

1. CALL TO ORDER

A meeting of the Waite Park City Council was held on Tuesday, February 21, 2023, beginning at 6:30 PM.

MEMBERS PRESENT

Members present were Mayor Miller, Members Linquist, Schmitt, and Theisen

Absent: Member Blackburn

CITY REPRESENTATIVES PRESENT

City Representatives present or on the call were City Administrator Johnson, Finance Director Virnig, Planning and Community Development Director Noerenberg, Police Chief Bentrud, City Clerk Brenny, SEH Engineer Blommel, City Attorney Storm.

OTHERS PRESENT

2. PLEDGE OF ALLEGIANCE

3. PUBLIC INPUT

Adam Ripple, Rinke Noonan Attorney – asking Council to consider a different term limit for the proposed mining ordinance and other concerns that Mr. Ripple expressed and were included in the Council agenda packet.

4. COUNCIL AGENDA

Administrator Johnson pointed out that the snow emergency item was just recently added to the regular agenda.

Member Theisen moved to approve the agenda as presented, seconded by Member Schmitt. Motion carried unanimously.

5. CONSENT AGENDA

- 5.A. Approve 1/18/23 Council Meeting Minutes
- 5.B. Approve 2/6/23 Council Meeting Minutes
- 5.C. Approve Temporary Gambling Permit for INDY Foundation

Member Theisen moved to approve the consent agenda as presented, seconded by Member Schmitt. Motion carried unanimously.

6. REGULAR AGENDA

6.A. AUTHORIZE ADVERTISEMENT FOR BIDS FOR 5TH STREET SOUTH EXTENSION

City Engineer Blommel explained in September of 2022 the City Council authorized plans and specifications for the extension of 5th St SE near the existing Stearns County Household Hazardous waste facility to serve the development of an Xcel Energy service center. Once the developer's agreement was approved and the deposit made for the improvements, final design began in December. The project is a pass-through cost funded 100% by the developer.

Member Theisen moved to approve plan and authorization for bids, seconded by Member Linquist. Motion carried unanimously.

6.B. ORDINANCE AMENDMENT – SECTION 52.45, MINING AND EXTRACTIVE USES

Planning and Community Development Director Noerenberg explained that this request is being made by City staff regarding proposed amendments for the City's mining and extractive use ordinance.

6.B. ORDINANCE AMENDMENT – SECTION 52.45, MINING AND EXTRACTIVE USES (Cont.)

Due to unexpected and sudden influx of applications for mining and extractive use interim use permits within the last several years, staff proposed a moratorium to prevent additional applications in the fall of 2021 to allow time to review existing ordinance and consider potential modifications, or perhaps removal of allowance for new approvals entirely.

Over the last several applications for mining projects, staff has received numerous contacts from surrounding property owners, often with similar sorts of concerns and questions. Ultimately, after reviewing applicable ordinances of other area communities, considering options, and multiple discussions with City Council during work sessions, staff presented a draft ordinance to Planning Commission in late September 2022. During the associated public hearing, the Planning Commission and staff received significant public feedback from property owners indicating opposition to many of the elements as proposed, most notably the significant increases in setback requirements, proposed 1,000 foot buffer to Quarry Park property, and limitation to 10 year total project term. Due to opposition and discussion with Planning Commission, staff withdrew the item from consideration to further refine.

The City Council extended the moratorium in late September 2022, with direction for staff to engage with public and mining company representatives more directly as part of further considerations. In the time since staff has held multiple meetings and discussions with both representatives from Johnson Materials, Inc., Stearns County, and presented feedback received from them as well as comments received from residents/property owners during two City Council work sessions.

