

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JULY 15, 2009 - 6:00 P.M. – ROCKVILLE CITY HALL.

The meeting was called to order by Mayor Jeff Hagen. Roll Call was taken and the following members were found to be present: Mayor Hagen, Council Members: Bill Becker, John Koerber, Susan Palmer, Jerry Schmitt, Randy Volkmuth & Duane Willenbring. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber.

Others present were: Pat Grelson, Jim, Lonnie & Mike Voigt, David Shay, Linda Brown, Chuck Wocken, John Peck, Sharon Sponheim, Sgt. Jon Lentz, Mike Hofmann, Toni Honer, Rebecca Kissner, Ev Balko, & Tудie Hermanutz.

ADDITIONS TO THE AGENDA – Motion by Member Volkmuth, second by Member Palmer, to approve the additions to the agenda for discussion purposes.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

OPEN FORUM

None

CONSENT AGENDA

Motion by Member Palmer, second by Member Willenbring, to approve the consent agenda as presented:

- a) *Approve minutes of 06/17/09*
- b) *Approve Treasurer’s Report of 07/15/09*
- c) *Approve List of Bills and Additions of 06/18/09 – 07/15/09*

<i>Accounts Payable CK #011292 to 011390</i>	<i>\$720,040.88</i>
<i>Payroll CK #003492 to 003530</i>	<i>16,819.21</i>
<i>EFT#000227 to 000239</i>	<i>8,133.02</i>
- d) *Certify 2 unpaid utility bills to tax roll*

<i>Parcel 76.41741.0014</i>	<i>\$ 172.18</i>
<i>76.41741.0004</i>	<i>280.29</i>

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

BOARD/STAFF REPORTS

POLICE DEPARTMENT – Sgt. Jon Lentz was present at the meeting to report there were 42 contract hours during the month of June. Sgt. Lentz cited the activity.

Member Koerber voiced concern regarding the speeding on Lake Road. This is a real problem and they need someone patrolling it more. Some vehicles reach 50 - 60 miles per hour. There were almost two head on collisions recently (on the hill). Member Koerber would like to have an officer one hour per day patrol Lake Road. Also there should be “No Parking” on one side of the road.

Member Palmer suggested speed bumps be installed. Sgt. Lentz indicated the city would have to investigate this with the city attorney.

Member Koerber reported that he was at the Graniteman Triathlon event and that the Explorer’s who did crowd control were well respected.

PLANNING COMMISSION – Planning Commission Chair Toni Honer reported on the following:

PUBIC HEARINGS

DOG ORDINANCE – Mayor Hagen announced that a public hearing would now convene to consider adoption of Ordinance No. 2009-59 –Regulating Dogs in the City of Rockville.

Rena Weber reported that the Planning Commission reviewed the comments submitted by Sara Grachek and they were incorporated in the updated ordinance. Rena Weber had also submitted the updated ordinance to Sgt. Lentz for his comments which are provided in the highlighted yellow portion of the document.

Toni Honer reported the Planning Commission agreed with the comments of Ms. Grachek and incorporated them. She informed the council that she received a few calls regarding Section 91.03 and that it should apply to the whole city. You may have dogs coming into the core city so they still are in the city.

Member Schmitt asked if the dog would be easier to handle with a collar on. Sgt. Lentz indicated they would be easier to handle, but that the Sheriff's Department can work with the ordinance as proposed. In regards to the concern in 91.09 of dog's that cannot be impounded, putting a dog down is the last step they take.

Motion by Member Volkmuth, second by Mayor Hagen, to close the public hearing at 6:14 p.m.

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

Member Palmer introduced the following ordinance and moved for its adoption:

ORDINANCE NO. 2009-59

AN ORDINANCE REGULATING DOGS IN THE CITY OF ROCKVILLE, MN

(A complete of the ordinance is hereby attached and marked Exhibit A)

The motion was duly seconded by Member Willenbring with the following vote being taken:

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

ORDINANCE NO. 2009-61 AMENDING REGULATIONS FOR WIND ENERGY CONVERSION SYSTEMS – Mayor Hagen announced that a public hearing would now be held to consider an amendment to the WECS ordinance.

Chair Honer reported that the Planning Commission reviewed the issue of storage of batteries and that this comes under the state electrical regulations and is not something the city needs to cover by ordinance.

In regards to the question raised by Member Palmer about the 5 acre rule and allowing WECS in the Shoreland by granting a CUP. This would still have to go through the process. You can't take away the right to apply for a CUP.

