

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, OCTOBER 21, 2015 – 6:00 P.M. - ROCKVILLE CITY HALL

The meeting was called to order by Mayor Jeff Hagen. Roll Call was taken and the following members were found to be present: Mayor Hagen, Council members Don Simon, Rick Tallman & Duane Willenbring. Absent: Sue Palmer.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Nick Waldbillig, Planning Commission Chair Bill Becker, Lt. Jon Lentz, and Engineer Dave Blommel.

Others present were: Dorothy Tallman, Rosie & Daryl Steil, Tудie Hermanutz, Jode Boldt, Ed Schutz, Ed Karls, Randy Seykora, Carol Dietman, Tim & Marie Lingl & Rep. Jeff Howe.

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

1. Rick Tallman request to discuss Castaway structure status
2. Discuss 234th Street clean up/improvement
3. RFA's PPE & Truck repairs
4. Public Works – Boss snow plow replacement
5. Engineers report – 2016 improvements
6. Discuss Arcon Development status with attorney under MN Statute 13D.05 Subd. 3 (b) permitted by attorney-client privilege. Discuss potential litigation regarding the Arcon Development and Schilplin property

AYES: Hagen, Simon, Tallman & Willenbring
Motion passed on a 4 to 0 vote.

OPEN FORUM

Member Tallman reported that he was asked by a few of the people as to why the notice of special meetings has not been mailed out.

Rena Weber reported that the petition expired after one year.

Member Tallman cited MN statute 13B04

(e) A public body may establish an expiration date for requests for notices of special meetings pursuant to this subdivision and require refiling of the request once each year.

(f) Not more than 60 days before the expiration date of the request for notice, the public body shall send notice of the refiling requirement to each person who filed during the preceding year.

This could be a violation of the open meeting law.

Member Willenbring agreed that there is no automatic sunset, but the individual can ask to have their name removed.

Rena Weber will check into this.

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

- a) **Approve minutes of 09/16/15**
- b) **ACCEPT Treasurer's Report of 10/21/15**
- c) **Approve List of Bills and Additions of 10/21/15**

Accounts Payable CK #016340 – 016411	\$ 86,330.95
Payroll CK #005008 – 005026	15,047.16
EFT #000972 – 000981	9,864.50
- d) **Change Wellhead Protection Manager name to Nick Waldbillig**
- e) **PLAHA – raffle 2/27/16**

AYES: Hagen, Simon, Tallman & Willenbring
Motion passed on a 4 to 0 vote.

BOARD/STAFF REPORTS

POLICE – Lt. Jon Lentz reported there were 32 contract hours during the month of August and 33 for September with citations being issued.

Member Tallman inquired about the Brown residence on Lake Road and does the Sheriff's Department still want to be notified. Lt. Lentz replied yes and yesterday they had approval to be there.

Member Tallman indicated that at the former Weber house on Lake Road there was situation. Lt. Lentz reported there was a disagreement between siblings.

PLANNING COMMISSION – Bill Becker reported for the Planning Commission

JAMES PURLEE AFTER THE FACT VARIANCE

Re: Variance Request
76.41653.0700: Owner: James R Purlee (husband of Suellen)
Property Address: 11344 Grand Lake Road

Variance(s) Requested:

1. Variance to move a 10' x 15' storage shed to said lot and to locate it on property abutting Grand Lake – General Development Lake.
2. Impervious Surface – Total lot area is 23,746 sf of which 21% would be covered. With the addition impervious surface exceeds the 20% by 1337.0 sf and 1384.05 sf of the 15%.
3. The shed was moved onto the lot without a permit so the distance between the house and shed structure has not been identified. Site inspection to occur.

Construction Requests:

1. Approve the shed that has been moved onto the lot already.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 23,746 square feet more or less.
3. 7 notices of public hearing were sent out.
4. A certificate of survey was provided previously for this property so the owner, contractor and city were well aware of the impervious dimensions.

