

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY MAY 16, 2012 - 6:00 P.M. – ROCKVILLE CITY HALL. AS AMENDED**

The meeting was called to order by Mayor Jeff Hagen. Roll Call was taken and the following members were found to be present: Mayor Hagen, Council Members: Bill Becker, Jeff Howe, Jerry Schmitt, Don Simon, and Duane Willenbring. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen, & Engineer Scott Hedlund and Dave Blommel.

Others Present were: Sgt Dan Winkels, Toni Honer, Tudie Hermanutz, Tom Maselter, Janel Bitzen, Joyce Fuchs, Jamie Woods, Bill Werlinger, Scott & Cindy Heddens, Maureen Hieserich, Dave Neiman, & Carrie Raber.

**OPEN FORUM** – No one appeared.

**CONSENT AGENDA – Motion by Member Volkmuth, second by Member Willenbring, to approve the consent agenda as presented:**

- a) *Approve minutes of 04/18/12*
- b) *Approve Treasurer’s Report of 05/16/2012*
- c) *Approve List of Bills and Additions of 05/16/2012*  

<i>Accounts Payable Check #013652 to 013731</i>	<i>\$86,685.01</i>
<i>Payroll Check # 004222 to 004232</i>	<i>10,165.66</i>
<i>EFT # 000627 to 000635</i>	<i>5,881.81</i>
- d) *PLAHA – fireworks permit on 7/3 plus fire protection for the event*
- e) *Liquor License Renewals*

	ON-SALE	OFF-SALE	SUNDAY
Big Daddy’s Burgers & Booze, Inc.	X		X
Stoney’s Bar	X	X	X
B’S Liquor of Rockville		X	
400 Supper Club	X	X	X
Eddies on Grand Bar & Grill	X	X	X
Boomerville	X (Wine)		

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

**BOARD/STAFF REPORT**

**POLICE DEPARTMENT**– Sgt. Dan Winkels reported that there was 35 contract hours during the month of April.

**PLANNING COMMISSION** – Chair Toni Honer reported the Planning Commission held public hearings on:

**THOMAS & MILISSA MASELTER @ 226 CEDAR STREET NORTH – VARIANCE REQUEST** – from Side Yard & Impervious Surface Requirements. The address of the property is: 226 Cedar Street North with a legal description of: All that part of Lot Nine (9), Block forty-three (43), not sold to St. Cloud Mankato & Austin Railway Co. (now Great Northern Railway Co.) in Townsite (now City) of Rockville, according to the plat and survey thereof, now on file and of Record in the Office of the Stearns County Recorder.

**Section 20, Subdivision 6: LOT, YARD, AREA & HEIGHT REUIREMENTS**

- B. Side yard setback shall be ten (10) feet, plus on-half (1/2) foot for every one (1) feet of structure height in excess of two (2) stories or thirty-five (35) feet whichever is less except for interior lots abutting Broadway Street wherein no minimum setbacks are required provided fire suppression techniques are incorporated to the satisfaction of the building official and fire marshal.

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

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

- B. Commercial and Industrial zoned property:
  1. Not located in the Shoreland overlay district, 50%.
- 1. The request is to construct a 9' x 40" attached living space to a garage in the B-1 District CENTRAL BUSINESS DISTRICT, locate said structure 3' 9" from the side yard lot line and exceed impervious surface by 603 SF.

## STAFF REPORT:

## Variance(s) Requested:

1. Variance to construct an attached 9' x 40' living space to a garage and to locate it 3'9" from the east lot line **10' required**.
2. Variance from impervious surface requirements by 603 SF.
3. 18 Notices were sent out.

## Construction Requests:

1. Add a 9' x 40' attached living space that will be located 3'9" from the property line.

## Relevant Information:

1. B-1 – Central Business District. Existing garage is built 12'9" from east lot line.
2. Lot coverage limits 50% or 2197 SF - proposed is to add 360 sf onto 2440 sf currently in place. The limits used to be 90% so Mr. Maselter was not exceeding the limit at the time the last addition was built.
3. 2011 and first half of 2012 taxes have not been paid.

