

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD TUESDAY,
SEPTEMBER 19, 2006 – 7:00 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Jerry Bechtold. Roll call was taken and the following members were found to be present: Chair Bechtold, Commission members: Dan Hansen, Toni Honer, Susan Palmer, Roger Schmidt, Dale Borgmann, Jerry Tippelt and Vern Ahles liaison.

Staff members present were: Administrator/Clerk Rena Weber, Administrative Assistant Judy Neu, and Engineer Scott Hedlund.

Others present were: Ron & Mary Kron, Danny Kron & Joyce Hansen.

APPROVAL OF AGENDA: Jerry Bechtold asked approval to add discussion on Prairie Park Stormwater to the agenda this evening.

Motion by Member Honer, second by Member Borgmann, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES 08/22/06 –

Motion by Member Borgmann, second by Member Honer to dispense with the reading of the minutes. Motion carried unanimously.

Motion by Member Schmidt, second by Member Honer, to approve the minutes of 8/22/06 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING: R & M KRON ADDITION-FINAL PLAT- Chair Bechtold announced that a public hearing would now be held to consider approval of a final plat to be known as R & M Kron Addition. Rena Weber reported that Ron & Mary Kron had presented the declaration of restriction for recording and that the park dedication fee has been paid.

LEGAL DESCRIPTION: Said plat has a legal description of: The N ½ of the SW ¼ of Section 20, Township 123, Range 29, Stearns County, Minnesota, EXCEPT the North 500.00 feet of the West 871.20 feet thereof

AND

The North 10.07 acres of the E of the SW ¼ of the SW ¼ of Section 20, Township 123, Range 29, Stearns County, Minnesota,
Subject to easements of record.

Subject to the rights of the public in 123rd Avenue.

Containing 81.09 acres, more or less

NEW LEGAL DESCRIPTION: LOTS 1 & 2, BLOCK 1, R & M KRON ADDITION

Motion by Chair Bechtold, second by Member Hansen, to recommend approval of the final plat to be known as R & M KRON ADDITION as presented. Motion carried unanimously.

PUBLIC HEARING: BOTZ ESTATES-FINAL PLAT- Chair Bechtold announced that a public hearing would now be held to consider approval of a final plat to be known as Botz Estates. Rena Weber reported that James Botz has not paid the park dedication fee, but that the Stearns County Highway Department has submitted a letter regarding the plat and which will be addressed.

LEGAL DESCRIPTION: Said plat has a legal description of: The South 249.00 feet of the North 909.00 feet of the East 165.00 feet of the Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼) of Section Seventeen (17), in Township One Hundred Twenty-three (123) North of Range Twenty-nine (29) West, LESS AND EXCEPT the North 66.00 feet thereof reserved for public road easement, and subject to public road over the East 33.00 feet thereof.

NEW LEGAL DESCRIPTION: LOTS 1 & 2, BLOCK 1, BOTZ ESTATES

Motion by Member Schmidt, second by Member Borgmann, to recommend approval of the final plat to be known as Botz Estates as presented. Motion carried unanimously.

JERRY BECHTOLD: COMPOSTING FOR MANURE (MORE MANURE STORAGE AREA)-

Jerry Bechtold stepped down from the dais and Dan Hansen assumed the Chairs position to explain what it is that his farming operations would like to do. Animal composting is something new and Jerry Bechtold is requesting approval to add on to his manure storage area to do this. This is a demonstration project and does not require a public hearing, but does require the approval of the Planning Commission. Questions were asked about the time it takes to decompose.

Motion by Member Honer, second by Member Palmer, that Jerry Bechtold presented his proposed animal compost project to the Planning Commission.

PUBLIC HEARING: DAN HANSEN-VARIANCE REQUEST- Dan Hansen stepped down from the dais and presented his case requesting a variance from the 30' setback requirements to construct a wetland bank by mining the area first.

LEGAL DESCRIPTION: The address of the property is: near Highway 23 and Rausch Lake Road with a legal description of: That part of the Southwest Quarter of the Southeast Quarter and that part of the Southeast Quarter of the Southwest Quarter, both in Section 16, Township 123 North, Range 29 West, Stearns County, Minnesota lying southerly of the south line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-47 and MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-48, according to the recorded plats thereof, said Stearns County.

