

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JULY 16, 2008 - 6:00 P.M. – ROCKVILLE CITY HALL.

The meeting was called to order by Mayor Brian Herberg. Roll Call was taken and the following members were found to be present: Mayor Brian Herberg, Council Members Vern Ahles, Bill Becker, Jim Pfllepsen, Don Simon, & Randy Volkmuth. Member Palmer arrived at 6:09
Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, EMS Director Mike Hofmann, Planning Commission Chair Toni Honer, Engineer Scott Hedlund & Attorney Jim Mogen.

Others present were: Tудie Hermanutz, Rick & Tracey Eikmeier, Jim Meinz, Ev Balko, Aaron Cheeley, Sgt. Jon Lentz, Holly Ruether, Tom & Jean Gross, Dedric McBroom, Rose & Norm Meyer, Dave Meyer, Pat Sell, Dave Volkmuth, Jane DeAustin, Charles Craft, Gene Merten, Duane Willenbring, Shawn Beauduy, Joe Torborg, Alyson & Margarita Sweeney, Jeff Hagen, Mary Smith, Dick Nieters, Scott Palmer, Paul Wirth, Dave Bell, Pattie Cameron, Mary & Clem Kremer, Jean & James Heinen, Jerry Bechtold, Leigh Lenzmeier, Cherie Verkinnes, Wade Skaja, George Bechtold & Clarence Bloch.

ADDITIONS TO THE AGENDA – Motion by Member Volkmuth, second by Member Simon, to approve the additions to the agenda for discussion purposes.
AYES: Ahles, Becker, Herberg, Pfllepsen, Simon & Volkmuth
Motion passed on a 6 to 0 vote.

CONSENT AGENDA – Motion by Member Ahles, second by Member Volkmuth, to approve the consent agenda as presented:

- a) **Approve minutes of 7/2/08**
- b) **Approve Treasurer’s Report of 07/16/08**
- c) **Approve List of Bills and Additions of 07/16/08**

Accounts Payable CK #010366 to 010404	\$56,867.59
Payroll CK #003115 – 003146	11,482.29
EFT #000142	479.35

AYES: Ahles, Becker, Herberg, Pfllepsen, Simon & Volkmuth
Motion passed on a 6 to 0 vote.

BOARD/STAFF REPORTS

POLICE DEPARTMENT - REPORTS MAY AND JUNE – Sgt. Jon Lentz reported that during May there were 26.5 contract hours with 6 citations. In June there were 44 contract hours with 10 citations. Sgt. Lentz reported that he would provide a trend statement for the next meeting.

PLANNING COMMISSION –Chair Toni Honer reported on the following:

RICHARD & TRACY EIKMEIER – CONDITIONAL USE PERMIT –

RE: SITE PLAN APPROVAL

76.41641.100/001 Owners: Thomas & Jean Gross

Property Address: 22499 88th Ave, St. Cloud, MN 56301

Legal Description: The North Half of the South Half of the Southeast Quarter of the Northwest Quarter (N ½ S ½ SE ¼ NW ¼) of Section Twenty-three (23), in Township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West in the City of Rockville.

SECTION 24 Subdivision 3: Conditional Uses (17) reads:

1. New Single Family Dwellings as provided for below:
 - a. New single family dwellings on platted lots of record as of April 16, 2003 and which meet the requirements of Subdivision 6 of this Section 24.
 - b. New single family dwellings at a maximum density of one per

Forty (40) acres on platted lots recorded after April 16, 2003 and that meet minimum lot size requirements in this Ordinance as well as the requirements of Subdivision 6 of this Section 24.

- c. With the exception of construction upon platted lots of record existing as of April 16, 2003, no more than four (4) conditional use permits for single family dwellings will be issued in any calendar year.