## Recommendations:

1. Maintain existing drainage patterns over, under, and across their property.
2. If approved the owner should provide on site storm water disposal such as a rain barrel or underground trench to catch the water (especially the east side of the garage) from crossing over onto neighboring property. A rain garden could be installed in the 3' area.
3. Or construct a drainage swale along the east line of the property between the garage and property line.
4. No additional driveways will be allowed.
5. Proper temporary and permanent erosion control measurers (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.
6. If you approve the requests do so with conditions.

Tom Maselter stated the proposed building is 3 feet smaller than what was removed this past fall. He would like to add living space for when he has his family. He is currently renting next door and by consolidating his business with living space this would free up more money. The financing will be done by trading out work.

*The Planning Commission recommends to the council to approve the variance request with conditions that everything is being followed by Building Official according to the Building Plans, Staff approves a mitigation plan and to get in writing from Stearns County that there is a payment plan.*

Rena Weber reported that Tom must pay all of 2011 taxes and the first half of 2012 taxes in order to set up a payment plan.

Member Willenbring motioned to table action on this request for one month to give Tom time to pay his taxes and set up a payment plan. The motion died for a lack of a 2<sup>nd</sup>.

**Member Howe introduced the following resolution and moved for its adoption:  
RESOLUTION NO. 2012-12  
A RESOLUTION APPROVING VARIANCE IN THE B-1 DISTRICT.**

**WHEREAS, A request has been received from Thomas & Milissa Maselter for a variance from side yard setback requirements to construct a 9' x 40' attached living area to a garage in the B-1 District, and;**

**WHEREAS, said structure will be placed 3'9" from east side lot line and;**

**WHEREAS, Proper notification and publication had been given, and;**

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

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

- 1. Said request is hereby approved to construct the 9' x 40' attached living area to a garage that will be 3'9" from the east lot line and to construct it according to building inspector approved plans.**
- 2. Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
- 3. That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.**
- 4. The siding and shingles shall match the main structure.**
- 5. The drainage and mitigation plan as presented will be constructed and maintained.**
- 6. Mr. Maselter is to also make sure that payment of outstanding taxes is taken care prior to construction of addition.**

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

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

**CINDY HEDDENS @ 25437 COUNTY ROAD 138 – VARIANCE REQUEST** – Chair Honer explained this is a request from Accessory Building Requirements. The address of the property is: 24537 County Road 138 with a legal description of: 32.40 Acres of Section 9, Township 123, Range 29, All of S2 NE4 lying NW of Highway 23 and SE of RR and SW of 66' Road running NW'ly and SE in the City of Rockville - Stearns County, Minnesota.

The request is to install a 3rd unattached garage currently constructed in the R-1 District. The request is also to vary from the same roof and siding requirements.

**STAFF REPORT:**

**REQUEST:**

- Approval to move a 3rd accessory structure and to locate it in the R-1 District.
- Approval to vary from requirements that all the 4 structures will match in siding/roof.

**RELEVANT INFORMATION**

1. Property is zoned R -1
2. Property is 32.40 acres
3. The owner has located the 3<sup>rd</sup> garage on property as it needed to be moved from its St. Cloud location by the 15<sup>th</sup> of May. The property was bought out by the County. (County is putting in a round about).
4. The siding on the house and 3 garages does not match.
5. Roofing does not match.

6. When approval was given to move the structure onto the lot 3/30/12 the owner was told that she needed to match the house and garage.
7. At that time she also told staff that she would eliminate one of the other accessory structures.
8. 9 notices were sent out

#### RECOMMENDATION

1. Due to the fact that Ms. Heddens stated that she would remove one of the structures to stay within the 2 structure limit - Denial is recommended.
2. Not one of the structures matches the other – this needs to be addressed.

Cindy Heddens stated if you look at the pictures it shows that the one shed no neighbors can see it and it's behind another structure. The proposed building would probably enhance the property if anything because its cedar siding, it's a natural look. The house will probably need to be shingled within 5-10 years, and would be willing to match it at that time.

