

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,  
OCTOBER 1, 2008 - 6:00 P.M. – ROCKVILLE CITY HALL.**

The meeting was called to order by Mayor Brian Herberg. Roll Call was taken and the following members were found to be present: Mayor Herberg, Council Members Vern Ahles, Bill Becker, Susan Palmer, Jim Pflapsen, Don Simon & Randy Volkmuth. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Planning Commission Chair Toni Honer & Engineer Scott Hedlund.

Others present were: Aaron Cheeley, Amy Goerger, Tудie Hermanutz, Jerry Bechtold, Dick Nieters, Pat Sell, Sharon Sponheim, Duane Willenbring, Jerry Schmitt, Jeff Hagen, Dave Volkmuth, Darin Ennen, Gene Merten, Pat Sell, Ev Balko, Clarence Bloch & George Bechtold.

ANNOUNCEMENT FROM THE MAYOR – Mayor Herberg announced that the public hearing to consider an increase in wages for the Mayor and Council was re-scheduled to 10/15/08 due to a power outage at the Cold Spring Record.

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

**AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth**  
**Motion passed on a 7 to 0 vote.**

**CONSENT AGENDA: Motion by Member Volkmuth, second by Member Palmer, to approve**

- a) **Approve minutes of 9/17/08**
- b) **Approve Treasurer's report of 10/01/08**
- c) **Approve List of Bills and Additions of 10/01/08**

Accounts Payable CK #010616 to 010653	\$49,393.32
Payroll CK #003200 to 003206	4,694.02
EFT #000149 & 000150	1,125.41

**AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth**  
**Motion passed on a 7 to 0 vote.**

**BOARD/STAFF REPORT**

**MAINTENANCE DEPARTMENT** – The Maintenance Department had nothing to report.

**OLD/NEW BUSINESS**

**ADMINISTRATIVE FINE** – Mayor Herberg announced that discussion would now be held regarding an Administrative Fine to be charged for a tobacco compliance violation. Rena Weber reported that the attorney had provided a written memo stating that the city “shall” assess the fine and the owner may apply for a hearing within 20 days of receipt of the letter.

**Motion by Member Volkmuth, second by Member Palmer, to assess a \$75.00 administrative fine to B's Liquor owner and a \$50.00 administrative fine for the employee involved in the incident as per state statute §461.12, Subdivision 2.**

Member Pflapsen voiced concern that it still does not state that we still have to do it.

**AYES: Ahles, Becker, Herberg, Palmer, Simon, & Volkmuth**

**NAYS: Pflapsen**

**Motion passed on a 6 to 1 vote.**

**SUMMARY PUBLICATION OF ORDINANCE NO. 2008-50 & 51** – Rena Weber reported that the two ordinances approved at the 9/17/08 meeting actually did pass and the 6 votes is necessary to approve a summary printing of the ordinances. Rena Weber reported that she compiled a list of answers to questions that came up at the hearing along with Scott Hedlund's answers regarding the Storm Water Management Ordinance. This is for council reference.

Rena Weber also reviewed the memo written by Attorney Mogen (attached is a copy that is marked Exhibit A) in which Mr. Mogen had questions of the council.

1. HOW ARE SAND BEACHES PROVIDED UNDER THE ADOPTED ORDINANCE?  
Mr. Mogen stated that it is not clear if the Council intended to allow new sand beaches to be created. Rena Weber informed Attorney Mogen that "no" the council does not wish to allow new sand beaches.
2. ARE MOWED GRASSES PROTECTED UNDER THE "GRANDFATHER" CLAUSE?  
No action is needed as the use is allowed to continue. Attorney Mogen did add this sentence after the first sentence of Subdivision 16(A). "Except as a condition of a variance or other land use approval, or as voluntarily agreed to by the property owner, disturbed areas, including sand beaches, that can be shown to exist as of the adoption of this ordinance, may not be required to be restored."
3. IS TRIMMING OF TREES AND BUSHES ALLOWED UNDER THE ORDINANCE?  
Rena Weber had indicated to the attorney that "yes" this is correct. Attorney Mogen had suggested adding language to Subdivision 16 (A) (6) so that it reads: "6. Removal of trees and branches that: (i) pose a safety hazard; (ii) are necessary to maintain the health of the plants; or (iii) are necessary to preserve the appearance and density of vegetative cover existing at the time of adoption of this ordinance."  
*It should be noted that in order to add this sentence another public hearing would need to be held.*
4. HOW ARE AGRICULTURAL PESTICIDES AND FERTILIZER APPLICATIONS AFFECTED BY ORDINANCE?  
The question was in regards to spreading of fertilizer in the 50' shore impact zone being prohibited. Rena Weber reported that the rule applies to Agriculture as well.
5. HOW SHOULD THE ORDINANCE REFERENCE THE STATE STATUTE, MS 462,357, SUBD 1E, DEALING WITH NON-CONFORMITIES?  
Rena Weber reported that the statute, and any succeeding versions, already applies to the City. Attorney Mogen suggested that the City reference to the state statute through other means such as the application materials.

***Motion by Member Palmer, second by Mayor Herberg, to approve publication of a Summary Ordinances 2008-50 & 51 and further that the city will look at the adding verbiage regarding (6) "removal of trees/branches, etc. in six months. (A complete copy of both the summary and Ordinance is hereby attached).***

***AYES: Ahles, Becker, Herberg, Palmer, Pflepsen, Simon & Volkmuth  
Motion passed on a 7 to 0 vote.***

#### COMMITTEE REPORTS

**MAYOR'S REPORT** – Mayor Herberg referred to Member Ahles for a report on:

**5<sup>TH</sup> MONDAY GROUP** – Member Ahles reported that a majority of discussion was around the School District #750 Task Force that met to consider a referendum to build a new facility in Cold Spring. The school wanted the opinion of the cities on the new proposal. The School District is looking at tearing down the brick portion of the present Middle School, keeping the gym, the Senior Center and the new portion. They are estimating a cost of \$1.4 million to add a B-wing to Rocori High School with a total estimated cost of \$30 million dollars. The reason it did not go to vote this year is that the School District has to go through state approval first.

**AREA CITIES REPORT** - Rena Weber reported on the area cities meeting held in Sauk Rapids on September 30<sup>th</sup>. The group sat through an hour discussion on the \$50 million dollar upgrade to the Wastewater Treatment plant in St. Cloud along with some of the interceptor lines.

Rena also reported that Mayor of St. Cloud is looking for people to serve on a task force to consider inebriate housing for the St. Cloud Area. Rockville was not specifically addressed in the letter so it is not apparently necessary to appoint someone from Rockville to serve on the committee.

**PERSONNEL COMMITTEE** – Chair Volkmuth reported that the committee met three times to interview applicants for the Finance Director position. In total they interviewed 6 people and

narrowed it down to 2 people who were interviewed again tonight. The Personnel Committee voted unanimously to recommend Amy Goerger for the position at step 0 - \$16.36/hour.

***Motion by Mayor Herberg, second by Member Ahles, to approve hiring Amy Goerger as Finance Director at \$16.36 per hour.***

***AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth  
Motion passed on a 7 to 0 vote.***

**NEWSLETTER INFORMATION** – Member Volkmuth indicated that he would like to bring back discussion regarding the candidate information in the city newsletter. He talked to people who did not like the idea of leaving that information out. He did talk to other candidates who felt it was a good idea and he is asking the council to look at it. This will provide equal treatment, we are getting information to the public, it saves \$ for candidates, and he would redo the letter to reserve the right to edit if it gets over 150 words.

Member Palmer indicated that she thought about this also and views it as a public service. We are putting the information out there, there is no picking or choosing, just simply getting the info out. There is no endorsement from any public official.

***Motion by Member Volkmuth, second by Member Palmer, to direct staff to send out another letter reserving the right to edit the letter to 150 words, get the letter out as soon as possible so the newsletter can go out next week.***

Member Simon reported that he talked to someone that does not get the Cold Spring Record, the St. Cloud Times or the internet and feels this is a way to reach all the citizens in Rockville.

Member Becker was concerned about the public that was here last time and they were against it.

***AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth  
Motion passed on a 7 to 0 vote.***

#### **ADDITIONS TO THE AGENDA**

**STONE'S BAR LIQUOR LICENSE TRANSFER** – Rena Weber reported that Liza Fuchs is seeking approval to transfer the on-sale liquor license for Stoney's Bar to Darin Ennen. A background check and approval is needed from the State of MN. Mr. Ennen was present at the meeting.

***Motion by Member Volkmuth, second by Mayor Herberg, to approve the transfer of the on-sale liquor license from Liza Fuchs to Darin Ennen pending approval of the background check and State of MN approval.***

***AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth  
Motion passed on a 7 to 0 vote.***

Member Pflapsen wished to make Darin Ennen aware of the fines that were stayed for this license in the past and the fact that the city does not want make a habit of doing this. He wished Mr. Ennen well in the business and suggested he do it whatever the State representatives tell him to do.

**MECA 319 GRANT** – Rena Weber presented a letter of request seeking MECA – 319 grant money to sponsor stormwater workshops at city hall. The cost is \$1500 per session with approximately \$100 being the out of pocket cost to the city. \$1400 would be considered in-kind donations. In light of the fact that the city has passed the Stormwater Management Ordinance this would be additional training for staff to learn about our responsibilities.

Member Pflapsen indicated it is a lot of bang for the buck and would be good for the city to participate in. Member Pflapsen also suggested we send a letter out to the Lake Associations to see if they would kick in the \$100 per session and invite their members to attend.

***Motion by Member Pflapsen, second by Member Becker, to approve requesting the MECA-319 grant money for Stormwater Management courses.***

***AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth  
Motion passed on a 7 to 0 vote.***

**GREEN ACRES MEETING** – Rena Weber reminded all that a Green Acres meeting will be held at Rockville City Hall on 10/7/08 – 2 p.m. to 4 p.m. This is put on by Stearns County Assessor's.  
**SIDING CHANGE REQUEST** – Rena Weber reported that Carla Brundell lives on Alvin Court and is seeking approval to put siding on that does not match the horizontal design as the house. The council stated that it had to match the house according to the ordinance.

**STREET & FINANCE COMMITTEE MEETING** – Rena Weber reported that she would like to schedule a joint Street & Finance Committee meeting to discuss issues affecting both committees. It was determined that a meeting would be held on 10/8/08 at 6 p.m.

**ROCKVILLE COUNTY PARK** – Member Simon reported that another public hearing on the County Park was held on 9/23/08 where they discussed possible trails with them being paved VS non-paved. They also looked 3 at different drawings and will go back to evaluate comments made that night. 10/16/08 is the next meeting.

**OPEN FORUM**

Duane Willenbring – 215123 County Road 139 stated the issue has been cleared up as to when does an ordinance become effective and the 6 member approval is only for the summary publication. Mr. Willenbring asked that since the Rock Fest is over how you explain the budget having been exceeded on:

Trophies and Awards was charged to Special events and this came through this month \$187.00 over budget.

Operating Supplies/Expenses has \$1,200 allocated and this is \$965.20 over budget.

Rena Weber explained that the Coordinator presents a written report to the council at the end of the year. A summary will be given to Mr. Willenbring.

**ADJOURNMENT** – *Motion by Member Palmer, second by Member Volkmuth, to adjourn the meeting at 6:52 p.m. Motion carried unanimously.*

---

VERENA M. WEBER-CMC  
ADMINISTRATOR/CLERK

---

BRIAN HERBERG  
MAYOR

# 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: [Jmogen@Rnoon.com](mailto:Jmogen@Rnoon.com)

Web Page: <http://www.rnoon.com>

## Office Memorandum

**To: Rockville City Council**  
**From: James A. Mogen**  
**Direct Dial: 656-3520**  
**Re: Adopted Amendments to Shoreland Ordinance**  
**Our File: 16642.051**  
**Date: October 1, 2008**

During the public hearing regarding the consideration of 2008-51 and 2008-52, questions were raised by the public and the Council. In addition, the Council's adoption of these ordinances included verbal amendments to the ordinance that require clarification.

Scott Hedlund has reviewed these same questions, and will be responding to the issues relating directly with the stormwater ordinance.

### QUESTIONS

#### I. How are "sand beaches" provided for under the adopted ordinance?

During the public hearing, and afterwards during Council deliberations, questions were raised as to how sand beaches would be preserved under the ordinance. There was, apparently, some discussion that "sand beaches" should be specifically included under Subdivision 16(B) (where the ordinance exempts certain improvements from restrictions on altering topographical features).

However, the ordinance only prohibits disturbing *existing* topographical and vegetative features. This limits the application to the condition of the land at the time of the ordinance. Previous alterations are not affected, except if restoration is done as a condition for approval of a property owner's project. Only then must these restorations be maintained.

As currently written, no new man-made sand beaches would be allowed. For shoreline recreation areas, the property could be cleared of vegetation, but would be required to maintain a vegetative cover to prevent erosion. No sand beach could be created as part of a recreation area. Existing man-made and natural beaches would continue.

It is not clear if the Council intended to allow new sand beaches to be created. If this was

its intent, then language must be added to Subdivision 17. It is not recommended that “sand” be added to Subdivision 16(B), as discussed by the Council, because this would not clearly provide for the creation of a sand beach as part of a recreation area.

**ACTION ITEM**

If it is the intent to allow newly created sand beaches, Legal requires Council direction. Policy questions relating to construction of a beach, including the size, location, slope, and materials used, will need to be provided. No recommended amendment can be provided at this time.

**B. Are mowed grass areas protected under the “grandfather clause?”**

As discussed in relation to sand beaches, the ordinance does not mandate restoration of the shoreland vegetation, except when a property owner is seeking to make other improvements to his or her property. Only then may a property be required to restore area that is mowed to a natural state.

**ACTION ITEM**

No action needed. Based on the direction of the Council in adopting 2008-51, the following was added after the first sentence of Subdivision 16(A): “Except as a condition of a variance or other land use approval, or as voluntarily agreed to by the property owner, disturbed areas, including sand beaches, that can be shown to exist as of the adoption of this ordinance, may not be required to be restored.”

**C. Is trimming of trees and bushes allowed under the Ordinance?**

Trimming, except for safety, is not clearly allowed. A strict interpretation of the ordinance would prohibit this activity, as it would “disturb” the vegetation.

**ACTION ITEM**

No direction was provided regarding this issue. If it is the intention of the Council to allow trimming of trees, direction is necessary to determine the extent of trimming that would be allowed.

One option would be to add language to Subdivision 16(A)(6) so that it reads:

“6. Removal of trees and branches that: (i) pose a safety hazard; (ii) are necessary to maintain the health of the plants; or (iii) are necessary to preserve the appearance and density of vegetative cover existing at the time of adoption of this ordinance.”

**C. How are agricultural pesticides and fertilizer applications affected by Ordinance?**

The use of fertilizers and pesticides is prohibited within the shore impact zone for all districts, including agricultural districts. There is no method for waiver. The use outside of the shore impact zone (50 ft on general development lakes, and ½ of the setback on other lakes) is allowed. However, this use must be maintained to minimize runoff into

the shore impact zone and the surface waters.

#### **ACTION ITEM**

If it is the intention of the Council to provide for different rules for agricultural property, that direction must be made clearly. Legal will draft an amendment based on the Council's direction for later consideration.

#### **D. How should the Ordinance reference the state statute, MS 462.357, subd. 1e, dealing with non-conformities?**

Under state statute, properties with improvements that are legal at the time of construction, are called "non-conforming." Under MS 462.357, subd. 1e, the non-conformity of the property is allowed to continue until it is abandoned. This "right" to continue a non-conformity applies to all properties, regardless of whether they are in the shoreland district, or not.

This statute overrides any ordinance that conflicts with it. It is not necessary to reference the statute in order for properties to be eligible for the protection.

At the Council meeting, the Council motion sought to add language that would reference amendments, and succeeding statutes, to MS 462.357, subd. 1e. However, the intent of the Council, is not clear.

The statute, and any succeeding versions, already automatically apply to the City. This is because state law trumps city ordinances where the state law specifically applies. Only where the state law requires the municipality to enact an ordinance in order to enable the statute, does the City need to reference the statute.