Recommendation:

1. This requires 1 to 2 variances on a non-conforming lot that was in place before the ordinance was adopted. 30,000 sf is the minimum lot size required for a single family dwelling.
2. When the Purlee's started this project they made changes to stay right at the 20% (20.02% actually) impervious as is evidenced by the e-mails I had with their contractor and designer. For the Purlee's to just move a storage shed onto the lot and not think this would be an issue is concerning to me. Furthermore, the statement that they were not informed that the shed was an issue – I have back up information confirming when they were notified it had to be removed.
5/4/15 – E-mail to Gary Utsch asking him to check on the shed being moved.
6/23/15 – E-mail to Gary informing him the shed is still there and they are planting trees.
6/23/16 – Gary taped a letter to their door telling her to remove the shed or no certificate of occupancy would be issued.
6/24/15 – Suellen called Gary and he told her again to remove the shed.
8/4/15 – Administrator sent letter to Suellen citing the violation.

PLANNING COMMISSION RECOMMENDATION 10/13/15

- DENY – 1) One letter of objection from neighbor received plus one testimony at hearing both opposing the request.**
- 2) This was an after the fact variance – no site plan was provided and the owners thought it was okay to move it from their summer cabin to the adjoining property.**
- 3) Planning Commission voted unanimously to deny this request.**

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

RESOLUTION NO. 2015-19

A RESOLUTION DENYING AN AFTER THE FACT VARIANCE REQUEST IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from James Purlee for an after the fact variance from Shoreland requirements to move an accessory structure onto a lot without a permit nor an approved site plan in the Shoreland District, and;

WHEREAS, said request exceeds the 15% and 20% impervious surface requirement, and;

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

WHEREAS, all persons were given an opportunity to be heard on said request and there were two parties objecting to the request, and;

WHEREAS, Staff provided documentation that notice had been given to the petitioner.

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

1. Said request is hereby denied and further city staff is ordered to have the accessory structure removed after a 30 day notification to the property owner.

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

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

JAMES & MARY KUHL – ADMINISTRATIVE PLAT, REZONING AND QUALIFIED MINOR SUBDIVISION

Re: Re-Zoning, Subdivision Requests

76.41624.0200: Owners: James & Mary Kuhl

Property Address: 8535 Ahles Road, St. Cloud, MN 56301

Variance(s) Requested:

1. 1st request is to re-zone 19.73 acres of property to R-R – Rural Residential
2. 2nd request is split this 20 acres from a parcel that contains 97.54 acres.
3. 3rd request is to do an administrative split of 40.44 acres to Marla Honer (adjoining property owner). This can't be built upon unless platted.

Construction Requests:

1. Split off the 19.73 acres to allow the house/shed to remain in use.

Relevant Information:

1. Property contains 137.98 acres more or less.
2. 13 notices of public hearing were sent out.
3. This property is zoned Ag-40.
4. The owners are looking to move south and sell their property.
5. John & Marla Honer wish to purchase 40.00 acres and attach it to their adjoining property.
6. Part of the remaining property is in a conservation easement purchased by US Fish & Wildlife Service so this is protected wetlands. Any new owner would need to know this before they purchase it.

Recommendation:

1. This is a 3 piece request so I think the Administrative plat would need to be approved first.

PLANNING COMMISSION RECOMMENDATIONS 10-13-15

- 1) Administration subdivision to Marla Honer – Approved 40.44 split recognizing this will be added to their homestead property and not a buildable lot.
- 2) Rezoning – Approved as the feedlot was decommissioned previously and not expected to be started again. 19.73 acres only on this lot.
- 3) Qualified Minor Subdivision –Approved a road to the back property 77.81 was provided. Part of this acreage is a protective wetland so there is only one residential allowed at this time.

Mayor Hagen introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2015-20

A RESOLUTION APPROVING AN ADMINISTRATIVE PLAT, REZONING OF A PORTION OF PROPERTY AND QUALIFIED MINOR SUBDIVISION.