*The Planning Commission voted to deny the variance request as present unless they would be willing to take one structure down and have structure match in a reasonable time frame.*

Zoning Administrator Rena Weber reported the original condition to the building permit was to have one of the accessory building removed.

*The Planning Commission voted to amend the motion and approve the variance request if one accessory structure is removed, proposed building and house siding match in color and reroof house within 5 years or when need be.*

**Member Willenbring introduced the following resolution and moved for its adoption:**

#### **RESOLUTION 2012-13**

#### **A RESOLUTION DENYING A VARIANCE REQUEST WITH STIPULATIONS TO COMPLY WITH THE ORDINANCE IN THE R-1 DISTRICT.**

**WHEREAS, A request has been received from Cindy Heddens for variances from accessory structure requirements to re-locate an unattached garage in the R-1 District, and;**

**WHEREAS, said structure does not currently match the primary structure in the siding and shingles, and;**

**WHEREAS, Proper notification and publication had been given, and;**

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

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

1. **Said request is hereby approved to re-locate the unattached garage to the property provided that one of the three accessory structures is removed within one (1) year of the date of this approval.**
2. **Further that the siding and the shingles shall match that of the primary dwelling structure within 5 years from the date of this approval.**
3. **The drainage and mitigation plan as presented will be constructed and maintained.**

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

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

Scott Heddens wanted the council to reconsider as an exception. He feels that if anyone has property like this that is unique there should be no issue. He also reported that the Planning Commission suggested they rezone the property to RR – rural residential. No action was taken.

### **CONTINUED THE PUBLIC HEARING FOR 25983 80<sup>TH</sup> AVE – VARIANCE REQUEST**

Chair Honer reported that action was tabled on the requests of William A. Werlinger in February for a variance from Shoreland Requirements in order for Stearns County to review the land to determine if a wetland exists. That has been confirmed, but not delineated. The address of the property is 25983 80<sup>th</sup> Avenue with a legal description of: Lots Twenty-Two (22) and Twenty-three (23) in Block One (1) of Schmitt's Pleasant View, according to the plat and survey thereof on file and of record in the Office of the County Recorder, in and for Stearns County, Minnesota.

The request is to construct a 12' x 15' sun room to their home and a 32' x 32' unattached garage to their property.

Variations from the ordinary high water level and impervious surface were discussed.

#### **STAFF REPORT:**

Re: Variance Request(s)

76.42170.0017: Owners: William A. Werlinger

Property Address: 25983 80 Ave – St. Cloud, MN 56301

Variance(s) Requested:

1. Variance to construct a 12' x 15' sun room and 32' x 32' unattached garage and to locate it on property abutting Pleasant Lake – Recreational Development Lake.
2. Said request is to also locate sun room within the 50' shore impact zone

Construction Requests:

1. Construct sun room and unattached shed and match the structures.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 40,560 square feet more or less.
3. 20 notices of public hearing were sent out.
4. A revised drainage plan was submitted on 2/10/12 – 4 p.m.
5. The plan would now require review by Stearns County Environmental Services as they review any shoreline alternation and wetlands.
6. Sauk River Watershed District was also afforded the opportunity to review this proposal as they have not approved the city Shoreland management and storm water management ordinances.
7. Anne Nelson – comments regarding the wetlands state that a determination should be done in the spring. Refer to e-mails of 2/14/12
8. There have been water issues with this property in the past.
9. SRWD has not commented as of yet.
10. The sun room construction was reviewed by the building official – no concerns were raised.

Recommendations:

1. This requires 2 variances on a lot that was in place before the ordinance was adopted.
2. Anne Nelson requests the following be added. All I was asking for was that prior to adding fill (whether it's a garage or sand or boulders or gravel, etc.) a wetland determination should be done first. It could be that the entire area is not wetland or it could be that it is wetland. I don't know this. But, if the variances are granted, I am asking that a condition is placed on approval, that prior to installing any fill for the garage or for the 51-foot opening in the buffer that a wetland determination is completed. If it is determined there is wetland, then there is an application process to go through before wetland can be filled.