Therefore, it is not clear what adding a reference to the ordinance would achieve. Given that I assume the Council had a valid purpose in its amendment, I am seeking additional direction on your intent. It appears the Council may have intended one of two results:

First, if the Council wishes to reference the statute so that individuals reading the ordinance know about the application of MS 462.357, a paragraph explaining the law can be inserted. However, it is not recommended that the ordinance reference a statute, unless doing so provides additional meaning to the ordinance or is necessary to administer it. This causes the ordinance to become even more cumbersome, and the potential for it to become out-of-date upon changes to the statute increases. It is recommended that, if this is the intent of the Council, that the reference to the state statute be provided through other means, for example in the application materials.

Second, if it is the Council's intent was to provide that non-conforming structures and uses shall be allowed, regardless of changes to the state law, then a more detailed amendment will be needed, and the Council will be required to adopt that language

specifically. It is not sufficient to direct staff to draft up an amendment of that magnitude for adoption, without the Council having had an opportunity to review it.

**ACTION ITEM**

Provide direction to Legal regarding intention to amend 2008-51 so that it “Referenc[es] succeeding State Statute where appropriate.”

**PUBLIC HEARING – ORDINANCE 2008-50 & 2008-51** – At 6.32 p.m. Mayor Herberg announced that he would open the Public Hearing to consider adoption of proposed ordinances 2008-50 (Shoreland) and 2008-51 (Stormwater Management). Rena Weber read the notice of public hearing and explained that the committee, Planning Commission and City Council met on three occasions to address the concerns of the citizens. It was also felt that using common sense and asking for a plan instead of a permit should ease some of the concerns of the council. The council should determine if they want to charge for the plan review or not. There is a \$25.00 Administration fee in place.

Dave Volkmuth - 25754 Lake Road, St. Cloud, asked who will police this whole thing. There is a bit of uneasiness, will Stearns County police or are we as a city doing it. Who is in charge of doing this? He knows very well that this information is not out. He called 5 or 6 people who did not know of this ordinance. It scares him that the information is not getting out. Those things that are in place now – are they grandfathered in? Yes.

*It was explained later that the process will still be the same with Planning Commission, Council, & staff watching for construction and reporting it to City Hall. We also have other residents who call in to report construction.*

Member Volkmuth also asked about the policing of this and who is in charge. Rena Weber explained that Council members, the Planning Commission and staff will be checking this out and should report it to city hall. Residents will also call in and question permits.

Mayor Herberg indicated that we are not relying on Stearns County on this.

Member Becker reported that a notice was sent out to everybody on Pleasant Lake about the ordinance. Whether people chose to respond or not he can't say.

Rena Weber reported that proper notification was given as well as publication.

Duane Willenbring – 25123 County Road 139, stated that he was publically harassed on 7/24/08 by the city attorney. If the legal counsel appears tonight, please call for a point of order. He was tired of hearing me complain about costs and you are going to hear a lot of people complain about costs. He is a paid staff and he was out of order.

Member Volkmuth indicated that he heard some complaints about this too.

Question – It is a foregone conclusion that the vote is done already, but is wondering if \$25.00 administration fee will be the cost. ***Rena Weber stated that there is a \$25.00 fee.***

Will the building inspector be checking this out and charging as well? The Building Inspector inspects for the Building Code, but will also note what is going on and report back.

Duane Willenbring stated again that it was morally and ethically wrong for the attorney to say such things and wanted the council to say something about this.

Mayor Herberg stated that for the record we are keeping a running total.

Jane DeAustin, representing the CMBA stated she had comments on both ordinances:  
Shoreland Ordinance

1 – Still concerned and would like clarification with nonconforming lots under Subd 5, #B and for those newly nonconforming lots and their ability or inability to increase footprint. ***Does Jane DeAustin mean Subd 4 B and this is answered under B & C.***

2 – Under Subd 12, #B, the design criteria for structures to determine where stairs, landings, et al are located on property appear overly restrictive. ***There was no specific question here.***

3 – Under Subd 16, #A, strongly encourage city to consider an allowance for a view shed. This is where landowners would be encouraged to retain trees and instead trim them for their view of the water. ***What is the typical size of the view shed?***

4 – Subd 16, #C, appreciate clarification on use of fertilizer and pesticides in all districts – including agriculture – under this ordinance. As I read it, this restriction would apply to agriculture ***Not necessarily – the 1<sup>st</sup> 50' of the shore impact zone should not include Ag.***

5 – In addition, under Exhibit A, Lot Standards, would appreciate comments on the city's planning process and its intention to have new lots of 80,000 square foot minimum located next to existing city lots of probably 10,000 square foot minimum. This could affect placing of utilities, roads, pricing of the lots, and how property is annexed into the city. An example would be along the stream just north of the city limits. *Not sure where Jane DeAustin is talking about – Sauk River is in the center of the city.*

In the Stormwater Ordinance:

1 – Appreciate addition of #H in Subd 2(b) to clarify permits that are exempted: electrical, plumbing, window replacement, residing, reroofing that does not increase impervious surface. *OK*

Also appreciate flowchart and 'triggers' of a Stormwater management plan on the city's website to clarify process. However, did notice that most cases will require a Certificate of Survey – about an additional \$1500 expense. *True, but question the est. cost of \$1500.* Cost varies on complexity of site and project.

2 – Under Subd 3, B, 2, noticed that elements of any proposed Stormwater management practice or Stormwater management facilities...has been changed from five years to perpetuity. That language differs from the state MPCA Stormwater permit, and would like more information on why that was changed. The MPCA Stormwater permit references initial establishment of vegetation; this section of the Rockville Stormwater ordinance references maintaining the existence of and intended function of the proposed stormwater feature in perpetuity, and doesn't differentiate between a constructed/manufactured facility and vegetation. *This was Jane DeAustin's request.*

Typically, in the development, these improvements are accepted by the city. Or, is this intended for homeowner improvements only? Typically *Homeowner's improvements only*. In a plat or development there are drainage easements around stormwater features and/or developer's agreement language that ensures the existence and maintenance in perpetuity of all stormwater features.

3 – And then to help clarify the ordinance, more detail was added in a number of subdivisions, and raised more question and would appreciate clarification. Especially under Subd 9, #A, which went from 20 acres to 10 and added more restrictions if near special and impaired waters. *Scott Hedlund to answer.* Most of these changes were per SC SWCD comments and/or recent changes to MPCA NPDES Construction Stormwater permit. Much of the technical details added clarify technical standards for those stormwater management plans requiring submittal of detailed hydrological calculations, modeling, and a licensed engineer's certification.

4 – Under Subd 12(b), lot coverage limits – standards. A sliding scale from 15% to 20% was added under #3 for property on the lakes, ex. Pleasant and Grand Lakes. The Minnesota statewide Shoreland percent is 25. In the documents that I have about this ordinance, have not seen sound, factual, scientific reasoning that would compel the city to pass a more restrictive percentage than that of the rest of the state. She is asking the city to consider exploring alternatives for the entire land area affected by this ordinance. Is there a better way to accomplish more? *Alternative Shoreland ordinance has scientific proof.*

Again, she appreciates the opportunity for input and asks that the council reconsider these items, specifically: the impervious limit and urge you to adopt the statewide Shoreland coverage of 25%.

Duane Willenbring – 25123 County Road 139, also voiced concern regarding lot coverage under Subd 12 (b) and the maximum coverage on general or recreational development lake except that lots of record may contain up to 20% impervious surface without a variance, *if the parcel*

provides a plan to the City that treats surface water runoff for water quality, as provided in 13 (b). Is that something that changed from the earlier one? Yes. Can we assume then that any existing lot of record can have up to 20% impervious surface without a variance. Yes.

Ken Peka – Brooklyn Park, and has a cabin on Grand Lake and some day this will need to be torn down. When we put the sewer in a verbal promise was made the septic problem goes away and we will be able to replace our cabins. That seems to be in jeopardy. I have not been able to make the meetings, but have been following the web-site. He is concerned that he can't rebuild and that the 20% limit is too strong. In Lake Minnetonka they tried something similar and it was shot down. He is concerned about existing properties and understands that at one of the meetings it was said that people can replace their existing cabins and use as much impervious surface as they are using now.

Rena Weber reported that it is a state law that people can build in the same footprint as they currently have.

Mr. Peka asked if they were to rebuild and use part of the impervious surface for building that would be okay. Rena Weber indicated that we will look at each individual request to determine if it works.

Mr. Peka asked if he would have to purchase the lot next to him in order to become a conforming lot so that he can build. No he would not.

Member Palmer pointed out that the current state statute allows for re-building in the same footprint, but there are no guarantees that this will stay the same.

Mayor Herberg pointed out that a non-conforming use in existence as of date the ordinance passes shall be allowed to remain a non-conforming use.

Mr. Peka would like to go on record as being in favor of keeping the 25% impervious surface allowance.

Michael O Keefe – 21335 Agate Beach Road, is seeking clarification on the (*Shoreland Ordinance*) Section 2 Subd 16 (d) it states that vegetation within the shore impact zone must be maintained to screen structures with trees and shrubs, to the extent possible. Counting that there is a shoreline recreation area that is 30' that would say that for an existing 100' lot that has a lawn and is open to the lake this would seem that the homeowner would need to basically provide vegetation to shield that structure unless it comes under the non-conforming use and that continues. ***Not unless he increases the impervious surface.***

Another question he had concerned Subd 17 3 and Appendix B where on a General Development Lake residential recreation area may only be 30' wide by 15' deep. The ordinance says "the entire area must be landscaped, maintained, and constructed, to the extent possible, so that no bare soil or other ground subject to erosion exists." What does this do to a beach front? Every beach front on the lake has some slope and is sand is notorious to be erodible. This would seem to require vegetation and then the elimination of beach fronts in the shoreline area. We have talked to staff and they have clarified that is not the intent, however, he is having trouble with the wording does seem to say that. ***He asked for clarification to read that the sum total of these provisions does not in effect eliminate beaches on Grand Lake.***  
***Scott & Jim – thoughts on this.***

Dave Volkmuth – 25754 Lake Road, stated he watched the last public hearing and so many people wanted to keep the 25%. I think you compromised back from 15% to 20%. We are getting a little more restrictive than we need to be. Just in general he urged the council to bring it up to 25%. Make it more livable, more attractive so that people still have a place to go on their land. He would still like to see it kept at 25%.

Scott Palmer – 21108 Fowler Road, stated that part of the issue we are dealing with tonight was created back before Shoreland Ordinance came into existence. A lot of people don't realize that there were no shoreline ordinances in the 1960's so state government recognized that lakes were starting to degrade and decided to do something about it. A typical building project was to build as close to the lake as possible without the ice forcing you back. As a result on Grand Lake we have several non-conforming lots where homes are built within 35 of the water's edge and

accessory structures built right next to the water. So as a result we have some bad conditions in our waters within the City of Rockville. This Shoreland ordinance is meant to correct some of the things that were done wrong by our building practices. It doesn't take rocket scientist to find evidence out there on studies of how this affects the lake. Just go in the DNR web-site and type in impervious surface.

Scott Palmer presented pictures he took from just this morning of Grand Lake. They have curly leaf pond weed. The Shoreland Committee has worked hard for 2 years to draft these recommendations to correct the problems. He urged people to on the DNR web page to see they do not support 25%. The committee did take the feedback from the last public hearing and changed the ordinance to reflect the 15 to 20%. We are trying to make some corrections now we need help to improve.

Member Volkmuth asked Scott Palmer if someone has 50' of sandy beach is it the intent of the committee to have people put in vegetation and shrink this down to 30'. Scott Palmer indicated that no it is not the intent and what people have now they can keep. He and Sue are as part of the shoreline restoration project going to voluntarily shrink down their beach to 30' and they signed a contract since they will receive a matching grant.

Member Volkmuth stated that this is not very well spelled out. Nowhere does it say you are grandfathered in would like to have more pinned down. What he hears from Rena is that we use common sense, but if she leaves then who will carry on with this thought.

Member Palmer indicated that if you do nothing to increase the impervious surface, this will not kick in.

Member Becker agreed with this – Stormwater Ordinance page 13 – Subd 13 (b)B covers this.

*Motion by Member Palmer, second by Member Ahles, to close the public hearing at 7:12 p.m.*

*AYES: Ahles, Becker, Herberg, Palmer, Simon & Volkmuth*

*Motion passed on a 6 to 0 vote.*

Member Becker indicated that at the last public hearing we had 13 individuals who came up and commented on the ordinance. 10 of 13 were concerned about impervious surface and when any remodeling would kick in the ordinance. The Committee reviewed these concerns:

- They extended the 12% and went up to 20% maximum impervious surface without a variance
- State being 25% – we can be better than that
- Studies are out there that indicate 8% to 12% will cause deterioration
- The group went to 20%
- Two hot items were addressed
- He talked to 10 people and reminded them of the public hearing. They are not here tonight
- He would like to clear up the beach provision and the sand area specifically under Subd 17 (3) that was questioned by Mr. O'Keefe

Mayor Herberg questioned if Subd 16 (B) clarifies this. It was determined that we need to add the word sand. Natural sand beach????

Member Volkmuth indicated that Subd 16 (A) 1 – 8 lists the exceptions. He questions if people can still mow the 50' in the shore impact zone. It seems that we want to turn this back into the native grasses. This needs to be clarified. If people have something it should be grandfathered in and stated in the ordinance per state statutes as amended.

Member Palmer wanted to add that again this is pursuant to state statute.

Scott Hedlund pointed out the Subd 16 (A) says if you have good vegetation/trees we are saying we want you to keep it.

Member Palmer asked about having a view area and we did not allow for trimming trees. Scott Hedlund stated he would have to look at the ordinance on this. Jim to clarify.

Member Volkmuth voiced concern on how we would even police this.

Member Palmer felt that it is that we will allow you to trim your tree, just don't cut it down.

Member Volkmuth voiced concern regarding (*Shoreland Ordinance*) Subd 16 (C) use of fertilizer and pesticides shall not be allowed in the shore impact zone. Is that the first 50'? Yes  
People are worried about keeping their property rights.

Member Simon stated that he is okay with the Shoreland Ordinance, but he totally disagrees with Stormwater Ordinance:

- Who is going to police this? PC, CC, Staff
- What is the cost? Depends on what is done
- Does this require a certificate of the engineer? Not necessarily
- How you interpret an ordinance may be different than someone else. No comment
- What can be beach and what can be left? It does not state previous use is grandfathered in.

Member Volkmuth suggested that a test period of one or two years be done. If it is not working then it has to be looked at in a year. 1000' from the lake is a long way. There is good stuff that can happen too.

Member Simon again voiced concern about the storm water ordinance and rain gardens, people need information on costs, and rain barrels are starting at \$50. He questioned "Walkway where viewed" (*Shoreland Ordinance*) Stairway – Subd 12 (B) – this was changed and added whenever practical.

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

**ORDINANCE NO. 2008-50**

**AN ORDINANCE AMENDING THE CITY ZONING CODE AS IT APPLIES TO SHORELAND PROPERTY**

*(A complete copy of the ordinance as amended is hereby attached and marked Exhibit A). Specific amendments include: Adding the word "Natural Sand Beach" to Subd. 16 B,*

*Referencing succeeding State Statute where appropriate and clarifying the "Grandfathering" clause.*

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

*AYES: Ahles, Becker, Herberg & Palmer*

*NAYS: Simon & Volkmuth*

*Motion passed on a 4 to 2 vote.*

Member Volkmuth questioned the need for a certificate of survey. Mayor Herberg reported this is discretionary. Scott Hedlund reported that this is required mostly in Shoreland area and is being done now.

Member Simon asked if a change to a feedlot requires a Stormwater plan. Rana Weber reported that feedlots are handled by Stearns County as it is state law.

*Member Becker introduced the following ordinance and moved for its adoption:*

**ORDINANCE NO. 2008-51**

**AN ORDINANCE AMENDING THE CITY ZONING CODE BY ADDING A SECTION ON STORMWATER MANAGEMENT**

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

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

*AYES: Ahles, Becker, Herberg & Palmer*

**NAYS: Simon & Volkmuth**  
**Motion passed on a 4 to 2 vote.**

Duane Willenbring –25123 County Road 139 called for point of order and division. Mr. Willenbring brought to the attention of the council Section 4 of the Shoreland Ordinance and Section 3 of the Stormwater Management Ordinance "Upon approval by six members of the City Council the following shall be the summary of this Ordinance, and may be published in place of the full text of this Ordinance. Counsel to review this.

