

## City of Credit River

### Planning Commission Meeting Minutes

Monday, August 16, 2021, 6:00 p.m.

#### Members Present:

Mayor Kostik

Council Members: Novak, Schommer, Stevens

Council Member Lawrence was absent

Other Staff in attendance at City Hall: Planner Cindy Nash, Engineer Shane Nelson and Attorney Bob Ruppe

City Treasurer Dominique Hill attended virtually

City Clerk Karen Donovan was absent

6:00 PM: Mayor Kostik called the August 16, 2021, Credit River City Planning Commission Meeting to Order.

Mayor Kostik announced that this would be the last Planning Commission meeting were the members of the City Council would act as planning commission members. That the City's new planning commission member would start on September 16, 2021.

#### 1. **Approve or Amend Agenda:**

Mayor Kostik asked for any amendments to the August 16, 2021, Planning Commission Agenda.

Hearing none, Mayor Kostik requested a motion.

**Motion to approve Agenda as presented: Council Member Novak**

**Second: Council Member Schommer**

**Motion passed: 4-0**

2. **Consent Agenda:** Those items on the Planning Commission Agenda which are considered routine or non-controversial are included as part of the Consent Agenda. Unless a Council Member specifically requests that an item on the Consent Agenda be removed and considered separately, items on the Consent Agenda are considered under one motion, second and vote. Any items removed from the Consent Agenda shall be placed at the end of General Business.

Nothing on the consent agenda for the Planning Commission's consideration.

3. **Public Hearings:**

A. **Territory 5<sup>th</sup> Addition – CUP/PUD Amendment**

Planner Cindy Nash informed the Planning Commission that OP3 Territory Land, LLC has submitted an application for an amendment to the existing CUP/PUD originally granted by Scott County.

Planner Nash further informed the Planning Commission that the property is subject to an existing Open Space Design Planned Unit Development that contains various conditions related to how the property is to develop.

One of the original conditions of the development when it was approved was that the lots would be connected to a community well. The community well is operated by the Territory HOA. Originally, this property could have been added to the HOA relatively simply had development occurred on the original timeframe. However, the time frame to add this property under the original HOA documents has passed and now it can only be added if a super majority of the lot owners vote affirmatively to add the property. The Developer has had previous discussions with the HOA Board, and there were not sufficient affirmative votes to add this property to the HOA.

All but one of the lots can be served with an individual well on the lot. Lot 1, Block 5 is located within the isolation distance from the CSTS (alternate) mound location. The Developer is proposing to have this lot share a well with Lot 4, Block 4, which will require a crossing underneath Sundance Trail.

Mayor Kostik opened the public hearing. There being no comments from the public a motion to close the public hearing was requested.

**Motion to close public hearing: Council Member Schommer**

**Second: Council Member Novak**

**Motion Passed: 4-0**

**Motion to recommend to the City Council approval of amendment of the CUP/PUD subject to the conditions included in draft Resolution #**

**2021-31: Council Member Schommer**

**Second: Council Member Novak**

**Motion Passed: 4-0**

B. **Creekside at Territory**

Planner Cindy Nash informed the Planning Commission that OP3 Territory Land, LLC has submitted an application for a preliminary plat. Planner Nash informed the Planning Commission that staff recommends that the Planning Commission make a recommendation of approval of the preliminary plat to the City Council subject to 1) the plans being revised to address the staff and Scott County comments prior to this being placed on a City Council agenda, and 2) the following list of conditions identified in the Staff Report be complied with by the applicant.

Mayor Kostik opened the public hearing.

Ben Schmidt with OP3 Territory stated that he was present to answer any questions that Planning Commission may have regarding the proposed development.

Resident Mark Siemers of 7735 Painted Sky Court asked if the name of the plat could be changed so that it would not be confused with the already existing Territory plat.

**Motion to close public hearing: Council Member Novak**

**Second: Council Member Schommer**

**Motion Passed: 4-0**

Attorney Ruppe explained that the County Recorder, not the City Council, has control over the name of the final plat. That the County Recorder could order a modification of the plat name if the Recorder believes that the proposed name would cause confusion with an existing plat of record.

**Motion to recommend to the City Council approval of the proposed preliminary plat to the City Council subject to 1) the plans being revised to address the staff and Scott County comments, and 2) the following list of conditions identified in the Staff Report dated August 13, 2021 be complied with by the applicant: Council Member Novak**

**Second: Council Member Schommer**

**Motion Passed: 4-0**

**C. Ordinance Amendment – Subdivision Regulations**

Planner Nash informed the Planning Commission that the subdivision regulations currently require the City Engineer to sign a final plat mylar. This step is not required and results in additional time to secure that signature. The ordinance also includes language that would permit staff to

update the Subdivision Regulations as needed to update relevant language from Township to City.