Noerenberg stated major modifications from the original proposed draft reviewed in September 2022:

- Deletion of proposed buffer from Quarry Park.
- Deletion of revisions to existing setback requirements.
- Deletion of proposed change to notification radius.
- Maximum total of six Interim Use Permits for mining and extractive uses operating at any one time.
- Use Permits for mining/quarrying at any one time and criteria for handling/determining "first-come/first-serve" scenarios that may arise from limited number of available Interim Use Permits.
- Further revisions to initial and renewal term limits, hard cap at 20 years for new projects – does not apply to projects already approved.
- Maximum 500 acres active Interim Use Permits for mining/quarrying.
- Requirement for annual noise study (at City's discretion) for each project to be paid for by owner/operator and language requiring meeting noise level limits at site perimeter.
- Maximum hours of operation – can be further restricted based on permit but cannot exceed.
- Requiring additional information on total estimated material reserves for proposed project and anticipated future phases (if any).
- Change to referencing existing State Statutes regarding requirements for environmental review.
- Requirement for pre-submittal meeting with any nearby public landowners (examples: Quarry Park, St. Joseph in event of a river site due to their proposed park on opposite side).
- Requirement for proof of insurance.
- Requirement to adhere to and abide by road limits for hauling.
- Language specifically noting that failure to meet performance requirements may result in revocation of permit.
- Groundwater impact study done by professional hydrogeologist for projects proposing impacts to groundwater.
- Criteria for setting performance bond amount and minimum standards for bond.
- Ensuring fill materials and reclamation activities are done in manner consistent with comprehensive plan for area (i.e. fill and grading).

A public informational meeting/discussion was held on February 2nd, 2023, with majority of City Council and all members of Planning Commission in attendance; the meeting was posted as a public meeting ahead of time. Comments from the public (approximately 30-40 people in attendance) were received and considered, with primary request being consideration of potential for extending ordinance, allowance for terms beyond 20 years and concern with City option to require annual noise studies at applicant's expense. Discussion with City Council and Planning Commission members in attendance directed staff to move forward with draft as written and without further modification.

Additionally, per request of MN DNR, the draft ordinance was provided to multiple contacts of DNR office and they were extended an invitation to the February 2nd informational meeting/discussion via

6.B. ORDINANCE AMENDMENT – SECTION 52.45, MINING AND EXTRACTIVE USES (Cont.)

email on 1/24/23. No representatives from DNR attended but they did submit comments via email on 2/10/23 which are included at their request.

After the 2/2/23 meeting, but before the scheduled 2/14/23 Planning Commission meeting, several residents/property owners submitted email comments requesting consideration of extending the allowance for quarrying/mining beyond the 20 year limit. An additional comment was received regarding concerns for newly-refinished roadways and potential impacts of quarry truck traffic on them. Staff would note that the proposed amendments reflect a formal requirement that all truck traffic abides by maximum road limits (which would be in effect in any case), but that proposals are also reviewed with consideration to haul routes and traffic circulation to minimize truck traffic on public roadways and to encourage and maximize traffic within private property of the quarry operations whenever possible. City Engineer and Public Works Director are part of the review team for projects.

The Planning Commission reviewed and held public hearing at their February 14th, 2023 meeting. Public comments were received from several property owners and quarry company staff and their legal counsel requesting consideration or allowance of option to potentially extend maximum terms beyond the 20 year limit proposed by ordinance, as well as concern with potential expenses associated with ordinance option of requiring annual noise study at applicant's expense. Staff advised that there is no desire for City to require regular noise studies and that it would only be utilized in circumstances where there are continual complaints that cannot otherwise be resolved and is based on previous approvals associated with Martin Marietta operation.

Planning Commission also heard comment from Stearns County Parks staff, whom requested that consideration be given to sensitive species in rock outcroppings in areas within and surrounding Quarry Park, as they are unique and not found elsewhere in the state.

After discussion and consideration, the Planning Commission recommended that the City Council give additional consideration to the option to extend maximum term beyond 20 years, and to revising ordinance language allowing noise studies to be annually done at applicant's expense. Planning Commission otherwise recommended that City Council adopt ordinance amendments as drafted.

After the Planning Commission meeting, written comments were received from staff at Rinke Noonan, legal counsel for Johnson Materials, Inc., regarding same aspects as discussed above. Written comments are enclosed at their request for City Council's review and consideration.

Staff believes that the proposed amendments would aid significantly in addressing repeated concerns that have been made regarding extractive uses operations and assist staff in more thoroughly considering impacts such proposals would have; however, it is possible that if proposals continue that we may experience aspects that may not be accounted for under updated ordinance and staff and appointed and elected City officials would have to continue to address those on a case-by-case basis.