*(It was learned at a later date a motion approving a summary ordinance would need separate approval or the whole ordinance would have to be published).*

**Ordinance No. 2008-50**

**AN ORDINANCE AMENDING THE CITY ZONING CODE AS IT APPLIES TO SHORELAND PROPERTY**

The Rockville City Council ordains:

- SECTION 1.** Ordinance No. 2008-50 amends the Rockville Zoning Code by replacing the adoption of Stearns County Shoreland Overlay District with an overlay district designed to regulate the lot, development, and land use standards within the Shoreland within the City of Rockville.
- SECTION 2.** The City Council determines that the text of the summary of Ordinance No. 2008-50, a copy of which is attached as Exhibit A, clearly informs the public of this Ordinance's intent and effect. The City Council further determines that publication of the title and such summary will clearly inform the public of this Ordinance's intent and effect.
- SECTION 3.** A complete, printed copy of this Ordinance will be available for inspection by any person during regular office hours at the Clerk/Administrator's office.
- SECTION 4.** Four-fifths (4/5) of the City Council's members direct the Clerk/Administrator to publish only the title and summary of this Ordinance.
- SECTION 5.** This Ordinance shall be effective immediately upon its passage.

10/1/08

Verena M. Weber-CMC  
Administrator/Clerk

CITY OF ROCKVILLE  
STEARNS COUNTY, MINNESOTA

**Ordinance No. 2008-50**

**AN ORDINANCE AMENDING THE CITY ZONING CODE AS IT APPLIES TO  
SHORELAND PROPERTY**

**WHEREAS**, the City Council of the City of Rockville adopted official zoning controls (“Zoning Code”) pursuant to the authority granted in Minnesota Statutes, Chapter 462 in April 2003 which replaced all pre-existing official controls; and

**WHEREAS**, the City Council amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 2006-30, 2007-40, 2007-41, 2007-42, 2007-43, 2007-44, 2008-46, and 2008-47; and

**WHEREAS**, the City had previously adopted, by reference, Stearns County Ordinance 209, Section 10.2, as it applied to shorelands; and

**WHEREAS**, the City Council has the authority, pursuant to Minnesota Statutes, Chapter 462 to amend the official zoning controls; and

**WHEREAS**, the City Council has the authority, pursuant to Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900, to regulate the shoreland of Minnesota waters; and

**WHEREAS**, the Planning Commission seeks to amend and clarify the official controls relating to accessory buildings, and has recommended the following amendment be adopted at its meeting on November 20, 2007; and

**WHEREAS**, public hearing was held on July 16<sup>th</sup>, & September 17<sup>th</sup>, 2008 in front of the City Council, and members of the public were given an opportunity to comment on the proposed amendment. Notice of the public hearing was published in the Cold Spring Record on July 8<sup>th</sup>, July 15<sup>th</sup>, 2008 and August 26<sup>th</sup>, September 2<sup>nd</sup>, 2008.

NOW, THEREFORE, the City Council does ordain:

**SECTION 1: Adoption by reference of Stearns County Ordinance 209, Section 10.2, is repealed.**

**SECTION 2: A new section 32 is hereby created as follows:**

**Subdivision 1: INTENT AND PURPOSE**

The purpose of the Shoreland Overlay District is to protect and enhance the quality of surface waters by promoting the wise utilization of public waters and related land resources. All land within Shoreland located in City of Rockville is hereby designated as Shoreland Overlay District

and the standards set forth in this Section shall regulate development and other activities within the Shoreland Overlay District.

### **Subdivision 2: APPLICATION**

The Shoreland Overlay District shall be an overlay district and shall be superimposed on all zoning districts and the Shoreland Overlay District shall be the Shoreland of the Public Water bodies as classified in *Section 10.2.3 of Stearns County Ordinance 209*. The standards contained in the Shoreland Overlay District shall be in addition to any other requirements set forth in this Ordinance. If the district standards are conflicting, the more restrictive standards shall apply. The boundaries of the Shoreland Overlay District are defined as follows:

- A. 1,000 feet from the ordinary high water level of the classified lakes.
- B. 300 feet from the ordinary high water level or the lateral extent of the floodplain when the floodplain extends beyond 300 feet from the ordinary high water level of the classified rivers and streams.

### **Subdivision 3: GENERAL PROVISIONS**

The following standards and requirements shall apply to all uses in the Shoreland Overlay District:

- A. Boathouses and additions thereto are prohibited in the Shoreland Overlay District.
- B. Easements, controlled access lots or other means for non-riparian lot owners to allow access to public waters shall be prohibited. The use of any riparian lot, tract or parcel of land, however designated or described, other than as an access lot as defined in Subdivision 13 to provide access to public waters for owners of non-riparian lots, including, but not limited to, by easement, share, license or any other legal or illegal arrangement, scheme or plan, shall be prohibited.

### **Subdivision 4: PUBLIC AND SEMI-PUBLIC USES**

The regulations of the primary zoning district shall apply, except as modified below:

- A. Public and semi-public uses which are otherwise permitted in the underlying zoning district shall be only allowed as a conditional use following the procedures of Section 27 of this Ordinance.
- B. The legal, conforming use of any tract for public or semipublic purposes at the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a conditional use following the procedures set forth in Section 27 of this Ordinance.
- C. The legal, non-conforming use of any tract for public or semipublic purposes at the adoption of this Ordinance may be continued as a legal, non-conforming use, but may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity.
- D. All public and semipublic uses shall meet the requirements of Subdivision 11.

### **Subdivision 5: RESIDENTIAL USES**

The regulations of the primary zoning district shall apply, except as modified below:

- A. New residential uses which are not permitted in the R-1 District but are otherwise permitted in the underlying zoning district shall be only allowed as a conditional use following the procedures of Section 27 of this Ordinance.

- B. Residential Lot Standards. The minimum lot dimensions, average lot size and buildable lot area for riparian and non-riparian residential developments are provided in Exhibit A, Residential Lot Standards.
- C. The legal, non-conforming use of any tract may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity.

**Subdivision 6: COMMERCIAL USES**

- A. Commercial uses which are otherwise permitted in the underlying zoning district shall be only allowed as a conditional use following the procedures of Section 27 of this Ordinance.
- B. The legal, conforming use of any tract for commercial purposes at the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a conditional use following the procedures set forth in Section 27 of this Ordinance.
- C. The legal, non-conforming use of any tract for commercial purposes at the adoption of this Ordinance may be continued as a legal, non-conforming use, but may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity.
- D. New commercial uses which are otherwise permitted in the underlying zoning district and are located on a riparian parcel shall be designed to provide water-oriented services or products.
- E. All commercial uses shall meet the requirements of Subdivision 11.

**Subdivision 7: INDUSTRIAL USES**

- A. Industrial uses which are otherwise permitted or permitted as a conditional use in the underlying zoning district shall be only allowed as an interim use following the procedures of Section 28 of this Ordinance, and only if the use demonstrates a need
- B. The legal, conforming use of any tract for industrial purposes at the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a interim use following the procedures set forth in Section 28 of this Ordinance.
- C. The legal, non-conforming use of any tract for industrial purposes at the adoption of this Ordinance may be continued as a legal, non-conforming use, but may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity.
- D. New industrial uses which are otherwise permitted in the underlying zoning district must be
- E. All commercial uses shall meet the requirements of Subdivision 11.
- F. The use of any area for industrial purposes as a conditional use at the time of adoption of this Ordinance shall be considered a conditional use, except that any expansion, addition or change in use shall only be allowed as an interim use following the procedures of Section 28 of this Ordinance.

**Subdivision 8: AGRICULTURAL USES**

- A. The use of any tract as an animal feedlot at the adoption of this Ordinance shall be considered a permitted use within the A-40 District, except that any expansion,

addition or change in use shall only be allowed as a interim use following the procedures set forth in Section 27 of this Ordinance.

- B. New animal feedlots are prohibited in the Shoreland Overlay District.

**Subdivision 9: PERMITTED ACCESSORY USES**

In all districts, accessory uses and structures in the Shoreland Overlay District shall be the same as those accessory uses allowed in the primary zoning district, subject to the requirements of this Section.

**Subdivision 10: SETBACK, HEIGHT, COVERAGE AND YARD REQUIREMENTS**

- A. Size and Area. Minimum standards for all development must be as provided in Exhibit A, Lot Standards; except the average lot size for lots created without meeting the standards of conservation subdivision in effect at the time of subdivision, are doubled for all classes other than Special Protection.
- B. Shoreline Setback. Minimum standards for setbacks from the Ordinary High Water Line, must be as provided in Exhibit A, Lot Standards.
- C. Width. Minimum lot or parcel widths must be as provided in Exhibit A, Lot Standards. Width standards must be met at the Ordinary High Water Line, as well as the non-riparian building line.
- D. Road Right-of-Way. Minimum structure setbacks from road right-of-way shall be as provided in the underlying zoning district.
- E. Side Yard. Minimum structure setbacks from side yard boundaries shall be as provided in the underlying zoning district.
- F. Rear Yard. Minimum structure setbacks from rear yard boundaries, where lot is non-riparian or otherwise has a rear yard not subject to a structure setback from ordinary high water levels, shall be as provided in the underlying zoning district.
- G. Bluffs. Minimum structure setbacks from top of bluff shall be 30 feet, or as calculated as the Established Building Line as provided in subdivision 11.
- H. Other setbacks. All other setbacks of the underlying zoning district, or generally applicable, apply.
- I. Maximum coverage by all impervious surfaces shall be as provided in <<Stormwater Management Section>>. If no standard applies, the maximum impervious surface shall be twenty-five percent.
- J. Structure Height. Maximum height restrictions of structures shall be as provided in the underlying zoning district, or as provided in this Section. Notwithstanding, no structures, except churches, telecommunication towers and antenna, and nonresidential agricultural structures, shall exceed 30 feet in height of building.
- K. Fence Height. Maximum fence height shall be as provided in the underlying zoning district, except:
  - (1) A fence on a riparian lot shall not be higher than six (6) feet, unless any part above such height has at least 50 percent of the surface uniformly open and unobstructed, unless the adjoining lot is in a Commercial or Industrial District or abuts a public park or public access.
  - (2) A fence on a riparian lot erected from the riparian building line to the ordinary high water level shall not exceed a height of four (4) feet and have at least 90 percent of the surface uniformly open and unobstructed unless the adjoining lot is in a Commercial or Industrial District or abuts a public park or public access.

- L. The minimum lot size and width requirements for commercial and industrial uses is the lot size and width requirements for the primary zoning district, but in no case shall the lot area and width be less than the duplex lot area and width requirement for the applicable lake or river classification.
- M. The minimum lot size and width requirements for residential uses with more than two units are the lot size and width requirement for a duplex lot, plus 25 percent for each unit greater than two.
- N. Application of Standards. All lots, except a Lot of Record, must meet the applicable lot standards. No parcel shall be subdivided in any manner, unless all resulting lots comply with the applicable lot standards.
- O. Street Frontage Requirements. The minimum street frontage requirements shall be those of the underlying zoning district. If none exist, the minimum shall be 75 feet, except for lots created by conservation subdivision or PUD which may vary from this minimum in order to reduce the impact of the road on the shoreland district.

### **Subdivision 11: DEPARTURE FROM SETBACK REQUIREMENTS**

For shoreline and bluff setbacks, where conditions exist that meet all of the following criteria, the Zoning Administrator may depart from setback requirements of Subdivision 8 to the extent provided. In any case in which such a departure may substantially harm any public waters, adjoining properties or the health, safety or welfare of the City, the Zoning Administrator may deny departure from the standard setback requirements.

- A. Principal Structures. In locations where a principal structure exists on both sides of a proposed building site and a building line can be reasonably established, the principal structure may be constructed up to the established building line.
  - 1. For new residential dwellings, the building line shall be established by:
    - (a) Calculating the average building line setback for the dwelling located on either side of the proposed residential dwelling,
    - (b) Establishing the building line by using the sight line method from the nearest corner of each dwelling located on either side of the proposed residential dwelling, and
    - (c) Adopting the more restrictive of the two building lines.
  - 2. For additions, the building line may be established by using a string line between the corner of the dwelling for which the addition is being sought and the lakeward corner closest to the dwelling nearest the proposed addition, by using a sight line, by calculating the average setback of the dwellings located on either side of the proposed addition, or by other reasonable methods which may be employed.
  - 3. Structures located wholly or partly within the shore impact zone shall not be used to establish a building line. In this situation, the landward extension of the shore impact zone and its intersection with the adjacent property line shall be used as the point of reference to establish a building line in instances where a principal structure is located partially or wholly within the shore impact zone.
  - 4. In no case shall the calculated setback be greater than the building line setback established for the applicable lake classification.
  - 5. In no case, shall any principal structures be permitted closer than the following distances:

- (a) On Natural Environment Lakes and Designated Trout Streams; no closer than 100 feet.
  - (b) On Recreational Development Lakes; no closer than 50 feet.
  - (c) On General Development Lakes; no closer than 50 feet.
  - (d) On Transition Rivers; no closer than 75 feet.
  - (e) On Agriculture, Urban and Tributary Rivers; no closer than 50 feet.
  - (f) Within 20 feet of the top of a bluff.
  - (g) On Designated Trout Streams; no closer than 100 feet.
- B. Decks. Decks and platforms that do not meet setback requirements from public waters may be allowed to be added to structures existing on the date of adoption of *Stearns County Ordinance 209*, without a variance, if all of the following criteria and standards are met:
- 1. The deck does not encroach more than 15 percent into the applicable setback of the dwelling unit or principal structure to which it is being attached;
  - 2. Notwithstanding subdivision 11(B)(1), no deck may encroach into the shore or bluff impact zone;
  - 3. The deck is constructed of wood, plastic or other rot-resistant material, painted or stained in colors compatible with the character of the neighborhood, and attached to a legal dwelling unit or principal structure;
  - 4. The deck shall not be screened in, enclosed or roofed; and
  - 5. Decks constructed under the provisions of this departure shall not be used as the basis for the establishment of any future building line.

**Subdivision 12: DESIGN CRITERIA FOR STRUCTURES**

- A. High Water Elevations. Structures shall be placed in accordance with *Section 10.1 of Stearns County Ordinance 209*, if applicable to the site. If *Section 10.1 of this Ordinance* does not apply to the site, the elevation to which the lowest floor, including basement, is placed or flood proofed shall be determined as follows:
- 1. For lakes, by placing the lowest floor at a level no lower than the regulatory flood protection elevation or at least three feet above the highest known water level, or at least three feet above the ordinary high water level, whichever is higher. When upon inspection, the Building Official determines, with the use of a hand level or similar method, that the bottom floor elevation of a proposed residential dwelling or addition to a residential dwelling will be 6 feet or less above either the highest known water level, ordinary high water mark or regulatory flood protection elevation, whichever is applicable, the owner of a riparian lot shall be required to submit certification by a registered engineer, registered architect or registered land surveyor that the lowest floor elevation of any dwelling unit or addition thereto, including basement, is placed at least 3 feet above the ordinary high water level, or no lower than the regulatory flood protection elevation, whichever is higher.
  - 2. For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a

flood protection elevation. Under all three approaches, a qualified engineer or hydrologist consistent with *Minnesota Rules, parts 6120.5000 to 6120.6200; or successor rule*, governing the management of flood plain areas shall do technical evaluations. If more than one approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities; and

3. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this section if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- B. Stairways, lifts, and landings. Stairways, lifts and landings must meet the following design requirements:
1. Stairways and lifts must not exceed four feet in width on residential lots. Stairways and lifts must not exceed six (6) feet in width for commercial properties, and public or semi-public open-space recreational properties, including recreational facilities shared by an association or similar entity.
  2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings for stairways and lifts must not exceed 48 square feet for commercial properties, public or semi-public open-space recreational properties, including recreational facilities shared by an association or similar entity.
  3. Canopies or roofs are not allowed on stairways, lifts, or landings.
  4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
  5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
  6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of *Minnesota Rules, chapter 1341; or successor rule*.
  7. Boardwalks shoreward of the ordinary high water level shall be used in place of fill to bridge wetland areas to reach the shore. These boardwalks must be elevated at least 16 inches about the surface of the wetland.
- C. Placement and design of roads, driveways, and parking areas. Public and private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
1. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives

- exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
2. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of subpart 4, item E, must also be met. For public watercraft access facilities, best management practices shall be designed, installed and maintained to reduce total suspended solids, peak discharge, and runoff. Best management practices include porous pavement, grass parking overflow areas, filter strips, swales, infiltration basins, disconnected impervious areas, rain gardens and other conservation designs.
- D. Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
  - E. Steep slopes. When determined necessary by the Zoning Administrator, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation
  - F. Shoreline recreation facilities. Shore recreation facilities must be clustered or grouped in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, or other relevant factors to maintain functions and values of existing natural features. Access lots must be used where direct riparian access is not appropriate due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Boating facilities shall be located adjacent to the deepest water available. Shoreline facilities must also comply with all rules of the Department of Natural Resources.

