

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,  
OCTOBER 21, 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, Public Works Director Rick Hansen, Planning Commission Chair Toni Honer, & EMS Director Mike Hofmann.

Others present were: Judy, Kris & Vicki Ikeogu, Deb Baumgartner, Dave Volkmuth, Tудie Hermanutz, Mike Nistler, Bruce Conrad, Kathleen, Brian & Kirsten Stanger, Carol Dietman, George Bechtold, Don Simon, Travis Rothstein, Mary Kay Kraemer, Adeline Boucher, Rosie Ashfeld & Clarence Bloch.

**OPEN FORUM**

None

**ADDITIONS TO THE AGENDA – Motion by Member Volkmuth, second by Member Koerber, to approve the Additions to the Agenda for discussion purposes only.**

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

**Motion passed on a 7 to 0 vote.**

**CONSENT AGENDA** – Member Volkmuth questioned the two Hansen Mechanical bills. Rick Hansen explained that one bill is for a hot & cold faucet installed in the bay area where Gold Cross parks their vehicle. Rena Weber reported that Gold Cross will reimburse the city since this was their request. Rick explained the other bill was to install a vacuum breaker in the lawn sprinkler system at City Hall.

Member Willenbring asked if this should have been a part of the building cost. Rena Weber indicated that this was added later.

Member Volkmuth questioned the bill to Sember Escobar for ½ cost of soccer poles. Rena Weber reported this individual donated the goals for Lion's Park and asked to be reimbursed 50% of the cost.

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

a) **Approve minutes of 09./09/09 & 09/16/09**

b) **Approve Treasurer's Report of 10/21/09**

c) **Approve list of bills and additions:**

|   |                     |
|---|---------------------|
| <b>Accounts Payable CK#011544 to 011656</b> | <b>\$229,870.45</b> |
|---|---------------------|

|  |                  |
|--|------------------|
| <b>Payroll Check #003571 to 003607</b> | <b>21,525.86</b> |
|--|------------------|

|                              |                  |
|------------------------------|------------------|
| <b>EFT #000255 to 000267</b> | <b>11,424.06</b> |
|------------------------------|------------------|

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

**Motion passed on a 7 to 0 vote.**

**BOARD/STAFF REPORTS**

**POLICE REPORT** – Written report shows 43 contract hours were spent during the month of September.

**PLANNING COMMISSION** – Chair Toni Honer reported on the following:

**JUDY IKEOGU IUP** – Toni reported the Planning Commission held a public hearing to consider the request of Judith & Vincent Ikeogu for a Conditional/Interim Use Permit. The address of the property is: 23305 County Road 8, Cold Spring, MN with a legal description of: 10.00 A N363 ft of S 528 ft of NW ½ SE ½ less N 176 ft of E 247 ft of Section 17, T123N, R29W in the City of Rockville, Stearns County, Minnesota.

A CONDITIONAL/INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:

SECTION 27: CONDITIONAL USE PERMITS

SECTION 28: INTERIM USE PERMITS

The request is to house one or two horses temporarily on 10 acres located in the R-2 District.

Chair Honer indicated that the Planning Commission recommended approval of the IUP as the neighbors felt it should be allowed, there is a shelter there for horse, and adequate land.

- a) Approval is easier since there is only one person asking for it
- b) An IUP gives the City Council and Planning Commission more control

#### **STAFF REPORT**

Re: Conditional/Interim Use Permit Request  
 76.41629.0600: Owner: Vincent & Judith Ikeogu  
 Property Address: 23305 County Road 8, Cold Spring, MN 56320  
 Legal Description: 10.00 A N363 ft of S 528 ft of NW ½ SE ½ less N 176 ft of E 247 ft of Section 17, T123N, R29W in the City of Rockville, Stearns County, Minnesota.