REQUEST:

The request is to construct a single family dwelling in the **SP-1 SPECIAL**

RELEVANT INFORMATION

1. Property is zoned SP-1
2. Property is 10.0 acres approximately.
3. The owner(s) Thomas & Jean Gross are proposing to sell the 10 acres to their daughter Tracey & her husband Richard Eikmeier.
4. Tracey & Richard hope to build a single family dwelling.
5. The parcel was a lot of record on 4/16/03.
6. This is the first request for a CUP for 2008.
7. The neighboring feedlot has been deactivated.

RECOMMENDATION

1. The Planning Commission recommends approval as presented.

Member Ahles introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2008-20

RESOLUTION GRANTING A CONDITIONAL USE PERMIT

WHEREAS, The City Council of the City of Rockville, Stearns County, Minnesota has received a request for a conditional use permit from Richard & Tracey Eikmeier to construct a single family dwelling, and;

WHEREAS, this request would not affect the wetland, and;

WHEREAS, proper notification and publication had been given, and;

WHEREAS, all persons were given an opportunity to be heard on said request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA:

1. Said request is hereby approved to allow the construction of a home in the SP-1 District making it the 2nd single family dwelling permit granted for 2008. Said approval to construct said home is subject to proper septic system permits being obtained and further that said structure is not within 750' of a feedlot.

2. Said approval is not a burden on public facilities, is compatible with existing and planned adjacent uses, has no adverse affect on adjacent properties, the use is related to the needs of the city, is consistent with the Comprehensive Plan, is not a traffic hazard, there is adequate parking and loading, and;

3. The granting of the conditional use permit will not be detrimental to the public health, safety and general welfare of the City.

The motion for the foregoing resolution was duly seconded by Member Volkmuth, with the following vote being taken:

***AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth
Motion passed on a 7 to 0 vote.***

AUTHORIZE PLANNING COMMISSION TO INVESTIGATE WIND TURBINES – Chair Honer reported that the Planning Commission has been contacted by Chuck Johannes – Capital Granite for approval to construct a wind turbine on his property. The Planning Commission would like to explore renewable energy further and is seeking approval to do so.

Member Simon pointed out that we have a copy of Stearns County ordinance on wind turbines and maybe this should be looked at.

Motion by Mayor Herberg, second by Member Palmer, to authorize the Planning Commission to investigate wind turbines and possible ordinance.

AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

ATTORNEY

DETACHMENT – Attorney Mogen had nothing more to report at present.

400 CLUB DRAINAGE – Attorney Mogen stated he has not heard any more from Tryge Hanson on the 400 Club Drainage issue, but he is working on contacting other DNR officers.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Herberg reported on the following:

APO MEEITNG – Mayor Herberg attended his first meeting last Thursday night. The city was well received. There was discussion in regards to the due structure increasing to \$1.05 per capita not \$1.01. In regards to voting members the mayor is the one voting member on the executive level, but he needs two more representatives on the policy board. They meet the 4th Thursday of each month at Waite Park City Hall. Jim Pflapsen & Randy Volkmuth will represent the city.

COUNTY ROAD 82 – Mayor Herberg reported that sod complaints are being taken care of as well as Lake Rockville.

COMPOST COMPLAINT – Mayor Herberg reported that he has talked to the owner of the property where the pile of leaves is accumulating and reported that this is a case where neighbors need to play nice to each other.

ADDITIONS TO THE AGENDA

CERT - Mike Hofmann – EMS Director reported that he is organizing Community Emergency Response Team (CERT training). This consists of training for basic first aid, fire extinguishers, cribbing, search & rescue, etc. The Stearns County CERT group is very active and willing to help train new people. Mike Hofmann is hosting a class during October & November on Monday's at City Hall.

Member Becker indicated that this is a very good program and urged people to sign up for the training.

