

ROCKVILLE ACTIVITY

JUNE 2009

TOTAL HOURS 42

(SEE ATTACHED ACTIVITY LIST FOR DETAILS)

ALL CALLS IN ROCKVILLE - JUNE 2009

City	Date Received	Call Number	Complaint	Description
ROCKVILLE	06/11/2009 01:50:21	09032512	1050	ACCIDENT
ROCKVILLE	06/29/2009 14:04:06	09036458	1050	ACCIDENT
ROCKVILLE	06/13/2009 02:22:20	09032982	1057	INTOXICATED PERSON
ROCKVILLE	06/30/2009 12:08:57	09036618	ABU	ABUSE AGAINST CHILD
ROCKVILLE	06/12/2009 18:54:38	09032873	AL	ALARM
ROCKVILLE	06/14/2009 14:28:46	09033293	AL	ALARM
ROCKVILLE	06/15/2009 20:53:38	09033573	ANI	ANIMAL COMPLAINT
ROCKVILLE	06/17/2009 19:10:02	09033949	ANI	ANIMAL COMPLAINT
ROCKVILLE	06/17/2009 19:48:32	09033957	ANI	ANIMAL COMPLAINT
ROCKVILLE	06/17/2009 21:13:13	09033972	ANI	ANIMAL COMPLAINT
ROCKVILLE	06/13/2009 13:43:28	09033062	ANIB	ANIMAL BITE COMPLAINT
ROCKVILLE	06/02/2009 14:07:20	09030602	ASSTA	AGENCY ASSIST
ROCKVILLE	06/16/2009 17:59:04	09033723	ASSTA	AGENCY ASSIST
ROCKVILLE	06/27/2009 00:42:44	09035927	ASSTA	AGENCY ASSIST
ROCKVILLE	06/23/2009 12:25:14	09035135	ASSTP	PERSONAL ASSIST
ROCKVILLE	06/27/2009 01:00:39	09035932	CC	CITIZEN CONTACT
ROCKVILLE	06/28/2009 11:28:15	09036256	CC	CITIZEN CONTACT
ROCKVILLE	06/15/2009 02:50:17	09033408	CC	CITIZEN CONTACT
ROCKVILLE	06/01/2009 12:41:47	09030401	CHK	BAD CHECKS
ROCKVILLE	06/01/2009 20:10:18	09030501	CONTR	CONTRACT
ROCKVILLE	06/03/2009 04:53:28	09030732	CONTR	CONTRACT
ROCKVILLE	06/02/2009 14:41:35	09030618	CONTR	CONTRACT
ROCKVILLE	06/04/2009 21:33:37	09031133	CONTR	CONTRACT
ROCKVILLE	06/05/2009 07:41:07	09031204	CONTR	CONTRACT
ROCKVILLE	06/05/2009 19:16:15	09031324	CONTR	CONTRACT
ROCKVILLE	06/06/2009 01:50:53	09031470	CONTR	CONTRACT
ROCKVILLE	06/07/2009 01:45:58	09031700	CONTR	CONTRACT
ROCKVILLE	06/15/2009 08:56:37	09033423	CONTR	CONTRACT
ROCKVILLE	06/12/2009 19:17:51	09032877	CONTR	CONTRACT
ROCKVILLE	06/11/2009 19:59:56	09032673	CONTR	CONTRACT
ROCKVILLE	06/11/2009 15:17:06	09032623	CONTR	CONTRACT
ROCKVILLE	06/10/2009 01:05:12	09032263	CONTR	CONTRACT
ROCKVILLE	06/10/2009 12:23:17	09032351	CONTR	CONTRACT
ROCKVILLE	06/10/2009 19:32:31	09032448	CONTR	CONTRACT
ROCKVILLE	06/07/2009 18:47:29	09031793	CONTR	CONTRACT
ROCKVILLE	06/08/2009 04:53:09	09031849	CONTR	CONTRACT
ROCKVILLE	06/09/2009 03:14:34	09032044	CONTR	CONTRACT
ROCKVILLE	06/28/2009 18:53:56	09036323	CONTR	CONTRACT
ROCKVILLE	06/27/2009 01:48:50	09035944	CONTR	CONTRACT
ROCKVILLE	06/30/2009 05:26:42	09036569	CONTR	CONTRACT
ROCKVILLE	06/29/2009 15:23:06	09036473	CONTR	CONTRACT
ROCKVILLE	06/29/2009 19:51:27	09036512	CONTR	CONTRACT
ROCKVILLE	06/24/2009 04:56:39	09035280	CONTR	CONTRACT
ROCKVILLE	06/22/2009 16:04:00	09034967	CONTR	CONTRACT
ROCKVILLE	06/22/2009 21:54:59	09035034	CONTR	CONTRACT
ROCKVILLE	06/25/2009 18:39:36	09035617	CONTR	CONTRACT
ROCKVILLE	06/26/2009 00:17:52	09035681	CONTR	CONTRACT
ROCKVILLE	06/26/2009 21:50:34	09035887	CONTR	CONTRACT
ROCKVILLE	06/16/2009 19:47:53	09033742	CONTR	CONTRACT
ROCKVILLE	06/16/2009 04:57:05	09033615	CONTR	CONTRACT
ROCKVILLE	06/13/2009 09:18:52	09033023	CONTR	CONTRACT
ROCKVILLE	06/14/2009 01:57:22	09033213	CONTR	CONTRACT
ROCKVILLE	06/17/2009 14:52:09	09033892	CONTR	CONTRACT
ROCKVILLE	06/18/2009 00:16:45	09034011	CONTR	CONTRACT
ROCKVILLE	06/19/2009 02:31:47	09034130	CONTR	CONTRACT
ROCKVILLE	06/19/2009 19:29:26	09034345	CONTR	CONTRACT
ROCKVILLE	06/21/2009 01:45:26	09034727	CONTR	CONTRACT
ROCKVILLE	06/22/2009 00:48:32	09034867	CONTR	CONTRACT
ROCKVILLE	06/22/2009 00:48:43	09034868	CONTR	CONTRACT