*The Planning Commission voted to deny the variance request for the detached garage.*

The Planning Commission voted to approve the variance request for the sun room with proper mitigation (rain gutters & buffer) for the storm water run off.

**Member Howe introduced the following resolution and moved for its adoption:**

**RESOLUTION NO. 2012-14**

**A RESOLUTION APPROVING VARIANCE IN THE SHORELAND DISTRICT.**

**WHEREAS, A request has been received from William Werlinger for a variance from: Impervious Surface, & Setback from OHWL requirements to construct a 12' x 15' attached sun room in the Shore Impact Zone in the R-1 District, and;**

**WHEREAS, said structure will be placed 43.75' from the OHWL, and;**

**WHEREAS, Proper notification and publication had been given, and;**

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

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

- 1. Said request is hereby approved to construct the 12' x 15' attached sun room that will be placed 43.75' from the OHWL.**
- 2. Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
- 3. That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.**
- 4. The drainage and mitigation plan as presented including an additional plan to treat the storm water from the new structures will be constructed and maintained.**

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

**AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring**

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

DETACHED GARAGE – Much discussion was held regarding the detached garage.

Member Becker suggested that they take out 32' x 32' rock to keep in line with impervious surface requirements.

Member Volkmuth indicated that he has lived there for 30 years and this is the first year there was no water in the area where the garage would be placed. The previous owner wanted the city to set up a drainage plan.

Member Willenbring stated that a wetland delineation should have been done first and that was not done.

Member Volkmuth wants stipulation that city is not held liable for any future problems with water in the low lying area. There are issues there and if it can be fixed he would be okay with the proposal. What if the concrete cracks in the garage, are we liable? No.

**Motion by Member Becker, second by Member Willenbring, to deny approval until a wetland delineation study is done.**

Member Howe indicated that we are causing him to spend a lot of money.

**AYES: Becker**

**NAYS: Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring**

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

Member Volkmuth stated that he would strongly oppose this request personally as he has seen water in the area every year.

Member Simon agreed with this comment.

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

**RESOLUTION NO. 2012-15**

**A RESOLUTION APPROVING VARIANCE IN THE SHORELAND DISTRICT.**

**WHEREAS, A request has been received from William Werlinger for a variance from: Impervious Surface requirements to construct a 32' x 32' unattached garage in the Shoreland Zone in the R-1 District, and;**

**WHEREAS, said structure will be placed 50' from the OHWL and exceed impervious surface requirements by 26%, and;**

**WHEREAS, Proper notification and publication had been given, and;**

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

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

1. **Said request is hereby approved to construct the 32' x 32' unattached garage that will be placed 50' from the OHWL.**
2. **Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
3. **That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.**
4. **The drainage and mitigation plan as presented including an additional plan to treat the storm water from the new structures will be constructed and maintained.**
5. **Said approval is contingent upon submittal of a satisfactory wetland delineation.**

**The motion for the foregoing resolution was duly seconded by Mayor Hagen with the following vote being taken:**

**AYES: Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring**

**NAYS: Becker**

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

Toni Honer stated she would still be opposed as the Planning Commission does not want Stearns County to be involved in these approvals. We have our own Shoreland Ordinance.

**ORDINANCE AMENDMENT** – Chair Honer requested approval to hold a public hearing on a few ordinance amendments that the Planning Commission has been working on: verbiage on sign ordinance, principle use /structure definition, highway commercial permitted uses, and homogeneous verbiage instead of matching siding/shingle standards.

It was determined that a public hearing would be held on 6/20/12 – 6:30 p.m. to consider the ordinance changes.

**PARK & RECREATION RFA – Designated fund transfer**

Approve the release of designated funds from Park Land Dedication Funds for the purchase of 8 signs (Share the Road) to be placed in areas of the city as a way of connecting trails to the downtown area.