Member Willenbring indicated that if we do go ahead with not allowing WECS in the Shoreland then he would not be in favor of it.

Rena Weber explained that the current ordinance allows WECS in the Shoreland by applying for a CUP and the Planning Commission does not want to allow WECS in the Shoreland District at all so that would change Subdivision 4 District Regulations "Shoreland Residential Management R-1 to "Not permitted".

Toni Honer agreed that as to allowing wind towers in the Shoreland District the Planning Commission does not want to see it in the Shoreland area at all. They spent two years working on the Shoreland Ordinance.

Member Willenbring asked what encumbrance is this to developing?

Mayor Hagen responded that people feel wind turbines are an obtrusive or unsightly structured and should really be allowed in rural areas or in concentrated industrial areas.

Member Willenbring stated that we may be depriving people of their property rights.

Member Schmitt questioned if the ordinance allows for a vertical windmill? Toni indicated that she would have to see it first.

Mayor Hagen questioned the setback distance of 500'. Rena Weber reported this is shown on page 4 under Asterisk * The setback from any residential district shall not be less than 500'.

Mayor Hagen indicated that this should say property line instead of residential district.

For the record this was the motion adopted on 5/20/09 - *Motion by Mayor Hagen, second by Member Palmer to approve the ordinance and to amend it to include a setback from non-permitted districts (R-1, R-2, B1, & B2, SRM) or where a conditional use permit is needed requires a 500' setback from the property line. Also, in general, a minimum of 5 acres is needed with CUP approval where it is not permitted in Residential areas. Further this should be sent back to the Planning Commission to research these two issues.*

Charles Grell – 21096 Fowler Road, stated that he knows the council is trying to do the best they can. He has studied this for the past three years. Houses will blow over before a tower will come down. A tower is designed to take on a 150 mph wind. That is the way they are designed. They just don't come down. They are engineered not to. There is 1/8 the concrete put in for a tower as opposed to a house. That means you could not put it on 5 acres.

Mayor Hagen indicated that there is also a concern of noise and the looks.

Charles Grell indicated at that point it becomes a personal issue. He is fighting for something the President is after. You pretty much have it down to making it hard to put one anywhere. The best wind is around a lake area. This is information he learned over the years. If his neighbors don't mind him putting one up then it should be okay. If not you are overstepping your bounds.

Mayor Hagen reported the city has to look at the land use aspect. How can we allow people to put up a wind tower and tell others they have to match their siding on their garage to their house. There is some consistency. We are trying to protect other people's rights too.

Charles Graft indicated that some day it is going to come down to not being able to breath.

Member Koerber indicated his wind turbine must be different from the one he has heard because he was 500 to 1000 feet away.

Tudie Hermanutz – 211 1st St. West agrees with Mr. Grell. 5 acres already covers anything that could be harmed, we don't have to restrict any more. Allow people to work on this.

Motion by Member Volkmuth, second by Member Willenbring, to close the public hearing at 6:37 p.m.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

Rena Weber reported that Stearns County ordinance uses 200' or 1.1 the height of the tower whichever is greater.

Member Volkmuth stated he was okay with the way it is set up, but wants to see each application through a CUP. It has to be looked at with an open mind because this is the way of the future. It is a different avenue of energy.

Member Palmer stated the one of the concerns is noise and how will it be measured.

Rena Weber reported that we go by State Rules 7030 and Stearns County has equipment that we can use.

Member Willenbring indicated that the noise decibels have to be decided in the design stage or it will be a real problem after it is up.

Chuck Grell indicated that the tower has to meet Stearns County standards first.

Member Palmer asked if the Planning Commission looked at allowing towers in the Shoreland District specifically.

Rena Weber reported that Stearns County allow wind turbines under 40 KW in the Shoreland.

Discussion was also held regarding the setback from dwelling not just structure.

Motion by Member Becker to amend the ordinance to NOT allow wind turbines in the Shoreland District.

Motion died for a lack of a second.

Member Palmer asked if the Planning Commission looked at what other cities/counties have done in the Shoreland. This needs to be done.

Member Becker stated that we spent a year & ½ on the Shoreland Ordinance. If we start allowing changes it is going to be weakened.

Member Volkmuth stated that not everybody is agreeing to it being so restrictive and we are not hurting the Shoreland.

It was determined to keep the ordinance the same.