City	Date Received	Call Number	Complaint	Description
ROCKVILLE	06/22/2009 00:49:03	09034869	CONTR	CONTRACT
ROCKVILLE	06/12/2009 20:42:20	09032901	DOM	DOMESTIC
ROCKVILLE	06/06/2009 23:26:33	09031644	DRIVE	DRIVING COMPLAINT
ROCKVILLE	06/10/2009 23:05:39	09032486	DRIVE	DRIVING COMPLAINT
ROCKVILLE	06/04/2009 22:29:21	09031146	DWI	DRUNK DRIVER ARREST
ROCKVILLE	06/06/2009 01:34:34	09031462	DWI	DRUNK DRIVER ARREST
ROCKVILLE	06/26/2009 22:05:11	09035892	DWI	DRUNK DRIVER ARREST
ROCKVILLE	06/13/2009 21:33:47	09033152	FIGHT	FIGHT PHYSICAL
ROCKVILLE	06/12/2009 14:54:49	09032835	FUP	FOLLOW UP
ROCKVILLE	06/05/2009 22:53:23	09031406	FWORKS	FIREWORKS COMPLAINT
ROCKVILLE	06/18/2009 20:13:20	09034074	GUN	GUN/PERSON WITH
ROCKVILLE	06/18/2009 23:45:29	09034116	HAZ	HAZARD
ROCKVILLE	06/19/2009 03:48:40	09034135	HAZ	HAZARD
ROCKVILLE	06/29/2009 15:43:03	09036476	INFO	MATTER OF INFORMATION
ROCKVILLE	06/07/2009 19:57:18	09031798	INFO	MATTER OF INFORMATION
ROCKVILLE	06/03/2009 23:24:17	09030922	JUVR	JUVENILE/RUNAWAY
ROCKVILLE	06/25/2009 12:09:16	09035557	LITTR	LITTERING COMPLAINT
ROCKVILLE	06/09/2009 08:04:48	09032063	MAIL	MAILBOX VANDALISM
ROCKVILLE	06/13/2009 06:47:32	09032997	MED	MEDICAL EMERGENCY
ROCKVILLE	06/03/2009 14:02:30	09030816	MED	MEDICAL EMERGENCY
ROCKVILLE	06/25/2009 15:30:01	09035587	MED	MEDICAL EMERGENCY
ROCKVILLE	06/23/2009 05:39:42	09035064	MED	MEDICAL EMERGENCY
ROCKVILLE	06/30/2009 01:10:32	09036554	MED	MEDICAL EMERGENCY
ROCKVILLE	06/15/2009 17:19:58	09033540	MED	MEDICAL EMERGENCY
ROCKVILLE	06/07/2009 22:24:50	09031813	NDISP	NEIGHBORHOOD DISPUTE
ROCKVILLE	06/04/2009 21:59:07	09031139	NOISE	NOISE COMPLAINT
ROCKVILLE	06/04/2009 15:47:57	09031056	PAPSV	PAPER SERVICE
ROCKVILLE	06/06/2009 15:16:28	09031540	PAPSV	PAPER SERVICE
ROCKVILLE	06/03/2009 12:58:51	09030797	PAPSV	PAPER SERVICE
ROCKVILLE	06/02/2009 12:51:27	09030587	PAPSV	PAPER SERVICE
ROCKVILLE	06/04/2009 10:31:19	09030982	PAPSV	PAPER SERVICE
ROCKVILLE	06/02/2009 19:11:39	09030668	PAPSV	PAPER SERVICE
ROCKVILLE	06/08/2009 09:20:40	09031861	PAPSV	PAPER SERVICE
ROCKVILLE	06/08/2009 21:23:04	09031987	PAPSV	PAPER SERVICE
ROCKVILLE	06/09/2009 20:05:42	09032206	PAPSV	PAPER SERVICE
ROCKVILLE	06/20/2009 15:46:06	09034622	PARKV	PARKING VIOLATION
ROCKVILLE	06/30/2009 13:03:48	09036627	PERG	GUN PERMIT
ROCKVILLE	06/22/2009 14:16:24	09034955	PRDAM	PROPERTY DAMAGE
ROCKVILLE	06/21/2009 06:20:19	09034745	SPEEDTRL	SPEED TRAILER
ROCKVILLE	06/23/2009 08:27:57	09035069	SPEEDTRL	SPEED TRAILER
ROCKVILLE	06/04/2009 10:08:07	09030977	SPEEDTRL	SPEED TRAILER
ROCKVILLE	06/05/2009 11:45:13	09031248	STALL	STALLED VEHICLE
ROCKVILLE	06/22/2009 16:39:16	09034970	STALL	STALLED VEHICLE
ROCKVILLE	06/27/2009 02:07:04	09035946	SUSA	SUSPICIOUS ACTIVITY
ROCKVILLE	06/02/2009 22:07:11	09030701	SUSA	SUSPICIOUS ACTIVITY
ROCKVILLE	06/27/2009 00:27:05	09035923	SUSA	SUSPICIOUS ACTIVITY
ROCKVILLE	06/03/2009 11:31:05	09030783	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	06/07/2009 13:55:13	09031760	THEFTV	THEFT FROM VEHICLE
ROCKVILLE	06/26/2009 17:54:26	09035827	TOW	TOWED VEHICLE
ROCKVILLE	06/26/2009 19:44:22	09035852	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/26/2009 22:13:45	09035894	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/25/2009 22:42:11	09035668	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/23/2009 15:13:28	09035158	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/28/2009 00:42:51	09036182	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/20/2009 02:02:05	09034514	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/21/2009 01:33:53	09034725	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/19/2009 13:04:08	09034271	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/16/2009 20:14:31	09033747	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/18/2009 01:02:01	09034019	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/18/2009 18:58:21	09034047	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/17/2009 18:57:07	09033942	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/17/2009 22:40:59	09033995	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/06/2009 18:47:31	09031558	Traffic Stop	TRAFFIC STOP

City	Date Received	Call Number	Complaint	Description
ROCKVILLE	06/06/2009 02:32:49	09031480	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/06/2009 02:47:48	09031484	TRAFFIC STOP	TRAFFIC STOP
ROCKVILLE	06/04/2009 18:16:27	09031086	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/04/2009 22:12:46	09031143	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/03/2009 10:27:09	09030772	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/02/2009 04:26:57	09030544	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/11/2009 18:47:40	09032654	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/09/2009 04:28:16	09032048	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/09/2009 06:17:45	09032054	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/12/2009 16:15:38	09032849	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/12/2009 01:41:14	09032744	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/15/2009 14:05:30	09033492	Traffic Stop	TRAFFIC STOP
ROCKVILLE	06/21/2009 00:50:18	09034714	UNK	UNKNOWN - NO INFO AVAILABLE
ROCKVILLE	06/12/2009 13:29:58	09032818	VANDV	VANDALISM TO VEHICLE
ROCKVILLE	06/30/2009 11:24:07	09036607	VERB	VERBAL DISPUTE
ROCKVILLE	06/24/2009 17:19:34	09035398	VERB	VERBAL DISPUTE
ROCKVILLE	06/29/2009 13:38:36	09036446	WARRANT	WARRANT
ROCKVILLE	06/16/2009 11:43:59	09033669	WARRANT	WARRANT
ROCKVILLE	06/22/2009 18:33:10	09034996	WAT	PROBLEM WITH WATERCRAFT
ROCKVILLE	06/28/2009 13:19:43	09036271	WATV	WATERCRAFT VIOLATION
ROCKVILLE	06/19/2009 22:28:56	09034418	WATV	WATERCRAFT VIOLATION
ROCKVILLE	06/13/2009 15:20:11	09033078	WATV	WATERCRAFT VIOLATION
ROCKVILLE	06/13/2009 15:46:08	09033085	WATV	WATERCRAFT VIOLATION
ROCKVILLE	06/13/2009 16:26:07	09033097	WATV	WATERCRAFT VIOLATION
ROCKVILLE	06/08/2009 16:33:01	09031948	WELF	WELFARE CHECK
ROCKVILLE	06/30/2009 02:40:07	09036563	WELF	WELFARE CHECK
ROCKVILLE	06/04/2009 14:06:05	09031030	XPAT	EXTRA PATROL

ROCKVILLE CONTRACT - JUNE 2009

<u>Actual Incid</u>	<u>City</u>	<u>Date Received</u>	<u>Comp</u>	<u>Call Number</u>	<u>Complaint</u>	<u>First Unit</u>
ROCKVILLE		06/01/2009 20:10:18	21:21:53	09030501	CONTR	2577
ROCKVILLE		06/02/2009 14:41:35	15:55:54	09030618	CONTR	2564
ROCKVILLE		06/03/2009 04:53:28	06:01:28	09030732	CONTR	2559
ROCKVILLE		06/04/2009 21:33:37	00:50:34	09031133	CONTR	2567
ROCKVILLE		06/05/2009 07:41:07	08:48:01	09031204	CONTR	2543
ROCKVILLE		06/05/2009 19:16:15	20:20:16	09031324	CONTR	2578
ROCKVILLE		06/06/2009 01:50:53	03:43:42	09031470	CONTR	2554
ROCKVILLE		06/07/2009 01:45:58	02:46:27	09031700	CONTR	2563
ROCKVILLE		06/07/2009 18:47:29	19:48:00	09031793	CONTR	2567
ROCKVILLE		06/08/2009 04:53:09	06:00:23	09031849	CONTR	2570
ROCKVILLE		06/09/2009 03:14:34	04:25:32	09032044	CONTR	2573
ROCKVILLE		06/10/2009 01:05:12	02:26:50	09032263	CONTR	2566
ROCKVILLE		06/10/2009 12:23:17	13:31:18	09032351	CONTR	2545
ROCKVILLE		06/10/2009 19:32:31	20:33:12	09032448	CONTR	2569
ROCKVILLE		06/11/2009 15:17:06	16:26:05	09032623	CONTR	2541
ROCKVILLE		06/11/2009 19:59:56	21:09:55	09032673	CONTR	2547
ROCKVILLE		06/12/2009 19:17:51	20:19:47	09032877	CONTR	2579
ROCKVILLE		06/13/2009 09:18:52	10:21:21	09033023	CONTR	2580
ROCKVILLE		06/14/2009 01:57:22	03:07:00	09033213	CONTR	2553
ROCKVILLE		06/15/2009 08:56:37	11:39:26	09033423	CONTR	2580
ROCKVILLE		06/16/2009 04:57:05	06:01:04	09033615	CONTR	2570
ROCKVILLE		06/16/2009 19:47:53	20:48:46	09033742	CONTR	2574
ROCKVILLE		06/17/2009 14:52:09	16:02:39	09033892	CONTR	2556
ROCKVILLE		06/18/2009 00:16:45	01:16:37	09034011	CONTR	2569
ROCKVILLE		06/19/2009 02:31:47	03:56:30	09034130	CONTR	2570
ROCKVILLE		06/19/2009 19:29:26	20:34:03	09034345	CONTR	2547
ROCKVILLE		06/21/2009 01:45:26	03:23:51	09034727	CONTR	2554
ROCKVILLE		06/22/2009 00:48:32	01:52:12	09034867	CONTR	2567
ROCKVILLE		06/22/2009 00:48:43	01:52:17	09034868	CONTR	2567
ROCKVILLE		06/22/2009 00:49:03	01:51:48	09034869	CONTR	2567
ROCKVILLE		06/22/2009 16:04:00	16:55:11	09034967	CONTR	2557
ROCKVILLE		06/22/2009 21:54:59	22:58:41	09035034	CONTR	2579
ROCKVILLE		06/24/2009 04:56:39	06:04:04	09035280	CONTR	2558
ROCKVILLE		06/25/2009 18:39:36	19:42:15	09035617	CONTR	2571
ROCKVILLE		06/26/2009 00:17:52	01:23:38	09035681	CONTR	2566
ROCKVILLE		06/26/2009 21:50:34	02:22:55	09035887	CONTR	2574
ROCKVILLE		06/27/2009 01:48:50	02:54:23	09035944	CONTR	2570
ROCKVILLE		06/28/2009 18:53:56	19:54:24	09036323	CONTR	2575
ROCKVILLE		06/29/2009 15:23:06	16:35:54	09036473	CONTR	2541
ROCKVILLE		06/29/2009 19:51:27	20:52:28	09036512	CONTR	2576
ROCKVILLE		06/30/2009 05:26:42	06:33:15	09036569	CONTR	2553