WHEREAS, a request has been received from James & Mary Kuhl to approve the subdivision of approximately 137.98 acres, rezoning a portion of it, and;

WHEREAS, a hearing to consider the request was held before the Rockville Planning Commission on 10/13/15, and;

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

- 1. The request for approval of an administrative plat 40.44 acres to be attached to property owned by Marla Honer with the stipulation it is a non-buildable lot, and The request to rezone 19.73 acres to RR – Rural Residential, and A Qualified Minor Subdivision of 77.81 acres remaining zoned Ag-40 is hereby approved.**
 - 2. Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
 - 3. That granting of the rezoning will not be detrimental to the public health, safety, comfort and general welfare of the City.**
- The motion for the foregoing resolution was duly seconded by Member Willenbring with the following vote being taken:**

**AYES: Hagen, Simon, Tallman & Willenbring
Motion passed on a 4 to 0 vote.**

RANDY SEYKORA AMENDED VARIANCE REQUEST

Re: Variance Request(s)
76.42189.0039: Owners: Randy Seykora
Property Address: 11181 Hubert Lane

Variance(s) Requested:

1. Variance to construct a 36' x 42." Unattached garage of property abutting Grand Lake – General Development Lake.
2. Variance to add a driveway 42' x 24' to new garage
3. Variance to add deck 320 sf and concrete pad 231 sf
4. Variance to add 160 sf porch to the front of the house
5. Impervious Surface – Total lot area is 17,313.71 sf of which 15% = 2597.06. The proposed request is to exceed the 15% by 2407 sf or 93%.

Construction Requests:

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

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 18,115.48 square feet more or less.
3. This property was granted a variance from impervious surface in 2014, but not constructed.
4. 13 notices of public hearing were sent out.

Recommendations:

1. This requires 5 variances on a non-conforming lot that was in place before the ordinance was adopted
2. This is a lot of driveway and maybe some should be turned back into grass.
3. If granted mitigation plan must be approved.

PLANNING COMMISSION RECOMMENDATION

- 1) This is actually an amendment of variances granted in 2014.**
- 2) The area that is the present driveway will be turned back to grass.**
- 3) Seykora's provided an updated plan showing less impervious than before.**
- 4) The grinder station is proposed to be moved and placed under the new driveway with concrete reinforcement ring around the station. The Seykora's will sign an acknowledgement that they are responsible for any costs should this station need to be dug up and repaired.**
- 5) PC recommends approval.**

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

RESOLUTION NO. 2015-21

A RESOLUTION APPROVING AN AMENDED VARIANCE FROM SHORELAND REQUIREMENTS.

A RESOLUTION GRANTING VARIANCES TO ADD AN UNATTACHED GARAGE, DRIVEWAY, DECK, CONCRETE PAD & PORCH IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Randy J. Seykora for a variance from Impervious Surface and rear yard lot line to add an attached garage in the R-1 District, and;

WHEREAS, said structure exceeds impervious surface by 2047 square feet, 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 unattached garage, driveway, deck, concrete pad and porch provided that 2047 square foot coverage is mitigated and constructed according to design, approved by the city engineer, and maintained. The conditions presented by the Planning Commission will be adhered to and will remain with the property so that any successors must abide by the same.**
- 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.**

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

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

PUBLIC WORKS – Nick Waldbillig reported on the following:

Hubert Lane Snow Removal Quote – Nick reported that Ralph Walz was the only person to bid the snow removal for Hubert Lane. Nick has estimated that \$80/hour would not be for every snow event – just the major ones up to 15 times per season = \$2400. As an independent consultant Ralph Walz will have to provide a certificate of insurance.

Motion by Member Willenbring, second by Member Tallman, to approve the quote of Ralph Walz as presented.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

Boss Snow Plow – This was talked about at our last public works meeting. I am asking the council approval to replace the plow on the 1 ton. It has been repaired numerous times and is rusted out in a few places. I feel that it is not quite up for the municipal plowing any longer. The prices came in at \$5640.00 at Central Hydraulics and \$5360.00 at Little Falls. The difference being Central Hydraulics will give us \$1000.00 credit for the trade in of our old plow. This money is currently in the snow removal budget under equipment replacement. Funding: E 101-43125-540 Budget balance \$6000

Motion by Member Simon, second by Member Willenbring, to go with the bid of \$5640 – Central Hydraulics and include the \$1000 credit of the old snow plow to equal \$4640.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

Engineer Report - David Blommel reported on the following:

SALT SAND SHED – 30' X 50'

Quotes were requested for both a hoop structure and a post frame structure. Two companies provided quotes, both for hoop structures.