**Subdivision 13: COMMERCIAL, INDUSTRIAL AND PUBLIC USE STANDARDS**

Subject to the restrictions provided for in this Section, surface water-oriented commercial uses and industrial, public or semipublic uses with needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs shall meet the following standards:

- A. In addition to meeting impervious coverage limits, setbacks and other zoning standards in this Ordinance, the uses shall be designed to incorporate topographic and vegetative screening of parking areas and structures;
- B. Uses that require short-term watercraft mooring for patrons shall centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- C. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public subject to the following general standards:
  1. No signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the City;
  2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed

safety and directional information, and may only convey the location and name of the establishment and the general types of services available. The signs shall not contain detailed information such as product brands and prices, shall not be located higher than ten feet above the ground, and shall not exceed 32 square feet in size. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across public waters; and

3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- D. Uses without water-oriented needs shall be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, shall either be setback double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

#### **Subdivision 14: AGRICULTURAL AND EXTRACTIVE USE STANDARDS**

- A. Agricultural Use. Agricultural uses shall be conducted so that steep slopes, shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local Soil and Water Conservation District or the Natural Resource Conservation Service or as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation, and may not be directly applied within the shore impact zone.
- B. Forest Management. The harvesting of timber and associated reforestation shall be conducted consistent with the provisions of *Water Quality in Forest Management "Best Management Practices in Minnesota"*, which is hereby incorporated by reference, a copy of which is on file in the Stearns County Environmental Services Department, St. Cloud, Minnesota, and is not subject to frequent change.
- C. Extractive Use. An extractive use site development and restoration plan shall be developed, approved, and followed over the course of operation of the site as part of the interim use permit required by Section 9, and subject to the following:
  1. Site Development and Restoration Plan Requirements. The plan shall address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It shall also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and shall clearly explain how the site will be rehabilitated after extractive activities end.
  2. Setbacks for Processing Machinery. Processing machinery shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

**Subdivision 15: ACCESS LOTS.**

Access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, may be allowed as part of a planned unit development where direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Access lots that provide riparian access for owners of non-riparian lots or parcels shall be prohibited. Where allowed, access lots shall meet or exceed the following standards:

- A. Access lots shall be governed by a covenant recorded on the title of every lot or parcel of land, and be jointly owned by all of those purchasers, which are allowed to use the access lot.
- B. These access lots shall also comply with all of the dimensional standards of Subdivision 7. Where more than six subdivision lots are served, the width of the access lot shall be increased by 25 percent for each additional subdivision lot in excess of six served.
- C. Access lots shall be suitable in its natural state for the intended activities. All facilities shall be centralized and located in areas suitable for them. Evaluation of suitability shall include, not limited to, consideration of land slope, water depth, aquatic and shoreland vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater and other relevant factors.
- D. Permitted activities may include watercraft launching, loading, beaching, mooring, or docking area, but shall not include residential or commercial uses. A single dock and boat launching ramp may be permitted and no owner shall own an individual dock. Boating facilities must be located adjacent to the deepest water available. Continuous boat mooring shall be limited to one watercraft per lot served.
- E. Covenants governing access lots shall limit the total number of vehicles allowed to be parked, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. All parking areas, storage buildings, and other facilities are to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. The covenants shall also specify the permitted activities allowed on the access lot. These activities shall not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. The covenants shall benefit the City, and provide for enforcement by the City.
- F. Access lots shall meet or exceed the standards of Subdivision 16, Vegetation and Topography.

**Subdivision 16. VEGETATION AND TOPOGRAPHY.**

Natural vegetation and topography shall be regulated and maintained to prevent erosion into public waters, fix nutrients, infiltration rainwater runoff, preserve shoreland aesthetics and historic values, prevent bank slumping, limit direct and indirect impacts on water quality, and protect fish and wildlife habitat.

- A. All existing shoreline buffers, including trees, shrubs, and ground cover of native plants and understory, shall not be disturbed, except as provided below, and only to the extent necessary to accomplish the allowed exception. Except as a condition of a variance or other land use approval, or as voluntarily agreed to by the property owner,

disturbed areas, including sand beaches, that can be shown to exist as of the adoption of this ordinance, may not be required to be restored.

1. Pursuant to valid permits; utilities, governmental entities, construction entities and property owners may install, extend or maintain essential services.
  2. Public roads and parking areas.
  3. Public parks, areas, trails and structures.
  4. Pursuant to a valid building permit, property owners may install and maintain stairways and landings, provided the permit application has sufficiently identified the vegetation proposed for disturbance.
  5. Pursuant to a valid shoreland alteration permit.
  6. Removal of trees and branches that pose a safety hazard.
  7. A single access path, provided it is:
    - a. No wider than 6 feet,
    - b. Generally perpendicular to the shoreline, and
    - c. Designed to prevent erosion.
  8. A single shoreline recreational area, as provided by Subdivision 17.
- B. All existing important topographical features, including natural swales, depressions, steep slopes and topsoil, shall not be disturbed, except as provided below, and only to the extent necessary to accomplish the allowed exception.
1. Pursuant to valid permits; utilities, governmental entities, construction entities and property owners may install, extend or maintain essential services.
  2. Public roads and parking areas.
  3. Public parks, areas, trails and structures.
  4. Pursuant to a valid building permit, property owners may install and maintain stairways and landings, provided the permit application has sufficiently identified the vegetation proposed for disturbance.
  5. Pursuant to a valid shoreland alteration permit.
- C. Use of fertilizer and pesticides shall not be allowed within the shore impact zone. Other use within the shoreland district must be designed to minimize runoff into the impact zone and public waters.
- D. Vegetation within the shore impact zone must be maintained to screen structures with trees and shrubs, to the extent possible.
- E. Riprap and retaining walls used for ornamental purposes or for terracing natural slopes shall be prohibited within the shore and bluff impact zones. Natural rock riprap only be used for the correction of an established erosion problem that cannot be controlled through the use of native vegetation, slope stabilization using mulch, biomat, or similar bioengineered means. Placement of natural rock riprap and retaining walls, where allowed, shall comply with regulations adopted pursuant to Minnesota Statutes, section 103G.245.

#### **Subdivision 17. SHORELINE RECREATIONAL AREAS.**

Shoreline recreational areas are an exception from the general prohibition from disturbing vegetation and topography with the shore impact zone. Shoreline recreational areas are allowed, provided:

1. Only one shoreline recreation use area shall be allowed on each residential lot, except that, if the lot is part of a PUD, conservation subdivision, resort, homeowners association, and has access to a common shoreline recreational area, then no shoreline recreational area is allowed.

2. Residential recreational areas are limited to the dimensions outlined in Exhibit B for the class of lake or river.
3. The entire area must be landscaped, maintained and constructed, to the extent possible, so that no bare soil or other ground subject to erosion exists.
4. The standards of Common Shoreline Recreational Areas apply to access lots and other semi-public lots available to members of an area, homeowners association or resort located within the shoreland district. This subdivision does not apply to public facilities owned and operated by the City, County, State or other political subdivision, which have received a conditional use permit, or are exempt therefrom, pursuant to Subdivision 4. This subdivision does not create a right for an access lot, if not available under subdivision 15.
5. No docks are allowed in Common Shoreline Recreational Areas, except if the area qualifies as an Access Lot pursuant to subdivision 15.
6. No watercraft loading or unloading may be allowed in Common Shoreline Recreational Areas, except if the area qualifies as an Access Lot pursuant to subdivision 15.
7. Use of a Common Shoreline Recreational Area for swimming, is allowed, provided any shoreline, topography and vegetation complies with all applicable ordinance, statutes and state rules.
8. Common Shoreline Recreational Areas are limited to 20 feet in width along the shoreline for each 100 feet of shoreline for the entire PUD, conservation subdivision, resort or homeowners association. The maximum depth landward from the Ordinary High Water Line is 25 feet.
9. No Common Shoreline Recreational Area may exceed 5000 sf.

**EXHIBIT A  
LOT STANDARDS**

Class or District	Riparian				Nonriparian		
	Lot Width (ft)	Average Lot Size (sq ft)	Buildable Lot Area (sq ft)	Shoreline Setback (ft)	Lot Width (ft)	Lot Size (sq ft)	Suitable Area* (sq ft)
Special Protection	400	217,800	23,400	200	400	217,800	23,400
Natural Environment and Sensitive Area				200			
Single	250	80,000	20,400		250	80,000	20,400
Duplex	400	120,000	40,800		400	160,000	40,800
Recreational Development				100			
Single	150	40,000	17,400		150 225	40,000	17,400
Duplex	225	80,000	34,800			80,000	34,800
General Development				75			
Single	120	30,000	14,400		150	40,000	14,400
Duplex	180	60,000	28,800		265	80,000	28,800
River – Remote				200			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000
River – Forested				150			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000
River – Transitional				150			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000
River – Agricultural				100			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000
River – Urban				100			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000
River – Tributary				100			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000

**EXHIBIT B**  
**SIZE LIMITATIONS OF RESIDENTIAL RECREATIONAL AREAS**

Lake or River Class	Width (feet) (along the shoreline)	Depth (feet) (landward from OHWL)
Special Protection	10	15
Sensitive Area	10	15
Natural Environment	10	15
Recreational Development	20	15
General Development	30	15
Remote River/streams Segments	10	15
Forested and Transition River/streams Segments	20	15

**SECTION 3:** The new section shall be inserted in the Zoning Code, as appropriate, the existing sections renumbered and the new section entitled "Shoreland Overlay District."

**SECTION 4:** Upon approval by six members of the City Council, the following shall be the summary of this Ordinance, and may be published in place of the full text of this Ordinance:

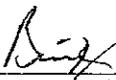
**The following is the summary of Ordinance 2008-50 approved by the Rockville City Council on October 1<sup>st</sup>, 2008:**

**AN ORDINANCE AMENDING THE CITY ZONING CODE AS IT APPLIES TO SHORELAND PROPERTY**

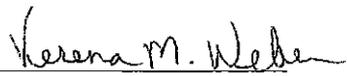
Ordinance No. 2008-50 amends the Rockville Zoning Code by replacing the adoption of Stearns County Shoreland Overlay District with an overlay district designed to regulate the lot, development, and land use standards within the shoreland within the City of Rockville.

A complete, printed copy of the Ordinance is available for inspection by any person during regular office hours at the City Hall.

Adopted this 17<sup>th</sup> day of September, 2008.  
4 in favor. 2 opposed.

  
 Brian Herberg, Mayor

ATTEST:

  
 Verena Weber, City Administrator-Clerk

**Ordinance No. 2008-51**

**AN ORDINANCE PROVIDING FOR STORMWATER MANAGEMENT**

The Rockville City Council ordains:

- SECTION 1.** Ordinance No. 2008-51 regulates Stormwater and the discharge thereof, through the establishment of management, performance and design standards for property and development within the City of Rockville.
- SECTION 2.** The City Council determines that the text of the summary of Ordinance No. 2008-51, a copy of which is attached as Exhibit A, clearly informs the public of this Ordinance's intent and effect. The City Council further determines that publication of the title and such summary will clearly inform the public of this Ordinance's intent and effect.
- SECTION 3.** A complete, printed copy of this Ordinance will be available for inspection by any person during regular office hours at the Clerk/Administrator's office.
- SECTION 4.** Four-fifths (4/5) of the City Council's members direct the Clerk/Administrator to publish only the title and summary of this Ordinance.
- SECTION 5.** This Ordinance shall be effective immediately upon its passage.

10/1/08

Verena M. Weber-CMC  
Administrator/Clerk

CITY OF ROCKVILLE  
STEARNS COUNTY, MINNESOTA

**Ordinance No. 2008-51**

**AN ORDINANCE AMENDING THE CITY ZONING CODE BY ADDING A SECTION ON STORMWATER MANAGEMENT**

**WHEREAS**, the City Council of the City of Rockville adopted official zoning controls (“Zoning Code”) pursuant to the authority granted in Minnesota Statutes, Chapter 462 in April 2003 which replaced all pre-existing official controls; and

**WHEREAS**, the City Council amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 2006-30, 2007-40, 2007-41, 2007-42, 2007-43, 2007-44, 2008-46, 2008-47; and

**WHEREAS**, the City Council has the authority, pursuant to Minnesota Statutes, Chapter 462 to amend the official zoning controls; and

**WHEREAS**, the City Council has the authority, pursuant to Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900, to regulate the shoreland of Minnesota waters; and

**WHEREAS**, the Planning Commission seeks to amend and clarify the official controls relating to accessory buildings, and has recommended the following amendment be adopted at its meeting on November 20, 2007; and

**WHEREAS**, public hearing was held on July 16<sup>th</sup> & September 17, 2008 in front of the City Council, and members of the public were given an opportunity to comment on the proposed amendment. Notice of the public hearing was published in the Cold Spring Record on July 8, July 15, August 26, 2008 and September 2, 2008.

**NOW, THEREFORE**, the City Council does ordain:

**SECTION 1: The Zoning Code is amended by inserting a new section as follows:**

**Subdivision 1. Purpose.**

The purpose of this section is to prevent or reduce, to the most practicable extent, the negative effects of stormwater runoff and to protect the water and soil resources of the City through the use of best management practices and/or stormwater management facilities.

**Subdivision 2(a). Stormwater Management Plan Required.**

A Stormwater Management Plan is required for every applicant for any subdivision approval, PUD approval, building permit, or commercial, multiple family residential or industrial land use permit, unless exempted in Subdivision 2(b).

**Subdivision 2(b). Exemption from Stormwater Management Plan Requirement.**

A Stormwater Management Plan is not required for:

- A. Any part of a platted subdivision approved by the City on or before the effective date of this Ordinance;
- B. A lot for which all land use permits has been approved on or before the effective date of this Ordinance.
- C. Installation of a fence, sign, telephone and electric poles and other kinds of posts or poles.
- D. Emergency work to protect life, limb or property.
- E. A subdivision resulting in less than three lots or outlots, unless any part of it is in the shoreland district.
- F. A residential use in a residential or agricultural zone, but not in the shoreland district, on a lot of record created on or before the effective date of this Ordinance, if the proposed use meets impervious surface requirements, and will result in a cumulative addition of less than 10,000 square feet of impervious surface.
- G. A permitted or conditional residential use on a lot that was created by a subdivision which has an approved Stormwater Management Plan.
- H. An applicant is seeking a building permit limited to electrical, plumbing, window replacement, residing, or reroofing, and the impervious surface will not be increased.

The Zoning Administrator may require any development activity that it determines may significantly increase downstream runoff rates or volumes, flooding, soil erosion, water pollution or property damage or significantly impact a lake, stream, river or wetland to obtain a Stormwater Management Plan.

**Subdivision 2(c). Waiver of Stormwater Management Plan Requirements.**

The City, upon recommendation of the Planning Commission, may waive any requirement of this ordinance upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth herein. The City may require, as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct physical improvements, facilities, property and/or easements as may be necessary to adequately meet said standards and requirements.