CITY OF ROCKVILLE

P.O. Box 93 • 229 Broadway Street East • Rockville, Minnesota 56369

(320) 251-5836 • FAX (320) 240-9620

www.rockvillecity.org

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

ROCKVILLE CITY
COUNCIL

MAYOR

JEFF HAGEN
320) 266-9377 CELL

COUNCILORS

BILL BECKER
320) 253-9352 HOME

JOHN KOERBER
320) 252-0499 HOME

SUSAN PALMER
320) 253-8191 HOME

JERRY SCHMITT
320) 252-4111 HOME

RANDY VOLKMUTH
320) 240-8889 HOME

DUANE WILLENBRING
320) 685-7775 HOME

CITY STAFF

VERENA WEBER
CITY ADMINISTRATOR/CLERK
rweber@rockvillecity.org

AMY GOERGER
FINANCE DIRECTOR

JUDY NEU
UTILITY BILLING/
ADMINISTRATIVE ASSISTANT

CINDY ANDERSON
RECEPTIONIST

RICK HANSEN
PUBLIC WORKS DIRECTOR
250-2601 CELL

NICK PUNG
MAINTENANCE/
PUBLIC WORKS

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, July 14, 2009 at approximately 6:30 p.m. at Rockville City Hall (229 Broadway Street East)** to consider 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:

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.

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**.

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN prior to the hearing, or be present at the public hearing.

Verena M. Weber-CMC
Administrator/Clerk

Publish 6/30/09
Cold Spring Record

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

Legal Description: 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.

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**.

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.

Submitted by:
Rena Weber
Zoning Administrator

Kissner Staff Report.2009

CITY OF ROCKVILLE, MINNESOTA
APPLICATION FOR INTERIM/CONDITIONAL USE PERMIT
INTERIM/CONDITIONAL USE FEE: \$200.00

Need a Copy of Deed

PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER

PROPERTY LOCATION ADDRESS: XXX Ahles Road Rockville, MN 56369

LEGAL DESCRIPTION, LOT SUBDIVISION: SEE Attached 15-123-29 E 1/4 SE 1/4 P0

TAX PARCEL ID NUMBER#: _____ EXISTING ZONING: Ag 40.243

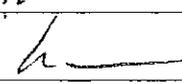
EXPLANATION OF REQUEST: _____

If replacing an existing structure, what will be done with the old structure? NO

Has a variance request been made previously on this property? NO If yes, when? _____

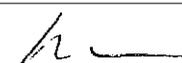
- Provide Individual property owner names, addresses within 350 feet or nearest 10 property owners, whichever is greatest.
- Applicant provides an aerial photo (The photo would depict vegetative cover on property and how it links with adjacent property).
- Applicant provides the distance to the nearest existing driveway.

PROPERTY OWNER:

Name (Print):	<u>KEVIN KISSNER</u>		
Address:	<u>4205 ROOSEVELT RD</u>	Email:	<u>KEVIN@GEYERSEGNAL.COM</u>
Phone:	<u>320-250-9010</u>	Fax Number:	<u>320-654-6884</u>
Signature (required):		Date:	<u>6-12-03</u>

*Signature of property owner shall serve as acknowledgement and authorization of this request.

APPLICANT:

Name (Print):	_____	Email:	_____
Address:	<u>SAME</u>		
Phone:	_____	Fax Number:	_____
Signature (required):		Date:	<u>6-12-03</u>

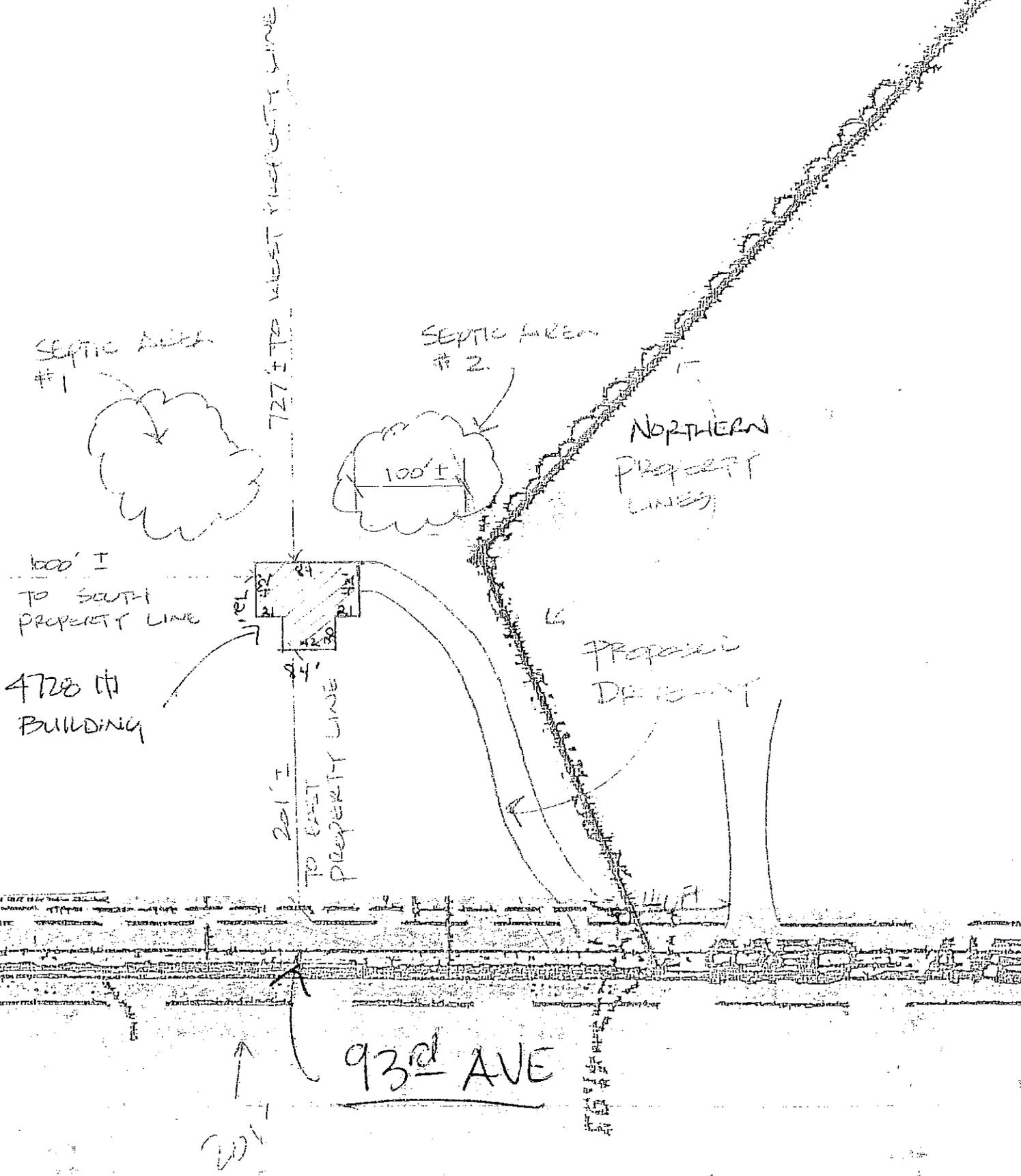
STAFF USE ONLY:

