

CITY OF ROCKVILLE PLANNING COMMISSION MINUTES

JUNE 13, 2006 Time: 7:00 p.m.

Place: New City Hall 229 Broadway Street East Rockville

The meeting was called to order at 7:00 p.m. by Chairman Jerry Bechtold.

Roll Call: Present: Chair Bechtold, Toni Honer, Roger Schmidt, Dale Borgmann, Sue Palmer, Jerry Tippelt, Vern Ahles (liaison with city council).

Staff: Rena Weber (City Administrator), Judy Neu (Administrative Assistant), Jim Mogen (City Attorney), Scott Hedlund (City Engineer)

Approval of Agenda: Moved, seconded and passed that the agenda be approved as presented.

Approval of Minutes: of May 23, 2006: Moved, seconded and passed these minutes as recorded, correcting a small type error changing a word “buy” to “but”.

New Business:

a) Public Hearing for Peter Walz and Dar-Mar Companies Preliminary Plat and Rezoning: Jim Mogen addressed that the applicants have received notice that the survey as presented can not serve as a preliminary plat, so he recommended that if we do consider this we make sure it is contingent upon receiving a full preliminary plat. Scott Hedlund addressed septic issues with Mr. Voigt. Mr. Voigt feels that there is going to be such a small amount of sewer used that he should not be forced to attach to city sewer and water services. Jeff Hagen addressed the commission stating that we have a industrial park that is all set up with city services and correct buffers and set backs. He stated that we can not cause a financial burden on someone who has followed the rules and set up a “commercially zoned” area, in which this would be acceptable use. Duane Willenbring addressed the commission and took the opposite opinion; he thought that this would be an entirely acceptable use for this land. Mr. Willenbring also addressed that if building was allowed a temporary septic could be used until city services continue down 230th street. Charles Walz addressed 230th street and if that would need to be improved because of the bus service, his other concerns were his children riding the bus, and about bus servicing and timing.

Motion made and seconded to close the public hearing, motion withdrawn. Motion made to continue the public hearing. After some comments from the city attorney, the motion made to close the public hearing was reinstated. Motion seconded. Motion Passed.

Comments made by commission members were: concerns that part of the 19.4 acres are in wetlands and if we rezone the entire piece we will have a landlocked out lot in the wetland. Comments were also made about septic and water services and if we sneak out enough for what small amount of water may be used now, but if that property would ever be sold what would happen. Motion made to deny rezoning to industrial, motion failed for the lack of a second. Motion made to rezone that area to industrial. Roll call vote called: motion passed on a 3 to 2 vote. Motion made that if the applicant presents a

preliminary plat that is acceptable of the entire parcel and addresses all of the city attorneys and city engineers concerns. Motion Passed.

b) Public Hearing for Dan and Kathy Hansen- Conditional Use Permit: For Mining/Extracting Uses:

Member Dan Hansen's chair was vacated for this presentation. He addressed the commission about what he would like to do. He wants to take over where the Bauerly Brothers have left off in mining the gravel that is there. There is a lot of gravel that needs to be sold before he can move forward with the whole project. He would then put black dirt down and allow for water to fill in up to an approximate 6 foot level, he would also landscape in an attractive manner. Environmental Services would be very involved with every step of the project. Discussion was also presented about the condition of the road (230th Street). This property is in the well head protection district. Vern addressed a concern of going down too deep and hitting the aquifers. Jerry commented that Environmental services would not have approved this if it would interfere with any other wells or water services. Mr. Mogen commented that we can not think of this as creating a "wetland" instead he is vacating land and it would be up to environmental services if they give him "wetland banking credits". That part is not the responsibility of the city. Motion made to defer the decision until the applicant returns with a more detailed request. Motion Passed unanimously. Duane Willenbring addressed the commission about a past issue and wanted to know if there was a way to promise enforcement of reclamation. Mr. Mogen assured that there is a monetary deposit made with the city to assure reclamation is enforced. Motion made and seconded to keep the public hearing open. Motion passed unanimously.

c) Cont. public hearing- Jacobs's divide-preliminary plat: Mr. Kron represented Mr. Jacobs; Mr. Mogen asked that this be put on the agenda so that we did not exceed the time limits on this matter. Mr. Mogen asked Mr. Kron if they had found another parcel to encumber 35 additional acres that could not be built on. Mr. Kron replied they have not. It has been a practice of the city in the past to allow subdividing. But under close review of our current ordinance, this is no longer allowed. Mr. Mogen cautioned the planning commission from looking too far into the past. We need to abide by past decisions and move forward. Mr. Kron also asked if there was any way for his client to be reimbursed any of the money that he has into this project since he is in a catch 22 situation. Mr. Mogen requested: Findings that on parcels of less than 40 acres, the project must secure an encumbrance of up to the 40 acres to provide for the minimum in the Sp-1 district. As per the current ordinance. Motion Made and Seconded to deny request due to applicant not being able to secure proper encumbrances.

Adjournment: Motion made and Seconded at 8:54 to Adjourn, Motion passed unanimously.

Chairman _____ Rec. Sec. _____