- Spring / Summer 2016 Completion:
 - \$83,897 – Greystone Construction Company.
 - \$118,440 – RAM General Contracting, Inc.

Motion by Member Willenbring, second by Member Tallman, to table action on this project until a later date.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

2016 IMPROVEMENT PROJECTS -

In addition to the quote, the public works committee asked that I put together a scope of work to survey the proposed street projects for 2016 construction. Collecting the topographic survey data now will improve accuracy and reduce costs, as compared to collecting after snow and frost have arrived.

Segments included:

- Pleasant Road – County Road 137 to cul-de-sac.
- Lake Road – Lena Lane to County Road 47
- Sauk River Road – CSAH 139 to Glacier Road

Should a 2016 project be delayed or modified, the topographic survey will maintain its value. The data could be used several years into the future as well. The estimated cost for the above referenced topographic survey is \$9,900. Once authorized, we will schedule crews to complete the work as soon as possible. We anticipate about 2 weeks of field time to gather the required information.

Motion by Member Willenbring, second by Member Simon, to approve up to \$10,000 or less for topographic survey for three proposed road projects as presented.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

WELL HOUSE #2– Nick reported that they went out for bids to reconstruct the Well house #2 and broke it out into 3 bids. No response was received. He contacted Duane and Don for additional names. Nick & Gene went ahead to do the work themselves.

Member Tallman inquired about the removal of the pump if it needs work. Nick reported there will be a removable hatch. They are framing it up now and not cut holes in the roof until spring.

PUBLIC HEARING APPROXIMATELY 6:30 P.M. Mayor Hagen announced that a public hearing would now be held to consider the Trunk Sewer Assessment to a newly created lot for the Voigt Family.

Rena Weber explained that as a result of the newly created lot at the very south end of Pleasant Road a new trunk sewer assessment needs to be addressed. The amount per the schedule of costs is \$7,586.66. Rena reviewed and discussed this with the Voigt family.

No person appeared for the public hearing.

Motion by Member Willenbring, second by Member Simon, to close the public hearing at 6:40 p.m.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

Member Willenbring felt they should have to pay a park dedication fee. Rena reported that the ordinance does not call for park land dedication for a one lot creation.

Member Willenbring suggested we change the ordinance.

Mayor Hagen introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2015-22

RESOLUTION ADOPTING ASSESSMENT FOR THE VOIGT FAMILY NEWLY CREATED LOT. WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed assessment for 2015 Trunk Sewer Assessment, and has amended such proposed assessments as it deems just;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Rockville, Stearns County, Minnesota, as follows:

1. ***The amount to be specially assessed against your particular lot, piece, or parcel of land is \$7,586.66 for trunk sewer main. Such assessment is proposed to be payable in 5 (five) installments, the first of the installments to be payable on or before the first Monday in November 2015, and will bear interest at the rate of 4.34% percent per annum from the date of the adoption of the assessment resolution. To each subsequent installment when due shall be added interest for one year on all unpaid installments.***
2. ***The owner of the property so assessed may at any time prior to the certification of the assessment to the County Auditor, pay to the Administrator/Clerk, and thereafter at any time prior to November 15 of any year pay to the County Auditor or Administrator/Clerk, the whole of the principal amount of the assessment on such property provided that no such prepayment shall be accepted without payment of all installments due to and including December 31 of the year of the prepayment, and the original principal amount reduced only by the amounts of principal included in such installments computed on an annual amortization basis.***
3. ***The Administrator/Clerk shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.***
4. ***In the event a park dedication fee needs to be assessed – one will be assessed. The motion for the foregoing resolution was duly seconded by Member Tallman with the following vote being taken:***

AYES: Hagen, Simon, Tallman & Willenbring
Motion passed on a 4 to 0 vote.