Complete Application Date: _____

R# _____ Interim Use Permit Check#: 18901 Date 10-16-09 101 41000 34103 \$ 200.00 Permit = 09-0100

ATTACHMENT DETAIL

1/24/11



CONTAINING AN EXCERPT ON 11/27/2007

PROPOSED 12 FOOT ROADWAY EASEMENT
PROPOSED 12 FOOT DRAINAGE AND UTILITY EASEMENT

N00°19'44"E 1762.55

Open Field

PARCELS C
40.22 ACRES
(OPEN AREA 38.52 ACRES)
(WOODED AREA 1.70 ACRES)

SEE ATTACHED DETAIL

PROPOSED 12 FOOT DRAINAGE AND UTILITY EASEMENT

PROPOSED ROADWAY EASEMENT
1320.20

TRAIL IN DOCUMENT NO. 972899

N88°32'19"E
774.10

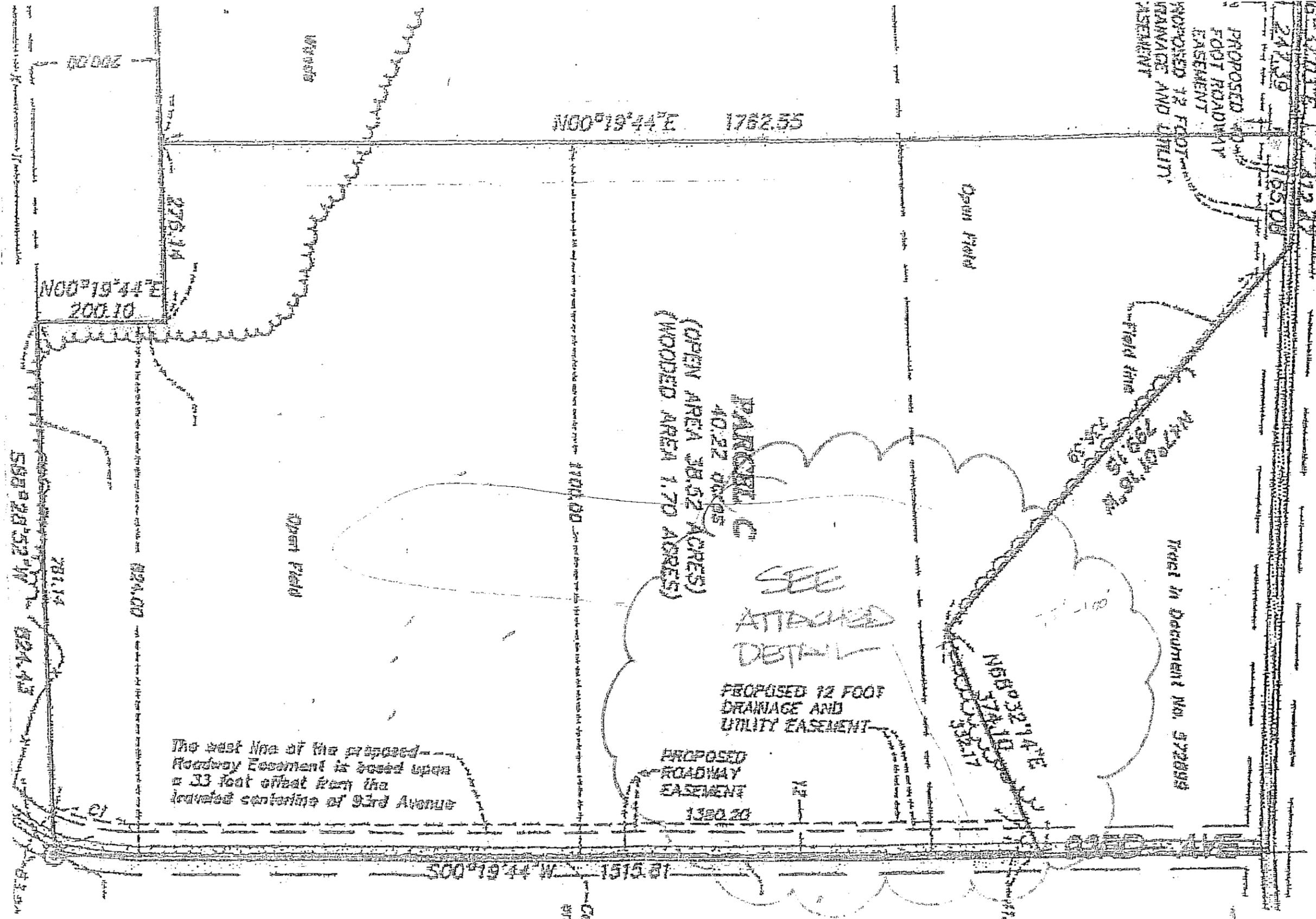
N00°19'44"E 200.10

Open Field

The west line of the proposed Roadway Easement is based upon a 23 foot offset from the located centerline of 93rd Avenue

S00°19'44"W 1519.81

CONTAINING AN EXCERPT ON 11/27/2007



DECLARATION OF RESTRICTION

This Declaration of Restriction ("Declaration") is made this _____ day of _____, 2009, by the undersigned "Declarants".

WHEREAS, the Declarants are all the fee owners of the following described property:

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, Section 11 of the City of Rockville Subdivision Code requires that a Declaration of Restrictions be executed restricting the further subdivision of the property that has been subdivided and/or attached pursuant to that section and the Qualified Minor Subdivision procedures included therein, unless such subsequent subdivision is performed by platting.

NOW, THEREFORE, the Declarants make the following Declaration. The restrictions described below shall run with the land and shall be binding on all parties and all persons claiming under them.

1. The property described above shall not be further subdivided until and unless platted pursuant to the Subdivision Code of the City of Rockville, or its successor ordinances.
2. All future subdivisions or transfers must comply with the zoning and subdivision controls effective at that time.

FURTHERMORE, this Declaration is made for benefit of the City of Rockville or its successors ("City"), and may be removed by resolution of the City, recorded with the County Recorder, in the event:

- A. The property is rezoned to allow for additional residential development, or
- B. The City determines the purposes of this Declaration no longer apply.

IN WITNESS WHEREOF, the Declarants have executed this Declaration on the date and year above written.

DECLARANTS

Kevin H Kissner

Rebecca L Kissner

STATE OF MINNESOTA)

) SS

COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this _____ day of 2009, by Kevin H Kissner.

Notary Public

STATE OF MINNESOTA)

) SS

COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this _____ day of 2009, by Rebecca L Kissner.

