

**MINUTES OF A SPECIAL COUNCIL MEETING HELD THURSDAY, MARCH 9, 2006 –
7:00 P.M. – JOHN CLARK ELEMENTARY SCHOOL**

The meeting was called to order by Mayor Brian Herberg. Roll Call was taken and the following members were found to be present: Mayor Herberg, Council members: Jeff Hagen, Ed Karls, Lloyd Lommel, Don Simon, Vern Ahles arrived at 7:14 p.m. Absent: Greg Simones

Staff members present were: Administrator/Clerk Rena Weber, SEH Engineer Scott Hedlund, & Cynthia Smith-Strack – MDG.

Planning Commission members present were: Jerry Bechtold, Dale Borgmann, Linda Peck, Dan Hansen, & Roger Schmidt.

Others present were: Jane DeAustin, John Peck, Brian Hatten, Bill Becker, Pat Sell, Clarence Bloch, Bruce Conrad, Dave Ebnet, Jim Meinz, Lu Reif, Diane Willenbring, Tудie Hermanutz, Don Adams, Harold Rosenow, Scott Palmer, Bill Molitor & Ed Kalla.

Mayor Herberg announced that a public hearing would now be held to consider approval of Ordinance No. 2006-30 – Amending certain zoning ordinances.

Cynthia Smith-Strack- MDG was present to review changes made after the last public hearing. Refer to document dated 3/7/06 attached and marked Exhibit A.

Jerry Bechtold, Planning Commission Chair reported on the changes made through a sub-committee meeting held 3/7/06. Refer to document dated 3/7/06 and marked Exhibit B.

Public Hearing –

Bill Becker – 25844 Lake Road, suggested the Council table action from this public hearing due to all the changes.

Don Adams – Stearns County Environmental Services Director, indicated he had a number of comments:

- An environmental preservation ordinance is a step forward. You encourage development, but do so in an appropriate manner. Biological survey information is available at Stearns County.
- Subdivision 3 Definitions #5a relates to 350 cubic yards of soil. For a vast majority of excavators it is more common to have a ten yard dump truck so 35 loads @ 10 yards or 2,000 cy is quite a step. This should be covered by Storm Water Permit Plan.
- Subdivision 3 Definitions #A9 regarding significant tree. Don Adams asked if you take this out how do you determine what is significant.
- Subdivision 4 B4 states that prior to any grading, all diseased and hazardous trees and/or invasive vegetative species of the subject property shall be removed from the property. Don Adams asked how practical would this be before any development of the property
- Subdivision 6C Exemptions 1 states that any portion of property regulated by any of the following: Floodplain management standards, Shoreland management standards and/or activities regulated by the Wetland Conservation Act. This would be covered under Stearns County Environmental Services.
- Don Adams suggested that the City might want to put in some provision that gives the city authority to restrict the time of year when tree grading and, grubbing can be done.
- Manufactured Home Section – Don Adams suggested we compare this ordinance to the Stearns County ordinance as they are the licensing authority.
- We should really include a definition of what an attached structure is as residents have been rather creative in their interpretation. We should make sure they are sharing a common wall.

Scott Palmer – 21108 Fowler Road, suggested the Council wait until they see a good copy to know what they are dealing with. In regards to the 350 cubic yards to 2000 cubic yards, he is trying to imagine that 200 dump trucks is a lot of work. Scott Palmer did send a copy of the proposed ordinance to Grand Lake Assn. members for their comment. In summary the ordinance will not stop development, but will create a process. It will require developers to prepare before they present a concept plan and make this an attractive place to live and avoid what happened in Sartell. Scott also indicated that this is very compatible with the comp plan and he support it.

One specific thing is that the aerial photo should depict the area surrounding the project and that a Resource Management Plan should be required.

Dr. Bixby was advocating the use of GIS for environmentally sensitive areas. In 1995 Dr. Bixby had advised the township to require this type of ordinance.

John Peck – 12229 Sauk River Road, voiced concern that things are being watered down. He would like to see this all in context. He also thinks it is virtually impossible to wipe out all invasive species. Developers would like to see uniformity. This has worked in St. Cloud. Specific trees do add value to the community.

Mayor Herberg indicated that moving 2000 cy is the basic work done in building a house. This proposed change is moving towards the developers being required to abide by the ordinance, not the single family home owner. In regards to 450 square feet of soil being disturbed and a landscaping plan being required it does not take very much earth moving before a landscaping plan would be desired.

Bruce Conrad – 1138 Hubert Lane, stated that the sign ordinance was put together in a hurry and asked if there is a need to move this through very quickly.

Bruce Conrad also questioned B-2 General Business District Subdivision 2 and the need to restrict industrial business to 35,000 square feet. Cynthia Smith-Strack explained that there was concern of a big box business coming into the central business district. Commercial wholesale does not apply to industrial uses.

Linda Peck – 12229 Sauk River Road, voiced concern that a lot of other information was discussed tonight that we can't even reference and she does agree that no decisions should be made tonight. Concerns of what she heard are:

- 1) Loss of protection for forested areas – because we do have wetlands.
- 2) She did call Bauerly Brothers who informed her that it is common to have 15 cu yards in a dump truck and it would take 23 trucks to move 250 yards. It depends on where the soil is being moved and what is being leveled. She is hesitant to changing it from 350 cy.
- 3) Experts on rare species – experts on resources are missing on city staff. St. Cloud brings in experts.
- 4) St. Cloud does not require a replacement plan when 350 square feet is removed. That is true, but they have a whole different process. That is not what we are here to discuss tonight. We are adopting an ordinance to fit our area.