KISSNER CONDITIONAL USE PERMIT: Planning Commission Chair Toni Honer reported the Planning Commission considered the request of Kevin H & Rebecca L Kissner for a **Conditional Use Permit** for New Single Family Dwelling Requirements. The address of the property is: 23301 93rd Ave. St. Cloud, MN 56301 with a legal description of: See below.

SECTION 24 Subdivision 3: Conditional Uses (17) reads:

1. New Single Family Dwellings as provided for below:
 - a. New single family dwellings at a maximum density of one per Forty (40) acres on platted lots recorded after April 16, 2003 and that meet minimum lot size requirements in this Ordinance as well as the requirements of Subdivision 6 of this Section 24.
 - b. With the exception of construction upon platted lots of record existing as of April 16, 2003, no more than four (4) conditional use permits for single family dwellings will be issued in any calendar year.

The request is to construct a single family dwelling in the **SP-1 SPECIAL PROTECTION DISTRICT**.

KISSNER STAFF REPORT 7/8/09

RE: SITE PLAN APPROVAL

76.41627.0014 Owners: Kevin H & Rebecca L Kissner

Property Address: 23301 93rd Ave, St. Cloud, MN 56301

RELEVANT INFORMATION

1. Property is zoned SP-1
2. Property is 40.02 acres approximately.
3. Kevin & Rebecca hope to build a single family dwelling with a barn attached to the house. This was approved by the building official already.
4. The parcel was not a lot of record on 4/16/03.
5. This is the first request for a CUP for 2009.
6. The neighboring feedlot has been identified.

RECOMMENDATION

1. Approve as presented.

Zoning Administrator Rena Weber reported the following written/oral report:

- ◆ The Building Official Ron Wasmund –“The owner of the land is looking to build a garage and horse stable with a living quarter attached. We can make it work from Building Code perspective but need to have the zoning reviewed before we go any further with a plan review.”
- ◆ Stearns County Environmental Greg Bechtold regarding the wetland impact-“2000 square feet of impact to a type 2 wetland is the maximum allowed in Stearns County without an approved Wetland Replacement Plan. If the driveway is less than 30-feet wide from toe of slope to toe of slope of the driveway and the driveway is installed as shown on the sketch, the wetland impact will be less than 200-square feet.”
- ◆ Stearns County Environmental Becky Von Holdt provided a map showing the feedlot-related setbacks.

The Planning Commission recommends approval of the request.

**Member Palmer introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2009-14**

RESOLUTION GRANTING A CONDITIONAL USE PERMIT

WHEREAS, a request has been received from Kevin H & Rebecca L Kissner for a conditional use permit to construct a single family dwelling in the SP-1 District, and;

WHEREAS, The address of the property is: 23301 93rd Avenue, St. Cloud, MN with a legal description of: That part of the East Half of the Southeast Quarter of Section 15, Township 123, Range 29, Stearns County, Minnesota, described as follows:

Commencing at the southwest corner of said Southeast Quarter; thence North 88 degrees 28 minutes 52 seconds East, assumed bearing along the south line of said Southeast Quarter a distance of 298.08 feet to the east line of the West 298.00 feet of said Southeast Quarter; thence North 00 degrees 10 minutes 48 seconds West along said east line, a distance of 200.05 feet to the north line of South 200.00 feet of said southeast Quarter; thence North 88 degrees 28 minutes 52 seconds East along said north line, a distance of 1280.95 feet to the west line of the East 1100.00 feet of said East Half of the Southeast Quarter, also being the point of beginning; thence North 00 degrees 19 minutes 44 seconds East along said west line, a distance of 1762.55 feet to the centerline of Ahles Road (as traveled); thence South 86 degrees 37 minutes 03 seconds East along said centerline, a distance of 165.08 feet to the southwesterly line of a tract of land as described in document number 572899; thence South 47 degrees 01 minutes 16 seconds East along said southwesterly line, a distance of 799.15 feet to the southerly most corner of said tract; thence North 68 degrees 32 minutes 14 seconds East along the southeasterly line of said tract, a distance of 374.10 feet to the east line of said Southeast Quarter; thence South 00 degrees 19 minutes 44 seconds West; along said east line, a distance of 1515.81 feet to the southeast corner of said Southeast Quarter; thence South 88 degrees 28 minutes 52 seconds West along the south line of said Southeast Quarter, a distance of 824.43 feet to the west line of the East 824.00 feet of said Southeast Quarter; thence North 00 degrees 19 minutes 44 seconds East along said west line, a distance of 200.10 feet to the north line of the South 200.00 feet of said Southeast Quarter; thence South 88 degrees 28 minutes 52 seconds West along said north line a distance of 276.14 feet to the point of beginning.