A VARIANCE IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:

Zoning Code, Ord. 2003-04, Sec. 9, Subd. 13 Mining/Extractive Uses
Zoning Code, Ord. 2003-04, Sec. 27 Conditional Use Permits,
Zoning Code, Ord. 2003-04, Sec. 28 Interim Use Permits

Scott Hedlund explained that he has met with the property owners and cited the conditions that would need to be met in order to save the integrity of the roadway. Scott further explained that the city would be requiring an additional 17' of roadway in the future and that this is being asked in exchange for the variance approval.

Dan Hansen indicated that he first heard about the 17' right-of-way issue and asks that this be taken out of the equation tonight.

Dan Hansen indicated that he needs to excavate in the setback area as there is 6,000 to 7,000 yards that was stockpiled in this area when Highway 23 was constructed. They wish to excavate this and the underlying gravel to create the wetland. They wish to mine the gravel and maintain the slopes as discussed with the city engineer.

Jerry Tippelt asked if this will affect the cost to improve 230th Street. Scott Hedlund explained that it will as this is a rural section of roadway that requires a deep ditch and it will cost more to widen the road at the time it is done. The water from the roadway will need to be contained in the ditch (right-of-way).

Dan Hansen indicated that he would not donate the 17'.

Susan Palmer indicated that the black dirt could be moved and it would not affect the wetlands.

Jerry Tippelt asked if the reason for this request is more slope. Dan Hansen indicated that it is, but also there would be more extraction for revenue purposes.

Motion by Member Schmidt, second by Member Honer, to close the public hearing at 7:53 p.m. Motion carried unanimously.

A review of the findings of fact was done.

Question 1 6 yes
Question 2 6 yes
Question 3 5 yes 1 no
Question 4 6 no
Question 5 6 no
Question 6 6 yes

Motion by Member Palmer, second by Member Honer, to approve the granting of a variance to mine the 13' closest to the proposed wetland and to not mine within the 17' closest to the city right-of-way and further that nothing is done with the wetland creation that will affect the future improvement of the road such as permits from the DNR, Stearns County, US Army Corp of Engineer, or the wetland credit bank. Said motion is to also include adoption of the findings of fact as hereby attached and marked Exhibit A

OLD BUSINESS

DAN HANSEN- INTERIM USE PERMIT- Chair Bechtold announced that consideration would now be given to consideration of the Interim Use Permit for Dan Hansen. Interim Use Permit File #06-01 was reviewed.

#9 should be revised to 13'.

Motion by Chair Bechtold, second by Member Borgmann, to approve the Interim Use Permit 06-01 as amended. A copy of the Interim Use Permit is hereby attached and marked Exhibit B. Motion carried unanimously.

PRAIRIE INDUSTRIAL PARK – STORM WATER PLAN – Jerry Bechtold informed the Planning Commission that when Prairie Industrial Park was being developed (pre-consolidation) MNDOT and Stearns County had made an agreement with Rockville Township that due to the soil conditions that the minimum amount of blacktop is used and impervious surface be preserved.

Discussion was held regarding whether or not we want to review the ordinance to see if it should be changed to require some other surface that will work.

Scott Hedlund will review and make a recommendation as to how this could be changed.

Dale Borgmann reported that he is getting calls about the two new homes and the storage shed that was built around Pleasant Lake. Dale would like to see these issues brought before the Planning Commission first.

Discussion was held regarding the people who abide by the law and those that don't and what is the penalty/punishment initiative on the part of the city. Cass County issues a court order and things get changed immediately.

Rena Weber suggested that copies of staff report and the plans should be made available to Planning Commission members for their file.

WORKING SESSION – Roger Schmidt asked if a working session is needed this month. Next meeting is October 10th. No meeting was scheduled.

Motion by Member Schmidt, second by Member Borgmann, to schedule a working session on 11/28/06 to discuss: sign ordinance, transitional zone, PIP. Motion carried unanimously.

ADJOURNMENT – ***Motion by Member Schmidt, second by Member Honer, to adjourn the meeting at 8:53 p.m. Motion carried unanimously.***

VERENA M. WEBER-CMC
ZONING ADMINISTRATOR

JERRY BECHTOLD
CHAIR