CITY OF ORONOCO
SPECIAL CITY COUNCIL MEETING
MINUTES
April 27, 2005, 7:45PM

I. CALL TO ORDER

Mayor Joy Bertsinger called the meeting to order at 8:11PM. This meeting is to consider the River Park Subdivision Preliminary Plat.

II. ATTENDANCE

Present: Joy Bertsinger, Tom Novak, Kevin McDermott, Clerk Nymann, Steve Voigt, Joe Lonzo, Steve Jech, Dan Zemke, Paul Pendergrass, Brian Breider, Rick Mattson, and John Hoxmeier

Absent: Council Members Jackie Hall & Scott Keigley

II. RIVER PARK PRELIMINARY PLAT

Bertsinger reviewed the meeting which she Kevin and Cheryl attended with DNR, Jechs, McGhie & Betts, and Steve Voigt. The DNR had two issues, clustering and preservation of open space. City Hall received a letter from the DNR with their position on the plat, and also received were comments from City Attorney Tom Canan. Bertsinger asked if the plat can become a jointly shared open space. Joe Lonzo stated that the development wouldn't work because the lots would not be as valuable, and their way the individual owned property would be more protective of the dedicated easement. He stated that the common space would be more valuable if it is individually owned. Novak didn't think an association would work either. It's better to have everyone involved and belong to a conservation committee because it's for their property. Bertsinger reviewed a list of questions and comments regarding the covenants which contains the easement and dedication language, and asked Joe to comment on them. Joe handed out the newly revised covenant agreement which answered Joy's questions. Paul Pendergrass questioned the Sign section. Steve Voigt stated that the plat as it's laid out (with an aquatic easement, preservation of land outside the building envelopes (architectural conservation committee, and the Conservation Easement granted to the City by the developer have jurisdiction and enforce preservation to the back lots) will go a long ways to preserving that area. Also, he stated there are pros and cons to common open space, and that the DNR still feels strongly that it's not a cluster system. McGhie and Betts (Dan Zemke) says that there's a grey area of what clustering is and that the DNR is going with their 'intent' of what a clustering system is. The current preliminary plat has lots laid out the same way, but the building envelope has changed. If the plat were to be submitted as a transitional river, then this area would lose the aquatic easement and other dedicated easements. McDermott thinks this layout is the best because the City has control of the preservation areas and if approved it should be with the condition that if the DNR comes back at the City, then the burden of legalities should lie on Jech's shoulders. Voigt questions whether the City can hold the developer responsible like that. Water

services were discussed and whether to have an oversized well casing with credits for that to the developer written into the development agreement, so in the future, the City could use it as a municipal system. Novak thought that any new development should have to hook up to these oversized wells. Also discussed the septic and drainfield.
Bertsinger asked Council the question whether or not the preliminary plat met the City's Shoreland ordinance and PUD, and if they're satisfied that it protects the River Corridor. Also discussed was showing the aquatic easement and conservation easement on the preliminary plat (State law dictates that these cannot be shown on the final plat.
Bertsinger motioned to approve River Park Subdivision Preliminary Plat with the following findings of fact for their approval:

1. **This plat has the same density cluster developments within the Shoreland District in the Oronoco Shoreland Ordinance Section 11.013 (3) which has the preservation of a minimum of 50% open space through deed restrictions, covenants, permanent easements, public dedication and acceptance, setback ordinances, defined building envelopes and any other equally effective and permanent means that are maintained and administered by an owners association and approval by City Council, and;**
2. **This plat has the cluster area for the water sewer issues the City faces, and;**
3. **The City wishes to preserve the river corridor and this will be done through the covenants and aquatic easement, and;**
4. **It is in the best interest of the City because the plat maintains a low density level which the City prefers.**

Also, this preliminary plat approval is contingent on the easements being shown on the preliminary plats, and resubmitted to the City. Novak second;
DISCUSSION: If DNR opposes, then Jech has acknowledged that they will assist in covering the expenses; and, Please note that the City feels there is more control of the woodland preservation along the riverfront if it is in control of private owner rather than being jointly owned. **all in favor, motion carried.**
Bertsinger motioned to have Jech's River Park Development put in an oversized well that could service other areas of the City also, Novak second;
DISCUSSION: The oversized well and credit as it relates to the WAC & SAC fees will be worked out with the City attorney and the Clerk within the development agreement – and will be forwarded to Dan Fitzpatrick also; **all in favor, motion carried.**

EMERGENCY DISCUSSION:
Clerk Nymann summarized the letter to Dan Fitzpatrick, which was about items he needed to take care of concerning his developments. Included in that letter was the request he stop construction in RWH IV because it was included in the current EAW for that phase in Riverwood Hills. It was brought out that there may be ramifications because there were already approvals given for RWH IV, and now it's included in the EAW which clearly states that no approvals or permits may be issued until the EAW process is complete. Dan called Cheryl and he was very upset with the stop construction request. The City now understands the process and RWH IV should be grandfathered in. The City will rescind their request to stop construction on RWH IV. City will now be taking a closer look at all developments coming in along with grading, platting and the new final plat process will strictly be followed. In the future, any new

developments coming in with a comprehensive plan will need to submit and go through the EAW process. Council directed Clerk Nymann to send Dan a letter stating this and also that copies of ALL permits (as stated in the final plat) be submitted to the City and to the City Engineer, and that these should be on file.

IV. ADJOURNMENT

Bertsinger motioned to adjourn at 9:50PM, McDermott second; all in favor, motion carried.

Respectfully Submitted:

Joy Bertsinger, Mayor

Cheryl Nymann, Clerk/Treasurer