

VERGAS COUNCIL
SPECIAL COUNCIL MEETING MINUTES
VERGAS EVENTS CENTER & ZOOM
Thursday, June 2, 2022

The City Council of Vergas met at 6:30 pm, on Thursday, June 2, 2022, at the Vergas Event Center and on a Zoom for a hybrid special council meeting with the following members present: Mayor Julie Bruhn, Council Members: Natalie Fischer, Paul Pinke and Bruce Albright. Absent: Logan Dahlgren. Also present: Clerk/Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Robert Jacoby, Keith Bunkowske, Shelly Bunkowske, Engineer Scott Kolbinger and Attorney Tom Winters.

Call to Order

Mayor Julie Bruhn called the Special Council meeting of the Vergas City Council to order.

Keilley Shores 3rd Addition Final Plat

Albright reviewed the planning commission review of the final plat which they approved on May 23, 2022. Planning Commission discussed natural drainage displayed and with an addition of a sediment basin between lots 2 and 3. Planning to add drain tile to go to Long Lake with rocks to filter sediment and this will differ any increase in water for current Scharf Avenue residents. An easement will be provided to the city for the filtration basin (Kolbinger stated this needs to have no standing water within 48 hours) and they will provide city with Storm Water Sewer Prevention Plan from the MPCA for the project. Discussed length of road being short on ½ mile and there being space to put in a road connecting Town Line Road if adjacent property is developed in the future. Discussed dedication requirements:

§ 152.105 DEDICATION REQUIREMENTS.

(A) As a condition of subdivision approval, subdividers shall dedicate a portion of any proposed subdivision for conservation purposes or for public use as parks, recreational facilities as defined and outlined in M.S. § 471.191, playgrounds, trails, wetlands or open space; provided that the city may choose to accept an equivalent amount in cash for part or all of the portion required to be dedicated based on the fair market value of the land following the criteria of M.S. § 462.358, Subd. 2b, as it may be amended from time to time.

(B) Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location. Land with trash, junk, pollutants, flooding or wetlands and unwanted structures is generally not acceptable.

(C) The Planning Commission, if the city has a Planning Commission, and the City Council, shall determine the land and/or cash contribution requirements for proposed subdivisions.

Albright reviewed street/sidewalk/yard waste meeting information: Winters discussed the Planning & Zoning action on 05.23.22 regarding the final plat for Keilley Shores Third Addition. The Planning & Zoning approved the final plat, subject to: City Attorney review of the easement for the stormwater pond; review of the approved Minnesota Pollution Control Agency (MPCA) Stormwater permit for the project before Planning & Zoning considers issuance of a construction permit; development of the site in accordance with the City of Vergas Shoreline Management Ordinance. They waived the Dedication Requirements, 152.105. Winters said the only ones that can waive said requirements are the Council, and if they waive them, then they should also modify or do away with the Rule. Scott Kolbinger, KLJ, determined the plat has a density of about 1.5 homes/acre, which falls into the 10% land dedication range. The plat boundary is 9.1 acres, so approximately 0.9 acres would be the dedication amount. KLJ noted for the Second Addition we received the land for the lift station. Developers Keith and Shelley Bunkowske felt they were exempt from the rule, as "no one told them about it." The developer for the Lawrence Lake Acres is donating 4.81 acres in accordance with the rule. Road specifications for the extension for Scharf Avenue for their Third Addition will be covered in their construction permit. Winters was in town today to sign the final plat, but in accordance with 152.07, (D) (4), the City Council must also approve the "final" plat. Since the Council is not scheduled to meet until 06.14.22, Winters will not sign until the Council approves it. Lammers will call the Keith and Shelley Bunkowske today to let them know about the delay and the dedication requirements. They are very anxious to get started, so Lammers questioned if Pinke and Albright would consider calling a "special" Council meeting for Thursday, June 2, 2022, 6:30 PM, Vergas Event Center. Both agreed to ask for said meeting. Winters said he was available to attend.

Council discussed having Keith and Shelley Bunkowske provide land for a road connecting Townline Road to Scharf Avenue and Shelley Bunkowske stated they would not and asked for an amount to be donated.

Bruhn reviewed Council options: Do we want to change the ordinance, or do we want to maintain the ordinance? Albright reviewed the value of agricultural land at \$2,900 an acre. Bruhn stated she did not want to change the ordinance and Pinke verbally agreed. Albright reviewed the land provided to City in the first addition which exceeded the land amount required for land dedication. Albright explained he would recommend \$1,700 for land dedication. Albright stated the city needs to produce a one-page document on what developers need which states what developers steps they need to follow. Motion by Albright, seconded by Pinke to give half credit for prior land dedication and require a \$1,700 donation and approve the final plat as provided. Discussed the easement of the drainage tile and why the city would want to have an easement when we do not want to maintain or repair. Covenants would need to be changed so property owners are aware they are fiscally responsible for the upkeep of the stormwater pond. (Attorney Tom Winters joined the meeting.) Winters stated a resolution would need to be approved to remove the easement which would be filed with the final parcel mylar. Albright questioned if we really want to give up the easement. If we do give up the easement, how would we stop the landowners from removing the drainage area. Voting yes: none. Voting no: Pinke, Albright and

Fischer. Motion failed. Discussed the need for a resolution to remove the easement and the need for city to hold owners responsible for upkeeping the drainage area. Council asked to see the easement and Lammers stated she has not seen easement and Winters has not developed an easement at this time due to waiting for Council to state if they want an easement. Motion by Albright, seconded by Pinke to keep the land dedication requirement and giving half credit for prior land dedication and require a \$1,700 cash contribution, Council approve the final plat and Keith and Shelley Bunkowske to agree to enter into an agreement with the City to address drainage area easement and add said easement to the covenants. Motion passed unanimously. Keith and Shelley Bunkowske will provide updated covenants to the City and Winters will provide a written easement.

Albright stated the City has received complaints regarding the erosion of the property going into the lake and silt fence need to be replaced. Planning Commission will further address.

Kolbinger stated a reminder final plat has been approved but development cannot begin until construction permit and plans and specifications are approved by the city.

Adjournment

Meeting was adjourned at 8:38 pm.

Julie Lammers, CMC

Vergas Clerk-Treasurer