Interim Use Requested:

1. The request is to house one or two horses temporarily on 10 acres.

Relevant Information:

1. R-2 Single Family District. – Future Land use - Commercial
2. This property at one time housed horses as there is a barn in the rear of the lot.
3. There is no provision under the R-2 regulations for such use unless the Planning Commission and Council were to consider this use to be “substantially similar in nature to the conditional uses listed in the ordinance and not detrimental to the City’s general health and welfare.
4. Interim Use Permits: The purpose and intent of allowing interim uses is:
  1. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
  2. To allow a use that is presently judged acceptable by the City, but that, with anticipated development or redevelopment, will not be acceptable in the future.
  3. To allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable.

#### **Subdivision 2: PROCEDURE**

Interim Use Permits will be processed according to the procedures for Conditional Use Permits.

#### **Subdivision 3: GENERAL STANDARDS**

An interim use must comply with the following:

1. The use must meet the Conditional Use Permit standards set forth in this Ordinance.
2. The use must conform to all applicable zoning regulations.
3. The date or event that will terminate the use must be identified with certainty.
4. The use must not impose additional, unreasonable costs on the public if it is necessary for the public to take the property in the future.
5. The applicant must agree to any conditions deemed appropriate by the City Council (after recommendation by the Planning Commission) for permitting the use.

#### **Subdivision 4: ADDITIONAL CONDITIONS**

In permitting an interim use, the City Council may, on its own or based upon the Recommendation of the Planning Commission, impose, in addition to the Standards and requirements expressly specified by this Ordinance, additional Conditions the City Council considers necessary to protect the interests of the Surrounding area.

#### **Subdivision 5: TERMINATION**

An interim use will terminate and become void upon the occurrence of any of the following events:

1. The date stated in the permit.
2. A violation of any condition under which the City Council issued the permit.
3. A change in the applicable zoning regulations, which no longer allows the use.
4. The operator/owner or the use changes.
5. The permit is not utilized for a period of one (1) year from the date issued.

**Subdivision 6: REVOCATION**

The City Council may revoke the interim use permit if any of the permits conditions are violated.

**Subdivision 7: CERTIFICATION OF TAXES PAID**

Before the City Council approves an interim use permit application, the City Council may request that the applicant provide certification that there are not delinquent property taxes, special assessments, interest, or utility fees due upon the parcel of land to which the interim use permit application relates.

Recommendation:

1. Staff does not see where this currently could be allowed.
2. Staff has researched other ordinances (St. Michael and East Bethel) I like the language from St. Michael more in that it is simple, but East Bethel has more language regarding care, running at large, riding and termination. East Bethel also has verbiage for RR – Rural Residential which we don't have.
3. A combination of the two might be better.
4. Council approval would be needed to move ahead on development of such an ordinance and discussion should be held on whether or not the applicant would be charged for this expense. This should be considered a "policy".
5. **If this is the route you would like to go – PC should table action on the request, ask for council approval to look into adopting an ordinance, request an extension of the 60 day rule and go from there.**

Mayor Hagen referred to the staff report item #3 of relevant information and asked were there any particular uses it is similar to?

Toni Honer reported the Planning Commission went with the IUP intent & purpose where the use is allowed in another area

2. To allow a use that is presently judged acceptable by the City, but that, with anticipated development or redevelopment, will not be acceptable in the future.
3. To allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable.

The IUP allows the city to put conditions on the permit. She reviewed several area cities and they do allow this.

Member Volkmuth voiced concern that if you go by the philosophy that the neighbors don't mind it, what if someone moves in and does not like it. He would like to see an ordinance change.

Member Willenbring expressed support to allow an animal in the R-2 District stating the Planning Commission worked diligently in reviewing the request. Member Willenbring cited #2 of the intent for IUP as the reason it could be allowed for the interim. He further stated that because there was a horse there in the past and there is a building there, it should be allowed in the interim. They shared that there was ample space for pasturing as well. The Planning Commission is recommending 2 ½ acres per animal and determine on a case by case basis.

Chair Honer explained the conditions of the approval

1. Annual review by the City Administrator.
2. Any purchase agreement on the property-allowing 3 months to find housing for the horse(s).
3. Adequate fencing and grazing area-minimum 2 ½ acres per large animal unit.
4. Interim Use Permit in non-transferable.