MINUTES OF 7/14/08 – ***Motion by Member Becker, second by Member Simon, to approve the minutes of 7/14/08 as presented.***

AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

BUDGET AMENDMENT – ***Motion by Member Volkmuth, second by Member Palmer, to approve the request to amend the 2008 budget for the Special Assessments to be collected in 2008 for the SJ Louis (CR 82 West Improvement Project).***

<u>Original 2008 Budget</u>	<u>Amend 2008 budget as follows:</u>
R 405-41000-36100 0	104,440

Special Assessments SJ Louis Construction Project

AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

PERSONNEL COMMITTEE – Rena Weber reported that the Personnel Committee needs to meet to discuss Jeff Howe's leave of absence. The council determined that the committee would meet on 7/31/08 at 6:00 p.m.

ADMINISTRATOR REPORT

INSURANCE AGENT OF RECORD – Rena Weber reported that Kevin Burr has changed jobs and is working at a bank in Belgrade. She recommends the council approve keeping the same insurance agent (Kevin Burr) and changing of firms.

Motion by Member Volkmuth, second by Member Palmer, to approve Kevin Burr as the insurance agent of record and further approve the new firm he now works for (North American State Bank of Belgrade)

AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth
Motion passed on a 7 to 0 vote.

PUBLIC HEARING – SHORELAND & STORM WATER ORDINANCES

Mayor Herberg recessed the meeting to the Public Hearing at 6:29 p.m.

Planning Commission Chair Toni Honer gave a brief summary of the committee, why it was formed, and the purpose of each ordinance.

Shawn Beauduy – Stearns County Environmental Services, stated that he is here to give support to city for adopting a storm water ordinance. MPCA mandates the County to deal with these issues (NPDES) and if Rockville can pro-actively pass an ordinance it puts the city into a better position then having the state coming in placing limits.

Member Volkmuth asked Shawn if it would it be more cost effective to let the state do it. Shawn stated it is always better to let the local government do it.

Member Volkmuth asked Shawn if he has seen it this stringent. Shawn indicated no, not quite this stringent. The State is looking to see this get done.

Member Pflapsen asked Shawn about the scientific loading such as phosphorus from leaves on trees, etc.? Shawn referred Member Pflapsen to talk to Angie Berg or Don Adams about pollutant loading models.

Wade Skaja – 25712 Lake Road reported that at the Pleasant Lake informational meeting people talked about changing some verbiage to indicate the impervious is 12%, but if mitigation is done it can be up to 20%. He is concerned that the committee may change later down the road and there will not be anybody to enforce the ordinance. He wants to see it fair to all, but when he looked at lot coverage 12% is cutting back so much. He would like to see a happy medium

Member Volkmuth asked what would be the happy medium. Wade indicated that 20% seems fair. Everybody wants to clean up the lakes.

Scott Palmer indicated that he is a member of the committee, stated they did have a lot of discussion on the 12%. One of the things contained in the alternative standards was language saying you could start at 12% and go up to 20% with approved water mitigation standards. This seems reasonable and something we could live with. This language should be looked up and incorporated.

Member Volkmuth asked could we get this in the ordinance and be crystal clear. It is hard to understand and follow.

Scott Palmer reported that Stearns County Soil & Water (Greg Berg) designs projects using an approved method and there is 75% grant money available. This is free of charge or the city engineer is available to people wishing to do projects. It is not just a matter of putting in plants and calling it good.

Member Palmer asked so with the change does that mean there is no variance required and if you have an approved plan and do not exceed 20%.

Scott Palmer indicated that the city council would have to approve this first, but there would be an expedited review process that is contained in the ordinance now.

Member Pflapsen asked if there was scientific approach information available to the committee since lot coverage was an issue. Since storm water run off is what we are trying to mitigate did the committee review anything from the University of Wisconsin on lot run off that was done in the last 3 years.

Scott Palmer indicated that Wisconsin has gone down to 8% impervious surface coverage. Studies have shown that if you stay under 10% the grasses that we have can mitigate the runoff. Once you get above the 12% you need more plants to do a proper job.

Member Palmer voiced concern that it is not just the lawn; it is the roofs, decks, and any impervious surface that we have to be concerned about.