**Subdivision 3. Application for Stormwater Management Plan.**

- A. A written application for Stormwater Management Plan shall be filed with the City Administrator prior to any work proceeding, and shall include:
  - 1. A statement indicating the grounds upon which the approval is requested;
  - 2. Name, address, and telephone number for the property owner and the applicant, if different;
  - 3. Address, Parcel Identification Number and Legal Description of the property;

4. A site map of the property as it exists, as set forth in Subdivision 6(a);
  5. A site construction plan, as set forth in Subdivision 6(b);
  6. A drawing of the final site conditions, as set forth in Subdivision 6(c);
  7. Receipt evidencing payment of fees (if applicable), and;
  8. Documentation for the sufficient financial security, if required, as set forth in Subdivision 5(c).
- B. An application shall also include a statement indicating:
1. The applicant will be responsible for the design and construction of any stormwater management facilities or improvements proposed by the applicant or required as a condition of approval.
  2. The applicant will be responsible for the maintenance and upkeep of all elements of any proposed stormwater management practice or stormwater management facilities or improvements proposed by the applicant or required as a condition of approval in perpetuity.
  3. The proposed use is permitted, or the applicant has received, or applied for, all permits and approvals required for the proposed use.
- C. Applicant must provide five sets of clearly legible blue or black lined copies of all drawings, maps or plans required. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed.

**Subdivision 4. Transfer of Stormwater Management Plan.**

Except when properly transferred to a subsequent owner, all stormwater facilities or improvements proposed by the applicant, or required as a condition of approval, for meeting the requirements of this section, must be completed prior to any sale or transfer of the property. An approved Stormwater Management Plan may be transferred to a subsequent owner, upon the subsequent owner requesting transfer, assuming legal responsibility for complying with the terms and conditions of the original Stormwater Management Plan, and providing any financial security required. The Zoning Administrator may include additional conditions or increase the financial security, in granting the transfer. No transfer will be required if all stormwater facilities or improvement, and all conditions, have been completed. The application for transfer need not be submitted to the Planning Commission or City Council.

**Subdivision 5(a). Elimination of Public Health or Safety Hazards Relating to Improperly Installed Stormwater Improvements.**

The City may take action to install, or to correct or repair, an improvement required by this section. The cost of any such improvement or repair, including the costs of enforcement, including attorney and engineering fees, shall be charged to the property, and if not paid, may be assessed against the responsible property as a special charge pursuant to Minn. Stat. § 429.101, or other authority. Except in the event of an emergency to person or property which precludes judicial review, the City will gain access to the property by obtaining a summary abatement order as outlined in Minn. Stat. § 463.15-463.26.

**Subdivision 5(b). Inspection.**

The City may inspect any property for compliance with the terms of this section, or the

terms or conditions of a Stormwater Management Plan. If property owner fails or refuses to permit free access and entry to the property, or any part thereof, for an inspection, the City may, upon a showing that probable cause exists for the inspection, petition and obtain an order to inspect and/or search warrant from a court of competent jurisdiction.

**Subdivision 5(c). Financial Security Required.**

The Zoning Administrator may require a financial guarantee for any approval under this section in order to ensure stormwater management improvements, or related grading to treat or control stormwater, is performed as approved. The financial guarantee may be in the form of a letter of credit, cash deposit or bond in favor of the City equal to, up to 125% of all costs of all proposed stormwater management improvements, and related grading to treat or control stormwater and prevent negative erosion and sediment impacts. The form of the guarantee is at the City's option. Release of the financial guarantee is contingent on approval by the City Engineer that as-built conditions and erosion and sediment control measures meet specifications of the stormwater management plan.

**Subdivision 6(a). Existing Site Map.**

- A. At a minimum, the existing site map must show existing conditions of the site and immediately adjacent areas, including:
1. The name and address of the applicant, the section, township and range, north point, date, and number of sheets;
  2. Location and dimensions of all impervious surfaces, including driveways and roadways;
  3. Location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction stormwater is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where stormwater collects;
  4. An approximate delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site the classification given to the water body as provided in the Shoreland Overlay District;
  5. A general description of the soils of the site, as well as a statement containing information on the suitability of the soils for the type of development proposed, and describing any remedial steps to be taken by the developer to render the soils suitable. Soils information can be obtained and printed in report format from Soil Data Mart website (<http://soildatamart.nrcs.usda.gov/>);
  6. Location and dimensions of subsurface sewage treatment systems (SSTS);
  7. Vegetative cover and clearly delineating any vegetation proposed for removal; and
  8. Setbacks, easements and right-of-ways.
- B. Upon request by the City Engineer or Zoning Administrator, the existing site map must show the following:
1. Plan drawn to scale;
  2. 100-year flood plains, flood fringes, floodways, and shoreland areas;
  3. Location of the tract by an insert map at a scale sufficient to clearly

- identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks;
4. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two (2) feet;
  5. An official delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and classification given to the water body or wetland pursuant to the Shoreland Ordinance, Stearns County, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency or the US Army Corps of Engineers;
  6. Any hydrological measurements or related calculations for both on and off the site in accordance with Subdivision 11;
  7. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and describing any remedial steps to be taken by the developer to render the soils suitable;
  8. Certification by a licensed engineer;
  9. Certification by a licensed surveyor; or
  10. Any additional information necessary to evaluate the application.

**Subdivision 6(b). Site Construction Plan.**

- A. At a minimum, the site construction plan for the proposed improvements or use must include:
  1. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
  2. Locations and estimated dimensions of all temporary soil or dirt stockpiles;
  3. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this ordinance;
  4. Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this ordinance;
  5. Provisions for maintenance of the construction site erosion control measures during construction;
  6. Work and materials list for all proposed site grading, stormwater management, and erosion and sediment control related operations;
  7. Provisions for protection (barricades, etc) of SSTS sites during construction to avoid accidental compaction,
- B. Upon request by the City Engineer or Zoning Administrator, the existing site map must show the following:
  1. Plan drawn to scale;
  2. Certification by a licensed engineer;

3. Certification by a licensed surveyor; or
4. Any additional information requested by the City Engineer or Zoning Administrator necessary to evaluate the application.

**Subdivision 6(c). Plan of Final Site Conditions.**

- A. At a minimum, the plan of the final site conditions must be drawn on the same scale as the existing site map and show the site changes, including:
  1. A drainage plan of the developed conditions delineating in which direction stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect (if applicable);
  2. The proposed size, alignment and intended use of any structures to be erected on the site;
  3. A clear delineation and tabulation of all impervious areas;
  4. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development; and
  5. Any additional information pertinent to the particular project, which in the opinion of the applicant is necessary for the review of the project.
- B. Upon request of the City Engineer or the Zoning Administrator, the plan of final site conditions must show the following:
  1. Plan drawn to scale
  2. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
  3. Any hydrological measurements or related calculations for both on and off the site in accordance with Subdivision 11;
  4. Certification by a licensed engineer;
  5. Certification by a licensed surveyor; or
  6. Any additional information necessary to evaluate the application.

**Subdivision 7. Application Review Procedure.**

- A. Process. Applications shall be submitted by the City Administrator who shall consult with the City Engineer, for review, and shall be reviewed along with any associated site plan for the property, or as a site plan would be reviewed, if no site plan is required.
- B. Duration. Approval of a Stormwater Management Plan will expire one year after the date of approval unless construction has commenced in accordance with the Stormwater Management Plan. If all improvements proposed in the application, or required as a condition to approval, are not completed within two years, the Stormwater Management Plan will expire.
- C. An application may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this Section are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish

required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, and require the conveyance to the City of Rockville or other public entity of certain lands or interests therein.

- D. A combination of conditions may be used to achieve the requirements of this Section.

**Subdivision 8. Stormwater Management Standards - Generally.**

All properties, regardless of whether a Stormwater Management Plan is required, must conform with the following standards:

- A. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- B. Consideration shall be given to reducing the need for stormwater management facilities by incorporating the use of natural drainage ways, topography and land cover; such as wetlands, ponds, natural swales, depressions and vegetated soil surfaces as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity of the natural features.
- C. When new stormwater management facilities are required, preference will be given to above ground conveyances and restoration or establishment of natural drainage ways, topography and land cover before discharge to public waters, when possible.
- D. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, preference will be given to constructed facilities designed using surface drainage, vegetated filter strips, bioretention areas, rainwater gardens, enhanced swales, off-line retention areas, and natural depressions for infiltration rather than buried pipes and human-made materials and facilities.
- E. The following practices shall be investigated in developing a plan, in the following descending order of preference:
  - 1. Natural infiltration of precipitation on-site;
  - 2. Flow attenuation by use of open vegetated swales and/or natural depressions;
  - 3. Retention facilities; and
  - 4. Detention facilities.
- F. Stormwater facilities shall be designed assuming that existing drains, drain tiles and other inaccessible drainage facilities, whether natural or manmade, no longer function, unless:
  - 1. An easement is supplied to provide sufficient access for future maintenance;
  - 2. The applicant demonstrates that the drain or tile has the capacity and service condition to make it a suitable component of the stormwater management system;
  - 3. The City accepts the dedication of the easement, or a property owners association is established and assumes the maintenance of the components

- and the City approves of the transfer to the association.
4. This Subdivision 8(F) may not be interpreted to require the City to accept dedication of any stormwater facility.
- G. Where there is discharge to an existing roadway, ditch, storm sewer or other public facility, the stormwater may not degrade or negatively impact the safety, maintenance or function of any such public facility.
- H. New constructed stormwater outfalls to any public water or wetland must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

**Subdivision 9. Construction Activity Standards - Generally.**

All properties, regardless of whether a Stormwater Management Plan is required, must conform with the following standards:

- A. Site Erosion Control. The following criteria apply to construction activities that result in runoff on and/or leaving the site.
1. Channeled runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas, if practical. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
  2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
  3. Runoff from the entire disturbed area on the site shall be controlled by meeting either Items (a) and (b) or (a) and (c).
    - (a) All disturbed ground left inactive for fourteen (14) or more days (seven (7) days for discharges within one (1) mile of and flow to Special Waters and Impaired Waters as defined by NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency) shall be stabilized by seeding or sodding (only available prior to September 15), or by mulching or covering or other equivalent control measure.
    - (b) For sites with more than ten (10) acres disturbed at one time (five (5) acres for discharges within one (1) mile of and flow to Special Waters and Impaired Waters as defined by NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency), or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1%) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed within twenty four (24) hours of discovery to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel

or the receiving water.

- (c) For sites with less than ten (10) acres disturbed at one time (five (5) acres for discharges within one (1) mile of and flow to Special Waters and Impaired Waters as defined by NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency), silt fences, biorolls, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, biorolls, or equivalent control measures must include a maintenance and inspection schedule.
- 4. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than fourteen (14) days (seven (7) days for discharges within one (1) mile of and flow to Special Waters and Impaired Waters as defined by NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency), they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than fourteen (14) days (seven (7) days for discharges within one (1) mile of and flow to Special Waters and Impaired Waters as defined by NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency) shall be controlled by placing biorolls or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days.
- 5. "Stabilized" means
  - B. Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.
  - C. Waste and Material Disposal. All waste and unused building materials including but not limited to garbage, cleaning wastes, debris, wastewater, toxic materials or hazardous materials, shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or surface (storm) sewer system.
  - D. Sediment Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.
  - E. Drain Inlet Protection. All surface (storm) drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications

contained in the Minnesota Pollution Control Agency publication "Protecting Water Quality in Urban Areas."

- F. Final Stabilization: Final stabilization requires that all soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of 70% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.

**Subdivision 10. Special Shoreland Erosion and Sediment Control Standards.**

Within the shoreland district, development activity that results in the disturbance of 10,000 square feet or more on general development lakes, recreational development lakes and all river/streams classes, and 5,000 square feet on natural environment lakes, special protection lakes, and sensitive area districts must meet the Pollution Control Agency General Stormwater Permit for Construction Activity requirements for Erosion Prevention and Sediment Control. These requirements must be incorporated into the project plans and specification.

**Subdivision 11. Detention Facility Design and Maintenance Standards.**

All properties for which a Stormwater Management Plan is required must conform with the following standards:

- A. Design. Stormwater management facilities shall be designed according to the most current technology, and must comply with the design guidelines provided in the publications of the Minnesota Pollution Control Agency, "Protecting Water Quality in Urban Areas" (2000) and "Minnesota Stormwater Manual" (2005), as they may be amended. At a minimum, facilities and improvements must be constructed pursuant to the designs and specifications approved by the City Engineer including the following:
1. Rainfall amounts for design storms can be found using the *U.S. Weather Bureau Technical Paper No. 40 (TS 40)* rainfall intensity duration curves for Type II rainfall distribution.
  2. Peak discharge rates shall be derived using the standard methods of the *Natural Resources Conservation Service TR 55* or *TR 20* as defined in the current *Hydrology Guide for Minnesota*.
  3. Sheet flow shall be limited to 100 feet for Time of Concentration calculations.
  4. The following runoff curve numbers based on hydrologic soil type shall be used to analyze existing conditions:
    - (a) A – 30
    - (b) B – 55
    - (c) C – 71
    - (d) D – 77
  5. Total volume discharges shall be derived using the standard methods of *Natural Resources Conservation Service TR 55* or *TR 20* as defined in the current *Hydrology Guide for Minnesota*.
  6. All wet detention and retention facilities shall be designed and constructed in accordance with the W.W.Walker Method (1987).

7. For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an undrained condition unless the applicant demonstrates that publicly owned and maintained facilities will be adequate to maintain the drained condition.
  8. Stormwater management infiltration facilities shall be designed to infiltrate 0.5 inch of runoff from impervious surfaces (Water Quality Volume) within forty eight (48) hours.
  9. Infiltration volume and facility sizes shall be calculated using the appropriate hydrologic soil group calculation and saturation infiltration rates from the *Minnesota Stormwater Manual*.
  10. Infiltration facilities shall be designed and constructed in accordance with the *Minnesota Stormwater Manual*.
- B. Inspection and Maintenance. All stormwater management practices and facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater runoff. The director of public works, or designated representative, may inspect all stormwater management facilities during construction, during the first year of operation, and once every five (5) years thereafter. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.
- C. Documentation Required. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with applicable local, state and federal standards, and constructed to the specifications originally approved. In most cases this would be certification by the engineer of record for the project.

**Subdivision 12(a). Lot Coverage Limits - Definition.**

The coverage of any parcel by impervious surfaces may not exceed the maximum provided in Subdivision 12(b), or the zoning district standards, whichever is more restrictive. The coverage is determined as a ratio of the impervious surface to the area of the entire parcel. The area of the entire parcel does not include that part of a parcel that is below the Ordinary High Water Mark of a lake or river. Wetlands shall be included in the total area of the parcel.

**Subdivision 12(b). Lot Coverage Limits - Standards.**

No parcel may exceed the associated impervious surface coverage limits, as described below:

- A. Residentially zoned property:
  1. Not located in the shoreland overlay district, 25%.
  2. Located in the shoreland overlay district, 12%, except on a General or Recreational Development lake.
  3. On a General or Recreational Development lake, 15%, except that a lot of record may contain up to 20% impervious surface, without a variance, if the parcel provides a plan to the City that treats surface water runoff for

- water quality, as provided in 13(b).
- B. Commercial and Industrial zoned property:
    - 1. Not located in the shoreland overlay district, 50%.
    - 2. Located in the shoreland overlay district, 25%.
    - 3. Notwithstanding, if the parcel is served by municipal stormwater sewers and other infrastructure with adequate capacity, the coverage limit may be increased up to 100%, without a variance, as approved by the City Engineer. A request for such a waiver must demonstrate that the stormwater is adequately treated.
  - C. Planned Unit Developments, where allowed, must not exceed 15% impervious surface as measured for the total project area and within the first 200 feet from the OHWL.