Member Volkmuth indicated the Staff Report says it is not allowed.

Rena Weber cited Subdivision 3 General Standards where the underlined use must be in compliance with all applicable standards.

Mayor Hagen questioned if the 10 acre lot could hold 3 animals. Toni Honer stated that it could not.

Member Willenbring reported the request is for up to 2 horses.

Mayor Hagen questioned why put the conditions 1 animal for 2 ½ acres when the other contradicts it? Toni Honer explained animals waste being deposited outside of the coral in the pasturing area.

Member Palmer indicated the request seems reasonable, but there is no provision in the ordinance to allow it so she agrees with Member Volkmuth that an ordinance change would be necessary.

Toni Honer asked the council to go back to 6 months ago and get back on same focus. We need to keep the rural characteristics and this falls right down that path. The Planning Commission has to more of the work without council input.

Member Willenbring indicated that staff tells us what we need to do. There are all kinds of zoning regulations that we are not doing anything about and cited the Minnerath horse that grazes in the industrial park. This property should have been zoned residential not R-2.

Mayor Hagen stated that at that time this was decided, people, along with a consultant, saw that as R-2 as a buffer between R-2 and Industrial. He asked are we prepared to allow someone in another R-2 or R-1 and tell them that they can't have one.

Member Volkmuth asked about the status of an R-10 ordinance. Toni Honer reported that we have one prepared, but the council should know that there are 45 lots in the city with less than 40 acres.

Member Willenbring questioned the land use map and if that is the logical place for R-2.

Member Koerber stated thinking back to the consolidation the biggest land area was Rockville Township which was 95% agriculture. When the zoning came through, it goes back to the wisdom that we were going to have a big development area off of Highway 23 that did not happen. It was just a bad move.

Member Becker questioned that besides re-doing the ordinance is there anything we can do. The area could be re-zoned.

Judy Ikeogu stated that there was a horse on the property 18 years ago. She further explained how they would have to sell their property because it is needed for a frontage road so the horse would be gone.

***Motion by Member Volkmuth, second by Member Palmer, to deny the request as presented.***

***AYES: Hagen, Palmer & Volkmuth***

***NAYS: Becker, Koerber, Schmitt & Willenbring***

***Motion failed on a 4 to 3 vote.***

***Motion by Member Willenbring, second by Member Schmitt, to accept the recommendation as brought forward by the Planning Commission.***

Member Becker indicated that he can't support either side, but wants to resolve and work with community.

***AYES: Schmitt & Willenbring***

***NAYS: Becker, Hagen, Koerber, Palmer, & Volkmuth***

***Motion failed on a 5 to 2 vote.***

Mayor Hagen suggested we look at R-2 to allow farm animals as a conditional use with a min of 10 acres and allow not more than 2 or 3 animals so that we don't have another request.

Toni Honer indicated the neighbors did not want to re-zone the property and that is why they went with IUP.

Rena Weber suggested the council table action on the request, ask for a 60 day extension and amend the ordinance.

***Motion by Member Becker, second by Member Koerber, to table action on the request, ask for the 60 day extension and amend the ordinance.***

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

***Motion passed on a 7 to 0 vote.***

**WECS ORDINANCE AMENDMENT** – Toni Honer reported that we need to amend the WECS ordinance and add under Subdivision 6 Registered in the state of MN under engineering certification requirement.

***Motion by Member Volkmuth, second by Member Koerber, to schedule a public hearing for 11/18/09 – 6:30 p.m. to consider the ordinance amendment for WECS.***

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

***Motion passed on a 7 to 0 vote.***

**ORDINANCE REVISION REQUEST** – Toni Honer reported that an applicant has requested approval for a bed n breakfast in the Ag 40 district and we have no ordinance that would allow that. She is asking approval to research this and come up with an ordinance.

Member Volkmuth indicated that such use would be residential.

Rena Weber reported the request for was more a resort type thing.