Mayor Kostik opened the public hearing. There being no comments from the public a motion to close the public hearing was requested.

**Motion to close public hearing: Council Member Schommer**  
**Second: Council Member Novak**  
**Motion Passed: 4-0**

**Motion to recommend to the City Council approval of subdivision Ordinance amendments: Council Member Schommer**  
**Second: Council Member Novak**  
**Motion Passed: 4-0**

**D. Ordinance Amendment – Zoning Ordinance**

Planner Nash informed the Planning Commission that with the recent change to appoint a separate Planning Commission from the City Council, there is a need to amend the process language for the Board of Adjustment. Currently, the City Council serves as the Board of Adjustment, which has final decision-making authority related to variances. Under current ordinance, if the City Council is the Board of Adjustment it would need to hold the public hearing on variances. Variances are frequently applied for together with other types of applications such as site plans or subdivisions, so it is logical to keep each piece of an application together on the same track where the Planning Commission holds a public hearing, and then makes a recommendation to the City Council. The proposed ordinance amendment adds in a step where the Planning Commission holds the public hearing but then the City Council (as Board of Adjustment) makes the final decision on a variance.

The ordinance also includes language that would permit staff to update the Zoning Ordinance as needed to update relevant language from Township to City.

Mayor Kostik opened the public hearing. There being no comments from the public a motion to close the public hearing was requested.

**Motion to close public hearing: Council Member Novak**  
**Second: Council Member Schommer**  
**Motion Passed: 4-0**

**Motion to recommend to the City Council approval of Zoning Ordinance amendments: Council Member Novak  
Second: Council Member Schommer  
Motion Passed: 4-0**

4. **General Business**

A. **Ranch at Credit River**

Planner Nash informed the Planning Commission that the W.A. Feldman Development Company has submitted an application for a preliminary plat. The required public hearing has already been held. A number of comments from staff and the County have now been addressed and that staff is recommending approval of the proposed preliminary plat.

Planner Nash informed the Planning Commission that she received that afternoon a letter from Scott County Engineering regarding the turn lanes and intersection.

In addition, both the City Planner and City Engineer as well as Scott County Environment have concerned regarding drainage issues and that the septic site for Lots 11 & 12, Block 2 of the plat. Specifically, the County questioned if the septic system for Lot 12, Block 2 would be buildable. Both Lots 11 and 12, Block 2 have a large, deep drainage feature that needs to be crossed in order to access the rear of the lots.

Council Member Stevens questioned the salability of the two lots.

Developer Bill Feldman responded that there are several lots in Grey Fox where the developer has installed the septic system on the other side of a drainage easement. According to Mr. Feldman, this is done all over and would address the County's concerns.

Planner Nash discussed possible County responses to Mr. Feldman's comments.

Discussion that the City would be ok with the proposed development if the Developer and the County could agree on an appropriate construction method for installing the septic system to serve Lot 12, Block 2 and the culvert/access issue for Lot 11, Block 2.


**Motion to recommend approval of The Ranch at Credit River Preliminary Plat to the City Council subject to 1) the plans being**

**revised to address the staff and Scott County comments and 2) that Developer comply with the draft list of conditions contained the staff report dated August 13, 2021 except for Lot 12, Block 2 unless not approved by Scott County Environmental: Council Member Stevens  
Second: Council Member Schommer  
Motion Passed: 4-0**

5. Adjourn

**Motion to adjourn: Council Member Novak  
Second: Council Member Schommer  
Motion Passed: 4-0**

Meeting adjourned at 6:45 p.m.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

## City of Credit River

### City Council Meeting Minutes

Monday, August 16, 2021, 6:00 p.m.

#### Members Present:

Mayor Kostik

Council Members: Novak, Schommer, Stevens

Council Member Lawrence was absent

Other Staff in attendance at City Hall: Planner Cindy Nash, Engineer Shane Nelson and Attorney Bob Ruppe

City Treasurer Dominique Hill attended virtually

City Clerk Karen Donovan was absent

6:45 PM: Mayor Kostik called the August 16, 2021, Credit River City Council Meeting to Order and the pledge was recited.

#### 1. **Approve or Amend Agenda:**

Mayor Kostik asked for any amendments to the August 16, 2021, City Council Agenda.

Mayor Kostik requested to add “emergency clerk’s duties” and “review logo to the Agenda. Council Member Schommer requested to add “roads” to the agenda.

**Motion to approve Agenda with additional topics: Council Member Novak**

**Second: Council Member Schommer**

**Motion passed: 4-0**

2. **Consent Agenda:** Those items on the Planning Commission Agenda which are considered routine or non-controversial are included as part of the Consent Agenda. Unless a Council Member specifically requests that an item on the Consent Agenda be removed and considered separately, items on the Consent Agenda are considered under one motion, second and vote. Any items removed from the Consent Agenda shall be placed at the end of General Business.

