

Committee-of-the-Whole
July 12, 2010
Municipal Center

- Call to Order The Champlin City Council met as a Committee-of-the-Whole (COW) and was called to order by Mayor Mark Uglem at 6:00 p.m.
- Roll Call Present were Mayor Mark Uglem, Councilmembers Eric Johnson, ArMand Nelson, Greg Payer and Julia Whalen.
- Absent: no one.
- Also present were City Administrator Bret Heitkamp, Community Development Director John Cox, City Clerk Roberta Colotti, City Planner Scott Schulte and City Attorney Darrell Jensen.
- Approval of Agenda
(July 12, 2010)
Motion Motion by Councilmember Johnson and seconded by Councilmember Whalen to approve the July 12, 2010 COW agenda as presented. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.
- Mississippi River Corridor
Critical Area (MRCC)
Rulemaking Process The City Planner reported that there is much going on and much to be said regarding the Mississippi River Corridor Critical Area (MRCCA) Rulemaking process and he therefore felt it was important to bring the City Council up to speed on the process.
- The City Planner stated that in addition to the MRCCA process that is going on there is a Shore Land Rulemaking process happening at this time.
- The City Planner reported that in 1976 the MRCCA was first established, it was continued by the then Governor in 1979. The area includes a 72-mile stretch of the river, including the portion through Champlin. He stated that today we are classified as “Urban Developed” under their five categories.
- The City Planner stated that the MRCCA is the same physical area as the Mississippi National River and Recreation Area, which was established by Congress in 1988; as a result federal regulations govern this stretch of river as well as state regulations.
- The City Planner reported that the City of Champlin has had a Critical Area Plan and ordinance in place since 1981. He noted that the most recent update to these plans was 2009.
- The City Planner stated that in late 2009 the Minnesota Legislature directed the DNR to establish rules for the MRCCA.
- The City Planner stated that the DNR is also updating its Shore Land rules, under a separate rulemaking process. He reported that the draft Shore Land rules are on the Department of Natural Resources Commissioner’s desk at this time. He stated that Champlin does not have Shore Land rules or an ordinance. If the DNR asks Champlin to prepare a Shore Land ordinance we would have two-years to prepare the ordinance. He stated that there is overlap between the rules under the Shore Land regulations and MRCCA regulations.
- The City Planner reviewed the MRCCA planning process to date. He stated that he is on the Northwest Area Work Group, established by the DNR. The NW Work Group is tasked with commenting on the Land Use Districts and proposed rules.
- The City Planner stated that the DNR has funding through 2011 to complete the MRCCA process.
- The City Planner stated that there are three items for discussion by the City Council this evening:
1. Drafting a letter to the DNR Commissioner with the City’s concerns/comments regarding the MRCCA regulations.
 2. Political Involvement (i.e. to date other cities Councilmembers, County Commissioners and citizens have been involved in the political process surrounding the rulemaking process.)

3. Consider the City of Anoka's request to adopt a Resolution requesting the League of Minnesota Cities (LMC) adopt a position opposing the proposed Shore Land Rules.

The City Planner stated that the Shore Land Rules are out in front of the MRCCA rules and that the City Council may want to ask that there be a separation of rules so there is no overlap.

Mayor Uglem reported that he has attended MRCCA planning meetings and he would like the Council to consider the political aspect of this process. He stated that there is a real concern at the NW Work Group that solid planning principles may be overshadowed by strong political interests. He stated in addition there is a concern cities could have their local control usurped by the DNR and National Park Service (NPS).

Mayor Uglem stated that even though City Planners have a voice on the NW Work Group, when the process goes forward that could change. He stated that the plan goes to the Commissioner, and then an Administrative Law Judge finalizes the MRCCA rules. There is no vote on this.

Mayor Uglem stated that the proposed rules are an issue for our Gateway Project as there was no plan for our Phase II development in the draft MRCCA rules. He stated that the City will hear more about this process over time, but he wanted to make the Council aware of the discussions at this time.

Councilmember Whalen asked if we could do anything with the Gateway area given the 2011 adoption date.