***Motion by Mayor Hagen, second by Member Koerber, to authorize the Planning Commission to research and draft such an ordinance.***

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

***Motion passed on a 7 to 0 vote.***

### OLD BUSINESS

**CYPRESS COURT WALKING PATH** – Toni Honer reported that the two property owners wish to get paid for the land.

Mayor Hagen reported that the issue is that there is an existing and worn out path that was not properly recorded so technically it is not public property and the question is would the city accept, re-plat and repair the trail in the same area or the property owners have the right to return it to private property.

Toni Honer stated that they don't want to gift a safety hazard to the city or the city can remove it. It is unfortunate because it put them in not too good a position with their neighbors. Toni stated that she has to look at the liability concerns as she does not want to give up house and land because someone falls and gets hurt.

Member Becker asked what is the land worth.

Toni Honer indicated she came up with a ballpark figure using ½ the size of nearby undeveloped lot valued at \$36,000. This is a little over ½ the size so she estimates the value to be \$16,000 to \$20,000.

Member Volkmuth indicated that clearly the intent was for it to be a public walkway however, it was not platted. He is not willing to pay for it therefore he is willing to let it go back to owners.

Member Willenbring stated he is sensitive to the issue as being the developer he thought he hired competent people to do this right. He contacted his attorney and there is only one person that he knows of that does not think it is okay and that is Denny Kron. Member Willenbring cited the e-mail Dan Zimmerman (his attorney) to Rena Weber.

Member Willenbring suggested we let our legal counsel say if it truly is a dedicated walkway. The words bike path was not included on the plat. The Assistant Assessor said the easement where the 8' path is on the property did not pay taxes on this.

***Motion by Member Volkmuth, second by Member Koerber, to authorize the Administrator/Clerk to check with legal counsel as to their interpretation of the documents.***

Mayor Hagen asked if we were doing this today and with what is planned for County Road 8 would we still do this. It was reported that there are 5 or 6 kids that used to bike to school and now their parents have to drive them.

Member Schmitt asked what if the neighborhood would purchase the property and donate it to the city. It was reported that is not going to happen.

Mayor Hagen asked if our counsel comes back with the same opinion would we record this through quiet title action.

Member Willenbring stated he would argue against it and take this legal case and win every time. There is one sub-paragraph where it was missed. It is a one page deal where everyone signed it.

**AYES: Becker, Hagen, Koerber, Palmer, Schmitt & Volkmuth**  
**ABSTAINING: Willenbring**  
**Motion passed on a 6 to 0 vote.**

#### **NEW BUSINESS**

**JPA AMENDMENT** – Rena Weber explained that an indemnification section was added since the last amendment. This was a concern of a few of the members.

**Motion by Member Volkmuth, second by Member Willenbring, to approve the amended JPA as presented for the Rocori Trail Construction Board.**

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

**POLICE AND ATTORNEY CONTRACTS** – Rena Weber explained that we have received the renewal contract for prosecution services from Janelle Kendall's office. There is a five thousand dollar reduction initiated by Janelle due to the fact we don't use the service as much as expected and she too is holding costs. We also have the revised contract from John Sanner showing the \$5,000 reduction as requested by the City.

**Motion by Member Becker, second by Member Koerber, to approve contracts as presented for County Attorney and Sheriff services.**

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

**CERTIFYING UNPAID BILLS** – Rena Weber explained this is what is done yearly and staff will deduct any that are paid before 11/15/09 from the final document. Refer to Exhibit A).

**Motion by Member Koerber, second by Member Willenbring, to certify the list of unpaid utility & consultant bills to the tax rolls on 11/15/09 as updated.**

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

#### **COMMITTEE REPORTS**

**MAYOR** – Mayor Hagen had nothing to report.

**PERSONNEL** – Chair Volkmuth reported the committee interviewed two individuals for 1<sup>st</sup> Asst Fire Chief and is recommending Don Simon to serve as interim 1<sup>st</sup> Asst. Chief.