Scott Palmer indicated that Member Palmer was correct as it requires more than just lawns with deep rooted plants. The Alternative Standards recommend residents to establish a 25' buffer zone or even prefer the first 50'. This would be required anytime somebody pulls a permit. We also don't want to keep watering down so we have nothing in the ordinance.

Member Pflapsen stated the reason he asked about Wisconsin study is because they looked at lot coverage analysis. He hopes that we kept in mind most likely those guidelines were created for new development where there is an opportunity to go in on raw land and do something rather than the many established lots we have on both lakes now.

Member Pflapsen reported that he spoke to a draftsman on Grand Lake who indicated that there is negligible phosphate content. Phosphorus is just a soil particle so it is in the dirt. How much was this product and did we look at existing lots?

Scott Palmer stated that the committee did look at existing lots, but did not think it would fly to have a buffer zone. Impervious surface is really a big deal. Phosphorus gets dumped on our grass just by grass clippings. We want to make our waters better. We had to decide at the committee are we here just to keep things the same or worse and not let some big development come in and make it worse. In the past people wanted to build as close to the water as they could, but that is not always the right thing to do. City sewer did help the clarity on Grand Lake. He also felt there was an uncertainty on the 50% factor when you remodel or rebuild and that needs to be clarified.

Leigh Lenzmeier – 29273 Agate Beach Road stated that he is coming as a property owner and as a Stearns County Environmental Services representative. While it makes sense to take action that may preclude action by a state agency at some time and what action to take is a tough nut to crack. What you are proposing with the extra added costs he questions the fee to get this program to where you want to be. Do you have Administrative staff or do you hand it off to engineer, or contract with the county to enforce. There will be costs. He is also asking:

- Is what's required for permits realistic? At times this could be more than what is needed at the time and the Environmental Services can handle only so much.
- Would property owners need to hire an engineer to establish BMP'S? This is a combative or onerous situation for owners. For small properties this could be an issue.
- Paving stones, measurers to slow down run off on roofs could be a phosphorus filter friendly type of environment.
- A huge step has been taken, the expensive part has been done and he is proud of what was accomplished.
- DNR suggestions are for a typical lake lot, but he is not sure if the rules are for sewerred or un-sewerred lakes.
- Micromanagement in the ordinance – rain barrel specifications are splitting the apple
- Is it entirely consistent with Fed, State or Local regulations – not sure if it the intent to circumvent those regulations

Suggestions he has are:

- He suggested the city do a test run (five or six projects on each lake) give it one to two years time to test this. Or even a pilot project.
- There is awareness that there are future state standards. Stearns County just went through their comp plan and did come up with Section 7 of county ordinance. The committee should look at this for another base line.
- What is the big picture goal? Are you trying to head off future state regulations? That is one thing but if it is water quality, how about retention ponds in areas of the inlets. The detention ponds can be as far away from the lake as a mile.
- Stearns County brings incentive with grants available. Higher density is given with higher open space provided.

- Tools available are the County excel spreadsheet which contains a pollutant loading model. Not a real complex thing and possible to use at a staff level.
- The Natural Conservation Service has a new tool they call bio retention standard
- TMDL – this may be his worst idea, but it is a study if you discover a problem you may be liable.
- County review of our storm water ordinance was done by Wayne Cymbaluk and should be looked at.

Member Volkmuth asked Leigh how restrictive he feels the County standards will be.

Leigh indicated they are hung up on the 12% or 15%. You can have a higher density than what is proposed, but of course this depends on how you do it. Paver stones are accepted by some and others not.

Member Volkmuth asked when he sees Stearns County being done with their ordinance.

Leigh was not sure, but asked shouldn't ordinances be the same.

Dedric McBroom – 25417 Pleasant Road, St. Cloud. Some questions he has are:

- He likes the fact that there is local mediation. There are a lot of non-conforming lots and remodeling interiors mandates something be done.
- He knows that people are going to be doing things illegally.
- Lot size coverage is variable based on some aspect.
- Is the goal basically to freeze what things are now and not allow new development?
- He feels he bought and paid for 30% lot coverage and now the city is taking that away.
- He is doing pavers, but that is a substantial cost. \$22.00 SF to put in pavers.
- Do we have to go by the most stringent requirement or can the local requirement be less? Jim Mogen reported that the County would not apply if the city adopted its own ordinance.

