

VILLAGE OF OSCEOLA SPECIAL BOARD PROCEEDINGS

August 6, 2020

The Village of Osceola met for a Special meeting on August 6, 2020 at the Village Hall/Discovery Center Room 205. President Jeromy Buberl called the meeting to order at 6:30 p.m.

Present: Buberl, Bob Schmidt, Joel West, Deb Rose, attending remotely were Van Burch and Bruce Gilliland

Also present: Paul Elfstrom, Matt Torgerson, Trudy Lorenz, Sarah Korte, Mike Forecki, Lisa Curry, Paul Wotzka, Cory Pratt, Germaine Ross, Lewis Dunkers, M Levy, Nancy Beck, and other citizens.

1. **Business:**

a) **Update regarding Extraterritorial Zoning**

Krumenauer explains what extra territorial zoning is and how it impacts the municipalities involved and referenced a previous memo provided to the Board. If the Board decides to move forward to pursue ETZ it is important to do so within realism of what it is appropriate to do. If the resolution is not passed, the ordinance becomes a moot point. ETZ is a planning tool to control unintended growth by circumventing local authority and inserting Village authority. A Joint Board of three from each municipality would regulate. At this point the mine regulation would fall back to the existing Town of Farmington code and the joint board would start at ground zero. Simple majority decisions from the Joint Board would go to Village Board for approval as any ordinance change would. Rose asks about timeline of how quickly things would be developed. Krumenauer responded we would have two years to develop ETZ, that could possibly be extended to three years; however it would behoove us to get it done fast. Burch asked if the Village would collect revenue from these parcels and asked if it is correct that we do not get a dime of property tax. Krumenauer responded that is correct. West asked if the Town of Farmington has indicated any preference in the ETZ matter. Krumenauer has left messages for their Chair. West asked about the Town of Osceola and broader considerations. Krumenauer stated there is no growth initiative to the north. Buberl got a call from a Town Supervisor about Town Osceola residents being concerned. Krumenauer stated there is no Town of Osceola discussion, and no annexation discussions. Krumenauer wanted to go on record as ETZ being an interesting topic and planning tool to gain a larger perspective of how the community grows as a whole. However he doesn't consider it an appropriate tool at this time as we are growing in a controlled fashion and doesn't think the Village can do better than the Town has for drafting the ordinance and we need to create partnerships with communities.

At this point in the meeting each Village Board member gave their views on the Village enacting extra-territorial zoning.

Buberl had several bullet points to speak on. He is not in favor of taking this path and felt we were using a proactive tool in a reactive manner and ETZ should have been considered at the time of the hospital annexation. We have listened to concerns but not moved forward. Buberl felt we needed to go into this with a plan and not "shoot first and ask questions later" and not just spring it on the Town. The Town has gone from a two page to thirty-page ordinance and we would be sending the wrong message to our neighbors if we throw out all their work. We went into it with a cooperative attitude. Our job is to keep all our residents safe, yet we having difficulty finding money to hire a police officer. We have had a recent large tax increase and a lot of debt with a lot of other projects to deal with. We are involving ourselves in the middle of

two groups, and we do not need to. Buberl stated he is in favor of a boundary agreement and working with all parties to find a compromise.

Schmidt commented the Town of Farmington has done a good job on finding compromises and bigger picture. ETZ is tool for future growth and how to manage growth and not to stop projects. Schmidt has received calls from residents in the Towns who do not want to be a part of the Village of Osceola. We need more dialogue with the Towns.

West stated we need a lot of dialogue and collaboration with the Towns, but there was nothing wrong with talking about ETZ. If we force ETZ do without their buy in it becomes adversarial. The Town has done a lot with their ordinance.

Gilliland commented that to him it stands out as we have met with the Town several times, they are willing to make adjustments. We are sticking ourselves in the middle of something we may not be able to financially follow through on . ETZ needs to be a joint effort without dictating to someone else. Gilliland stated we do not know that we could do better with an ordinance than Farmington has, and the Village has other needs. Gilliland went on to say they represents all Village residents and sees this issue as very focused on a small group of residents and we need to run the Village for all residents. He has heard a lot of opinions, but not facts and does not think that we need to do this.

Burch has a couple of issues. This may seem like a knee jerk situation but has been going on for some time. Once the word frac came out everything broke loose, then the mine becomes a concern. It is still a gravel pit at this point, and it is unknown when or if fracing will start again. The Town ordinance has the ducks in a row and is not sure if any changes were made after the public hearing. Burch is in favor of extra-territorial zoning in a limited area, however, want to be sure all the I's are dotted and Ts crossed. Our obligation to all citizens and not just to people on Ridge Road and feels tourism is a consideration and we need to maintain the quality of our natural assets and environment and wants to see other businesses thrive because of what we have to offer. Burch is concerned about how big the crater may expand to in a growth area and how it may impact residents. Burch wants to ensure our citizens are taken care of in case something happens.

Rose stated she feels much the same as Burch and does not know if enacting ETZ is the friendly way to do this. It was not until a few months ago the land was purchased, and the Village has had other things on fire to deal with. Rose commented she does not get a sense of a collaborative effort with the Town, and that they do not accept our ideas. Why the rush to get an ordinance in place if several years of mining are left in the existing hole? Rose stated that in her 6 ½ years on the Board expansion has been to the area to the south. Rose named six businesses in six years that have opened, and they all have impact on the Village. Housing is a big issue, and even if a business is not in Village it still has an impact on us with more homes built. Right now ETZ is the only way we have an ability to have a say in what is happening. We surround the mine and can slow process to see what we can do. If the process is not slowed, we do not get a say so. Rose commented she wants to think of the future and the next generation and set them up to have success in the Village.

The Board reiterated their positions to each other and asked several questions. Krumenauer made several comments on the proposed resolution, pointing out the definition of the distance as within 1 ½ miles of Village border and that there were other options of distance and areas presented. Administrator Krumenauer encourages the Board to make it very clear in any

motions what their intent was.

b) Discussion and possible action re: Resolution #20-16 Resolution Formally Initiating the Development of an Extraterritorial Zoning Ordinance

Motion by Rose and seconded by Burch to enact Resolution #20-16 Formally Initiating the Development of an Extraterritorial Zoning ordinance specific to boundary A.

Roll call vote: Ayes-Rose, Burch Nays-Schmidt, West, Gilliland, Buberl Motion fails.

c) Discussion and possible action re: Ordinance #20-04 An Ordinance to Adopt an Interim Zoning in Extraterritorial Areas

This agenda items was struck and no longer relevant due to the failure of Resolution #20-16 to pass.

d) Next Steps

West asked for staff to research if a side agreement with mine owners could be done addressing issues of concern.

President Buberl adjourned the meeting at 7:59 p.m.

-