

STILLWATER TOWN BOARD MEETING

April 28, 2022

Township Hall - *Hybrid

7:00 P.M.

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

PUBLIC MEETING

1. AGENDA – M/S/P Geisen/Sinclair moved to adopt the agenda as written. (5 ayes)

Chairperson Sheila-Marie Untiedt opened the public meeting to discuss the continuation of the Annual Operating Permit (AOP) application request from Miller Excavating/Mike Raleigh mining pit.

2. PLANNER – Evan Monson was present and gave an overview of the discussion continuation.

Each year, the Township reviews the application request and operations data from the prior year at 15250 100th 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.

At the meeting last month on 3/24/22, Town Board Supervisors identified the need for the following information and were assigned to report the findings:

1. Grandfather status of the North pit – Supervisor Sheila-Marie Untiedt reported that she spoke with Township Attorney Soren Mattick who does not agree with the conclusion from resident Mitch Reiners. Mr. Reiners spoke on what Washington County says. The County says it is an Agriculture (zoned Ag A-4) permitted use and is not Grandfathered. The permit holder back in the late 1960's was within conforming use. The land use has not been prohibited and there is no reason to be Grandfathered. They can continue to operate but not just under guidelines but rather under permit conditions they need to comply with. Mr. Reiners recommends the Township regulates properly and have Attorney Mattick work with the County. Mr. Reiners has spoken with Washington County Planner, Kurt Howard and copied to Gary Kriesel. Mr. Reiner's is looking for confirmation from both Washington County and the Township between the North and South Pits. The goal is not to shut down the operation, instead the goal is the understanding that they are a permitted

conforming use and they need to comply with permits and the mining regulations, ordinances with the County and the Township.

Q: Why is the South Pit Grandfathered? A: The South Pit is in the Riverbank and granted an easement from the NPS so they can control the operations according to the easement. The North Pit does not have an easement but is a permitted use based on the CUP use conditions according to Planner Howard.

Mike Raleigh was present and explained that the North Pit has been operating before there were permits. They have applied for permits. In 1970, there were no conditions to run a gravel pit and haul dirt. Mr. Raleigh stated that they are in compliance with all the conditions in the CUP with the County. In 1987 the two parcels were separated.

Mr. Reiner's believes when Miller came in, it has been out of control and needs to be regulated.

Supervisor Untiedt explained that in the AOP the only guideline is the "trip counts".

Resident Bruce Leasure suggested to clean up the language in the permit regarding the word "guidelines". He suggested collecting measurable data from year to year or create a "good neighbor" section to include that guideline.

Supervisor Hunter gave historical reasoning why the "guideline" was installed.

Mr. Reiners suggested a by volume measurement would be a way to measure. i.e.; reclamation.

Mr. Raleigh stated from the permit, 18,000 yards is recycle/reuse material (blacktop/concrete) and there is no limit on the fill.

Mr. Leasure had concerns about limiting the reclamation of the pit.

Planner Monson confirmed that the County CUP limits the volume of material removed for the South Pit and shows no limits on reclamation.

2. Evaluation of eliminating recycling- Supervisor Robert Geisen reported. A chart was shown. He explained that right now, 100% of the business includes recycling. If we were to reduce recycling, we would be reducing their business. The assumption is that we would be reducing the truck traffic. Instead, if the township took that away, we would need to have a basis or we would be open to potential litigation.

Supervisor Geisen asked resident Mitch Reiner's "what rules are they breaking?"

Mr. Reiner's stated that all the permits are enforceable. He would like the following looked into:

- Setback requirements (north/east)

- Encroachment
- Depth of excavation
- Land disturbances – 50-foot Right-of-way (ROW)

Supervisor Untiedt asked for a list of violations from Mr. Reiner's in writing.

Mr. Raleigh says the GIS mapping shows the shielding berm of top soil and is a temporary stock pile which is 10-15 feet from the property line. A licensed surveyor comes every year.

3. Option of limiting access to mine on Township roads leading to the pit - Supervisor Sheila-Marie Untiedt reported that we cannot regulate travel on public roads.
4. MN Association of Townships (MAT) consulted – Supervisor Sheila-Marie Untiedt reported that she consulted with Steve Fenske who says you can limit traffic by putting on weight restrictions. To do that “weigh stations” would have to be set up and staffed in order to enforce.