Jerry Bechtold did add the committee looked at deficiencies and have tried to remedy what was missing. Intent and purpose should be separated according to Matt Glassmann. The Committee feels that we need an EDT (Environmental Development Team). Jerry Bechtold reported the committee discussed that this ordinance be for developers. He does not see where solar panels are allowed. Our present ordinance requires a landscaping plan and he added that just a statement is needed and the team would look at what would be required. St. Cloud has had 10 years of development. Discussion was held that we should get the St. Cloud City ordinance and re-write our ordinance to match theirs. Incorporate a lot of what they have as it is technically sound, fair and legal.

Mayor Herberg explained what the EDT does and who it is made up of: 2 developer representatives, 2 environmentalists, and 3 staff.

Duane Willenbring – Rena Weber read his letter into the public record.

Jane DeAustin – CMBA stated that she lives in rural Sauk Rapids; she sits with Linda Peck on a panel in Sartell that is drafting the ordinance. There is a difference for Sartell, and difference for St. Cloud. Ms. DeAustin had questions regarding:

- 1) Definition and reference to removal of 10 percent or more of significant trees. Where is this coming from or is it an arbitrary number.
- 2) Site plan, natural resources management plan and restoration plan – how does this all come together and where does the requirement for the SWPP plan come into play? Have a copy of the SWPP plan provided to the city. Ms. DeAustin suggested we streamline it.
- 3) In going back to Sartell and St. Cloud ordinances, it was a slow process at first, but a good process now.
- 4) She looks forward to seeing the latest version of the ordinance.

Jerry Tippelt, Planning Commission Member, stated that he has heard a lot about Sartell and asked what would happen with that land? Any construction in that area would have driven the eagle away. Linda Peck stated that she is an eagle expert and an Eagles nest on property raises a red flag. What you try to do is have a plan that balances nature and development so there is a valid economic return to the property owner. You can do things around eagles. For instance in Eagle Park the object of the trail is that it does not go under the tree and you look at the eagles through a viewing point. The woods were looked at as an obstacle course in Sartell – it's all in planning.

Scott Palmer – 21108 Fowler Road stated there are deficiencies in the proposed ordinance and asked that the council define a process to move forward.

Jerry Bechtold suggested that the sub-committee bring a new ordinance back to the council during the 1st week in June. That gives 60 days for people to review it and come back with a revised ordinance. He would like to see more people invited to hear Matt Glassman.

Member Simon stated this is not a rush issue and we need to get it right. 90 days is not too long.

Mayor Herberg voiced concern of adopting a portion of the ordinance especially the Shoreland Ordinance. Mayor Herberg voiced concern that he is getting calls asking how the moratorium is lifted.

Scott Palmer – 21108 Fowler Road reported that the Shoreland sub-committee is meeting on 3/23/06 – 9:00 a.m. – Upstairs City Hall.

Bruce Conrad – Business Association President stated they should meet and review these ordinances. The RBA should have some side meetings on whatever is important at the same time. They need to discuss in what parts of town does the tree ordinance make sense? You can have a broad zoning and future councils will be looking at a lot of variances, but you need to have a starting place.

Scott Hedlund stated that from an engineering standpoint he is in favor of the EDT.

Member Hagen questioned the history of the proposed ordinance. Cynthia stated that an effort was made to put something in place for the environment that would be simple. This proposed ordinance is not from St. Cloud, but is used in the metropolitan area.

Member Hagen asked if the ordinance sub-committee has thought about the process and at what stages are the requirements made? Cynthia stated that this ordinance puts the burden on the developer and would kick in when typical subdivisions, PUDS, or any time a SWPP is required.

Member Hagen asked what group or entity would the EDT be? Cynthia Smith-Strack indicated this would be something you would consider when a request comes in. If an EAW comes in then this would not come into play. Someone can come in and request an EAW.

Member Hagen suggested that we do a revised plan. Cynthia indicated that if you want to do an ordinance like St. Cloud then we need to get another consultant.

Member Lommel asked that we present this ordinance so that it can be understood. There are no page numbers or dates. Member Lommel further suggested that we don't wait for 90 days and it can be reviewed on an on-going basis.

Member Ahles suggested we also look at what St. Cloud and Sartell are doing.

Mayor Herberg suggested that we have the sub-committee meet again and review the discussion tonight. A cleaned up version of this should be on the web-site along with the original.

Motion by Member Hagen, second by Mayor Herberg, to table action on the ordinance as presented, continue the public hearing to 4/12/06, have the sub-committee review the proposed changes with the Planning Commission and further to bring back a new proposal to a special meeting on 4/12/06.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simon.

Motion passed on a 6 to 0 vote.

ADJOURNMENT – Motion by Member Simon, second by Member Ahles, to adjourn the meeting at 9:10 p.m. Motion carried unanimously.

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

**BRIAN HERBERG
MAYOR**