating Permit (AOP) to operate in the Township. The permit requirements are governed by the Township's Mining Ordinance #156. Two parcels; "North Pit" and "South Pit" are zoned within the Aggregate Mining Overlay District.

Planner Monson made general reference to activity with Compliance of the 2021 AOP Conditions. He added that reclamation occurs on the site each year. Complaints were noted in the staff report regarding noise, vibration and dust. The 2022 projected activity is thought to be similar to 2021.

Planner Monson additionally noted comments regarding the storage of solid waste on the site; the County permit as well as the IUP from the Township does have conditions regarding storage of those materials; street sweepings are not allowed. Washington County has a solid waste facility license which is held for the site and has additional requirements that they enforce.

The staff report indicates possible actions the Town Board can take this evening.

Applicant Steve St. Claire from Miller Excavating was present to answer questions and offer comment to general operations.

- Counts from 2021 were down from 2020 because of it being a dry year. Mr. St. Claire explained what that means for their business.
- Trucking and material volumes are down.
- Due to rising fuel costs, site projects are moving closer to source materials to their sites.
- He addressed the Pawnee salt/sand complaint. Due to the winter and overnight freezing the clean up won't take place until the regular township road spring sweeping.
- Solid waste (asphalt/concrete recycling) regulated by Washington County.
- Responds to residents that reach out to them by phone, email or through a Town Board Member.

Chairperson Sheila-Marie Untiedt addressed a note that was placed in a number of resident mailboxes. It referenced tonight's meeting date and time and stated "Washington County and Stillwater Township have determined that the Raleigh/Miller north gravel pit is not grandfathered as a legal non-conforming use property. This will allow Stillwater Township to begin regulating and enforcing the mining regulations, ordinances, AOP and IUP." Chair Untiedt stated the above to be an inaccurate statement for the record.

There were the following comments and questions from the audience:

- Mitch Reiners- Q: Does Raleigh's need to comply with the permit conditions in the staff report since they believe they are Grandfathered as a Legal non-conforming use? Does the Town Board agree? A: Currently, they are recognized as a Legal non-conforming use. That doesn't mean they cannot be regulated.  
Q: The South pit is documented to be grandfathered as a legal non-conforming use; when in 1986 an easement was purchased by the NPS, the North pit is a separate parcel from the South pit parcel, has the township ever shut it down?  
A: No, a permit from the 1960's previously mentioned has expired. More research is needed on the history of the permits. No one from County was present to speak on this.  
Q: By changing wording of the Resolution a new condition could be added for enforceability?  
A: Being governed by the County's permit, gives the Town Board the authority to issue the IUP and AOP and any requirements of the CUP would have to be adhered to.  
Q: Grandfathered versus legal non-conforming use; are they a permitted use or are they restricted/prohibited? Concerns about regulating their current permit conditions, the Planner's staff report currently states they are just guidelines.  
A: New operators would not be allowed in the township. We cannot control the use of township roads.  
Q: What does the community want to spend to enforce rules?
- Bruce Leasure – The terms of the permit is what is being voted on tonight. They do annual checks and have guidelines to follow and have done a good job. They have done everything that has been asked of them.
- Tom Polasik – Concerns about groundwater. What is being brought back in to the pit? Observed and had concerns about trucks being loaded and brought back from Wolff Marina. Should be monitored. The Watershed permit should be updated too,

before any permitting is granted. Never heard back from the DNR about what was being dredged from the river.