July 19, 2021, Planning Commission and Council Meeting Minutes  
6127 170<sup>th</sup> Street E – Extension to Date to Remove Existing Dwelling.

Motion to approve consent agenda: Council Member Schommer

Second: Council Member Novak  
Motion passed: 4-0

3. **Open Forum:**

A. **County Commissioner Tom Wolf:**

Fieldstone project in New Market Township will be considered by the County Board at tomorrow's meeting  
Work on Highway 27 is proceeding. Tree trimming/cutting is currently taking place. Culvert bridge is to be installed next month.

B. **Abe Zanto:**

Experienced technical difficulties accessing YouTube to watch the meeting. Mayor Kostik explained that a computer system upgrade caused problems and that the City is working to correct the problem.

4. **Public Hearings:**

Mayor Kostik announced that there are no scheduled public hearings.

5. **General Business:**

A. **Territory 5<sup>th</sup> Addition – CUP/PUD Amendment**

**Motion adopting Resolution No. 2021-31 approving amendment of the CUP/PUD relating to Territory 5<sup>th</sup> Addition subject to the conditions included in the Resolution: Council Member Novak**  
**Second: Council Member Schommer**  
**Motion Passed: 4-0**

**Motion adopting Resolution No. 2021-32 approving Final Plat relating to Territory 5<sup>th</sup> Addition subject to the conditions included in the Resolution: Council Member Schommer**  
**Second: Council Member Novak**  
**Motion Passed: 4-0**

B. **Tara Farm 3<sup>rd</sup> Addition**

**Motion to approve Resolution No. 2021-33 approving Final Plat relating to Tara Farm 3<sup>rd</sup> Addition subject to the conditions included in the Resolution: Council Member Novak**  
**Second: Council Member Schommer**  
**Motion Passed: 4-0**



**Motion to approve Resolution No. 2021-34 approving Developer's Agreement relating to Tara Farm 3<sup>rd</sup> Addition subject to the conditions included in the Resolution: Council Member Schommer  
Second: Council Member Novak  
Motion Passed: 4-0**

**C. Ranch at Credit River**

Discussion regarding the condition included in the Grading Agreement that no grading activities shall be undertaken until such time as Mr. Feldman as the Developer has secured from Scott County approval of the proposed primary and alternate septic sites to serve the lots within the proposed Plat. There was further discussion that all grading activities were at the Developer's risk that the plans may change in the future.

**Motion to approve Resolution No. 2021-35 approving Grading Agreement for property owned by William A. Feldman subject to the conditions included in the Resolution: Council Member Schommer  
Second: Council Member Novak  
Motion Passed: 4-0**

**D. Emergency Clerk Position**

Mayor Kostik informed the City Council that both the City Clerk and her husband, the Deputy City Clerk, are currently unavailable to perform their respective Clerk's duties. Discussion regarding appointing Sarah LeVoir as interim emergency clerk.

**Motion to appoint Sarah LeVoir as interim emergency clerk until such time as the City Clerk and/or her Deputy Clerk can resume their respective duties: Council Member Schommer  
Second: Council Member Novak  
Motion Passed: 4-0**

**E. City Logo**

Discussion of the proposed City logo.

**Motion to approve the proposed logo as the official City of Credit River logo with the white line removed on top of the hills: Council Member Schommer  
Second: Council Member Novak  
Motion Passed: 4-0**

6. **Council Member Liaison Updates/Council Member Reports**

Council Member Schommer reported that dust control is complete and is working on signs

7. **Approval of Claims Listing**

Mayor Kostik informed the City Council that claims totaled \$13,528.99.

**Motion to approve list of claims totaling \$13,528.99: Council Member Schommer**

**Second: Council Member Novak**

**Motion Passed: 4-0**

8. There being no further business before the City Council, a motion to adjourn was heard.

**Motion to Adjourn the August 16, 2021 City Council Meeting: Council Member Schommer**

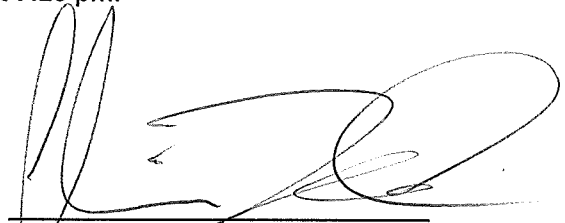
**Second: Council Member Novak**

The August 16, 2021 Council Meeting was adjourned at 7:10 pm.

Approved by:



Karen Donovan  
Clerk-City of Credit River



Chris Kostik  
Mayor – City of Credit River