Decrease Designated Funds -\$387.83

202-45122-511

Increase Trail System Budget +\$387.83

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

**AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring**

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

**PUBLIC WORKS** – Public Works Director Rick Hansen requested approval of the following:

a) RFA – Seal Coating Please award the seal coating project to Astech for the contract price of \$28,871.66 of which Rockville's portion will be \$12,118.00, upon the condition that the project is accepted by the City of Cold Spring and Wakefield Township.

Fund # 101-43100-317 \$11,000.00 (2012 Budget)

Designated Fund #101-43100-317 \$1118.00 (fund balance-\$17,209.08)

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

***AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring***

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

b) RFA – Crack Filling Please award the crack sealing project to Glieden Enterprises LLC. for a contract price of \$23,316.78 of which Rockville’s portion will be approximately \$6,572.30, upon the condition that the project is accepted by the cities of Cold Spring, Richmond and St. Martin

Fund # 101-43100-319 2012 budget balance of \$10,000.00

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

***AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring***

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

c) RFA – Crack Sealing City Hall Parking Lot Please approve Pat Gorman to crack seal, apply two coats of asphalt sealer and restripe the City Hall parking lot in the amount of \$1,458.00. The parking lot is 6 years old and the asphalt is drying out, this will preserve the parking lot so as to avoid additional costly expenses in the future.

Bids received:

- Pat Gorman-\$1,458.00
- Central MN Paving-\$1,940.00
- Seal King-\$1,818.00

Designated Fund # E 101-41000-310 (fund balance is \$7,000.00)

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

***AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring***

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

**FINANCE COMMITTEE - 2011 Financial Audit presentation** – Janel Bitzen KDV Auditor was present to review the 2011 Financial Audit.

- Preparation of financial statement –
- Material audit adjustments – fewer adjustments this year
- Lack of segregation of duties- is not a materials weakness
- No material weakness

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

***RESOLUTION NO. 2012-10***

***RESOLUTION ACCEPTING THE 2011 FINANCIAL AUDIT REPORT & MANAGEMENT LETTER***

***WHEREAS, a yearly audit was performed by Kern DeWenter Viere (KDV) on the 2011 City Financial Audit, and;***

***WHEREAS, Said audit was reviewed with the city council at their 05/16/12 council meeting.***

***NOW, THEREFORE, BE IT RESOLVED by the City Council of Rockville, Stearns County, Minnesota.***

1. **Said 2011 Financial Audit & Management Letter is hereby accepted and approved.**

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

**AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring.**

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

#### **WELLHEAD PROTECTION PLAN PART II UPDATED**

**PUBLIC HEARING – APPROXIMATELY 6:30 P.M.** – Mayor Hagen announced that a public hearing would now be held to consider approval of the Wellhead Protection Plan Part II.

Dave Neiman – MN Rural Water Association and Carrie Raber – Stearns County Soil and Water Conservation District were present to inform the council on the updated plan.

Dave indicated that:

- The wellhead protection plan team members were made up of professionals in the field, staff and members of the community.
- The updated plan includes the new well at the Northeastern portion of the city.
- The council after reviewing the plan is asked to take formal action to approve the plan so staff can submit it to the MN Department of Health.
- Biggest threats are:
  - a) Private wells
  - b) Highway 23 corridor goes through some of the highest possible contamination area of the DWSMA (drinking water supply management area)
  - c) High pressure gas main
  - d) Gravel pit (currently not used)
- 30 goals have been identified with time lines established

Member Willenbring indicated that being on the team was great and input was taken from all members and Shamus Tamble (local farmer) was at every meeting.

No other person appeared to speak at the podium.

**Motion by Member Volkmuth, second by Member Schmitt, to close the public hearing at 6:56 p.m.**

**AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring.**

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

**Member Willenbring introduced the following resolution and moved for its adoption:**

#### **RESOLUTION NO. 2012-11**

#### **RESOLUTION ADOPTING WELLHEAD PROTECTION PLAN PART II**

**WHEREAS**, the City of Rockville has been working with the MN Department of Health on amending the 2002 Wellhead Protection Plan to include the new well at the northeast corner of the city, and;

**WHEREAS**, a team of professionals worked with members of the community and staff on the plan, and;

**WHEREAS**, a list of goals was arrived at through development of the plan.

**NOW, THEREFORE BE IT RESOLVED** by the Rockville City Council, Stearns County, Minnesota:

1. The amended plan called Wellhead Protection Plan Part II is hereby approved as presented.
2. Staff is hereby directed to complete the necessary steps for approval by the MN Department of Health.