- Mike Colombo – “no access to pit” sign is needed to show independent truckers not to turn around in driveways. Steve St. Claire commented that he is aware and is working on it. Bucket/tailgate slamming – trying to eliminate. Miller has no tolerance and it can be challenging to train new truck drivers. Traffic is lined up in the morning to get in to the pit, it’s dangerous. Steve St. Claire commented that they honor the condition of not opening the gate until 7am, possibly with the Town Board approval we could let them in early but not load until 7am.
- Barry Dayton – Q: Has the Board considered prohibiting recycling? A: The County allows it. We can talk about it. It is a valuable resource.
- Q: What is the process of the reclamation soil? A: Steve St. Claire responded that project level review is done. Soil analysis data reporting is reviewed before they are allowed in. Supervisor Mike McMahon requested to see the paperwork.
- Q: Who does all the testing before material is brought in? A: Steve St. Claire responded that a 3<sup>rd</sup> party and the DNR, the DNR issues the permit.
- Supervisor Robert Geisen asked whether Miller knows from the reports where the material is going or not? A: Steve St. Claire responded that they will know what type of site, whether residential or industrial. Q: What about small projects? A: The MPCA has clear definition for residential.
- Mary Saxler – Asking for clarification for permitting. They vary and are on different schedules. Planner Evan Monson can be contacted for confirmation clarification. Getting recommendations ahead of time might be beneficial. Q: Is there a reclamation time table and who is in charge? A: Fluctuation based on volumes. Can be found in the application packet.
- John Corblick – It’s loud and dusty. Q: Can the entrance be changed?
- Since Miller operates the truck traffic has increased and so has the noise.
- Q: Water monitoring? A: On site infiltration recommended by Watershed and Storm Water Management best practices.
- Miller’s truck fleet has about 50% with box/load covers; would like all trucks with tarps, including outside trucks.
- Resident with concerns to groundwater monitoring, is there any testing done? Regulated through the Department of Health and Environment and the MPCA.
- Mary Hannon – Q: Is there incentive or consequences for taking in something they shouldn’t? A: Steve St. Claire responded that it is regulated by Washington County and MPCA; would have to clean it up and remove it off site. Self-monitoring and reporting and site visits by the county 1x/yr.
- A resident suggested to prohibit recycling. If the township were to do that, we would need a solid basis for doing that. According to the data it may reduce less than 10 percent. Miller could compensate that loss in another area of the business.
- Supervisor Tim Sinclair asked if there is crushing and recycling happening at the Bayport pit? A: Steve St. Claire responded yes. Q: How thick is the clay liner? A: 2’-3’ deep.
- Rich Leyh – Traffic has increased since 2003. Where is the limit? Supervisor Mike McMahon responded that the Board should consult Attorney Soren Mattick. Are we able to regulate the short stretch of township road?

- Dianne Polasik – Referenced the “Mission Statement”, doesn’t feel rural residential.
- Supervisor Chair Sheila-Marie Untiedt will contact MAT for a second opinion regarding the limiting of commercial traffic on a township road.
- Random sampling, even once a month of what is being brought in to the pit. There are no benchmark testing results to compare them to.
- Supervisor Mike McMahon is not aware of any setback violation or encroachment.
- Supervisor Rod Hunter asked if there are tailgate banging fines? Miller can look at check-out area.
- Noah Smith - Jake-braking (Ord.#155) is not allowed. It continues to happen. What is the enforcement? CSO Mark Caroon responded that it is hard to enforce unless they are caught right away. Get a license plate number and we can address.

The Town Board identified the need for the following and the consensus was to table the discussion until an April meeting so more information can be obtained especially with respect to:

1. Grandfather status of the North pit.
2. Evaluation of eliminating recycling.
3. Limitation of road use and access to mine on township roads leading to the pit. Check with Attorney Soren Mattick.
4. MN Association of Townships (MAT) will be consulted on the above #3 for a second opinion.
5. Explore random sampling of recycled material.
6. Watershed review timing and possible increase frequency (currently on 5-year schedule).
7. Engineering plan for storage (solid waste) area. Receive documentation from Mike Raleigh.
8. Explore tarps/covers for trucks.

M/S/P McMahon/Hunter moved to table the discussion for the AOP Permitting. Further discussion on this topic will be at the April 28, 2022 Town Board meeting at 7PM. (5 ayes)

Steve St. Claire thanked the Town Board and the residents for their feedback.

4. ADJORNMENT – M/S/P Sinclair/Hunter moved to adjourn the meeting.  
The meeting was adjourned at 9:00 P.M. (5 ayes)

Clerk\_\_\_\_\_

Chairperson\_\_\_\_\_

Approved\_\_\_\_\_