

CITY OF NISSWA
MINUTES – SPECIAL CITY COUNCIL MEETING
TUESDAY, AUGUST 31, 2021
5:00 P.M. – CITY HALL

A Special City Council Meeting was held on Tuesday, August 31, 2021 at 5:00 p.m. at City Hall and was available on YouTube Live.

Members present: John Ryan, Mark Froehle, Don Jacobson, Ross Krautkremer, Mark Utzinger.

Members absent: none.

Also, present: City staff – Jenny Max, Brittney Cotner, Kiki Lindbery; and City Attorney - Tom Pearson.

Audience members: 13.

A. Call to Order - John Ryan called the meeting to order at 5:00 p.m.

B. Citizens' Petition for Environmental Assessment Worksheet (EAW) for Roy's Landing Plat Project

Discussion. City Attorney, Tom Pearson, began the discussion by briefly explaining that Minnesota State Rules 4410 refer to the Environmental Assessment Worksheet (EAW) process and how difficult this Rule is to comprehend. There are sections of this Statute that deem when an EAW is mandatory, and it is up to the Regulatory Governing Unit (RGU) to determine whether potential development meets any of the requirements to make an EAW mandatory. With that, the RGU in this case is the City of Nisswa, and being such, the City must deem whether an EAW is necessary for this project. Staff from the City of Nisswa have recommended that because this proposed development does not fall within any of the mandatory categories per State Rules, an EAW is not required. Therefore, a recommendation has been made that the Council approve a Resolution to deny the Citizens' Petition requesting said EAW, and to make a negative declaration for an EAW for the proposed Development-Plat of Roy's Landing. Findings of Fact for a negative declaration on the EAW have been drafted. Pearson also noted that should the Council decide to ignore the recommendation and make a positive declaration that an EAW is necessary, Findings of Fact to support such would need to be composed.

John Ryan noted that this meeting was scheduled in order to allow input to be presented prior to the Council's determination, and in full transparency opened the Floor to Public Testimony. Petitioner Paul Rasmussen spoke at length about the Statute which pertains to an EAW and noted that an EAW is intended to gather facts in order to determine whether an Environmental Impact Study (EIS) is necessary. Trish Van Pilsum suggested that a lot of information and evidence has been presented which shows that an EAW should be required. She specifically referred to a letter/email from Dr. Joe Magner, which is included on p.178 of the packet; she also noted that an EAW mitigates potential Environmental Impact that a development such as this may cause. Scott Baron spoke about protecting the lakes and the extensive wetlands. Baron also provided the Council with an email from the Historical Society. He believes that future study and an EAW are warranted for this proposed development. Brad Birkeland noted that Nisswa's most valuable asset is clean water. Sharla Fillhouer spoke about being a new resident and how she moved here specifically for the natural resources of this area and believes that this our greatest asset.

Discussion continued and questions were fielded.

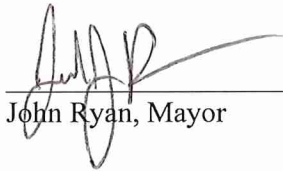
John Ryan then closed Public Testimony and opened the Floor to the Applicant/Developer. Kevin McCormick, Land Design Solutions, clarified that the plat drawings that have been presented so far have been concept plans. He noted that the Ordinance addresses all of the concerns that have been presented by citizens, and all components of the proposed development comply with Ordinance and Policy. The proposal meets all Minnesota Shoreland Regulations; a stormwater management plan has been drafted; a SWPPP is also required for this development by the MPCA, which will further protect the environment. All Wetlands have been delineated and all required setback distances will be met. A soil composition study was also completed. He also noted that the DNR has no objections and no comments regarding this proposed development. The proposal is for 8 potential units/lots, on 26 acres of property. McCormick stated that he believes all proposed lots meet and exceed Ordinance size and setback requirements.

Discussion continued. Pearson and Cotner answered numerous questions from Council Members and the Public; Mayor Ryan called for Order.

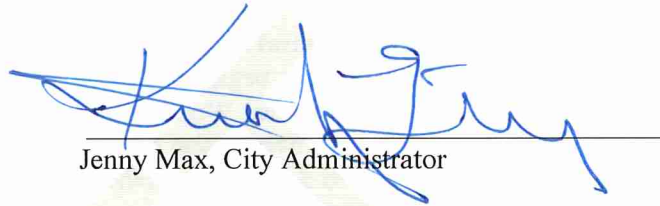
Determination of EAW Requirement for the Roy's Landing Plat Project – Motion by Krautkremer, seconded by Froehle, to accept the recommendation of City Staff and to approve the Resolution for a negative EAW declaration and to Deny a Citizens' Petition Requesting an EAW for the Proposed Development-Residential Plat of Roy's Landing. Discussion continued. Motion passed unanimously.

C. Adjourn – There being no further business, Motion by Krautkremer, seconded by Froehle to adjourn the Special City Council Meeting at 6:20 p.m. Motion carried unanimously.

Respectfully Submitted,



John Ryan, Mayor



Jenny Max, City Administrator

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