Notary Public

THIS INSTRUMENT DRAFTED BY:

Verena M. Weber-CMC
City of Rockville
229 Broadway Street East
Rockville, MN 56369
(320) 251-5836

LEGAL DESCRIPTION PROVIDED BY:

Nathan H. Carlson
Westwood Professional Services, Inc.
3701 12th Street N, Suite 206
St. Cloud, MN 56303
(320) 253-9495



CITY OF ROCKVILLE

P.O. Box 93 • 229 Broadway Street East • Rockville, Minnesota 56369

(320) 251-5836 • FAX (320) 240-9620

www.rockvillecity.org

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

ROCKVILLE CITY COUNCIL

MAYOR

JEFF HAGEN
(320) 266-0377 CELL

COUNCILORS

BILL BECKER
(320) 253-9352 HOME

JOHN KOERBER
(320) 252-0499 HOME

SUSAN PALMER
(320) 253-8191 HOME

JERRY SCHMITT
(320) 252-4111 HOME

RANDY VOLKMUTH
(320) 240-6889 HOME

DUANE WILLENBRING
(320) 683-7775 HOME

CITY STAFF

VERENA WEBER
CITY ADMINISTRATOR/CLERK
rweber@rockvillecity.org

AMY GOERGER
FINANCE DIRECTOR

JUDY NEU
UTILITY BILLING/
ADMINISTRATIVE ASSISTANT

CINDY ANDERSON
RECEPTIONIST

RICK HANSEN
PUBLIC WORKS DIRECTOR
250-2601 CELL

NICK PUNG
MAINTENANCE/
PUBLIC WORKS

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, July 14, 2009 at approximately 6:45 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Shannon & Bretta Wicker for a variance from Shoreland Requirements. The address of the property is: 21265 County Road 8 with a legal description of:

That part of Government Lot Three (3), of Section Twenty-nine (29), in Township One Hundred Twenty-three (123) North, of Range Twenty-nine (29) West, described as follows, to-wit: Commencing at a point 1305.50 feet North and 791.80 feet East of the Southwest corner of Government Lot 4 of said Section 29, Township and Range aforesaid; thence due North 100 feet; thence North 01 degrees 25 minutes West 30 feet to an Iron Monument in place, said point being the point of beginning of the tract herein described; thence continue North 01 degrees 25 minutes West 90 feet; thence Easterly and parallel with the South line of said Government Lot 3 to the shoreline of Grand Lake; thence Southerly along the shoreline of Grand Lake, a distance of 90 feet, more or less, to an Iron Monument; thence Westerly and parallel with the Southerly line of said Government Lot 3, 154.5 feet, more or less, to the point of beginning and there terminating, subject to existing highways, all being in Stearns County, Minnesota.

The request is to construct a 24' x 30' unattached garage in the R-1 – Shoreland District.

Variances from the following will be discussed:

Add: Setback from center line of County Road should be 100' (actual 89')

- Setback requirements from principal structure (less than 10')
- Impervious surface (exceeds 12%)
- Height of structure (exceeds 8' sidewall)
- Total square footage of structure (exceeds 600 sf allowance)
- Detached building to be located in rear yard (structure to be in line with house)

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN 56369 prior to the hearing.

Verena M. Weber-CMC
Administrator/Clerk

Publish 06/30/09
Cold Spring Record

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, room 326-w, Whitten Building, 1400 Independence Ave. SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice & tdd). USDA is an equal opportunity provider and employer.
Wicker_Shannon Shoreland Variance.2009 wd.doc

July 8, 2009

Rockville Planning Commission; City Council

Re: Variance Request(s)
76.41652.0000: Owners: Shannon & Bretta Wicker
Property Address: 21265 County Road 8

Variance(s) Requested:

1. Variance to construct a 24' x 30' unattached garage and to locate it in the front yard of property abutting Grand Lake – General Development Lake instead of the rear yard.
2. Said request is to also locate said structure 89 feet from the centerline of the roadway – (should be 100') County Road 8 and
3. Structure to be located 5' from the principal structure (should be 10').
4. Height of Structure exceeds 8' sidewall
5. Total square footage of structure exceeds 600 sf allowance by 120 sf
6. Impervious Surface – Total lot area is 14,289 sf of which 47.2% is covered already not including the paving blocks or deck. This amounts to 209 sf for the paver patio and 204 sf for the deck or $7,159 \div 14,289 = 50.1\%$.

Construction Requests:

1. Construct new unattached garage and match the existing residential structure.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 14,289 square feet more or less.
3. 7 notices of public hearing were sent out.
4. The Wicker's have documentation from Craig Theisen of Theisen Building Supplies as to why an attached garage would not be feasible.
5. The shed in the SW corner of the lot is proposed to be removed.

Recommendations:

1. This requires six variances on a non-conforming lot that was in place before the ordinance was adopted.
2. Staff has worked with the owners on possible ways to reduce the number of variances.
3. We looked at the land on the east side of County Road 8 as a possible place for a rain garden, however, that will not work – steep incline and not much room.

Submitted by:
Rena Weber
Zoning Administrator

Wicker, Shannon Variance.2009

0011 06 2006

CITY OF ROCKVILLE, MINNESOTA APPLICATION FOR ZONING VARIANCE SHORELAND VARIANCE/PUBLIC HEARING FEE: \$200.00

Need a Copy of Deed

PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER

PROPERTY LOCATION ADDRESS: 21265 Co Rd 8 Cold Spring, MN 56320

LEGAL DESCRIPTION, LOT SUBDIVISION: Sec 29 Twp 123 Range 029 31 AC
31A N'LY 90' of S'LY 220' of that part of sec 29 of WTA 8' & W of
Lake old #28, 17116, 0000

TAX PARCEL ID NUMBER: 76, 411, 52, 0000 EXISTING ZONING: _____

EXPLANATION OF REQUEST: Building permit

Provide Individual property owner names/addresses within 350 feet or nearest 10 property owners, whichever is greatest.

If replacing an existing structure, what will be done with the old structure? N/A

Has a variance request been made previously on this property? NO If yes, when? _____

PROPERTY OWNER:

Name (Print): Shannon & Bretta Wicker Email: _____

Address: 21265 Co Rd 8 Cold Spring, MN 56320

Phone: (320) 259-1048 Fax Number: _____

Signature (required): [Signature] Date: 6-8-09

*Signature of property owner shall serve as acknowledgement and authorization of this request.

APPLICANT:

Name (Print): Shannon Wicker Email: _____

Address: 21265 Co Rd 8 Cold Spring, MN 56320

Phone: (320) 259-1048 Fax Number: _____

Signature (required): [Signature] Date: 6-8-09

STAFF USE ONLY:

Complete Application Date: _____
R# _____ Variance Application Fee Check # 5038 Date 6-8-09 101.41000 34103 \$200.00 Permit # _____

VARIANCE JUSTIFICATION FORM

Please use this form to explain how your variance request meets the three requirements for a variance.

- Undue Hardship:

- * Height - will be same as the house, siding and shingles to match
- * Distance between structure - to keep 10ft away from North property line.
- * Impervious surface - will remove 8x10 shed off of property, will be only garage & storage for the property.
- * Size - to store items inside garage to keep outside areas cleaned up.

- Unique circumstances:

There is no garage on property for proper storage.

- Applies to the Individual Property:

Reason to not to attach garage to house would be to keep run off to West side of property, away from lake. Garage will be guttered to natural filtering area to the west.