WHEREAS, this request would not affect the wetland, and;

WHEREAS, proper notification and publication had been given, and;

WHEREAS, all persons were given an opportunity to be heard on said request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA:

1. Said request is hereby approved to allow the construction of a 4,788 square foot home with attached garage/horse barn in the SP-1 District making it the 1st single family dwelling permit granted for 2009. Said approval to construct said home is subject to proper septic system permits being obtained.

2. Said approval is not a burden on public facilities, is compatible with existing and planned adjacent uses, has no adverse affect on adjacent properties, the use is related to the needs of the city, is consistent with the Comprehensive Plan, is not a traffic hazard, there is adequate parking and loading, and;

3. The granting of the conditional use permit will not be detrimental to the public health, safety and general welfare of the City.

The motion for the foregoing resolution was duly seconded by Member Koerber with the following vote being taken:

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

SHANNON WICKER – VARIANCE(S) REQUEST – Chair Honer reported that the Planning Commission was supposed to do a site visit at this residence last evening, but could not do that because of severe weather. This has been tabled until their 7/29/09 meeting.

FEEDLOT CHANGES – Chair Honer reported that Stearns County has proposed changes to their ordinance that will specifically address Rockville and St. Augusta. The Planning Commission is in agreement with the changes. The Planning Commission also discussed a concern of one of the members trying to obtain feedlot status without have to build a structure. Apparently the ordinance has changed and the commission would like to look into this a little more.

VOIGT'S MINOR SUBDIVISION REQUEST – Rena Weber reported the Planning Commission reviewed this request at the meeting on 7/14/09. Their charge was to review the subdivision request only and have recommended approval of such. The City Council received a memo from Igor Lenzner, city attorney, along with additional information regarding the apportionment of special assessments and this would need to be dealt with by the City Council.

Mayor Hagen asked if they complied with the requirements to which Rena Weber reported that the engineer had asked that a 12' drainage and utility easement be provided on the side and rear yard lot lines to which the Voigt's did present revised copies at the 7/14/09 meeting.

Member Palmer asked if the city bonded for the project then we need to require a bond.

Member Volkmuth stated that if they post a bond then he is okay with it. There is just too much out there in special assessments that it has to be addressed.

Mayor Hagen suggested that an appraiser look at this and come up with an apportionment amount.

David Shay, attorney on behalf of the Voigt's, was present at the meeting. He cited the following issues:

- The issue appears to be the special assessments
- The city has been concerned in the past
- The special assessments amount to \$420,000 to pay off plus interest
- They did not include an application for request for re-allocation of the special assessments
- They are asking the city to leave the assessments on the remainder of the 135 acres
- \$1,366,200 is the estimated market value of the property so if you split off 5 acres and improvements this leaves \$300,000. \$1,066,000 so the % of the special assessments to the property would be 39%
- That property is worth millions of dollars
- They are asking the council to leave the assessment on the undeveloped property. No way would there be this amount of assessment on 5 acres.
- The reason that Jim & Jacqueline are requesting the subdivision is that their home is on the five acres. The family members are in agreement with the subdivision.
- The position the city attorney has taken is that apportionment is an option not a requirement. MN statute says 429.071 Sub 3 "the council may upon application of the landowner" or on its own motion equitably apportion among the various lots or parcels in the tract all the installments of the assessment against the tract remaining unpaid. They have not applied for re-apportionment
- For the Voigt's to post a bond – that is a hardship from at least two areas
- The cost to pay for a premium on the bond, and he would need to know how many years the assessment is to run - 15 or more years (Rena Weber reported that Mr. Shay has a copy of the deferred assessment information of which the Voigt family has not signed the agreement).
- Regarding bond issues – Stearns County required the owner of a pit to post a bond. The owner would have had to pay an annual premium and when county thought about it they did not require it.

Member Volkmuth stated that he needs to see some sort of appraisal before any decision is made.

Member Palmer stated that this needs to be apportioned as we need to protect the city's interest. It does not say that it remain with the large parcel.

Member Volkmuth asked if the assessment is to remain on the 135 acres is the family in agreement.

