

MINUTES OF A SPECIAL CITY COUNCIL MEETING HELD WEDNESDAY, APRIL 12, 2006 – 7:00 P.M. – JOHN CLARK ELEMENTARY MEDIA CENTER

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: Vern Ahles, Jeff Hagen, Ed Karls, Lloyd Lommel, Don Simon, and Greg Simones. Absent: None

Planning Commission member present was: Jerry Bechtold.

Others present were: Vern Salzl, Bill Molitor, Duane Willenbring, & Julie Zimmerman.

Mayor Herberg announced that the special meeting had been called for the purpose of reviewing ordinance No. 2006-30 – Amending certain portions of the city Zoning Ordinance and an ordinance Creating Environmental Preservation standards.

Administrator/Clerk Rena Weber reviewed both ordinances citing the changes made and reviewed by both the Planning Commission and City Council. The Environmental Preservation ordinance at this point has been separated from the full document.

ORDINANCE NO. 2006-30 – AMENDING CERTAIN ZONING ORDINANCE REQUIREMENTS

Rena Weber reviewed the ordinance page by page citing the changes that were made included the concerns listed by Don Adams-Stearns County Environmental Services Director as well as comments made by citizens. A further review was done incorporating the changes suggested by the Planning Commission.

Duane Willenbring asked if we addressed Don Adams issue with Planning Commission review of the changes to the ordinance. Jerry Bechtold reported that Mr. Adams was not aware of the review that had occurred in that the Planning Commission had reviewed the ordinance, but did not make a recommendation on the Environmental Preservation portion. Jerry Bechtold reported that a sub-committee was established that reviewed this further. *It should be noted that the full City Council and Planning Commission reviewed both ordinances on 04/11/06.*

Bill Molitor asked if these ordinances were developer friendly. Mayor Herberg indicated that there probably is not any ordinance that is completely developer friendly.

Vern Salzl voiced concern that the taxes on his business are too great.

Motion by Member Ahles, second by Member Simon, to recess the public hearing at 7:55 p.m.

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

Motion passed on a 7 to 0 vote.

Member Simon introduced the following ordinance and moved for its adoption:

ORDINANCE NO. 2006-30

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY ZONING ORDINANCE.

(A complete copy of said Ordinance is hereby attached and marked Exhibit A.)

AYES: Ahles, Hagen, Herberg, Lommel, Simon, & Simones

NAYS: Karls

Motion passed on a 6 to 1 vote

ORDINANCE NO. 2005-30A – ENVIRONMENTAL PRESERVATION STANDARDS

Motion by Member Simones, second by Member Simon, to recess and reconvene the special council meeting to consider adoption of Environmental Preservation Standards.

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

Motion passed on a 7 to 0 vote.

Rena Weber reviewed the ordinance line by line citing the proposed changes by the sub-committee and also explained the history of where this ordinance has evolved.

Vern Salzl asked if the citizens are so concerned where are they?

Mayor Herberg indicated that he is not so sure that Rockville needs this much of an ordinance.

Member Hagen voiced concern on page 4 #10. Slope "Steep slope areas shall be defined as land areas that have a grade of 12% percent or more and a horizontal run of 50 feet or more". Member Hagen's concern regarded the steeper the slope and if it is disturbed, the more soil erosion there will be. Maybe this should be 30 feet or more.

Jerry Bechtold reported that this is taken from Shoreland ordinance.

Member Simones indicated that both must be affected and it seems like it would be a 6' drop in 50 feet.

Discussion was held regarding whether or not it is the width or depth. Rena Weber will clarify this with Don Adams.

Duane Willenbring – questioned page 8 – Sub. 5 A2 – deletion of "Acceptance of donation of the environmentally significant/sensitive area in lieu of park dedication and/or fee or a portion thereof".

Mayor Herberg indicated that if the city can't do anything with the land neither can the developer. Discussion was held regarding the value of wetlands.

Jerry Bechtold reported that this line was deleted as A3 says the same thing.

Duane Willenbring asked if the EDT would have taxpayer on the team along with the environmental experts. Duane Willenbring also asked if these would be volunteers.

Rena Weber read the definition of EDT from the St. Cloud ordinance. It was determined that this verbiage would be included in the final copy.

Motion by Member Lommel, second by Member Hagen, to close the public hearing at 8:59 p.m.

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

Motion passed on a 7 to 0 vote.

Member Simones stated he would like to see the clean copy before we approve and also indicated that this not effective before 6/1/06 in order to get a list of names for the team together.

Motion by Member Simones, second by Mayor Herberg, to table action until all changes have been implemented into a final copy.

AYES: Ahles, Hagen, Herberg, Simon, & Simones

NAYS: Karls, & Lommel

Motion passed on a 5 to 2 vote.

Rena Weber reported that two changes were pointed out to her and asked for council approval to amend Ordinance No 2006-30 due to typographical error.

Page 6 - #6 – refers to areas abutting 3rd Street N – delete as this might have been Waite Park language

Page 7 #s i. - refers to 110% and should be changed to 100%. Rena Weber reported that she referred to any reference of 110% being changed to 100% was stated earlier in the hearing process.

Duane Willenbring voiced concern that these changes would need a new public hearing and later retracted his statement saying he had no issue with the changes.

ADJOURNMENT – Motion by Member Ahles, second by Member Simones, to adjourn the meeting at 9:59 p.m. Motion carried unanimously.

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

**BRIAN HERBERG
MAYOR**