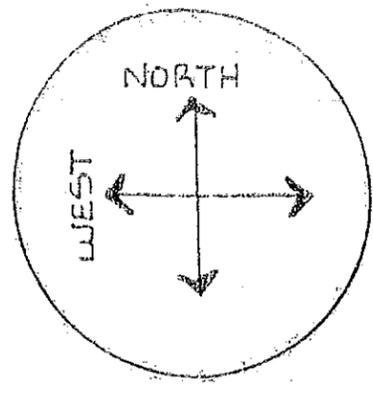
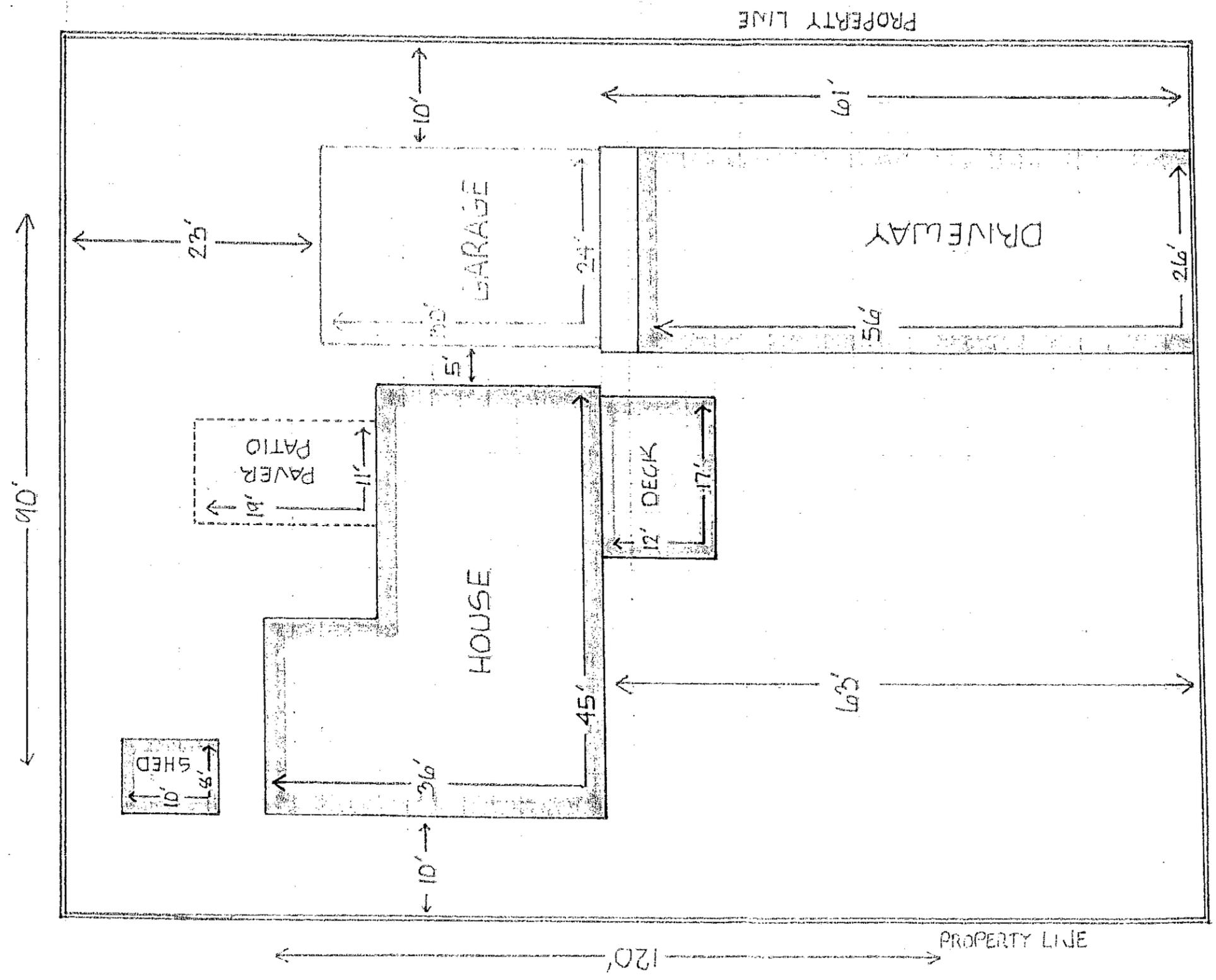
A variance cannot be granted unless evidence is presented that satisfies, at a minimum, the three conditions above. Failure to adequately provide such information may result in a denial or your request for a variance. (Attach additional sheets if necessary).

USE THE BACK OF THIS FORM TO LIST ALL ADJOINING PROPERTY OWNERS WITHIN 350 FEET OR NEAREST 10 PROPERTY OWNERS, WHICHEVER IS GREATEST.



Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data from city, county, state and federal offices, and is to be used for reference purposes only.

SHANNON & MARETTA WICKER
 21205 COUNTY ROAD 8, COLD SPRING, MN, 56320



STEARNS COUNTY ROAD 8

□ = 3 FEET
 LOT SIZE: 90' x 120'
 GARAGE: 24' x 23'

Test Hole # 1 Date test hole prepared: 11-13-97 Depth of hole bottom: 12 inches
 Surface Elevation (in reference to benchmark): 99.00

Soil data for test hole:
 Test hole continuously soaked over night
 Comments: over night Fill? Fill?

DEPTH (inches)	SOIL TEXTURE	SOIL COLOR
0-8	silt loam	Black
8-12	clay loam	Very Dark Gray

Percolation test

TIME INTERVAL (minutes)	DROP IN WATER LEVEL (inches)	PERCOLATION RATE
25	0.415	60.2
25	0.44	56.8
29	0.46	63.3
25	0.38	65.8
25	0.38	65.8

Perc Rate: 65 mpi.

Test Hole # 3 Date test hole prepared: 11-13-97 Depth of hole bottom: 12 inc
 Surface Elevation (in reference to benchmark): 99.70

Soil data for test hole:
 Test hole continuously soaked over night
 Comments: over night Fill?

DEPTH (inches)	SOIL TEXTURE	SOIL COLOR
0-5	silt loam	Black
5-12	sand loam	Brown

Percolation test

TIME INTERVAL (minutes)	DROP IN WATER LEVEL (inches)	PERCOLATION R.
25	0.56	44.6
25	0.60	41.2
25	0.545	45.9
25	0.555	45.0
25	0.555	45.0

Perc Rate: 45 mpi.

NOTE: MUST USE PERC RATES WITHIN 10% OF EACH OTHER TO CALCULATE FINAL PERC RATE FOR EACH
 * Slowest Percolation Rate for all holes shall be used to calculate soil treatment area d

Date: 11-14-97 Evaluator: _____ Designer: Dr. J. J. [unclear]

Theisen Building Supplies
10375 Co Rd 8
Kimball, MN 55353
320-398-6200

June 8, 2009

To whom it may concern;

This is in regards to a proposal to have a garage built on the Shannon and Bretta Wicker property. In question to having a garage attached to their home in place of it being unattached, if it would be attached like similar to how the drawing is now, they would end up having to build a valley on to they're existing roof which would cause water to come directly on the front door step. In the winter/spring time this would cause an ice build up on the step going in to they're front door which would be very dangerous. In this situation it would be better to keep the proposed garage dethatched, so the water would naturally channel to the rear of the lot.

Thank you,



Craig J Theisen

CITY OF ROCKVILLE, MINNESOTA
QUALIFIED MINOR SUBDIVISION

FEE: \$100.00

PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER

Date Application Submitted: May, 2009
(Must submit at least ten (10) day prior to the next Planning Commission)

Parcel (1) # _____

Parcel (2) # _____

Location: Section 1 Township 123N Range 29W

Legal Description parcel (1): Requesting Tract A on attached Survey be split off of existing parcel

Legal Description parcel (2): _____

Owners Name James E. Voigt and Jacqueline A. Voigt Phone (320) 251-7965
Address 25614 Pleasant Road
St. Cloud, MN 56301 Email: dts@shaylaw.com

The following must be submitted:
____ Certificate of Survey -fifteen (15) copies 11"x 17"

James E. Voigt Date 5-18-09
Signature of person James E. Voigt

Jacqueline A. Voigt Date 3/10/09
Signature of person Jacqueline A. Voigt

Office use only:
Complete Application date _____

R# _____ Qualified Minor Subd. Check # _____ Date JUN 03 2009 101.41000.34103 \$100.00 Permit # _____
Application qualified minor subdivision.form.wd

RINKE-NOONAN

ATTORNEYS AT LAW

300 US Bank Plaza Building
1015 West St. Germain St. P.O. Box 1497
St. Cloud, MN 56302-1497
320 251-6700

E-mail ilenzner@Rnoon.com
Web Page: <http://www.rnoon.com>

Memorandum

To: Rockville Mayor and Council
From: Igor Lenzner - Rinke-Noonan
Direct Dial: 656-3517
Re: Voigt Subdivision Application
Our File No. 16642.001
Date: June 22, 2009

I have been asked to review the minor subdivision request of James and Jacqueline Voigt. It is my understanding in completing this review that the City received with the request a survey of a 5 acre tract of land surrounding the home of James and Jacqueline. It is also my understanding that the entire parcel has significant assessments levied against it and that the council previously expressed concern that a subdivision may negatively impact the City's ability to ensue payment on the assessments.

1. The proposed subdivision does not adequately show the property involved. The applicant will need to show both parcels impacted by the subdivision. The current survey only shows the part being split off and not the remainder.

2. Subdivisions are an administrative function of the City. This means that if an applicant complies with the requirements of the ordinances, they have the right to subdivide. First, noting the above, the current application does not comply. Second, this does not mean that the subdivision must happen without conditions or to the detriment of the taxpayers of the city.