The Mayor said the City could still take action.

The City Planner stated that under the current rules the City could move forward. The NW Work Group is looking at the technical elements of the rules. He stated that in other cities their Councilmembers have been making political calls to the Commissioner and others.

Councilmember Whalen asked if the new rules would impact the future bridge.

The City Planner stated that while the cities of Dayton and Ramsey have gone on record as saying a bridge isn't going to happen, the new rules would have an impact on any future bridge construction.

Mayor Uglem stated that the City of Champlin has done a good job of protecting the river. The future DNR rules could restrict local control, including the future of our Gateway Plan. The DNR is aware of our plans; however, there are no guarantees that the final rules will reflect our plans.

The City Planner stated that the City's goal is to be able to complete the Gateway Plan without needing variances from the rules.

Mayor Uglem reiterated that there is no vote and no guarantees.

The City Planner stated that the NW Work Group was a creation of the DNR to take public input, but what they do with that information is up to them.

Councilmember Johnson asked how receptive the DNR has been to the suggestions of the NW Work Group.

The City Planner stated that the DNR has been receptive to the NW Work Group, for example they changed the district lines when requested. However, there is continued concern about how the details of the plan are to be finalized.

Councilmember Johnson asked if staff sees the DNR as wanting more control than the cities.

The City Planner said that he sees the DNR as doing no more or less than what the State Legislation requires. They are charged with this task.

Mayor Uglem stated that if the City writes a letter to the Commissioner we would at least be on record. He stated that Champlin representatives will continue to attend the NW Work Group and other

planning meetings. He stated that for the residents who live along the river this is important.

Councilmember Nelson asked how the Council could have influence on the process between the time the Commissioner and Administrative Law Judge take action.

The City Planner stated that there is a public hearing that will be held between the time the Commissioner and Administrative Law Judge take action.

Councilmember Johnson asked if there was an appeal process following the Administrative Law Judge's decision.

The City Attorney stated that civil litigation would be an option if it was felt that the rules were not allowed, that would be a form of appeal.

Mayor Uglem stated that the point is the City does not want them re-making all the rules. For example, they did not know we already have a storm water management plan.

The City Planner provided an example of a concern with the rules, by the City of Dayton as they had one density requirement established by the Metropolitan Council and another proposed by the DNR.

Councilmember Payer asked if there were influential groups supporting the process.

The City Planner stated that the Friends of the Mississippi initiated the legislation.

Councilmember Whalen asked if the DNR would be touring the area.

The City Planner stated that the NPS has a River Planner on staff and that they did a detailed study. He was not sure about the DNR's plans for an on-site review. He noted that they contracted with the NPS.

Councilmember Whalen questioned if the draft plans were wrong.

The City Planner stated that the DNR did what they thought we wanted based on what we have for development not on what we have in our plans.

Mayor Uglem stated that the NPS has declined to give the name of the person or persons who did the work.

The City Planner stated that they were rushed to do the work while they had funding.

Mayor Uglem stated that those around the NW Work Group table agreed that the DNR was very rushed given the scope of work.

Councilmember Whalen stated that she is concerned that because it is now on paper it will become fact.

The City Planner stated that even before there was agreement on what would be allowed in the different districts, he was asked to comment on where the district lines should be placed.

Mayor Uglem concluded by saying that he and staff wanted to bring this forward tonight to make the City Council and public aware of the issues. He asked the City Council to consider drafting a letter to the DNR Commissioner.

Council Consensus

It was the consensus of the City Council to direct staff to prepare a letter to the Department of Natural Resources Commissioner outlining the City's position on the proposed MRCCA rules. This letter is to be forwarded at the earliest opportunity.

The City Planner asked when the Council would consider the City of Anoka's request for a resolution to the LMC on the proposed Shore Land regulations.

The City Administrator suggested that this be placed on the July 26th agenda.

Adjournment

The Committee-of-the-Whole meeting adjourned at 6:45 p.m.

Mark W. Ugem, Mayor

Attest:

Roberta Colotti, CMC, City Clerk