**Motion by Member Willenbring, second by Member Koerber, to appoint Don Simon as Interim 1<sup>st</sup> Assistant Fire Chief.**

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

**PUBLIC WORKS** – SCHEDULE MEETING - 10/27/09 – 5:00 P.M.

**FINANCE COMMITTEE** – Chair Palmer reported the Finance Committee met on 9/30/09 and discussed three items:

**PARK RENTAL AGREEMENT** -The Committee reviewed the rental agreement and recommends the following:

Recommend charging \$25 for Residents and \$50 for non-residents – event cost to remain the same and give a sign to the renter to place at the location which is returned to city hall to received deposit back.

**Motion by Member Volkmuth, second by Member Koerber, to charge \$25.00 for Residents and \$50.00 for Non-residents to rent a City Park (Event cost and Cost of Renting a City Building would remain the same). And further to give a sign to the Renter stating the date and time the park is reserved for them to place at the location that is to be returned to City Hall after the event to receive deposit.**

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

ROCK FEST – Chair Palmer reported that most of the committee was present to discuss is this truly a city event, and should it be self- supporting event. \$4500 is budgeted in addition to the in kind things provided by staff and there were questions on two sets of books. They also discussed what could be better or should it be moved.

Member Volkmuth indicated that he was going to meet with Kathleen Stanger to look over the numbers.

**ADVERTISING IN NEWSLETTER** – Chair Palmer reported that staff requested approval to charge for adverting in the city newsletter. The Committee recommends charging outside agencies:

- 1/8 page \$25.00
- 1/4 page \$35.00
- 1/2 page \$50.00
- Full page \$75.00
- Insert \$150.00

***Motion by Member Palmer, second by Member Becker, to charge outside agency's the following for advertisements in the quarterly city newsletter; \$25.00 1/8 page, \$35.00 1/4 page, \$50.00 1/2 page, \$75.00 full page, \$150.00 Insert.***

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

SCHEDULE FINANCE COMMITTEE MEETING -10/27/09 6:00 p.m.

**EDA** – Member Willenbring reported that final payment was made to SBI for the Fire Hall. The EDA accepted the modified floor in the apparatus bay area. He also reported that the original amount of \$1.33 million ended \$1.11 million.

Rena Weber reminded all that there is one extra year payment in the bond fund.

**ADMINISTRATOR'S REPORT**

**ONE MEETING PER MONTH** – Rena Weber reported the 6 months trial period was up and inquired if the council wished to continue with one meeting per month. Rena Weber indicated it seems to be working out fine as long as we have the understanding of paying of bills when due.

***Motion by Member Volkmuth, second by Member Koerber, to approve having one council meeting per month on the 3<sup>rd</sup> Wednesday of each month.***

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

**ROCKVILLE SPORTSMAN CLUB GAMBLING LICENSE**

***Motion by Member Palmer, second by Member Becker, to approve the one day raffle (gambling license) for the Sportsman's Club on 07/11/2010.***

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

**TRANSFER REQUEST** –Amy Goerger requested approval of certain transfers:

Please approve the transfer of General Ledger Account Balances from Bond Funds 301, 302, 303, 306 & 307 to Bond Funds 310,311,312, & 313 due to the refunding these bonds into bond series 2009A G.O. Utility Revenue Refunding Bonds:

| <u>Current Account</u>          |              | <u>New Account</u>              |              |
|---------------------------------|--------------|---------------------------------|--------------|
| G 301-10600 Cash                | \$6,237.65   | G 310-10600 Cash                | \$6,237.65   |
| G 301-12200 Delinq Prop Tx Rec  | \$ 398.04    | G 310-12200 Delinq Prop Tx Rec  | \$398.04     |
| G 301-22200 Deferred Revenues   | \$ 0.49      | G 310-22200 Deferred Revenues   | \$ 0.49      |
| G 301-25300 Unreserved Fund Bal | (\$6,636.18) | G 310-25300 Unreserved Fund Bal | (\$6,636.18) |
|                                 |              |                                 |              |
| G 302-10600 Cash                | \$2,155.92   | G 310-10600 Cash                | \$2,155.92   |
| G 302-12200 Delinq Prop Tx Rec  | \$322.85     | G 310-12200 Delinq Prop Tx Rec  | \$ 322.85    |
| G 302-25300 Unreserved Fund Bal | (\$2,478.77) | G 310-25300 Unreserved Fund Bal | (\$2,478.77) |