Mike Raleigh reported that when the road was put in the front pit back in the 1980's, a bond was required at that time for maintenance of that road. They still have that bond. There is question as to whether or not the back road is a public road and has been maintained until the 1990's. Mr. Raleigh stated they pay the gravel tax which went to paid that, approximately \$20,000 each year, which is the Township portion. Treasurer Marsha Olson confirmed that number by memory \$17,000-\$18,000. Mr. Raleigh also stated the roads were upgraded to a 10-ton standard.

5. Explore random testing of recycled materials – Supervisor Mike McMahon reported about requiring independent testing.

Mr. Raleigh bought the unit (an infrared, blue light PID tester) which they recently purchased. They have used for about a month now.

At last meeting it was brought up that there was an engineering report that MPCA requires regarding their clay liner and how it's designed. Supervisor McMahon has asked to see this report. Steve St. Claire said the report from Sunde Engineering is not finished but will provide the report to the Town Board when complete by the next meeting. Mr. McMahon would like to see the historical data on this; he believes this is a requirement from MPCA for the ordinance and yet they have not been able to produce the information. Mr. McMahon would like the current standards to be met and produce documentation by Miller/Raleigh that shows it meets standards and that they are in compliance. This information will be shared with Town Board Supervisors prior to their next meeting.

6. Watershed review timing and possible increase frequency (currently on 5-year schedule) – Supervisor Tim Sinclair reported.

He started by speaking with Brian Lee with Washington County Environmental Services who then sent him to Jay Riggs, Manager; with the Washington Conservation District. Mr. Riggs then forwarded Mr. Sinclair to Mike Isensee who is the Administrator with Carnelian Marine St. Croix Watershed District (CMSCWD). Mr. Isensee stated via email, which was read aloud for record; "There is currently not a valid watershed permit for this mine. In 2018, the district was reengaged by the Township/County during their 5-year approval process. Despite requests, there are still multiple outstanding items needed prior to issuance of the 2018 watershed permit." He attached documentation and engineer reports in his email which show a long-standing and ongoing issue. Mr. Isensee has submitted an inquiry to engineering with regards to the district's rules related to potential groundwater concerns and will provide a response upon learning that information. Mr. Sinclair proceeded with a 5-page report from the CMSCWD Permit Application Number 18-009 which shows several condition violations. Enforcement is an issue as well; the Washington County Planning Advisory Commission has authority of the time and frequency of the testing of the groundwater and run-off. In addition, Mr. Isensee urges to withhold its permit renewal until the 2018 watershed permit is issued.

Mr. Raleigh and Mr. St. Claire believe they have communicated and there is miscommunication overall. Mr. Raleigh stated he has several emails that would show their communication.

7. Tarps/covers for trucks – Steve St. Claire reported that all trucks have them installed. When Supervisor McMahan questioned about truck #18 not having a tarp just yesterday, Mr. St. Clair reported that they have the arms on but not all tarps are on. They push for secure loads for sand/gravel. Resident Diane Polasik asked whether tarps are only for sand/gravel, what about big rocks? Steve St. Claire answered that tarps are for light material blow off but that through DOT recommendation to have 6-inches on the side.

Another resident asked why at 7:10am, three fully loaded trucks were traveling up Hwy 96 so early? Steve St. Claire stated that it was not their job but rather another contractor on a different job.

Resident Mitch Reiner's asked if tracking has been addressed? Steve St. Claire stated that they are installed in both pits.

The follow-up items are listed below:

1. Watershed permitting - Steve St. Claire/Washington County
2. Kurt Howard at Washington County re: Grandfather status – Sheila-Marie Untiedt.
3. Clay liner current status – Steve St. Claire
4. Depth of excavation, land disturbances, setback

M/S/P McMahon/Sinclair moved to table the discussion for the AOP Permitting. Further discussion on this topic will be at the May 19, 2022 Town Board meeting at 7PM.
(5 ayes)

The regular meeting was closed and Supervisors will move into closed session for employment review.

CLOSED MEETING

Clerk Riehle and Township Supervisors conducted employment performance review for CSO Mark Caroon. Township Supervisors asked how the position is going. The Supervisors are satisfied with performance. There are still training opportunities. Clerk Riehle will continue to work together with Mr. Caroon on simplifying duties/tasks.

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

Clerk_____

Chairperson_____

Approved_____