**Subdivision 12(c). Lot Coverage Limits - Calculation Criteria.**

- A. In determining the impervious area of a surface, the square footage of the structure or surface, as viewed from above, will be used. This area will be adjusted as provided below.
- B. All structures, driveways (including gravel), parking areas, sidewalks, trails, decks, patios, stairs, and similar improvements are considered 100% impervious, except as provided:
  - 1. Decks, or other elevated structures, that are designed with gaps of at least 0.5 inches between the flooring elements, and which have uncompacted soils under the flooring, are treated as 75% impervious.
  - 2. Properly installed manufactured pervious materials, such as pervious pavers or concrete, are treated as 50% impervious.
  - 3. Overhangs, eaves and similar extensions from the footprint of the structure that are at least 24 inches above the ground.

**Subdivision 13(a). Stormwater Discharge Standards - Rate and Volume.**

All subdivisions, planned unit developments and industrial and commercial land uses, which are not exempted by Subdivision 2(b) shall demonstrate compliance with the following:

- A. Peak Rate of Discharge Standards. Stormwater runoff must be managed so that the two (2), ten (10), and one hundred (100)-year twenty four (24) hour storm event peak discharge rates from the property existing before the proposed land disturbing or development activity (pre-developed condition) shall not be increased, and accelerated channel erosion will not occur, as a result of the proposed land disturbing or development activity (post developed condition).
- B. Volume Discharge Standards. Applicant must demonstrate rights to permanent public easements from the land disturbing or development activity to the public waters. Where a continuous public easement does not exist, the City may approve the stormwater management plan provided:
  - 1. All discharges are managed so the discharge volume of runoff from the two (2), ten (10), and one hundred (100) year twenty four (24) hour storm event from the property existing before the proposed land disturbing or development activity (pre-developed condition) is not increased, and

downstream flooding is unlikely to occur, as a result of the proposed land disturbing or development activity (post developed condition).

2. The City determines that the drainage way from the proposed land disturbing or development activity is of a type that is not likely to need maintenance in the future and the flow of stormwater through such a drainage way is not likely to become obstructed in the future.

**Subdivision 13(b). Stormwater Discharge Standards - Water Quality.**

Due to the sensitive nature of the surface waters of the City, and to protect the health, welfare and safety of the public, runoff originating from impervious surfaces on the property must be treated for water quality. All properties for which a Stormwater Management Plan is required, must treat, before leaving the site or entering surface waters, at least the Water Quality Volume of surface water runoff from new impervious surfaces on the property. Water Quality Volume is the volume amount equal to 0.5 inch of runoff from impervious surfaces.

- A. In the shoreland district, the Water Quality Volume from new impervious surfaces created, plus a percentage of the existing impervious surfaces must be treated, as provided in Subd. 13(b)(B) and (C).
- B. In the shoreland district, it is the goal of this ordinance to remedy existing problems by treating the runoff from existing impervious surfaces, in addition to the new impervious surfaces. Therefore, if the parcel:
  1. Has existing impervious surfaces that are not being treated for water quality;
  2. Is entirely or partially in the shoreland district; and
  3. The amount of impervious surface on the parcel is increasing;Then, the stormwater permit must provide for treatment for water quality for a percentage of the existing impervious surfaces, as provided in Subd. 13(b)(C):
- C. In the shoreland district, the amount of existing impervious surfaces that must be treated, in addition to the new impervious surface, is:
  1. All of the existing surfaces, if
    - (a) Any single addition or new improvement, or the cumulative area of all additions and improvements since the adoption of this ordinance, exceeds 700 square feet.
    - (b) If the parcel requires a variance from the impervious surface limits.
  2. One-fifth of all existing surfaces, if, the parcel has a total impervious surface area greater than 12%, but no variance is required.
  3. Otherwise, the stormwater permit must provide for treatment for water quality of 5% of all existing impervious surfaces.
- D. In all areas of the City, runoff is considered treated for water quality if:
  1. Site runoff volume is reduced by the Water Quality Volume; or
  2. One of the methods outlined in the NPDES General Stormwater Permit for Construction Activity Part III.C.1 through Part III.C.5 from the Minnesota Pollution Control Agency is followed. The NPDES General Stormwater Permit for Construction Activity can be obtained from MPCA website: (<http://www.pca.state.mn.us/water/stormwater/>); or
- E. In the shoreland district, where a NPDES General Stormwater Permit for

Construction Activity from the Minnesota Pollution Control Agency does not require a permanent stormwater management system, runoff is also considered treated for water quality if:

1. Runoff is treated by one of the methods provided in Subdivision 13(d)(C);  
or
2. Runoff is treated through other means approved by the City Engineer.

**Subdivision 13(c). Waiver Based on Existing Site Conditions.**

The City Engineer may provide credit for existing site conditions that adequately treat the Water Quality Volume of runoff of the subject property. The amount of the credit may be any portion or may waive the treatment requirement.

**Subdivision 13(d). Approved Water Quality Treatment Methods (Shoreland District Only).**

Except for subdivisions, planned unit developments and industrial and commercial land uses, which are not exempted by Subdivision 2(b), and where a NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency does not require a permanent stormwater management system, any applicant in the shoreland district that meets the following standards will receive expedited review, as these methods are approved to meet the requirements of Subdivision 13(b). Alternatively, the City Engineer may approve another method. Use of these methods does not guarantee approval, and failure to meet these options does not indicate rejection of the application for Stormwater Management Plan, but prevents the expedited review anticipated herein.

- A. Impervious surfaces required to be treated are designed to direct all runoff to approved stormwater facilities through use of rain gutters, swales, or other means.
- B. An approved stormwater facility must:
  1. Be designed for the capacity directed to it,
  2. Have berms or other protections which insures overflow is directed away from buildings, streets, driveways or walkways,
  3. Is placed between 10 - 30 feet from structures,
  4. Use a means of conveyance designed for ease of maintenance, and cannot have extensive underground or obstructed portions, and
  5. Has provisions to prevent erosion where excess runoff is discharged.
- C. To receive expedited review, one of the following approved methods must be followed:
  1. Rainwater Gardens
    - (a) A depression with a final grade depth of 8 inches below surrounding topography,
    - (b) A minimum surface area (measured at the bottom) that is, the greater of the following values, 25 square feet or 10% of the area of the impervious surface being controlled per Subdivision 13(b),
    - (c) Soil amendment mix of 70% compost and 30% sand to be tilled evenly 3-inches into base of depression. The amount added shall be, at a minimum, equal to the impervious surface area, as determined in Subdivision 13(b), divided by 1,000 times 9.36.

- downstream flooding is unlikely to occur, as a result of the proposed land disturbing or development activity (post developed condition).
2. The City determines that the drainage way from the proposed land disturbing or development activity is of a type that is not likely to need maintenance in the future and the flow of stormwater through such a drainage way is not likely to become obstructed in the future.

**Subdivision 13(b). Stormwater Discharge Standards - Water Quality.**

Due to the sensitive nature of the surface waters of the City, and to protect the health, welfare and safety of the public, runoff originating from impervious surfaces on the property must be treated for water quality. All properties for which a Stormwater Management Plan is required, must treat, before leaving the site or entering surface waters, at least the Water Quality Volume of surface water runoff from new impervious surfaces on the property. Water Quality Volume is the volume amount equal to 0.5 inch of runoff from impervious surfaces.

- A. In the shoreland district, the Water Quality Volume from new impervious surfaces created, plus a percentage of the existing impervious surfaces must be treated, as provided in Subd. 13(b)(B) and (C).
- B. In the shoreland district, it is the goal of this ordinance to remedy existing problems by treating the runoff from existing impervious surfaces, in addition to the new impervious surfaces. Therefore, if the parcel:
  1. Has existing impervious surfaces that are not being treated for water quality;
  2. Is entirely or partially in the shoreland district; and
  3. The amount of impervious surface on the parcel is increasing;Then, the stormwater permit must provide for treatment for water quality for a percentage of the existing impervious surfaces, as provided in Subd. 13(b)(C):
- C. In the shoreland district, the amount of existing impervious surfaces that must be treated, in addition to the new impervious surface, is:
  1. All of the existing surfaces, if
    - (a) Any single addition or new improvement, or the cumulative area of all additions and improvements since the adoption of this ordinance, exceeds 700 square feet.
    - (b) If the parcel requires a variance from the impervious surface limits.
  2. One-fifth of all existing surfaces, if, the parcel has a total impervious surface area greater than 12%, but no variance is required.
  3. Otherwise, the stormwater permit must provide for treatment for water quality of 5% of all existing impervious surfaces.
- D. In all areas of the City, runoff is considered treated for water quality if:
  1. Site runoff volume is reduced by the Water Quality Volume; or
  2. One of the methods outlined in the NPDES General Stormwater Permit for Construction Activity Part III.C.1 through Part III.C.5 from the Minnesota Pollution Control Agency is followed. The NPDES General Stormwater Permit for Construction Activity can be obtained from MPCA website: (<http://www.pca.state.mn.us/water/stormwater/>); or
- E. In the shoreland district, where a NPDES General Stormwater Permit for

Construction Activity from the Minnesota Pollution Control Agency does not require a permanent stormwater management system, runoff is also considered treated for water quality if:

1. Runoff is treated by one of the methods provided in Subdivision 13(d)(C);  
or
2. Runoff is treated through other means approved by the City Engineer.

**Subdivision 13(c). Waiver Based on Existing Site Conditions.**

The City Engineer may provide credit for existing site conditions that adequately treat the Water Quality Volume of runoff of the subject property. The amount of the credit may be any portion or may waive the treatment requirement.

**Subdivision 13(d). Approved Water Quality Treatment Methods (Shoreland District Only).**

Except for subdivisions, planned unit developments and industrial and commercial land uses, which are not exempted by Subdivision 2(b), and where a NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency does not require a permanent stormwater management system, any applicant in the shoreland district that meets the following standards will receive expedited review, as these methods are approved to meet the requirements of Subdivision 13(b). Alternatively, the City Engineer may approve another method. Use of these methods does not guarantee approval, and failure to meet these options does not indicate rejection of the application for Stormwater Management Plan, but prevents the expedited review anticipated herein.

- A. Impervious surfaces required to be treated are designed to direct all runoff to approved stormwater facilities through use of rain gutters, swales, or other means.
- B. An approved stormwater facility must:
  1. Be designed for the capacity directed to it,
  2. Have berms or other protections which insures overflow is directed away from buildings, streets, driveways or walkways,
  3. Is placed between 10 - 30 feet from structures,
  4. Use a means of conveyance designed for ease of maintenance, and cannot have extensive underground or obstructed portions, and
  5. Has provisions to prevent erosion where excess runoff is discharged.
- C. To receive expedited review, one of the following approved methods must be followed:
  1. Rainwater Gardens
    - (a) A depression with a final grade depth of 8 inches below surrounding topography,
    - (b) A minimum surface area (measured at the bottom) that is, the greater of the following values, 25 square feet or 10% of the area of the impervious surface being controlled per Subdivision 13(b),
    - (c) Soil amendment mix of 70% compost and 30% sand to be tilled evenly 3-inches into base of depression. The amount added shall be, at a minimum, equal to the impervious surface area, as determined in Subdivision 13(b), divided by 1,000 times 9.36.

- Existing soils may be used in-lieu of soil amendment mix if demonstrated to be adequate (water infiltrates within 48 hours),
- (d) Live plant species installed follow Board of Water and Soil Resources (BWSR) Native Sedge/Wet Meadow- W2 seed mix. Plant list is available at City Hall.
  - (e) Maintain separation from ground water table.
  - (f) Not allowed in areas that have exposed significant materials (clogging), or near vehicle fueling and maintenance areas.
2. Rain Barrels
- (a) A minimum storage capacity equal to the Water Quality Volume. This storage capacity in gallons is equal to the area of impervious surface, as determined in Subdivision 13(b), in square feet times 0.312. This storage capacity in cubic yards is equal to the area of impervious surface, as determined in Subdivision 13(b), in square feet divided by 648.0.
  - (b) Has safety provisions to prevent drowning, and
  - (c) Has provisions to prevent breeding grounds for mosquitoes.
  - (d) City may limit the number of individual barrels allowed for aesthetic reasons.
3. Soakaway Pit / Infiltration Trench
- (a) A minimum storage capacity equal to the Water Quality Volume. This storage capacity in gallons is equal to the area of impervious surface, as determined in Subdivision 13(b), in square feet times 0.312. This storage capacity in cubic yards is equal to the area of impervious surfaces, as determined in Subdivision 13(b), in square feet divided by 648.0,
  - (b) Must consist of 1.5 to 3.0 inch clean-washed rock wrapped in filter fabric buried below surface a maximum of 5 feet deep. The amount of rock required in cubic yards is equal to the storage capacity determined in cubic yards above divided by 0.4. This formula is based on approximately 40% void space yield between individual rocks,
  - (c) Bottom shall be a minimum of 3 feet above the seasonal high groundwater table to prevent the possibility of groundwater contamination,
  - (d) Roof leaders/downspouts directed below ground to Soakaway Pit shall have above ground overflow pipe to a splash pad, and a removable above ground section with filter below the overflow pipe,
  - (e) Non-roof runoff directed to Soakaway Pit shall be filtered by vegetated filter strip or other acceptable means prior to entering Soakaway Pit to prevent clogging,
  - (f) Not allowed in high silt or clay content soils, for industrial uses, areas with exposed significant materials, vehicle fueling and maintenance areas, or other uses that risk introducing pollutants into the groundwater.

4. Shoreline Buffer
  - (a) Must be constructed adjacent to shoreline, and is not available for non-riparian properties.
  - (b) Runoff being treated must be sheet flow as it enters the buffer.
  - (c) The buffer must be 25 feet wide over 75% length of shoreline. Buffer vegetation must be comprised of BWSR W2 mix, and left unmowed or otherwise undisturbed.

**Subdivision 14. Required Maintenance of Vegetation.**

Within the shoreland district, no building permit may be issued unless the proposed improvement provides for the maintenance of existing vegetation, as required by the Shoreland Overlay District.

**Subdivision 15. Other Considerations.**

- A. Models/Methodologies. Hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the City Engineer. Plan, specification and computations for stormwater management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the City Engineer.
- B. Watershed Management Plans/Groundwater Management Plans. Approvals under this section must be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes section 123B.231 and 103B.255 respectively, and as approved by the local watershed authority as required by state law.
- C. Easements. If a stormwater management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water such that a continuous public easement acceptable to the City Engineer and City Attorney from the proposed land disturbing or development activity to public waters.

**Subdivision 16. Conflicts.**

In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control, shoreland protection or other ordinance adopted, or watershed district, state or federal permits, the more restrictive standard prevails.

**Subdivision 17(a). Creation of Stormwater Management Plan.**

Zoning Administrator may establish or adopt a certificate or form for the documentation of compliance with this section and the approval of a Stormwater Management Plan.

**Subdivision 17(b). Creation of Application.**

Zoning Administrator may establish or adopt a form for the application for a Stormwater Management Plan.

**Subdivision 17(c). Fee.**

The City Council may establish a fee for the application for Stormwater Management Plan and the transfer of a Stormwater Management Plan. The fee must be by ordinance, but may be amended from time to time, and may be adopted with other land use fees. The fee may provide for different rates, if reasonably related to the application and proposed development, including variations based on the time and resources necessary from City staff and consultants to review, the type of land use, the density of development or the ratio or amount of impervious surface created.

**Subdivision 17(d). Enforcement**

The requirements of this ordinance may be enforced as any zoning control.

**SECTION 2:** The new section shall be inserted in the Zoning Code, as appropriate, the existing sections renumbered and the new section entitled "Stormwater Management."

**SECTION 3:** Upon approval by six members of the City Council, the following shall be the summary of this Ordinance, and may be published in place of the full text of this Ordinance:

**The following is the summary of Ordinance 2008-51 approved by the Rockville City Council on October 1, 2008:**

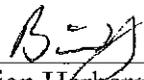
**AN ORDINANCE PROVIDING FOR STORMWATER MANAGEMENT**

Ordinance No. 2008-51 regulates stormwater and the discharge thereof, through the establishment of management, performance and design standards for property and development within the City of Rockville.

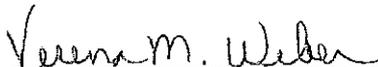
A complete, printed copy of the Ordinance is available for inspection by any person during regular office hours at the City Hall.

Adopted this 17th day of September, 2008.