|                                   |                |                                   |                |
|-----------------------------------|----------------|-----------------------------------|----------------|
| G 303-10600 Cash                  | \$88,602.64    | G 310-10600 Cash                  | \$88,602.64    |
| G 303-25300 Unreserved Fund Bal   | (\$88,602.64)  | G 310-25300 Unreserved Fund Bal   | (\$88,602.64)  |
| G 306-10600 Cash                  | \$371.56       | G 313-10600 Cash                  | \$371.56       |
| G 306-25300 Unreserved Fund Bal   | (\$371.56)     | G 313-25300 Unreserved Fund Bal   | (\$371.56)     |
| G 307-10400 Investments at Cost   | \$41,000.00    | G 312-10400 Investments at Cost   | \$41,000.00    |
| G 307-10600 Cash                  | \$168,228.05   | G 312-10600 Cash                  | \$168,228.05   |
| G 307-12250 Delinq Spcl Assesmts  | \$ 73,939.02   | G 312-12250 Delinq Spcl Assesmts  | \$73,939.02    |
| G 307-12300 Defer Spcl Assesmts   | \$329,178.00   | G 312-12300 Defer Spcl Assesmts   | \$329,178.00   |
| G 307-20100 Interest Payable      | (\$12,003.04)  | G 312-20100 Interest Payable      | (\$12,003.04)  |
| G 307-22220 Defer Rev-Spcl Assess | (\$0.02)       | G 312-22220 Defer Rev-Spcl Assess | (\$0.02)       |
| G 307-25300 Unreserved Fund Bal   | (\$600,342.01) | G 312-25300 Unreserved Fund Bal   | (\$600,342.01) |

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

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

**Motion passed on a 7 to 0 vote.**

**SNOW PLOW TRUCK** – Public Works Director Rick Hansen requested the following: Please approve the purchase of a 1994 International single axle plow truck and the sale of the 1984 yellow plow truck. The cost of the new truck has increased \$2000.00 from the previous email that was sent earlier this week. The reason for the additional cost is to help cover the replacement of the king pins, bushings, sandblasting the entire frame, rims and plow frame and reapply epoxy and painting the sandblasted areas. The drivers seat has been reupholstered, a new oil pan installed, and the entire truck has been gone thru from top to bottom and all electrical and mechanical components are working. I have talked to several people with knowledge on plow trucks and they have all agreed this will be a very good truck that will serve the City well for many years without any foreseeable problems.

|                    |                    |
|--------------------|--------------------|
| Selling Price      | \$ 30,900.00       |
| Trade Value        | 3,500.00           |
| Subtotal           | 27,400.00          |
| Sales Tax 6.875%   | 1,883.75           |
| Subtotal           | 29,283.75          |
| Pro-Rated license  | 119.00             |
| Title Transfer Fee | <u>39.50</u>       |
| Total Cost         | <b>\$29,442.25</b> |

How to pay for the truck:

|   |               |   |
|---|---------------|---|
| Machinery and Equipment                   | 101-43100-540 | \$ 6000.00  |
| Designated Machinery and Equipment        | 101-43100-540 | \$ 3,490.00                                       |
| Designated Funds General Govt. Operations | 101-43100-540 | \$19,952.25 (remaining balance in fund \$160,000) |

Please approve budget adjustment for the amount of designated funds by used by increasing 101-43100-540 by \$23,442.25

Member Volkmuth questioned the designated fund balance of \$160,000 being after the deduction – this is correct.

Member Willenbring asked if this truck was gas or diesel – diesel.

Member Willenbring comments that mileage at 147,000 seems low to have a major overhaul, but he respects Steve Heying's opinion. There is a record of preventive maintenance with the truck.