David Shay stated the family is in agreement with putting the assessments on the remaining property.

Mayor Hagen stated that no payments have been made on the assessments and there has been a lack of follow through on a number of requests the council has had through the years. He feels it is good business practice to protect the assets of the city so we need to properly apportion it. He goes along with Randy to require an appraisal on the remaining acreage in hopes that it might convince the council to apportion at a different rate to the remaining acreage. He recommends not putting the Voigt's through that expense though.

Dave Shay asked the council to take that direction they need to provide guidance. A certain percent to be used in comparison to appraised value needs to be determined as long as it

does not exceed 40% of appraised value. They request not taking action on the apportionment tonight and permit the subdivision.

Member Palmer indicated that the city is acting as the banker and questioned are payments going to be made? She wants to know what the agreement will be.

Member Volkmuth indicated that one of the precursors is that we need the agreement signed on the deferral. It feels like a slap in the face so we need to sit down and come to an agreement on the whole thing. We may be looking at \$450,000 to \$500,000.

Mike Voigt wished to address the fact that they have not done anything to pay off any of the assessments. They swapped land with the city that was worth \$51,000 plus they took out a loan in the amount of \$50,000 with Ag Star to pay the city on something. They have spent that already. *(It should be noted the \$51,000 was for purchase of land where the city well is located and the \$50,000 was to pay legal and engineer bills in conjunction with the 7 lot split previously done.)*

Mayor Hagen clarified that they are not making the typical payments.

Member Palmer suggested the negotiating team or finance committee take a look at this.

Mayor Hagen asked if we could apportion the assessments without requiring a bond.

Member Palmer indicated that Igor's memo states that if the city bonded for the project then we need to require a bond.

Mayor Hagen stated that as a minimum of good faith they need to sign the deferral agreement.

Motion by Member Volkmuth, second by Mayor Hagen, to remand this to the Finance Committee and further to act on this request at the next council meeting on 7/29/09.

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

Finance Committee - It was determined that a meeting would be scheduled for 7/21/09 at 6 p.m.

Personnel & Public Works – It was determined that both meetings would be scheduled for 8/4/09 with the Personnel Committee starting at 6 p.m. and the Public Works thereafter or around 7:30 p.m.

A-10 DISTRICTS - Chair Toni Honer also reported that the A-10 designation as discussed at the joint meeting and she felt the city is waiting for residents to approach them about this distinction. The Planning Commission does not want to pick and choose where A-10 can be located.

60 DAY RULE – Chair Honer indicated that In regards to the 60 day rule the Planning Commission is very cognizant of the rule. They will have more meetings to meet the 60 day requirement in some cases. Rena Weber will call St. Cloud to learn of their issues along with Sauk Rapids. Rena will copy the council on the issues and what is learned.

OLD BUSINESS

RESOLUTION RE-AUTHORIZING THE SALE OF REFUNDING BONDS – Rena Weber reported that the revised ordinance addresses changing the date to 10/1/09 by which time staff can refinance the bonds. The original bond listed 7/1/09.

Member Volkmuth introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2009-13A

APPROVING THE ISSUANCE OF

\$1,675,000 G.O. WATER REFUNDING BONDS, SERIES 2009A;

COVENANTING AND OBLIGATING THE CITY TO BE BOUND BY AND TO USE

THE PROVISIONS OF MINNESOTA STATUTES, SECTION 446A.086

TO GUARANTEE THE PAYMENT OF THE PRINCIPAL AND INTEREST ON THE BONDS

BE IT RESOLVED by the City Council of the City of Rockville, State of Minnesota (herein, the "City"), as follows:

