

STILLWATER TOWN BOARD MEETING

September 10, 2009

Town Hall

7:00 P.M.

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

Vikingstad Vacation Public Hearing

Neighbors present: Frank Vikingstad, 501 N Main St, Stillwater  
Mary Petrisko, 9328 Neal Avenue North

Attorney Soren Mattick reviewed the issues relating to this hearing. The Vikingstads have a blanket trail and drainage easement which they would like to be removed in light of the fact that they have made a more definite easement that has been granted. Mr. Vikingstad advised that when they bought this property in 1978 the only easements described at that time were for drainage and access to the lake. He believes they have completed the requirements the Township made. Soren Mattick mentioned that there is another issue of the escrow and he advised that approval of the vacation be made subject to escrow being finalized.

The public hearing closed at 7:08 p.m.

Regular Meeting - 7:08 P.M.

1. AGENDA - M/S/P Hiniker/Untiedt moved to adopt the agenda as written. (4 ayes)
2. MINUTES - M/S/P Untiedt/Hiniker moved to approve the 8/27/09 Stillwater Town Board Meeting minutes as amended. (4 ayes) [under 9. 2010 CENSUS FORM - add "As regards listing any areas where homeless people live, it does not apply to our Township."]
3. TREASURER -
  - a) Report given. The check to Tower Asphalt at the last meeting was voided and reissued for the correct amount.
  - b) Recycling - The County will have two remote hazardous waste sites this fall.
  - c) The following claims and checks were approved for payment.

19245	Billie P Bantli	\$ 829.28
19246	Matthew R Beane	305.73
19247	Carol L. Collins	616.76
19248	James Hiniker	816.72
19249	Kathleen Nelson	449.71
19250	Stephen Nelson	1,089.73

19251	Kathryn Schmoeckel	324.86
19252	Billie P Bantli	148.42
19253	Carol L Collins	268.37
19254	League of MN Cities Ins. Trus	265.00
19255	League of MN Cities-Mbrship	2,342.00
19256	MFRA	9,991.06
19257	Maroneys Sanitation	150.90
19258	Kathleen Nelson	25.42
19259	Stephen Nelson	785.00
19260	Kathryn Schmoeckel	124.07
19261	Stillwater Gazette	123.24
19262	TKDA	4,314.38
19263	Tower Asphalt	68,441.29
90021	IRS	825.06
90022	PERA	441.20
90023	MN Dept of Revenue	41.93

4. CLERK -

- a) Postal Situation – There had been a parking issue and hopefully it does not continue. There are still issues with the new address.
- b) Valley Green -
  - ? Gophers - Gophers are an issue in Otto Berg Park.

M/S/P Hiniker/Beane moved to authorize Rick Jacobson to eradicate gophers, not involving chemicals, and not to exceed \$1,000.00. (4 ayes)

- ? Tree Trimming - Valley Green suggested light tree trimming in Otto Berg Park. They run into them when they are mowing. They estimate a couple of hundred dollars to do the work on 7 or 8 trees.

M/S/P Untiedt/Beane moved to authorize Valley Green to do additional trimming not to exceed \$250.00. (4 ayes)

5. ATTORNEY -

- a) Gravel Tax Agreement - The County had collected a gravel tax and allocated it to the various communities. There was some dispute as to the amount which has now been settled. Stillwater Township will receive \$955.21. We will need to agree to the settlement.

M/S/P Untiedt/Hiniker moved to authorize the Chair to sign the gravel tax agreement. (4 ayes)

- b) McKenzie Agreement - The McKenzies have suggested donating land for a trail easement and Engineer Paul Pearson had been authorized to do a survey after the foliage had dropped. The consensus was to wait until the next meeting for further discussion on when to approach the McKenzies.

- c) Vikingstad Easement - M/S/P Hiniker/Beane moved approval of the Vikingstad drainage and walking easement conditioned on the payment of all necessary funds. (4 ayes)

6. PLANNER -

- a) Bergmann - The joint board had held the public hearing on this issue. As of 2015, this property will become part of the city. Sherri Buss reviewed the options available in addressing this particular use. We can use a Certificate of Compliance, Grandfathering with a separate agreement outlining past uses on this property, or a nonconforming use permit. There were issues with the definition of a plant nursery and we should use instead the definition of a plant nursery, commercial, which gets us closer to the Bergmann operation. Jay Kimble was present and spoke on behalf of Mr. Bergmann. He reviewed the history of the joint powers agreement between the City and Township. Historically this property was not used only for wholesale, but also for retail. He was also concerned about the restriction of growing their product on site which would bar Christmas trees. The Bergmanns had operated here before City, Township or County ordinances. Mr. Kimble also expressed concern about development that may occur on the corner of Manning Avenue and Highway 36. A new Certificate of Compliance will give a fresh look and create a new requirement which a retail outlet may be able to take advantage of. He suggested a findings of fact for the grandfathered use, or alternatively, we could call it a pre-existing nonconforming use permit. Sherri Buss stated that she believes there has been a real change of use here. Previously the retail use had been only "occasionally". We can update our ordinance. Jeff Pratt also spoke on behalf of Mr. Bergmann and said that this was intended to be grandfathered in through the annexation process. Paul Bergmann said that he was concerned about the restrictions on his business and he sees changes in approach at each meeting he attends. Sherri Buss will work on appropriate changes to our ordinance for review and public hearing at the October Planning Commission meeting and she will also work on a draft COC.
- b) Kao Xiong Accessory Building - Dr. Xiong has 14 acres on Stonebridge Trail where he has horses. He heard about the Wick variance and would like to construct a shelter for his horses but does not plan to build a house for 2 or 3 years. Sherri Buss will check with Building Inspector Jack Kramer and Dr. Xiong will be asked to come to the next Town Board meeting to discuss this issue with the Board.
- c) Polasik Subdivision - Tom Polasik is likely to be submitting an application for a minor subdivision.

7. CHIEF OF POLICE -

- a) Report given. There were 6 burning permits issued, one for buckthorn. No dogs were impounded.
- b) Buckthorn Removal - Steve Nelson gave an update of the buckthorn removal at Little Carnelian Park. He has sent a letter to the County to thank them for their work. Raleighs will pick up the brush, chip it and remove it. We should consider

having Sentence to Serve do work around the town hall next year.

- c) Sign Vandalism - A sign is missing in Otto Berg Park. Rick Jacobson noticed it was gone on Sunday or Monday.

8. NEXT MEETING - The Board will not meet at their next regularly scheduled meeting (September 24) unless an agenda item arises by the Friday before that meeting.

9. PARK MANAGER -

- a) Gopher Issue - Rick Jacobson has been working to keep the mounds tamped down. He will look into what can be done for more permanent removal.
- b) Tree Removal - There is a tree with a large limb down on the Township's property on the west side of Norell Avenue. Matt Beane offered to try to deal with it.
- c) Buckthorn - Buckthorn is an issue around the town hall.
- d) Picnic - Rick Jacobson felt it was a great success. The tractors were a big hit and he suggested adding cars next year.
- e) Slide in Otto Berg Park - Johnny Johnson will be asked to look at it.
- f) Sign Vandalism - Rick Jacobson will put bird houses on the posts until the sign can be replaced.

10. PARK COMMITTEE - Sheila-Marie Untiedt discussed the Friends of Stillwater Township Parks initiative. It would require some legal work.

11. ADJOURNMENT - The meeting was adjourned at 9:20 p.m.

Clerk\_\_\_\_\_

Chairperson\_\_\_\_\_

Approved\_\_\_\_\_