Mayor Hagen indicated that Rick spent a lot of time looking for the truck.

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

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

**Motion passed on a 7 to 0 vote.**

### OPEN FORUM

Judy Ikeogu – 23305 County Road 8 stated that she is confused that it was tabled and asked what is going to happen.

Mayor Hagen reported that the council asked the Planning Commission to come up with language in the R-2 District to allow this, but also to make it somewhat restrictive.

Judy Ikeogu asked did you not foresee this when you consolidated? Most of the city is agricultural and there is a need for R-10's.

Mayor Hagen indicated that he still does agree that this would fit.

Judy Ikeogu stated that she started this process in August and she should have just put in on her property. By the time the city would have told her to remove it the horse would have been dead.

Judy stated that called Rena in August. *(For the record Ms. Ikeogu was told that there is no provision in the ordinance to allow such use).*

Vicky Ikeogu – 23305 Count Road 8 wondered why nobody even offered to look at the property and see where the structure was located.

Member Becker stated that we have pictures of the property that is quite clear.

Member Volkmuth stated that it still is not allowed in R-2 District.

Member Becker indicated that he wants it to work but has to be done the right way.

Carol Dietman – 10059 County Road 47 – Stated that she had four issues:

1. Festival location – the concern was to move it downtown to city hall or between two bars. She suggests the move it to Lion's Park, have the parade downtown and the dance back at park. They would pay to upgrade the electric.

- 2) When it comes to the Ikeogu request and when we were at the Finance Committee meeting you were talking about making changes.

Member Volkmuth stated that we are a young city council and we can make changes.

- 3) One thing was brought up about the amount of time spent by city staff – how much time did it take city staff to send out a private invitation to a party at Mayor Hagen's? She just wanted to clear up a rumor. This was not city sponsored and city staff should not have been hanging this up at the fire department.

Rick Hansen hung it up at fire department on his own time after hours

- 4) In regards to making an exception she wanted to talk to the Mayor later. Mayor Hagen allowed her to continue.

Carol brought up when he built the Grandview the county gave him permission to build the addition even after you put on an extra 2' without having to remove anything.

Member Volkmuth stated that is not fair that she is bringing this up and is stepping over the bounds.

Bruce Conrad – Cold Spring stated he is not sure everybody understands the planning/zoning rules. It is meant to be flexible. There are no phrases that if we let this person do that in this area, every individual property is unique. You should not reference to one lot over another. A unique situation is one that gives you the right to use "similar uses". He referred to Clarence Bloch's development. We should have kept some melding of the three zoning ordinance as they are meant to continuously change. This is not one giant city and be regulated like Waite Park. He talked to Dan in Richmond and also that Mr. Braegelmann told him years ago – "Bill is not his competition because he is dealing with Rockville – his competition is Richmond." That is why Richmond is booming. There is a very large game picture that we are just not getting.

Don Simon – 600 Othmar Lane asked is the Planning Commission going to have legal counsel there to avoid technicalities and get this done sooner. It will speed up the process. The sooner we get this done the better off we will be.

As to the Festival – it is for kids and place for kids to be safe, he loves the parade.

Don thanked the council for the appointment as interim 1<sup>st</sup> Asst Chief.

Mayor Hagen talked about River Lakes days being the biggest event due to the fact it is downtown. In Cold Spring the car show used to be downtown, then they moved out and now they want it back downtown.

Kathleen Stanger wished to address to Sue Palmer and asked that when putting together the agenda for Finance Committee to please include what they are to bring to the meeting. She said she just happened to come down to city hall and Rena told her to attend the Finance meeting. She was very unprepared and blind sided about what they were to bring. The Sportsman's Club checkbook balance information is available at city hall. The teen dance went over very well. There was concern of canceling it because of H1N1, but they took extra precautions.

**ADJOURNMENT – Motion by Member Becker, second by Member Volkmuth, to adjourn the meeting at 7:45 p.m. Motion carried unanimously. Motion carried unanimously.**

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

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**JEFF HAGEN  
MAYOR**