1. The City Council hereby finds and declares that it is necessary and expedient for the City to sell and issue its fully registered general obligation refunding bonds in the total aggregate principal amount of not to exceed \$1,675,000 (herein, the "Bonds"). The proceeds of the Bonds will be used, together with any additional funds of the City which are required for the refinancing of the \$915,000 GO Water Revenue Bonds, Series 2005B, the \$140,800 GO Disposal System Bond of 1997, the \$117,800 GO Disposal System Bond of 1998 and the \$608,500 GO Water Revenue Bond of 2001.
2. The City Council desired to proceed with the sale of the Bonds by direct negotiation and hereby authorizes David Drown Associates, Inc. (herein, "DDA") to negotiate on behalf of the City.
3. The Mayor and the City Administrator are hereby authorized to approve the sale of the Bonds in an aggregate principal amount of not to exceed \$1,675,000 and to execute a bond purchase agreement for the purchase of the Bonds provided the total net present value savings is at least three percent (3.0%) of refunded principal or \$50,000.
4. Upon approval of the sale of the Bonds by the Mayor and the City Administrator, the City Council will take action at its next regularly scheduled meeting thereafter to adopt the necessary approving resolutions as prepared by the City's bond counsel.
5. Minnesota Public Facilities Authority Credit Enhance Program
 - A. Form of Minnesota Public Facilities Authority (the "PFA") Credit Enhancement Program Agreement (the "Agreement"); and
 - B. Application for Participation in the PFA Credit Enhancement Program (the "Application").
 1. The Agreement and the Application are authorized and approved in substantially the forms presented to the Council. Submission of the Application to the PFA and payment of related fees are approved. The City hereby covenants and obligates itself to be bound by the provisions of Minnesota Statutes, Section 446A.086, as it may be amended from time to time. The City understands that as a result of its covenant to be bound by the provisions of Minnesota Statutes, Section 446A.086, the provisions of that section shall be binding as long as any Bonds of this issue remain outstanding.
 2. The City hereby covenants and obligates itself to notify the Minnesota Public Facilities Authority of a potential default in the payment of principal and interest on the Bonds and to use the provisions of Minnesota Statutes, Section 446A.086 to guarantee payment of the principal and interest on the Bonds when due. The City further covenants to deposit with the Bond Registrar or any successor paying agent three (3) days prior to the date on which a payment is due an amount sufficient to make that payment or to notify the Minnesota Public Facilities Authority that it will be unable to make all or a portion of that payment. The Bond Registrar for the Bonds is authorized and directed to notify the Minnesota Public Facilities Authority if it becomes aware of a potential default in the payment of principal or interest

on the Bonds or if, on the day two (2) business days prior to the payment is due on the Bonds, there are insufficient funds to make that payment on deposit with the Bond Registrar.

3. The City further covenants to comply with all procedures now or hereafter established by the Department of Finance and Minnesota Public Facilities Authority pursuant to Minnesota Statutes, Section 446A.086, subdivision 3 and otherwise to take such actions as necessary to comply with that section. The Mayor and City Clerk are authorized to execute any applicable Minnesota Public Facilities Authority forms and to provide for the payment of the City's application fee of \$500 to the Authority, or will reimburse DDA for their payment of the fee on the City's behalf, which fee is required to be submitted with the executed forms.
6. DDA is authorized to prepare an Offering Memorandum related to the sale of the Bonds.
7. If the Mayor and City Administrator have not approved the sale of the bonds and executed the related bond purchase agreement by October 1, 2009 this resolution shall expire.

The motion for the foregoing resolution was duly seconded by Member Palmer with the following vote being taken:

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

NEW BUSINESS

ROCKVILLE COUNTY PARK – NATURE PRESERVE – Chuck Wocken-Stearns County Park Director was present at the meeting to report on the master plan for the new county park.

Some things that will change and need approval are:

- Re-route Sauk River Road past Glacier Road – need to take a left turn into the road going into the park. There will be a parking area for people to stop and observe the eagles.
- Also they will re-configure County Road 139 – another left hand turn to Sauk River Road.
- This will be no expense to the city.
- Hunting – would be allowed as a management tool to keep deer herd down or allow handicapped hunting, youth hunting and turkey hunting

Hunting is not allowed in city parks or county parks so both entities would have to change their ordinances.

Other Amenities include:

- Fishing pier – handicapped accessible
- Horse and walking trails
- Eagle Nest site
- Shelter
- Camp site for canoeist
- Overnight campers would use a vault toilet.

There is an opportunity to expand but the County is not out actively seeking purchase of land.

Member Palmer questioned the timeline for development of the park. Chuck Wocken reported they some funding in a capital improvement bond to do parking and some soft surface trails, prairie restoration.

Member Palmer questioned in terms of moving the road would there be any city cost. Chuck Wocken indicated there would be none.

Member Willenbring asked have the residents on Glacier Road been attending the meetings. Will their speed have to slow down? It was reported that residents were at each of the meetings.

Member Willenbring inquired about duck hunting in the city and floating down the river. This would be a concern.

Member Willenbring asked how people would go from the County Park to Eagle Park. Chuck Wocken reported that people would walk across County Road 139 on-grade by the parking lot to Eagle Park.