UNFINISHED BUSINESS

DISCUSS SPLITTING OUT PLEASANT LAKE WATER SYSTEM COSTS

Member Tallman reported that the Finance Committee had just met financial consultant David Drown who had given us the history on the Pleasant Lake Water Tower in a memo dated 9/30/15. (attached and marked Exhibit A)

The last paragraph reads: The Pleasant Lake Area bonds were issued as G.O. Water Revenue Bonds, under the authority of M.S. Chapter 444. This statute requires the bonds to be repaid from water revenues and/or special assessments, and the use of property tax levies on a long-term basis is not allowed. However, it is permissible for the City to transfer funds from its general funds to the water fund to cover operating costs. By funding \$85,000 of operating costs with general fund transfers, you will free up additional water revenues to be used for debt payments.

Member Tallman stated the original intent was that this system was supposed to be paid by the area residents. Since the development did not occur in essence the water costumers here are paying for this system.

Member Tallman reviewed the memo he put together after reading David Drown's memo. (attached and marked Exhibit B).

We are starting to see the whole intent was that this should be a "stand alone system".

Member Tallman also asked for an updated total special assessment due by the Arcon. Lori Gross reported the outstanding balance including penalties through October 2015 is \$483,805.08. Under the current tax statement the assessed value is \$393,000 so we are owed more than what the property is worth.

In regards to splitting out the costs it was designed as a stand-alone system from the get go. David Drown stated this is being subsidized by water customers and one way or another we need to get funds and if it means we have to raise water rates then we are affecting people.

The best case scenario would have been that 450 homes were connected and we only have 35 homes connected. Are we going to continue funding this? The water fund is depleted by \$85,000 each year. Member Tallman suggested we pay the operating costs out of general fund and when the funds do come in – pay the general fund back.

Mayor Hagen stated he agrees with David Drown to make up the difference with General fund tax dollars for the operations. Mayor Hagen suggested we authorize David along with the Finance Committee to come up with a plan to cover the shortfall using general tax revenues.

Member Tallman stated we have the same thing happening with the \$105,000 Bond of 2005 at Prairie Industrial Park. David suggested including this too.

Member Willenbring – For clarification of the \$915,000 GO Water Bond it includes both Pleasant Lake and Prairie Industrial Park \$105,000 - how was that going to occur? Same as what we is being proposed.

Member Willenbring stated the cash shortfall is due to the downturn that happened. He hears the shortfall should be picked up by the whole city.

Member Tallman recommended going with David Drown - \$85,000 of operating costs with general fund transfers and add to that the addition of action codes to break out of the costs separating the two systems. Revenues and expenses – certain things would be on a % basis. Shortfall to be determined (\$85,000 or whatever funds are determined to be needed). The Finance Committee will work with David Drown to come up with amount for both Pleasant Lake Tower and \$105,000 PIP and to break out action codes.

Motion by Mayor Hagen, second by Member Willenbring, to authorize the Finance Committee to work with David Drown to come up with a structure that the city will use general tax revenue to make up the shortfall on the Pleasant Lake and Prairie Industrial Park and come up with action codes on allocating staff time to separate also.

After receiving a second, he called for the vote. After the mayor and two councilors voted, Don Simon interrupted with his comments. The mayor then announced that he would again call for the vote which was passed unanimously without any motion to amend to include Don's comments.

***AYES: Hagen, Simon, Tallman & Willenbring
Motion passed on a 4 to 0 vote.***

NEW BUSINESS

Lion's Club Memorial - Rosie Steil and members of the Lion's Club were present to ask permission to continue with the project. They are called the Rockville Veterans Memorial committee now. Daryl Steil presented a 3d drawing showing the proposed memorial.

Member Willenbring reported that he had made one observation two months ago and the concern is that we have a memorandum of understanding as to the long term maintenance, insurance, (another piece of property on city land) who will own it in the end, and if it is owned by someone else and located on city property.

Rosie Steil thinks with city insurance it should be covered.
Approval was given.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Hagen had nothing to report.

RTCB - Nothing

FINANCE COMMITTEE – Member Tallman reported that action was tabled on Fire Relief Assn. request to increase the annual benefit. They have had no increase since 2006.