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

**AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring.**

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

#### **OLD/NEW BUSINESS**

**PICKUP'N POWER SPORTS** – Owner Maureen Hieserich was present to address their water/sewer hookup at Pickup'n Power Sports stating that nothing has changed. They have a buyer they are working with now. They don't use that much water and if they get a buyer can they talk to them about hooking up. They have been there since 2004 and they were given a break, however this is an industrial park and they pay huge taxes.

Mayor Hagen entertained the idea to give them one more year, but a new buyer has to hook up.

Rena Weber reported that we also have a situation similar to this in regards to Kip Cameron's second warehouse. It is not hooked to city water/sewer, but the main complex is. Rena is to review the minutes to see what the requirement was.

Member Willenbring was in agreement with giving one more year, but to also watch what we do for highway commercial.

**Motion by Member Willenbring, second by Member Volkmuth, to defer water/sewer for one year and further to make sure the new buyer has to hook up upon the sale.**

**AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring.**

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

**S J LOUIS – ABATEMENT REQUEST** – Jamie Woods, representing SJ Louis was present to request for abatement of bill from 2011. A letter was sent to the Council stating they would pay \$1726.51 that as assessed but were looking for an abatement of late chares, interest and administrative charge.

**Motion by Member Becker to abate the difference between the \$2331 & \$1726 = \$604. The motion died for lack of 2<sup>nd</sup>**

**Motion by Member Volkmuth, second by Member Willenbring, to dismiss the \$200 Administration fine, pending payment of the taxes.**

**AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring.**

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

#### **COMMITTEE REPORTS**

**Mayor's Report** – There was none.

**RTCB** – There was no report.

#### **ADMINISTRATOR'S CORRESPONDENCE**

**SPORTSMAN CLUB REQUEST** – Rena Weber reported that the Sportsman Club sent a letter regarding insurance requirement stating they motioned at their May meeting that they will sell raffle tickets on foot only the day of the event – no vehicles. Rena had sent this information to the city insurance agent for his comments and this is what was received:

“This letter, memo is NOT an acceptable certificate of liability insurance. It affords no protection to the city for the involvement of the Fire Department and Rock Fest committee is the selling of raffle tickets. Riding 4-wheelers or any other vehicle while selling tickets, for that matter is not the issue. The issue is the city liability. The city can be drug into a liability issue in many different ways because the city Fire Department and Rock Fest committee are selling the tickets and that involves the city! Now if the city council wants to allow the cities participation without a certificate of insurance that is their choice but I must to be on record as advising the city that I would be opposed to that. I am not trying to spoil the sale of raffle tickets but it is my job to protect the city and I just want to make sure the city is protected form a claim, loss or law suit. It is still my recommendation that the city be given a certificate of liability insurance naming the city as an additional insured under the Sportsmen's Club liability insurance policy. The letter you

received from the Sportsmen Club is not acceptable to the LMCIT as proof of insurance. Please forward this to the Sportsmen's Club, Fire Department and Rock Fest committee."

***Motion by Mayor Hagen, second by Member Volkmuth to deny the request to waive the insurance by the Sportsman Club per the recommendation of the city insurance agent.***

***AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring.***

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

#### **OPEN FORUM**

Scott Hedlund was present to inform the council that he taking over the Brainerd office and that he will help to Dave Blommel to transition internally as his replacement.

Member Schmitt wished to report that he drove past the Mueller pit recently and it is the cleanest pit around.

Member Willenbring wished to extend another "act of kindness" to thank Shamus Tamble for his help regarding the adoption of the Updated Wellhead Protection Plan.

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

---

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

---

**JEFF HAGEN  
MAYOR**

**(This page left blank intentionally)**