Member Willenbring asked about extra police surveillance and who will bear the cost? Chuck Wocken stated that they have a Park Patrol and the Sheriff does provide response team so it would be their cost.

Member Willenbring asked would equestrian owners be allowed to camp. Chuck Wocken was not sure on this issue.

ADMINISTRATOR'S REPORT

REQUESTS FOR COUNCIL ACTION:

Please approve the transfer of the annual water fund payments to the debt service funds. This is done approximately halfway through the year so that any cash flow issues may be addressed prior to year end when the payments are due. See journal entry below:

Annual Transfer from Water Fund to Debt Service Fund 303 (GO Water Revenue Bond Fund)

E 601-49440-702 Transfer-Water Bond Pmt	(Debit)	\$41,225
G 601-10600 Cash Code	(Credit)	\$41,225
G 303-10600 Cash Code	(Debit)	\$41,225
R 303-47000-39203 Transfer From Other Fund	(Credit)	\$41,225

Annual Transfer from Water Fund to Debt Service Fund 306 (2005 PIP Add'l Project Payment)

E 601-49440-703 Transfer-PIP Add'l to Fund 306	(Debit)	\$12,728
G 601-10600 Cash Code	(Credit)	\$12,728
G 306-10600 Cash Code	(Debit)	\$12,728
R 306-47000-39203 Transfer from Other Fund	(Credit)	\$12,728

Motion by Member Volkmuth, second by Member Willenbring, to approve the transfer request as presented.

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

SAFE WATER FEE

1. Remove Safe Water Fee Reimbursement Expense Accounts & Budget Amounts:
601-49440-443 \$1600.00 Revised Budget Amount = \$0.00
2. Remove Safe Water Fee Reimbursement Revenue Accounts & Budget Amounts:
601-49440-36242 \$1500.00 Revised Budget Amount = \$0.00

The Safe Water Fee Reimbursement is not revenue for the city, instead of accounting for the Safe Water Fee collected from Water Sales as a Revenue and Expense, a Liability Account-**Safe Water Fee Payable-Dues to Other Govt** would be set up to correctly reflect the money collected by the city that is payable to the state of MN. Any monies currently in both the current revenue and expense accounts would be transferred balance sheet account G 601-20510 Safe Water Fee Payable - Due to Other Govt.

Motion by Member Volkmuth, second by Mayor Hagen, to approve the request as presented.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

SEAL COATING BID – OVERAGE – Rick Hansen requested approval on:

Overage cost of seal coating of \$3,774.11 from Caldwell Asphalt due to incorrect measurement of cul-de-sacs, Original estimate \$23,981.31 actual cost \$27,755.42.

Fund # 101-43100-317 (There is \$42,000 in the budget)

Member Willenbring voiced concern that one year ago this was done on another project and wondered if there is a pattern.

Mayor Hagen suggested the contractor measure the area to be seal coated. This will be added to the Public Works Committee agenda.

Motion by Member Palmer, second by Member Becker, to approve the request as presented.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt & Volkmuth

NAYS: Willenbring

Motion passed on a 6 to 1 vote.

ADDITIONS TO THE AGENDA

FIRE RELIEF MUNICIPAL CONTRIBUTION – Rena Weber reported that the municipal contribution for 2010 is \$26,625 and that she, Mayor Hagen and Amy Goerger will attend the Fire Relief Assn. meeting on Monday night to discuss this. She would suggest a reduction of \$100 for a year or two, but the request must come from the Fire Relief Assn. members and further this should be done in a positive way. It was determined that this issue should be put on the Finance Committee agenda.

EDA – FIRE HALL – Rena Weber reported that the EDA is coming to an agreement with Shingobee Builders in rectifying the Fire Hall apparatus bay floor. It will be completely refinished with the EDA picking up a portion of the cost.

ROCORI TRAIL – Rena Weber reported that the Rocori Trail Committee would be meeting with a representative from BNSF on Wednesday, July 22, 2009 to discuss the possible abandonment of a portion of the railroad from Richmond to Cold Spring.

OPEN FORUM

Tudie Hermanutz –211 1st Street West thanked whoever got the railroad track repair done on County Road 139.

ADJOURNMENT – Motion by Member Volkmuth, second by Member Willenbring, to adjourn the meeting at 8:27 p.m. Motion carried unanimously.

**VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK**

**JEFF HAGEN
MAYOR**

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