Ahles, Becker, Herberg & Palmer were in favor. Simon & Volkmuth were opposed.

  
\_\_\_\_\_  
Brian Herberg, Mayor

ATTEST:

  
\_\_\_\_\_  
Verena Weber, City Administrator-Clerk

CITY OF ROCKVILLE

10/10/08 8:39 AM

Page 1

\*Fund Summary -  
Budget to Actual©

OCTOBER 2008

For Council Meeting 10/15/08

	Budget	OCTOBER 2008	YTD Amount	Budget Balance	% of Budget
<b>FUND 101 GENERAL FUND</b>					
Revenue	\$916,198.00	\$3,103.97	\$478,056.16	\$438,141.84	52.18%
Expenditure	\$944,962.00	\$72,403.22	\$682,828.93	\$262,133.07	72.26%
		<u>-\$69,299.25</u>	<u>-\$204,772.77</u>		
<b>FUND 201 ARCON DEVELOPMENT FD</b>					
Revenue	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		<u>\$0.00</u>	<u>\$0.00</u>		
<b>FUND 202 PUBLIC LAND DEDICATION</b>					
Revenue	\$2,400.00	\$0.00	\$51,949.99	-\$49,549.99	2164.58%
Expenditure	\$0.00	\$0.00	\$1,981.30	-\$1,981.30	0.00%
		<u>\$0.00</u>	<u>\$49,968.69</u>		
<b>FUND 203 LIONS PARK IMPROVEMENT FUND</b>					
Revenue	\$500.00	\$0.00	\$0.00	\$500.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		<u>\$0.00</u>	<u>\$0.00</u>		
<b>FUND 204 SEWER REPLACEMENT FUND</b>					
Revenue	\$2,000.00	\$0.00	\$0.00	\$2,000.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		<u>\$0.00</u>	<u>\$0.00</u>		
<b>FUND 206 VOIGT DEVELOPMENT FUND</b>					
Revenue	\$0.00	\$0.00	-\$518.91	\$518.91	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		<u>\$0.00</u>	<u>-\$518.91</u>		
<b>FUND 207 BLOCH/BACKES DEV FUND</b>					
Revenue	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		<u>\$0.00</u>	<u>\$0.00</u>		
<b>FUND 208 VAN LITH/PLEASURE ACRES DEV FD</b>					
Revenue	\$0.00	\$0.00	\$30,938.01	-\$30,938.01	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		<u>\$0.00</u>	<u>\$30,938.01</u>		
<b>FUND 209 ECONOMIC DEVELOPMENT</b>					
Revenue	\$10,000.00	\$0.00	\$3,382.46	\$6,617.54	33.82%
Expenditure	\$10,000.00	\$163.08	-\$2,338.70	\$12,338.70	-23.39%
		<u>-\$163.08</u>	<u>\$5,721.16</u>		
<b>FUND 211 RUEGEMER/SHADY OAK DEV FUND</b>					
Revenue	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		<u>\$0.00</u>	<u>\$0.00</u>		
<b>FUND 212 BOUNDARY COMMISSION PROJECT</b>					
Revenue	\$18,000.00	\$0.00	\$1,243.27	\$16,756.73	6.91%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%

CITY OF ROCKVILLE

10/10/08 8:39 AM

Page 2

\*Fund Summary -  
Budget to Actual©

OCTOBER 2008

	Budget	OCTOBER 2008	YTD Amount	Budget Balance	% of Budget
		\$0.00	\$1,243.27		
<b>FUND 213 SCHILPLIN DEVELOPMENT</b>					
Revenue	\$0.00	\$0.00	-\$35.20	\$35.20	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$0.00	-\$35.20		
<b>FUND 215 ROAD MAINTENANCE FUND</b>					
Revenue	\$6,000.00	\$0.00	\$3,082.31	\$2,917.69	51.37%
Expenditure	\$12,000.00	\$1,835.52	\$6,599.81	\$5,400.19	55.00%
		-\$1,835.52	-\$3,517.50		
<b>FUND 216 MITCHELL LANE RD PROJECT</b>					
Revenue	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$0.00	\$0.00		
<b>FUND 217 ROAD &amp; BRIDGE RECONSTRUCT FUND</b>					
Revenue	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$0.00	\$0.00		
<b>FUND 218 WAC/TRUNK ACCESS FUND</b>					
Revenue	\$19,450.00	\$0.00	\$0.00	\$19,450.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$0.00	\$0.00		
<b>FUND 219 SAC/TRUNK ACCESS FUND</b>					
Revenue	\$38,900.00	\$0.00	-\$39,743.88	\$78,643.88	-102.17%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$0.00	-\$39,743.88		
<b>FUND 220 TAMARACK CT DRAIN PROJECT</b>					
Revenue	\$6,500.00	\$0.00	\$2,598.48	\$3,901.52	39.98%
Expenditure	\$0.00	\$0.00	-\$682.52	\$682.52	0.00%
		\$0.00	\$3,281.00		
<b>FUND 221 LAKE IMPROVEMENT DISTRICT</b>					
Revenue	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$0.00	\$0.00		
<b>FUND 301 1997 GO DISPOSAL SYSTEM BOND</b>					
Revenue	\$9,780.00	\$0.00	\$4,684.46	\$5,095.54	47.90%
Expenditure	\$9,314.00	\$0.00	\$0.00	\$9,314.00	0.00%
		\$0.00	\$4,684.46		
<b>FUND 302 1998 GO DISPOSAL SYSTEM BOND</b>					
Revenue	\$7,938.00	\$0.00	\$3,802.52	\$4,135.48	47.90%
Expenditure	\$7,560.00	\$0.00	\$0.00	\$7,560.00	0.00%
		\$0.00	\$3,802.52		
<b>FUND 303 2001 GO WATER REVENUE BOND</b>					
Revenue	\$42,732.00	\$0.00	\$40,985.00	\$1,747.00	95.91%

CITY OF ROCKVILLE

10/10/08 8:39 AM

Page 3

\*Fund Summary -  
Budget to Actual©

OCTOBER 2008

	Budget	OCTOBER 2008	YTD Amount	Budget Balance	% of Budget
Expenditure	\$40,985.00	\$0.00	\$0.00	\$40,985.00	0.00%
		\$0.00	\$40,985.00		
<b>FUND 304 CITY FACILITIES</b>					
Revenue	\$219,135.00	\$0.00	\$113,202.64	\$105,932.36	51.66%
Expenditure	\$210,600.00	\$0.00	\$173,150.00	\$37,450.00	82.22%
		\$0.00	-\$59,947.36		
<b>FUND 305 2004A-\$990,000 GO IMPV BDS-PIP</b>					
Revenue	\$114,512.00	\$0.00	\$29,508.39	\$85,003.61	25.77%
Expenditure	\$119,450.00	\$0.00	\$119,450.00	\$0.00	100.00%
		\$0.00	-\$89,941.61		
<b>FUND 306 2005 PRAIRIE IND PK ADDTL PROJ</b>					
Revenue	\$13,033.00	\$0.00	\$23,033.00	-\$10,000.00	176.73%
Expenditure	\$13,033.00	\$0.00	\$13,032.50	\$0.50	100.00%
		\$0.00	\$10,000.50		
<b>FUND 307 2005 WTR IMP BOND- P LAKE</b>					
Revenue	\$81,123.00	\$0.00	\$23,917.01	\$57,205.99	29.48%
Expenditure	\$29,510.00	\$0.00	\$29,510.00	\$0.00	100.00%
		\$0.00	-\$5,592.99		
<b>FUND 308 CO RD 82 STREET IMPR BOND</b>					
Revenue	\$0.00	\$0.00	\$281,498.74	-\$281,498.74	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$0.00	\$281,498.74		
<b>FUND 309 LAKES SEWER PROJECT BOND</b>					
Revenue	\$390,965.00	\$0.00	\$220,433.49	\$170,531.51	56.38%
Expenditure	\$555,400.00	\$0.00	\$554,587.03	\$812.97	99.85%
		\$0.00	-\$334,153.54		
<b>FUND 404 WATER IMPR PROJ 2005-P LK</b>					
Revenue	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$0.00	\$0.00		
<b>FUND 405 S J LOUIS CONSTR PROJ</b>					
Revenue	\$104,440.00	\$0.00	\$55,352.00	\$49,088.00	53.00%
Expenditure	\$0.00	\$0.00	\$719.70	-\$719.70	0.00%
		\$0.00	\$54,632.30		
<b>FUND 406 PRAIRIE INDUSTRIAL PARK</b>					
Revenue	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenditure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$0.00	\$0.00		
<b>FUND 407 SEWER PROJECT-GRAND LAKE/P LK</b>					
Revenue	\$0.00	\$0.00	-\$2,833.33	\$2,833.33	0.00%
Expenditure	\$0.00	\$0.00	\$2,578.00	-\$2,578.00	0.00%
		\$0.00	-\$5,411.33		
<b>FUND 408 ANNUAL EVENT FUND</b>					

CITY OF ROCKVILLE

10/10/08 8:10 AM

Page 1

Cash Balance Statement-Landscape

City Council Meeting  
October 15, 2008

FUND Descr	Begin Yr	MTD Debit	MTD Credit	YTD Debit	YTD Credit	Current BALSHT Balance Descr
FUND 101 GENERAL FUND						
GENERAL FUND	\$130,781.20	\$0.00	\$0.00	\$1,696.61	\$0.00	\$132,477.81 Investments at Cost
GENERAL FUND	\$870,756.82	\$3,103.97	\$72,066.32	\$511,910.76	\$801,058.93	\$581,608.65 Cash
GENERAL FUND	\$292.05	\$0.00	\$0.00	\$0.00	\$0.00	\$292.05 Petty Cash
FUND 101 GENERAL FUND	\$1,001,830.07	\$3,103.97	\$72,066.32	\$513,607.37	\$801,058.93	\$714,378.51
FUND 201 ARCON DEVELOPMENT FD						
ARCON DEVELOPMENT FD	-\$285.47	\$0.00	\$0.00	\$0.00	\$0.00	-\$285.47 Cash
FUND 201 ARCON DEVELOPMENT FD	-\$285.47	\$0.00	\$0.00	\$0.00	\$0.00	-\$285.47
FUND 202 PUBLIC LAND DEDICATION						
PUBLIC LAND DEDICATION	\$49,493.85	\$0.00	\$0.00	\$51,949.99	\$1,981.30	\$99,462.54 Cash
FUND 202 PUBLIC LAND DEDICATION	\$49,493.85	\$0.00	\$0.00	\$51,949.99	\$1,981.30	\$99,462.54
FUND 203 LIONS PARK IMPROVEMENT FUND						
LIONS PARK IMPROVEMENT FUND	\$3,197.73	\$0.00	\$0.00	\$0.00	\$0.00	\$3,197.73 Cash
FUND 203 LIONS PARK IMPROVEMENT FUND	\$3,197.73	\$0.00	\$0.00	\$0.00	\$0.00	\$3,197.73
FUND 204 SEWER REPLACEMENT FUND						
SEWER REPLACEMENT FUND	\$21,877.30	\$0.00	\$0.00	\$0.00	\$0.00	\$21,877.30 Cash
FUND 204 SEWER REPLACEMENT FUND	\$21,877.30	\$0.00	\$0.00	\$0.00	\$0.00	\$21,877.30
FUND 206 VOIGT DEVELOPMENT FUND						
VOIGT DEVELOPMENT FUND	\$8,897.23	\$0.00	\$0.00	\$0.00	\$0.00	\$8,897.23 Cash
FUND 206 VOIGT DEVELOPMENT FUND	\$8,897.23	\$0.00	\$0.00	\$0.00	\$0.00	\$8,897.23
FUND 207 BLOCH/BACKES DEV FUND						
BLOCH/BACKES DEV FUND	-\$5,320.51	\$0.00	\$0.00	\$0.00	\$0.00	-\$5,320.51 Cash
FUND 207 BLOCH/BACKES DEV FUND	-\$5,320.51	\$0.00	\$0.00	\$0.00	\$0.00	-\$5,320.51
FUND 208 VAN LITH/PLEASURE ACRES DEV FD						
VAN LITH/PLEASURE ACRES DEV FD	-\$12,277.64	\$0.00	\$0.00	\$30,938.01	\$0.00	\$18,660.37 Cash
FUND 208 VAN LITH/PLEASURE ACRES DEV FD	-\$12,277.64	\$0.00	\$0.00	\$30,938.01	\$0.00	\$18,660.37
FUND 209 ECONOMIC DEVELOPMENT						
ECONOMIC DEVELOPMENT	\$298,213.31	\$0.00	\$163.08	\$4,947.98	\$34,970.04	\$268,191.25 Cash
FUND 209 ECONOMIC DEVELOPMENT	\$298,213.31	\$0.00	\$163.08	\$4,947.98	\$34,970.04	\$268,191.25

CITY OF ROCKVILLE

10/10/08 8:10 AM

Page 2

Cash Balance Statement-Landscape

City Council Meeting  
October 15, 2008

FUND Descr	Begin Yr	MTD Debit	MTD Credit	YTD Debit	YTD Credit	Current BALSHT Balance Descr
FUND 212 BOUNDARY COMMISSION PROJECT BOUNDARY COMMISSION PROJECT	-\$36,193.62	\$0.00	\$0.00	\$1,243.27	\$0.00	-\$34,950.35 Cash
FUND 212 BOUNDARY COMMISSION PROJECT	-\$36,193.62	\$0.00	\$0.00	\$1,243.27	\$0.00	-\$34,950.35
FUND 213 SCHILPLIN DEVELOPMENT SCHILPLIN DEVELOPMENT	\$1.39	\$0.00	\$0.00	\$0.00	\$0.00	\$1.39 Cash
FUND 213 SCHILPLIN DEVELOPMENT	\$1.39	\$0.00	\$0.00	\$0.00	\$0.00	\$1.39
FUND 215 ROAD MAINTENANCE FUND ROAD MAINTENANCE FUND	\$145,843.78	\$0.00	\$1,835.52	\$3,082.31	\$6,599.81	\$142,326.28 Cash
FUND 215 ROAD MAINTENANCE FUND	\$145,843.78	\$0.00	\$1,835.52	\$3,082.31	\$6,599.81	\$142,326.28
FUND 216 MITCHELL LANE RD PROJECT MITCHELL LANE RD PROJECT	-\$933.50	\$0.00	\$0.00	\$0.00	\$2,381.00	-\$3,314.50 Cash
FUND 216 MITCHELL LANE RD PROJECT	-\$933.50	\$0.00	\$0.00	\$0.00	\$2,381.00	-\$3,314.50
FUND 217 ROAD & BRIDGE RECONSTRUCT FUND ROAD & BRIDGE RECONSTRUCT FUND	-\$6,980.43	\$0.00	\$0.00	\$0.00	\$0.00	-\$6,980.43 Cash
FUND 217 ROAD & BRIDGE RECONSTRUCT FUND	-\$6,980.43	\$0.00	\$0.00	\$0.00	\$0.00	-\$6,980.43
FUND 218 WAC/TRUNK ACCESS FUND WAC/TRUNK ACCESS FUND	\$1,852.20	\$0.00	\$0.00	\$18,522.00	\$0.00	\$20,374.20 Cash
FUND 218 WAC/TRUNK ACCESS FUND	\$1,852.20	\$0.00	\$0.00	\$18,522.00	\$0.00	\$20,374.20
FUND 219 SAC/TRUNK ACCESS FUND SAC/TRUNK ACCESS FUND	\$1,852.20	\$0.00	\$0.00	\$18,522.00	\$0.00	\$20,374.20 Cash
FUND 219 SAC/TRUNK ACCESS FUND	\$1,852.20	\$0.00	\$0.00	\$18,522.00	\$0.00	\$20,374.20
FUND 220 TAMARACK CT DRAIN PROJECT TAMARACK CT DRAIN PROJECT	-\$29,399.80	\$0.00	\$0.00	\$2,598.48	\$504.50	-\$27,305.82 Cash
FUND 220 TAMARACK CT DRAIN PROJECT	-\$29,399.80	\$0.00	\$0.00	\$2,598.48	\$504.50	-\$27,305.82
FUND 221 LAKE IMPROVEMENT DISTRICT LAKE IMPROVEMENT DISTRICT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00 Cash
FUND 221 LAKE IMPROVEMENT DISTRICT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
FUND 301 1997 GO DISPOSAL SYSTEM BOND 1997 GO DISPOSAL SYSTEM BOND	\$1,974.44	\$0.00	\$0.00	\$4,703.21	\$0.00	\$6,677.65 Cash