Member Pflapsen asked Dedric if he can foresee anybody that lives near him that may be reluctant to rebuild or expand because of this ordinance. Dedric indicated that with the housing market tumbling, that's their nest egg and now the realtor comes in to try and sell their cabin with this new ordinance that will cause people to hesitate and look at the value of their homes.

Mr. McBroom had a concern with how Rockville gets out the information.

Don Reider – 27532 Lake Road questions anybody having a seasonal cabin and wishing to change to a year round will have to go through the process. He is in that boat right now. Two years ago Rockville dictated that he had to hook up to sewer. He has a lot that is 200' wide by 130' wide. He is looking at eventually building a home year round. He is retired and on a fixed income. Now if he builds a home he will be taxed higher. In ten years the property value changed from \$45,000 to \$250,000. Questions/Concerns:

- Where are you going to come up with \$20,000 for pavers on a fixed income?
- Now you are dictating what he can build on his property.
- Why didn't he build the home before? The taxes stopped him from doing that.
- He sat too long and did not build. The average person cannot afford it.
- There is not a lot of good being said about Rockville other than the clarity of the water.
- Taxes are going to force people to not live on the lake – we keep raising it up.
- June, July, August is a great time to be on the lake, but we pay taxes all year long.
- This is going to be shoved down on the people. He is in favor of clarity of the lake.
- It will affect people who are trying to build, not the people who have their property developed.

Dave Volkmuth – 25754 Lake Road stated it was refreshing when he heard Leigh Lenzmeier speak. He got relaxed. He has seen 4 years of just what Don Reider has said. The assessors come in say we have to stay within the 10% factor of the state so they raise the values. Mr. Volkmuth read for 6 ½ hours and feels the average person in Rockville will not know what the ordinance is about until they have to.

Concerns:

- We are getting so legal, so engineered and so much that we want control that we forget about the people. Now we have to change all of these things. Stearns County has this already done.
- We think we have to be a legalistic city. In Pleasant Lake we got together and got things done including mowing the lawn.
- What about the people that have 60 to 70 foot lots? We have to react to why you people were elected which is to represent all residents of the city and not just certain ones.
- This is way too far out of line and we don't need this quite now.
- We can't afford all of these things. Throw it away or bring it down to 4 pages and put it in English.
- That's the reason people are missing because they are not going to last too long here.
- Be understanding; people can fold together.
- This was done by the Grand Lake Association and a few of the Pleasant Lake Association. If Grand Lake has a problem let them take care of it. Pleasant Lake has no problem.
- Take a hard look at this 12% as too many people will not qualify.
- Let's be reasonable. Consider the Stearns County Ordinance. Stearns County is paying for it already.

Toni Honer stated that she told why the committee was formed, but did not list the people: Scott Palmer, Bill Becker, Paul Wirth, Jerry Bechtold, & Toni Honer. This was a volunteer committee who used their own time to put this together.

Jamie Thelen - 25421 Pleasant Road stated that he has a house that they want to remodel within the existing footprint. There is some wording that should be cleared up such as what remodeling of an existing house really is. This is not clearly spelled out. It indicates remodeling 50% or more of the floor plan then the ordinance kicks in. He indicated the latest version was not on web-site until last Friday. A lot of people had the old ordinance at the meeting last night. People did not know that nor did they look at again. Jim Pflapsen asked if people would remodel, he would say no.

Dave Bell is part of the Minarsky /Hoffman family, stated that he supports that we need storm water management and commented that committee work is sometimes unrewarding. He does support they are looking for the betterment of the community.