3. As part of a subdivision of the property, the Council has the ability to "reallocate" the assessments between the part being split off and the remainder. This authority is found in Minnesota Statutes 429.071 (copy attached).

4. The reallocation of assessments can allocate an equitable portion of the existing assessments to the 5 acre site being split from the main property. This allocation need not be treated in the same manner as if the site were a small 10,5000 square foot residential tract given the size of the site and access to infrastructure. Since the home site is 5 acres and is located along a roadway, it could in the future be platted and developed into several home sites. It appears that 5 sites would be fairly easy to configure given the property layout. This means that the council could equitably allocate assessments accordingly to this tract of land.

5. The Council can (or if we bonded for the project which I think you did - they must) require a bond to assure payment of the assessments. This is authorized/required by the above referenced statute, a copy of which I have attached to this memo. The Council may condition the subdivision upon the City being provided first with a bond to assure payment of the assessments.

In summary, they may, after complying with the requirements of the ordinance, request approval of the subdivision. The City may allocate a portion of the existing assessments to the 5 acre tract and may take into account the collateral position of the property. Finally, the City may require a bond to assure payment of the assessments and, in fact, must require the bond in the event the assessments have been pledged to the payment of financing bonds.

Please call me with questions or concerns.

ISL

2008 Minnesota Statutes

429.071 SUPPLEMENTAL ASSESSMENTS; REASSESSMENT.

Subdivision 1. **Supplemental assessments.** The council may make supplemental assessments to correct omissions, errors, or mistakes in the assessment relating to the total cost of the improvement or any other particular. A supplemental assessment shall be preceded by personal or mailed notice to the owner of each parcel included in the supplemental assessment and a hearing as provided for the original assessment.

Subd. 2. **Reassessment.** When an assessment is, for any reason whatever, set aside by a court of competent jurisdiction as to any parcel or parcels of land, or in event the council finds that the assessment or any part thereof is excessive or determines on advice of the municipal attorney that the assessment or proposed assessment or any part thereof is or may be invalid for any reason, the council may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to such parcel or parcels.

* Subd. 3. **Reapportionment upon land division.** When a tract of land against which a special assessment has been levied is thereafter divided or subdivided by plat or otherwise, the council may, on application of the owner of any part of the tract 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 and not then due if it determines that such apportionment will not materially impair collection of the unpaid balance of the original assessment against the tract. The council may, and if the special assessment has been pledged to the payment of improvement warrants shall, require the owner or owners, as a condition of such apportionment, to furnish a satisfactory surety bond fully protecting the municipality against any loss resulting from failure to pay any part of the reapportionment assessment when due. Notice of such apportionment and of the right to appeal shall be mailed to or personally served upon all owners of any part of the tract. Within 30 days after the mailing or service of the notice of such apportionment any such owner may appeal as provided in section 429.081. *

Subd. 4. **Reassessment, tax-forfeited land.** When a parcel of tax-forfeited land is returned to private ownership and the parcel is benefited by an improvement for which special assessments were canceled because of the forfeiture, the municipality that made the improvement may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to the parcel in an amount equal to the amount remaining unpaid on the original assessment.

History: 1953 c 398 s 7; 1957 c 366 s 1; 1961 c 525 s 8; 1963 c 877 s 4; 1976 c 259 s 1

Rena Weber

From: Igor Lenzner [ilenzner@rnoon.com]
Sent: Monday, June 15, 2009 4:50 PM
To: Rena Weber
Subject: My initial thoughts - let me know what you think

1. Voigts need to show both parcels - the part split off and the remainder.
2. They (Voigts) have right to subdivide if they meet the requirements of the ordinance.
3. The Council gets to "reallocate" the assessments between the parcels (per the statute I referenced earlier).
4. The reallocation of assessments can allocate a fair portion to the home site (for several reasons including value and the fact that it is 5 acres and could be further split)
5. The Council can (or if we bonded for the project which I think we did - they must) require a bond to assure payment of the assessments.
6. The subdivision could be conditioned upon the above bond to assure payment of the assessments.

If this looks okay to you I will put it in a staff memo. Do you have a format required for the council?

Igor

Igor Lenzner

Igor S. Lenzner
Attorney

RINKE NOONAN
Suite 300, US Bank Plaza
P.O. Box 1497
St. Cloud, MN 56302
(320) 251-6700 Office
(320) 656-3500 Fax

[website](#) | [email](#) | [bio](#) | [map](#)

For prompt assistance, please contact my paralegal,
Krista Bacher at (320) 656-3528 or kbacher@RNOON.com

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6/16/2009

Rena Weber

From: Igor Lenzner [ilenzner@rnoon.com]
Sent: Monday, June 15, 2009 2:31 PM
To: Rena Weber
Subject: Voigt

See Subd. 3

429.071 SUPPLEMENTAL ASSESSMENTS; REASSESSMENT.

Subdivision 1. Supplemental assessments.

The council may make supplemental assessments to correct omissions, errors, or mistakes in the assessment relating to the total cost of the improvement or any other particular. A supplemental assessment shall be preceded by personal or mailed notice to the owner of each parcel included in the supplemental assessment and a hearing as provided for the original assessment.

Subd. 2. Reassessment.

When an assessment is, for any reason whatever, set aside by a court of competent jurisdiction as to any parcel or parcels of land, or in event the council finds that the assessment or any part thereof is excessive or determines on advice of the municipal attorney that the assessment or proposed assessment or any part thereof is or may be invalid for any reason, the council may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to such parcel or parcels.

Subd. 3. Reapportionment upon land division.

When a tract of land against which a special assessment has been levied is thereafter divided or subdivided by plat or otherwise, the council may, on application of the owner of any part of the tract 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 and not then due if it determines that such apportionment will not materially impair collection of the unpaid balance of the original assessment against the tract. The council may, and if the special assessment has been pledged to the payment of improvement warrants shall, require the owner or owners, as a condition of such apportionment, to furnish a satisfactory surety bond fully protecting the municipality against any loss resulting from failure to pay any part of the reapportionment assessment when due. Notice of such apportionment and of the right to appeal shall be mailed to or personally served upon all owners of any part of the tract. Within 30 days after the mailing or service of the notice of such apportionment any such owner may appeal as provided in section 429.081.

Subd. 4.Reassessment, tax-forfeited land.

When a parcel of tax-forfeited land is returned to private ownership and the parcel is benefited by an improvement for which special assessments were canceled because of the forfeiture, the municipality that made the improvement may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to the parcel in an amount equal to the amount remaining unpaid on the original assessment.

History:

[1953 c 398 s 7](#); [1957 c 366 s 1](#); [1961 c 525 s 8](#); [1965 c 877 s 4](#); [1976 c 259 s 1](#)

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CERTIFICATE OF SURVEY

LINE TABLE		
LINE	LENGTH	BEARING
L1	168.50	N36°02'23"E
L2	100.00	S5°57'37"E
L3	168.40	N36°02'23"E
L4	120.81	S01°05'11"E
L5	100.00	N88°54'48"E
L6	84.03	N90°15'14"E
L7	80.82	N01°02'17"W
L8	138.06	N89°59'18"W
L9	95.53	N33°32'10"W
L10	41.82	N00°00'02"E
L11	95.39	N37°02'05"E
L12	137.41	S89°59'18"E
L13	198.16	S00°08'05"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	75.99	1095.92	03°58'22"
C2	147.13	1195.92	07°02'56"

LAND DESCRIPTION

TRACT B
The Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) and the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) and the South Half of the Southwest Quarter (S1/2SW1/4) and lots numbered Two (2) and Three (3) of Section numbered One (1); Lots numbered Seven (7) and Eight (8) and the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section numbered Two (2); the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section numbered Eleven (11); the northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section numbered (12); all in Township numbered One Hundred Twenty-three (123) North of Range Twenty-nine (29) West of the Fifth Principal Meridian,

LESS AND EXCEPT: that part of Government Lot Two (2) and Three (3) of Section One (1) and Government Lot Eight (8) in Section Two (2), all in Township numbered One Hundred Twenty-three (123) North of Range numbered Twenty-nine (29) West known and platted as "PLEASANT BEACH".

ALSO LESS AND EXCEPT: that part of Government Lots Seven (7) and Eight (8) and part of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) in Section Two (2) Township numbered One Hundred Twenty-three (123) North of Range numbered Twenty-nine (29) West known and platted as "PLEASANT ESTATES".