The Finance Committee also reviewed the e-mail from Amanda Filla and are still looking for more information as to the rate being either tiered or uniform both need to be monitored.

ADDITIONS TO THE AGENDA

FIRE DEPARTMENT RFA'S

TRUCK REPAIRS Please approve the annual repairs/maintenance for three of the trucks. The costs incurred t this date \$3,957.18 and work was done by Emergency Apparatus of Lino Lakes.

Funding: 101-421200-220

Current Budget Balance is \$5,171.98

Motion by Member Tallman, second by Member Willenbring, to approve the repair of three trucks as presented.

***AYES: Hagen, Simon, Tallman & Willenbring
Motion passed on a 4 to 0 vote.***

PERSONAL PROTECTIVE EQUIPMENT – Please approve replacement of outdates/worn personal protective equipment. The costs incurred to this date are \$2,863.39 which was invoiced from Fire Equipment Specialties Inc. of Woodbury.

Funding: 101-42200-538

Current budget balance is \$19,317.05

Motion by Member Simon, second by Member Tallman, to approve the purchase as presented.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

Member Willenbring updated the status of the Fire Hall front door stating that he met with a technician and they adjusted the front door lock system along with the weather stripping so there is no change to the door needed.

ADMINISTRATOR'S CORRESPONDENCE

PART-TIME RECEPTIONIST/ADMINISTRATIVE ASSISTANT - Rena Weber asked for council approval in hiring Debbie Weber as PT Receptionist/Administrative Asst. at Step 0 \$14.49/hour.

Motion by Mayor Hagen, second by Member Simon, to approve hiring of Debbie Weber as presented.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

AT & T WATER TOWER RENTAL AGREEMENT – Rena Weber reported AT & T is requesting to change water tower rental agreement. Both the city attorney and Rena reviewed the changes and felt that AT & T was not willing to work with the city on our request for free wireless communication between the water towers and public works cellphones so it would not be beneficial to approve the request.

Motion by Member Willenbring, second by Member Tallman, to deny amending the agreement per the recommendation of the city attorney and administrator.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

DALE HOMMERDING – EXTENSION OF IUP – Rena Weber reported that Dale Hommerding is requesting another extension of his Interim use permit. He also wanted to report that he keeps the lot mowed, has been actively trying to sell it with no luck. The council had previously voted to give no extension.

Motion by Mayor Hagen, second by Member Willenbring, to grant another one year extension since Mr. Hommerding is making an effort.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

234TH STREET Rena Weber reported that one of the property owners abutting 234th Street is requesting that 234th is cleared of the semi-trailers and trees so that the roadway can be used. He is renting his property out to more people who would like a clean access. This will require minimal staff time to clear out the trees and apply some gravel.

Motion by Mayor Hagen, second by Member Simon, to approve notifying the proper owners asking them to remove their trailers and further to make the improvements as presented.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

CASTAWAY BUILDING – Member Tallman asked for discussion regarding the Castaway building on Lake Road wondering if they plan to finish the siding replacement. Rena will call the owner.

OPEN FORUM

Carol Dietman – asked how Wahnschaffe on Pleasant Lake could build his garage so close to the road and Dale Hommerding would have to build in the same footprint.

Mr. Wahnschaffe got a variance for what he did. This does not mean that Mr. Hommerding can't apply for a variance because his lot is non-conforming.

ARCON DEVELOPMENT - Mayor Hagen announced that the council would now go into closed session with the city attorney to discuss threatened litigation with the Arcon Development and Schilplin property under MN Statute 13D.05 Subd. 3 (b) permitted by attorney-client privilege

Motion by Mayor Hagen, second by Member Simon, to go into closed session with the city attorney at 7:32 p.m.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

Motion by Mayor Hagen, second by Member Tallman, to reopen the public meeting at 8:08 p.m.

AYES: Hagen, Simon, Tallman & Willenbring

Motion passed on a 4 to 0 vote.

ADJOURNMENT – *Motion by Member Willenbring, second by Member Simon, to adjourn the meeting at 8:09 p.m. Motion carried unanimously.*

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

**JEFF HAGEN
MAYOR**