

**Emergency City Council Meeting
With DNR, City Engineer
Thursday, April 20, 2006
2:00 PM**

I. CALL TO ORDER

Called to order at 2:05 PM

II. ROLL CALL

Introduction of those present: Joy Bertsinger, Jackie Hall, Tom Novak, Paul Pendergrass, Joe Palen, Corey Hansen, MN DNR Waters, Dick Nelson, (concerned citizen), Katie Dudley, (Lake Shady Restoration Committee)

III. SUMMARY OF EVENTS

Mayor Bertsinger provided a summary of events (attached) that led up to this meeting.

IV. DISCUSSIONS W/ DNR & CITY ENGINEER

The City of Oronoco has submitted letter from attorney Canan requesting that MnDOT delay project. Corey's interpretation is that MnDOT needs to comply with the City's Shoreland Ordinance. If the City is comfortable with mitigation, would MnDOT have to go through the mitigation process? Corey Hansen said that the State can forego conditional use permits if the City is happy with what they are doing. But, if it was known about this previously, they would've had to go through the process. Corey Hansen: DNR signed off on plan as part of the mitigation. Their permit proceeded with fish & wildlife personnel (no concerns); at the time, Bob Slater put the mitigation plan together and Corey Hansen asked if they considered mitigation off site, and MnDOT wanted to do it on site because there would be additional costs. There wasn't opposition to it at the time. Noise wasn't a part of his permit. Katie Dudley spoke to Bob Slater and said that the trees there weren't dense enough to provide a natural noise barrier, and the new surface may make the vehicle noise quieter. Dick Nelson, noise factor a daily situation. Open spot is where noise is coming from. Trees there now, are doing good job. He suggested putting up a 6 inch chain link fence (from 4') and plant ivy on it; aesthetics would change to a nice green strip and absorb some of the noise. (Provided previous success story with this approach from a home in Wisconsin). MnDOT is stating that they couldn't leave a buffer of trees. Corey Hansen thought maybe they are talking about the acreage. In order to meet their acreage requirements to mitigation, they have to take the entire south peninsula. Even if they only do an acre, there are areas out there that they can mitigate elsewhere. MnDOT has their own bank, and is an option. Still have to go through the City's Ordinance though. City can still request they go elsewhere. Corey would be happy to work with them without stopping the project. The watershed is in rough shape. It won't fix the water quality. Don't want to see clearing trees and bare soil

anywhere. Nelson stated that it's not necessary to mitigate on the peninsula's. DNR flow of river, ice chunks in middle all flows to south in the spring, and catches channel on the south end, and trees planted on south peninsula, ice will cut those trees off. If MnDOT gets fill from somewhere else, do they have to be approved from somewhere else? DNR process relies on MnDOT engineers to put the right materials that need to go in there. There is no permit process they have to go through. Specific type of fill, but it's not a permit that would be any different than what they have now. Joe Palen significant cost savings to MnDOT to have that fill right there. From an engineering economics standpoint to mine those peninsulas and that material (mitigation and mining at the same time in the same area-significant savings). If unable to use the fill, LHS could claim increase costs to the project, and could be liability to the City, as well as delays in the project. It's a very serious issue (Joe Palen), make sure the attorney is involved. Why isn't MnDOT required to come to City for their Ordinance? Not always clear as to process and who initiates, and attorneys should be involved. Everything will hinge on the City's stance. DNR will look at impacts of the plan, but ultimately City decision. It fits with DNR mitigation, but the process is what has failed (City's Shoreland Ordinance). This area created, will it help with flooding. No, it's not part of flood mitigation. The idea behind this mitigation is so it can handle more water and the vegetation can handle inundations of water, and remain stable. Are trees there ones that can handle the recent flooding? Some are nice, some not desirable. Katie Dudley been through the areas, but MnDOT has saved the desirable area on the north peninsula. Buckthorn and box elder, not desirable; but the oaks are. She was concerned with what they will be doing with the trees that they're taking out. Randy's Logging to come and harvest bigger trees (contractor will reap the money). Joe Palen said that MnDOT gave LHS orders to deforest only the bridge construction, not in mitigation areas. Katie Dudley went to biomass workshop, logger coming through is good; peninsulas with homes have homes that have been there, metal in the area could be a liability. Nice plan to put in native plants and would have to keep a close eye on it. Get seeds from a wide radius. Steve W. is on site to keep sediment control and will be at Leadership Committee. If all this will happen, the City can ask for some older trees. Joe Palen, discussion with Steve W. and comment that specifically the State was discussing trees with seedlings – realistically 1" diameter trees (larger tree and root system established from dry to wet environment may not do well). However, seedlings are a subjective word. They would be 5' -6' high trees. Also, they are contemplating a series of evergreen rows (probably in the ROW, not as part of the mitigation). And seemed to him that the evergreens are more noise effective, and probably larger. No one wants to see the project delayed. Nelson suggested that the plan be signed off by our City attorney. Meeting with MnDOT will be tomorrow sometime. Corey Hansen asked if they submitted a specific mitigation plan (NO, they have not). Hall addressed Joe Palen, violations on Shoreland Ordinance. Ordinance requires contractor to permit with the City their proposal (if in violation-they have to submit for a variance). If MnDOT and City are in agreement, as long as their meeting Shoreland ordinance, they don't need to have a permit process. City may make considerations for highways. There's not an alternative for building the north bound lane, but there would be for the mitigation. Can't we ask them how much the material under the trees/peninsula...they know value of it (Joe Palen). Hall asked if this meets the shoreland ordinance. And, there will be an emergency council meeting at 9:30PM closed session tonight. The meeting at 2:00PM today was for gaining facts on this project with people that have more expertise with this area. What does MnDOT deal with septics and

wells to protect waters? They have to grout the wells (well abandonment procedure); septic tanks are pumped and removed and remained abandoned; if land mined it will be demolished and pulled out. Bertsinger asked Dick Nelson if City says sites being mitigated and worked with MnDOT and got taller evergreens planted and discussed fence idea with vine (Joe Palen; trouble with vines on fence), is that a viable solution to this. Dick Nelson would look at the solution. A good start in the right direction today, and shouldn't take long to complete. Just want to get the best for Oronoco residents now and for the future. Council wants to mitigate it for the best interest of the city. Corey Hansen suggested that when meeting with MnDOT; ask them what the actual costs are for MnDOT? Summarize concerns and questions so when meeting with MnDOT. Also need to ask as part of monitoring, the Lake is so shallow, will this vegetation cause plants to take over the Lake and it will be grassland. Katie Dudley, natives don't spread as much.

- 1) Corey Hansen opinion that the mitigation is not detrimental to the Lake; it is not a flood mitigation, as long as the vegetation is stabilized.
- 2) Replanted trees with a minimal 1" diameter,
- 3) grasses that will not over take the rest of the lake ,
- 4) being part of the monitoring plan, and have an annual report to the City for their approval, {{Corey Hansen, the list from MnDOT is a standard mix of seed}}
- 5) As big as possible evergreen placement along the right-of-way in a couple of staggered rows.

Joe suggested that the City just say they want to be a part of the restoration process. The City would say that they don't agree with mitigation process. Novak how much money will they be saving .

V. ADJOURNEMENT

Bertsinger motioned to adjourn, Novak second; All in favor, motion carried, adjourn at 3:30pm.

Respectfully Submitted:


Joe Bertsinger, Mayor


Cheryl Nymann, City Clerk/Treasurer