ALSO LESS AND EXCEPTING: that tract of land located in Government Lot Two (2) of section One (1) in Township One Hundred Twenty-three (123) North of Range numbered Twenty-nine (29) West, described as follows: Commencing at the Southeast corner of Lot numbered One (1) in PLEASANT BEACH ADDITION; thence in a Northeasterly direction in a line formed by the projection of the Southeasterly line of Lot One (1), 77.62 feet; thence in a Northwesterly direction parallel with the Northeasterly line of said Lot numbered One (1) to the shore of Pleasant Lake, thence in a Westerly direction along the shores of Pleasant Lake to the Northeast corner of said Lot numbered One (1); thence in a Southeasterly direction along the Northeast line of said Lot One (1) to the place of beginning and there terminating.

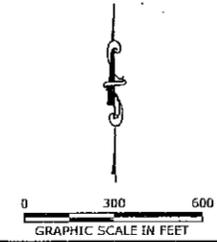
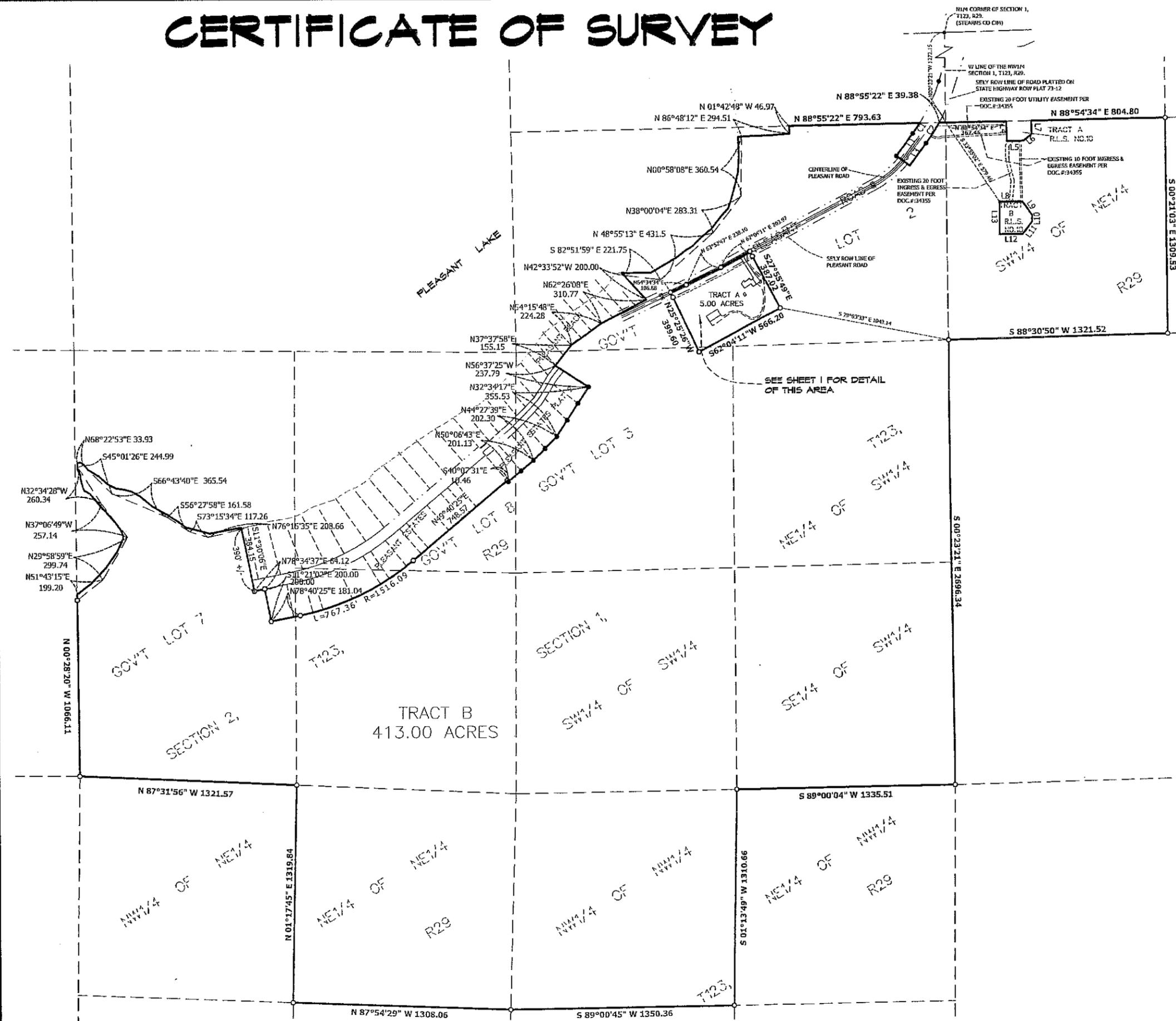
ALSO LESS AND EXCEPT: that part of Government Lot Two (2) of Section One (1), in Township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West, shown as Parcel 17A on the plat designated as STATE HIGHWAY RIGHT OF WAY PLAT NO. 73-12 according to the plat and survey thereof on file and of record in the office of the Registrar of Titles, Stearns County, Minnesota;

ALSO LESS AND EXCEPT: PLEASANT ESTATES PLAT 2 according to the plat and survey thereof on file and of record in the office of the Registrar of Titles, Stearns County, Minnesota.

ALSO LESS AND EXCEPT: Tract A, REGISTERED LAND SURVEY NO. 10 on file and of record in the office of the Registrar of Titles, Stearns County, Minnesota.

ALSO LESS AND EXCEPT: Tract B, REGISTERED LAND SURVEY NO. 10 on file and of record in the office of the Registrar of Titles, Stearns County, Minnesota.

ALSO LESS AND EXCEPT: TRACT A, All that part of Government Lots 2 and 3, Section 1, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the north quarter corner of said Section 1; thence South 00 degrees 23 minutes 21 seconds East, assumed bearing, along the west line of the Northwest Quarter of said Section 1, a distance of 1196.41 feet, to the southeasterly right of way line of road as platted in STATE HIGHWAY RIGHT OF WAY PLAT NO. 73-12, Stearns County, Minnesota, according to the recorded plat thereof; thence southwesterly along said southeasterly right of way, along a non-tangential curve, concave to the northwest, having a radius of 1195.92 feet and a central angle of 11 degrees 09 minutes 34 seconds. The chord of said curve bears South 30 degrees 27 minutes 36 seconds East, and is 232.56 feet in length; thence South 36 degrees 02 minutes 23 seconds West, tangent to last described curve, along said southeasterly right of way, 168.40 feet; thence North 53 degrees 57 minutes 37 seconds West, along the southwesterly line of said right of way, 50.58 feet, to the centerline of Pleasant Road; thence southwesterly along said centerline, along a non-tangential curve, concave to the northwest, having a radius of 550.00 feet and a central angle of 23 degrees 11 minutes 28 seconds. The chord of said curve bears South 50 degrees 28 minutes 27 seconds West and is 221.10 feet in length; thence South 62 degrees 04 minutes 11 seconds West, tangent to last described curve, along said centerline, 868.68 feet to the point of beginning of the tract to be described; thence South 27 degrees 55 minutes 49 seconds East, 387.02 feet; thence South 62 degrees 04 minutes 11 seconds West, 399.60 feet, to said centerline of Pleasant Road; thence North 64 degrees 34 minutes 34 seconds East, along said centerline, 106.88 feet; thence North 63 degrees 52 minutes 47 seconds East, along said centerline, 238.10 feet; thence North 62 degrees 04 minutes 11 seconds East, along said centerline, 203.97 feet to the point of beginning.



● DENOTES IRON MONUMENT FOUND
○ DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET WITH PLASTIC PLUG INSCRIBED WITH "BONESTROO 42621"

Bonestroo

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DATE	REVISION

DRAWN BY: JIM VOIGT
 DESIGNED BY: JIM VOIGT
 APPROVED BY: JIM VOIGT
 DATE: 07-01-09
 D. BONESTROO
 L.C. NO. 2582
 SIGNATURE: JIM VOIGT
 DATE: 07-02-09

46970901
 PROJECT NUMBER: 4697-0901
 SHEET NUMBER: 2 OF 2

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