CITY OF ROCKVILLE

10/10/08 8:10 AM

Page 4

Cash Balance Statement-Landscape

City Council Meeting  
October 15, 2008

FUND Descr	Begin Yr	MTD Debit	MTD Credit	YTD Debit	YTD Credit	Current BALSHT Balance Descr
FUND 404 WATER IMPR PROJ 2005-P LK	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
FUND 405 S J LOUIS CONSTR PROJ S J LOUIS CONSTR PROJ	-\$153,845.28	\$0.00	\$0.00	\$55,406.50	\$5,719.70	-\$104,158.48 Cash
FUND 405 S J LOUIS CONSTR PROJ	-\$153,845.28	\$0.00	\$0.00	\$55,406.50	\$5,719.70	-\$104,158.48
FUND 407 SEWER PROJECT-GRAND LAKE/P LK SEWER PROJECT-GRAND LAKE/P LK	\$2,091,194.30	\$0.00	\$0.00	\$212,553.31	\$1,012,701.97	\$1,291,045.64 Cash
FUND 407 SEWER PROJECT-GRAND LAKE/P LK	\$2,091,194.30	\$0.00	\$0.00	\$212,553.31	\$1,012,701.97	\$1,291,045.64
FUND 408 ANNUAL EVENT FUND ANNUAL EVENT FUND	\$58.99	\$0.00	\$2,100.46	\$11,449.73	\$14,270.16	-\$2,761.44 Cash
FUND 408 ANNUAL EVENT FUND	\$58.99	\$0.00	\$2,100.46	\$11,449.73	\$14,270.16	-\$2,761.44
FUND 409 CR 82 STREET IMP-CONSTR FUND CR 82 STREET IMP-CONSTR FUND	-\$165,089.08	\$0.00	\$0.00	\$0.00	\$26,354.97	-\$191,444.05 Cash
FUND 409 CR 82 STREET IMP-CONSTR FUND	-\$165,089.08	\$0.00	\$0.00	\$0.00	\$26,354.97	-\$191,444.05
FUND 601 WATER FUND WATER FUND WATER FUND	\$96,774.82 -\$1,363.73	\$0.00 \$1,255.06	\$0.00 \$4,028.57	\$1,734.12 \$90,596.09	\$0.00 \$110,060.46	\$98,508.94 Investments at Cost -\$20,828.10 Cash
FUND 601 WATER FUND	\$95,411.09	\$1,255.06	\$4,028.57	\$92,330.21	\$110,060.46	\$77,680.84
FUND 602 SEWER FUND SEWER FUND	\$248,751.80	\$1,661.62	\$6,324.04	\$161,541.32	\$85,942.49	\$324,350.63 Cash
FUND 602 SEWER FUND	\$248,751.80	\$1,661.62	\$6,324.04	\$161,541.32	\$85,942.49	\$324,350.63
FUND 604 SEWER DEBT RETIREMENT-PFA LOAN SEWER DEBT RETIREMENT-PFA LOAN	\$67,942.78	\$544.25	\$0.00	\$48,323.19	\$43,663.80	\$72,602.17 Cash
FUND 604 SEWER DEBT RETIREMENT-PFA LOAN	\$67,942.78	\$544.25	\$0.00	\$48,323.19	\$43,663.80	\$72,602.17
FUND 605 UNISTR RCPTS-SEWER UNISTR RCPTS-SEWER	\$723.59	\$330.53	\$0.00	\$5,034.59	\$4,127.84	\$1,630.34 Cash
FUND 605 UNISTR RCPTS-SEWER	\$723.59	\$330.53	\$0.00	\$5,034.59	\$4,127.84	\$1,630.34
FUND 606 UNISTR RCPTS-WTR UNISTR RCPTS-WTR	\$241.00	\$0.00	\$0.00	\$0.00	\$0.00	\$241.00 Cash

CITY OF ROCKVILLE

10/10/08 8:10 AM  
Page 5

Cash Balance Statement-Landscape

City Council Meeting  
October 15, 2008

FUND Descr	Begin Yr	MTD Debit	MTD Credit	YTD Debit	YTD Credit	Current BALSHT Balance Descr
FUND 606 UNISTR RCPTS-WTR	\$241.00	\$0.00	\$0.00	\$0.00	\$0.00	\$241.00
	\$4,292,782.93	\$6,895.43	\$86,517.99	\$2,066,106.37	\$3,131,496.16	\$3,227,393.14

FILTER: (((BALSHT="10200" Or BALSHT ="10600" Or BALSHT="10400" Or BALSHT="10300"))) AND ((Not [Act Status]="In-Active"))

CITY OF ROCKVILLE

10/10/08 8:22 AM

Page 1

Bills Payable

Council Meeting  
October 15, 2008

Check/Rec eipt Nbr	CHECK Search Name	Amount	Comments	Act Code
10/15/2008 010655	AMERIPRIDE SERVICES, INC	\$19.97	MAINT DEPT UNIFORMS	101-43100-425
10/15/2008 010655	AMERIPRIDE SERVICES, INC	\$19.97	MAINT DEPT UNIFORM	101-43100-425
10/15/2008 010656	CAR QUEST AUTO PARTS-PAYMENT	\$14.23	EXHAUST CLAMPS	101-43100-220
10/15/2008 010656	CAR QUEST AUTO PARTS-PAYMENT	\$3.82	W/W SOLVENT	101-43100-220
10/15/2008 010656	CAR QUEST AUTO PARTS-PAYMENT	\$8.46	EXHAUST FLEX TUBE	101-43100-220
10/15/2008 010656	CAR QUEST AUTO PARTS-PAYMENT	\$28.73	EXHAUST ELBOW	101-43100-220
10/15/2008 010657	CENTER POINT ENERGY-MINNEGASCO	\$36.17	GAS UTIL-229 CITY HALL	101-41940-383
10/15/2008 010657	CENTER POINT ENERGY-MINNEGASCO	\$38.07	GAS UTIL-24001 FIRE HALL DR	101-42200-383
10/15/2008 010657	CENTER POINT ENERGY-MINNEGASCO	\$15.98	GAS-209 BRDWY-PUB WKS	101-43100-383
10/15/2008 010657	CENTER POINT ENERGY-MINNEGASCO	\$10.12	GAS-PUMPHSE @ WAL CIR	601-49440-383
10/15/2008 010658	CITY OF COLD SPRING	\$2,833.54	WASTEWTR BILL-CORE CITY	602-49490-312
10/15/2008 010658	CITY OF COLD SPRING	\$1,794.17	WASTEWTR BILL-LAKES AREA	602-49490-293
10/15/2008 010659	CORKY'S GAS & BAIT	\$775.77	FUEL	101-43100-212
10/15/2008 010659	CORKY'S GAS & BAIT	\$169.76	FUEL	101-42200-212
10/15/2008 010660	DAN HANSEN	\$5,775.00	1500 CLASS 5	101-43100-338
10/15/2008 010661	DESIGN ELECTRIC, INC	\$121.00	REPAIR STREET LIGHTS HWY 23 & CTY RD 8	101-43100-225
10/15/2008 010662	EMERGENCY APPARATUS MAINT INC	\$625.21	REPLACE TANK FILL VALVE UNIT 5	101-42200-220
10/15/2008 010663	FUCHS, LIZA	\$355.63	ROCKFEST BEER	408-45122-438
10/15/2008 010664	GENE LANGE & SONS EXCAV, INC	\$4,425.00	LOAD & HAUL 1500 YDS CLASS 5	101-43100-328
10/15/2008 010665	GENERAL RENTAL CTR, C SPRG	\$85.20	EQUIPMENT RENTAL	101-45122-220
10/15/2008 010665	GENERAL RENTAL CTR, C SPRG	\$0.01	EQUIP RENTAL UNDERPAY	101-45122-220
10/15/2008 010666	GOPHER STATE ONE-CALL	\$37.70	LOCATE TICKETS-SWR DEPT	602-49490-291
10/15/2008 010667	GRANITE WATER WORKS, INC	\$31.95	ADJ RINGS	602-49490-220
10/15/2008 010668	HACH COMPANY	\$62.57	FLUORIDE ACCUVAC	601-49440-216
10/15/2008 010669	MITEL LEASING, INC	\$216.99	PHONE SYS LEASE-CH	101-41940-321
10/15/2008 010670	MYRON L. FELIX	\$2,925.00	ROAD GRADING HRS @ \$90/HR	101-43100-327
10/15/2008 010670	MYRON L. FELIX	\$1,260.00	ROAD GRADING HRS @ 90/HR	101-43100-328
10/15/2008 010671	PICKUPS 'N POWERSPORTS, INC	\$7.46	EXHAUST ADAPTER	101-43100-220
10/15/2008 010672	QWEST CORPORATION	\$47.21	PHONES/FAX-CITY HALL	101-41940-321
10/15/2008 010673	SAM'S CLUB (ST. CLOUD STORE)	\$19.76	CREAMER/SUPPLIES	101-41940-209
10/15/2008 010674	SCHMITZ, MATH	\$3,113.00	DITCH MOWING	101-43100-320
10/15/2008 010675	SEE GREEN LAWN CARE	\$111.31	FERTILIZE SOFTBALL PARK	101-45122-257
10/15/2008 010675	SEE GREEN LAWN CARE	\$111.32	FERTILIZE SOFTBALL PARK	101-45120-257
10/15/2008 010676	SIMON, DONALD	\$417.77	CONTRACTED SRVC FOR WELL/PUMPH	601-49440-314
10/15/2008 010677	SUPER AMERICA	\$135.37	FUEL	101-42200-212
10/15/2008 010678	THEISEN BUILDING SUPPLIES INC	\$16.02	STEEL FOR SHED AT PL	101-45122-220
10/15/2008 010678	THEISEN BUILDING SUPPLIES INC	\$114.27	STEEL FOR SHED AT PL	101-45122-220
10/15/2008 010679	WALZ, JEAN	\$50.83	MEETING MEAL	101-42200-428
10/10/2008 010680	FIRST NAT'L BANK OF C.S. INC	\$851.02	W/H 9/22-10/5/08	101-21701
10/10/2008 010680	FIRST NAT'L BANK OF C.S. INC	\$1,804.10	W/H SS/MED TAX	101-21703
		\$28,489.46		

FILTER: ( ( ([Period] in(10) and [Act Year] = '2008') and [Tran Nbr] in(10,11,12,13,20,21,22,23,25,30,31) ) ) and (((([CHECK Nbr] Between "010655" And "010680"))))

CITY OF ROCKVILLE

10/09/08 1:21 PM

Page 1

Bills Payable Electronic Funds Checks

October 15, 2008

Council Meeting

CHECK Nbr	Check/Receipt Date	Search Name	Amount	Comments	Act Code
000151	10/9/2008	MN REVENUE	\$365.75	STATE TAX W/H-9/22-10/5/08 PAYROLL	101-21702
000152	10/9/2008	PERA	\$816.67	RETIRE CONTR-9/22-10/5/08 PAYROLL	101-21704
			\$1,182.42		

FILTER: ( ( ([Period] in(10) and [Act Year] = '2008') and [Tran Nbr] in(20,25) ) ) and (((([CHECK Nbr] Between "000151" And "000152"))))

Minnesota Lawful Gambling

LG220 Application for Exempt Permit Fee is \$50 for each event

An exempt permit may be issued to a nonprofit organization that:
- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

For Board Use Only

Check # \_\_\_\_\_ \$ \_\_\_\_\_

ORGANIZATION INFORMATION

Organization name: ST. AUGUSTA BLIZZARD BUSTERS
Previous gambling permit number: X-73100-08-001

Type of nonprofit organization. Check one.

- Fraternals, Religious, Veterans, Other nonprofit organization (checked)

Mailing address: 4209 236th ST, ST. CLOUD, MN 56301 STEARNS

Name of chief executive officer (CEO): KEVIN ALBERS
Daytime phone number: 320-309-0967

Attach a copy of ONE of the following for proof of nonprofit status. Check one.

Do not attach a sales tax exempt status or federal ID employer numbers as they are not proof of nonprofit status.

Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.
Don't have a copy? This certificate must be obtained each year from:
Secretary of State, Business Services Div., 180 State Office Building, St. Paul, MN 55155 Phone: 651-296-2803

IRS Income tax exemption [501(c)] letter in your organization's name.
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
If your organization falls under a parent organization, attach copies of both of the following:
a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
b. the charter or letter from your parent organization recognizing your organization as a subordinate.

IRS - proof previously submitted to Gambling Control Board
If you previously submitted proof of nonprofit status from the IRS, no attachment is required.

GAMBLING PREMISES INFORMATION

Name of premises where gambling activity will be conducted (for raffles, list the site where the drawing will take place)
400 CLUB

Address (do not use PO box): 25958 LAKE RD, ST. CLOUD, MN 56301 STEARNS

Date(s) of activity (for raffles, indicate the date of the drawing)
2-7-09 to

Check the box or boxes that indicate the type of gambling activity your organization will conduct:
Bingo\*, Raffles (checked), Paddlewheels\*, Pull-Tabs\*, Tipboards\*

\* Gambling equipment for pull-tabs, bingo paper, tipboards, and paddlewheels must be obtained from a distributor licensed by the Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

Also complete Page 2 of this form.

To find a licensed distributor, go to www.gcb.state.mn.us and click on List of Licensed Distributors, or call 651-639-4076.

LG220 Application for Exempt Permit

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT	
<p>If the gambling premises is within city limits, a city official must check (X) the action that the city is taking on this application and sign the application.</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print city name <u>ROCKVILLE</u></p> <p>On behalf of the city, I acknowledge this application.</p> <p>Signature of city official receiving application</p> <p>_____</p> <p>Title _____ Date ____/____/____</p>	<p>If the gambling premises is located in a township, a county official must check (X) the action that the county is taking on this application and sign the application. A township official must also sign the application.</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print county name _____</p> <p>On behalf of the county, I acknowledge this application.</p> <p>Signature of county official receiving application</p> <p>_____</p> <p>Title _____ Date ____/____/____</p>
<p><b>TOWNSHIP:</b> On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within township limits. [A township has no statutory authority to approve or deny an application [Minnesota Statute 349.213, subd. 2]]</p> <p>Print township name _____</p> <p>Signature of township official acknowledging application</p> <p>_____</p> <p>Title _____ Date ____/____/____</p>	

CHIEF EXECUTIVE OFFICER'S SIGNATURE

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the date of our gambling activity.

Chief executive officer's signature Kevin Albers Date \_\_\_\_\_

**Complete a separate application** for each gambling activity:

- one day of gambling activity
- two or more consecutive days of gambling activity
- each day a raffle drawing is held

**Send application with:**

- a copy of your proof of nonprofit status, and
- \$50 application fee for each event. Make check payable to "State of Minnesota."

To: Gambling Control Board  
1711 West County Road B, Suite 300 South  
Roseville, MN 55113

**Financial report and recordkeeping required**

A financial report form and instructions will be sent with your permit. Within 30 days of the activity date, complete and return the financial report form to the Gambling Control Board.

**Questions?**

Call the Licensing Section of the Gambling Control Board at 651-639-4076.

**Data privacy.** This form will be made available in alternative format (i.e. large print, Braille) upon request. The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your qualifications to be involved in lawful gambling activities in Minnesota. You have the right to refuse to supply the information requested; however, if you refuse to supply this information, the Board may not be able to determine your qualifications and, as a consequence, may refuse to issue you a permit. If you supply the information requested,

the Board will be able to process your application. Your name and your organization's name and address will be public information when received by the Board. All the other information you provide will be private data until the Board issues your permit. When the Board issues your permit, all of the information provided to the Board will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your name and your organization's name and address which will remain public. Private data are available to: Board members,

Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Finance, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this Notice was given; and anyone with your consent.