Comments/Concerns:

- The problem with the existing character of homes is that 95% of the homes are non-conforming that are there now.
- Do you feel this ordinance would impact or slow down the updating of their home? Part of it is they can't.
- A typical average lot is 12,000 square feet and as we are not dealing with much new development there is not a lot left.
- For example a 12,000 square foot lot at 12% allows 1440 square feet of total impervious surface. A typical garage is 20 x 20 = 400, a driveway could be 20' x 30' = 600 square feet. This leave 440 square feet with no sidewalk figured in.
- What triggers the ordinance on the remodeling on the inside? There is a big concern that this needs to be clarified.
- He would like to address the discussion on the Wisconsin issue. He actively was a part of the system developed in Amery. Their situation was the same as Rockville and they ended up with centralized sewer which made a big difference. This happened 10 - 12 years ago. When you disconnect the sewer system you are not polluting the groundwater. It took between 5 & 10 years to rid the pollutants to drain out of the groundwater. The lake kept on cleaning itself.
- The intakes and outlets to the two lakes are the biggest problem. They constructed a detention (nert) pond first and then into a retention pond. You would then take readings at the outlets.

- He questioned the front yard setback – 50' on Grand Lake and 100' on Pleasant Lake and why the difference. Mr. Bell was informed the setback is 100' on Pleasant Lake and 75' on Grand Lake. There is also the building line.
- Mr. Bell informed the council about a joint mound system on Little Rock Lake.
- 12% - hardship is too much to deal with and after this board is gone the new people will have to deal with the 12%.

Jane DeAustin – CMBA questioned if the city adopts its own ordinance it must be not less restrictive than the State regulations. The CMBA is made up of 600 members from all trades. She will comment on both Ordinances:

The Shoreland ordinance she feels is excessive and restrictive.

(A copy of Ms. DeAustin's comments and concerns is attached and marked Exhibit A.)

Duane Willenbring - 25123 County Road 139 stated that Leigh Lenzmeier took his thunder.

- Has there been a study on non-point source of pollution – where is it coming from?
- Inlet sediment basin.
- Concern he has are that many lots are very close to the water table. In those situations where we try to do mitigation with rain barrels, trenches, some may be impossible. You are taking private property rights and moving the goal posts.
- What is the budget impact with compliance to make sure the rain gardens are working?
- Who is going to monitor and who is going to pay for this?
- The Church is adding on so a 700' addition would trigger rain gardens.
- He asked the council to postpone adoption at this stage.

Paul Wirth stated he was a member of committee and also a resident. He thanked people for coming to meeting. The Pleasant Lake Homeowner's Association is just that and not a Lake Association. The council should recognize the committee put a lot of time into this. He urged the council to move forward somewhat in some fashion. We need to bring the information together and discuss it again.

Jerry Bechtold stated that he is a dairy farmer and has lived in this area for a long time. He has driven past those lakes and they are in damn poor condition. This ordinance is an invitation for people to take action. Be part of the solution. We are being ahead of our time. Mr. Bechtold indicated he sits on a committee for the clean water legacy act.

Scott Palmer stated Leigh made a wise suggestion to give it a year and try it out. The biggest comment is the 12% impervious and this would need language change for the 20% with some Shoreland alteration plan.

FOR THE RECORD THE FOLLOWING PEOPLE SUPPLIED E-MAILS

Dave Meyer, Jeff Hagen, Wayne Cymbaluk.

CLOSE THE PUBLIC HEARING – Motion by Member Volkmuth, second by Member Palmer, to close the public hearing at 8:19 p.m.

AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

Member Volkmuth stated there were 4 things that he heard need changing:

- 12% to 20% with mitigation – he would like to implement language allowing this.
- Remodeling – if they remodel and stay within the same footprint they should not have to come under storm water ordinance.
- How do you patrol this? Where is the fee structure?
- Are the fees not allowing us to do this? Where are those fees going to come from and how dictated to the property owner?

Member Becker indicated the 12% coverage is of concern. There is a lot of concern of when we pass on how does this stay current. The remodel portion also needs to be looked at.

