

STILLWATER TOWNSHIP
INFORMATIONAL NEIGHBORHOOD MEETING
Re: Outdoor Wood Burner

May 18, 2022

Township Hall - *Hybrid

7:00 P.M.

PRESENT: Chairperson Sheila-Marie Untiedt, Supervisors Tim Sinclair, Robert Geisen, and Mike McMahon. Clerk Barbara Riehle, Community Service Officer Mark Caroon and Attorney Jared Shepherd.

PUBLIC MEETING

1. OPEN MEETING- Chairperson Sheila-Marie Untiedt opened the Informational Neighborhood meeting.

2. ATTORNEY – Jared Shepherd was present and gave an overview of the discussion regarding an Outdoor Wood Burner operating at 9262 Otchipwe Avenue North in Stillwater Township.

The Town Board Supervisors have met with Mr. Shepherd in closed session to try to determine whether there is a basis for an action against the property owner of the Outdoor Wood Burner. In order to bring an action forward, the Township would need to satisfy whether there is a violation to a public nuisance standard or environment ordinance which adopts the MPCA's standard. Mr. Shepherd consulted private Engineering companies and several MPCA representatives. Previous testing done by the MPCA was looked at. This information came from a 9/2017 complaint. The MPCA did an evaluation of the property and no violations were reported by the MPCA standards. A study was also done by MN State University-Mankato which produced a report. According to MPCA, no evidence was found to have an issue with the OWB according to MPCA standards. The Engineering firms that were consulted, were struggling with what standard to apply. Mr. Shepherd recommended to the Board to not pursue enforcement action at this time.

Further discussion points as follows:

- No further testing has been done since 2017, only consultations.
- Air quality – do not have a standard/mechanism to test.
- OWB commercial versus residential size. Was allowed by MPCA standards at the time. Now it would not be allowed.
- Odor – original complaint.
- Quality of the Air – secondary complaint.
- Can the Township bring a viable complaint and remedy the problem?
- Names of Engineers and MPCA representative will be shared by Mr. Shepherd.
- Anyone can make a complaint/report to the MPCA, which could lead to MPCA investigating.
- The evidence and data the Township has, does not show a violation an air quality standard.

- Mr. Shepherd explained that neighbors could pursue a private nuisance action and/or report issues to the MPCA.
- The original permit was for a barn and a house.
- There is no longer permitting standards, it's a lawful non-conforming use.
- The permit is no longer in play.
- The ordinance was repealed.
- Ordinance #'s 150,171,174 were referenced. #150 was repealed by #174.
- HVAC permit.
- Heats three properties with three PID's – issue with building code. Will be looked at further.
- Was a permit issued to expand the system?
- What recourse would the township have if they put 6 buildings in at the time the permit was issued? Timeline – before the ordinance was repealed, if they had hooked up more buildings than the permit, do we have course of action? Legal representation says no, we can look into permitting issue and how it applies.
- Testing – would not prove viable, the property owner could shut it down and thousands of dollars could be spent without produced results from testing.
- Videos – neighbors believe this proves it's their smoke.
- Preparations from an employee were being done to test data at the stack of the OWB.
- Budget increase – due to expenditures for this issue. What is the historical amount spent since 2017 to date on this issue?
- There was a cash offer by Joe Haines initially that was not accepted by neighbors and has since been rescinded. More information was needed.
- How does the Town Board prioritize where money is spent against other issues in the township? i.e., Internet.
- Mediation was proposed and Haines' elected not to participate.
- Data MPCA received from MN State University- Mankato was that it met standards.
- Standards for OWB – 2015 standard and 2022 standard are different.
- MPCA – Ann Jackson – giving different information to township supervisors and neighbors.
- Expansion definition.
- Ordinance 174; violation?
- OWB – Manufacturer sticker. Were standards changed, when?
- Phase II burn – EPA – initiate new standards but not adopted.
- No issue came up until 2015.
- Haines' are burning drier wood.
- Topography does play a part.
- Difficulty to find a certified Engineer group to test. Methodology of importance.
- Prove Haines' are not meeting a standard.
- Term – timeline.
- Burning refuse? Smells like garbage. Tree trimmings not garbage.
- Gas sampling - smell testing?
- Concerns of declining property values.
- Is it possible to move the OWB?
- Neighbors encouraged to continue logging information.

Chairperson Sheila-Marie Untiedt is inclined to follow legal recommendation to not pursue enforcement. Efforts have been exhausted.

The Township will look into:

- 1.) Review permitting, expansion, timeline. # Buildings/multiple parcels.
- 2.) Manufacturer sticker.
- 3.) Names of contacts will be shared.

3. ADJORNMENT – M/S/P McMahon/Sinclair moved to adjourn the meeting.

The Informational meeting was adjourned at 8:15 P.M. (4 ayes)

Clerk_____

Chairperson_____

Approved_____