Member Linquist asked that about term limits. Noerenberg explained that the maximum amount of years is 20, with the initial permit not exceeding 10 years. Member Linquist said that after 20 years, the applicant could come back to the Council and ask to extend the term. Noerenberg said no, that 20 years was the term limit. Noerenberg said that he didn't know, but maybe a variance could be considered after the 20 years to extend the term.

Member Theisen said ordinance hasn't been approved yet, so they could still change it. Member Linquist didn't think anything should be changed. Member Theisen said he would change the term limit to 25 years.

Member Linquist said that the City has been working on a strategic plan and comprehensive plan for the last year and from those plans people have said that the City needs more commercial development and residential housing. Member Linquist thinks too much mining might be blocking development. Member Theisen said that mining and extracting can help with development as it gets barriers out of the ground. Member Schmitt said that 20 years is longer than they had originally talked about. Mayor Miller said that a lot can change in 20 years and thinks 20 years is a fine place to start. Mayor Miller said future Councils can look at changing the ordinance.

Member Theisen said he's never gotten such response over a topic in all his time on Council, and thanked everyone for their input.

6.B. ORDINANCE AMENDMENT – SECTION 52.45, MINING AND EXTRACTIVE USES (Cont.)

Member Linquist also clarified the noise items listed in the ordinance. Member Linquist confirmed the City would not be asking for noise studies to be done every year, but gives the City a tool to deal with noise complaints that arise. Mayor Miller agreed. Planning and Community Development Director Noerenberg stated he agreed and that most of the individuals understood that, but the concern is what future staff and Council will use that option for.

Member Linquist moved to approve the ordinance amendments and summary publication as presented, seconded by Member Theisen.

Ayes: Mayor Miller, Members Linquist and Schmitt

Nays: Member Theisen

Abstain: None

Absent: Member Blackburn

Motion carried 3-1.

Planning and Community Development Director Noerenberg thanked everyone for their input through the whole process.

6.C. APPROVE RESOLUTION ESTABLISHING PROCEDURES & RESPONSIBILITIES EFFECTUATING A TEMP SNOW EMERGENCY WITHIN THE CITY OF WAITE PARK

It was explained that given the snowfall predictions and blizzard warnings being forecasted, the Staff was requesting the council to declare a snow emergency that will be in effect from Wednesday, February 22, 2023, at 12:01 PM to Saturday, February 25th at 7:00 AM. Please be advised that given the snowfall predictions and the staff we have, main roads will be cleared first and the remaining roads will be cleared from there. The purpose of the snow emergency is to give adequate time for our snowplow drivers to clear the roads. During this snow emergency, no vehicles will be allowed to be parked on any city street. Any vehicle parked on any city street during this snow emergency will be ticketed and towed.

Member Theisen asked where customers are going to park going to The Ultimate. Mayor Miller said that if the weather is that bad, people should stay home.

Member Theisen asked if the police department will door knock. Administrator Johnson said no, that staff would try to get the word out as quickly as possible and if needed vehicles will be towed.

Member Theisen asked when the snow emergency starts/ stops. Administrator Johnson said it would start on February 22nd at 12pm through February 25th at 7AM. Mayor Miller clarified that if the weather is done and roads are cleared up before then, the council can end the snow emergency early.

Member Theisen expressed concern about letting people know. Administrator Johnson said that a lot of other surrounding Cities are doing the same and they would let media know and post the information.

Member Schmitt moved to approve the resolution as presented, seconded by Member Linquist. Motion carried unanimously.

7. COUNCIL/MAYOR
7.A. APPROVE BILLS

Member Theisen moved to pay the bills as presented, seconded by Member Schmitt. Motion carried unanimously.


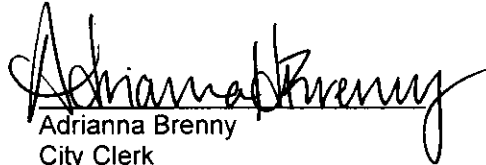
Mayor Miller received a thank-you from Salvation Army and Anna Marie's Alliance for charitable gambling donations.

8. ADMINISTRATOR UPDATE

Administrator Johnson stated that the Public Safety Facility tours are being postponed due to the weather.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 7:05PM.


Richard E. Miller
Mayor
Adrianna Brenny
City Clerk