Member Palmer agreed with discussion on remodeling and what triggers the ordinance. She has heard a lot of concern of what happens when the council changes. Quite frankly the next council can change any ordinance in the city. She urged the council to go back and remember there was a lot of focus on the lot coverage. There are other things in the ordinance that we didn't even talk about. This is why we began the process. Rather than not putting anything in place she would like to see some language on the 12 to 20% with approved mitigation plan.

Mayor Herberg stated he concurs with what was said. He questioned if we are going to require a permit under storm water. Why are we permitting something that the state already is doing?

Member Pflapsen stated there are too many things to pass with small tweaks. The time lines CMBA brought up should be looked at. He remembers the failed development near Grand Lake a few years ago. A group was seeking the help from city to ensure long term improvement on Grand Lake. A lot of hard work was done based on what was right for the community.

4 or 5 issues have been pointed out by the CMBA and others. He would support 25% lot coverage and would like to pursue the inlets, but that is not a part of this ordinance. The Ag based community needs to recognize they need to participate. Member Pflapsen can't support what was presented to pass tonight and would like to send them back to the committee. This is the normal process and this is not a failure to the committee.

Motion by Member Pflapsen, second by Mayor Herberg, to send the ordinances back to the committee, take the minutes of this meeting and other comments received for inclusion in the discussion, further include the council in the meetings, and further still schedule a public hearing for 9/17/08 – 6:30 p.m. In addition establish a trial period of 24 months.

Member Volkmuth stated that a month to study is too short, but one year is too long.

Member Becker stated the interest is high and he wants it to stay there.

Member Ahles stated that the committee that has worked on this did a great job. This is for future generations.

Member Simon indicated he read the ordinances and had the same key issues. They are good ordinances, but what Leigh Lenzmeier said made sense, maybe we are going too fast.

Scott Palmer asked the council to address a moratorium if they felt this could not be accomplished in two months.

***AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth
Motion passed on a 7 to 0 vote.***

Paul Wirth stated that we have 3 months use the \$60,000 grant from Stearns County that wasn't used for a storm water project. He would like to spend it on the inlet project. Mayor Herberg indicated that is what the money is being used for.

Member Becker asked is it possible to put the Moratorium back on until this is passed?

Jim Mogen explained the time from being about one month out in adopting the ordinance in order to put a moratorium on. The Council can pass a resolution tonight and pass the ordinance later, but the council needs to make findings that there is some study being done that affects the zoning ordinance that you feel a development may be a detriment. No action was taken.

SENATOR TARRYL CLARK commended the people on what they are doing in looking at the Shoreland and Storm Water ordinances. It is important. Areas that the legislature is working on:

- Area transportation –
- LGA – they made some progress this year changes in the formula
- JOBS and Capital Investment & the Rocori Trail – It is important the railroad issue gets worked out. With the gas issues the trail is important.

- St. Cloud State University & Civic Center renovations
- Rockville's LGA will continue to be looked at.

OPEN FORUM

Dave Volkmuth – 25754 Lake Road, asked does the city do anything to approve the Graniteman Triathlon event. The Sheriff should be patrolling this better as they blocked the whole road and his wife could not get through. *(This will be reported to the organization leaders for change next year).*

Jeff Hagen asked the council to have a public informational meeting with the citizens so they can look at the proposed ordinances informally one month before the hearing.

Jerry Bechtold reported a point of information that the Mueller's on Grand Lake are using this mitigation process as part of their project.

Duane Willenbring – 25123 County Road 139 stated that he can attest to what Dave Volkmuth said about the Graniteman Triathlon. His daughter had an accident and he couldn't get through the crowd.

He asked if there was a target date for next meeting as the CMBA would like to participate. It was determined that the next meeting would be held on 7/24/08 – 8:00 a.m. – City Hall.

ADJOURNMENT– *Motion by Member Volkmuth, second by Member Simon, to adjourn the meeting at 8:57 p.m. Motion carried unanimously.*

**VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK**

**BRIAN HERBERG
MAYOR**