MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, DECEMBER 21, 2011 - 6:00 P.M. – ROCKVILLE CITY HALL.

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

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

Other's present were: Lt. Joe Litchy, Mike Hofmann, Kimberly Thelen Cremers, Vince Schaefer, Paul Wirth and granddaughter.

ADDITIONS TO THE AGENDA – *Motion by Member Volkmuth, second by Member Willenbring, to approve the additions to the agenda for discussion purposes.*
AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

OPEN FORUM

None

CONSENT AGENDA

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

a) ***Approve minutes of 11/16/2011***
b) ***Approve Treasurer's Report of 12/21/2011***
c) ***Approve List of Bills and Additions of 12/21/2011***

Accounts Payable Check # 013333 to 013419	***$97,457.05***
Payroll Check #004114 to 004150	***32,227.93***
EFT #000581 to 000587	***8,621.09***

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

BOARD/STAFF REPORT

PUBLIC WORKS

The Street Committee met and recommends the approval to purchase the following equipment:
One 12ft 3 way plow from Myron Felix in the amount of $1,000.00
One ACS Pro 2000 male master coupler for the loader in the amount of $4,923.92
Miscellaneous steel to make the loader bucket and the plow adaptable to the quick coupler in the amount of under $1,000.00
The quick coupler will allow us to quickly change from the bucket to the plow in less than a minute whereas know it would take more than 15 minutes to remove pins realign the next attachment and reinsert the pins.

Fund E 101-43125-228 $1500.00
Fund E 101-43125-228 $5423.92 (2012 budget)

Motion by Member Volkmuth, second by Member Simon, to approve the request to purchase the ACS Coupler as presented.
AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

FIRE DEPARTMENT-

The Officers of the Fire Department met and would like to make the following purchases:
1 SCBA tank with valve-$640.00
2 SCBA tanks without valve-$930.00
2 firefighter coats-$1990.00
5 Bunker pants-$3050.00
12 Boots-$1704.00
10 Helmets-$1680.00
5 suspenders-$155.00
Total- $10,149.00

Attached is our equipment inventory list for turnout gear and SCBA tanks. Our turnout gear is NFPA compliant for 10 years and our SCBA tanks can only be hydro tested for 15 years, after which this equipment can no longer be used. This purchase will take care of all outdated personal protective equipment thru 2012. We will be giving the spare turnout gear that hasn't expired to current members that have expired turnout gear to reduce the amount that is needed.

Funding:
E 101-42200-538 $3900.00
E 101-42200-219 $1400.00
E 101-42200-103 $4849.00

Motion by Member Howe, second by Member Becker, to approve the request to purchase turnout gear as presented.
AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

POLICE REPORT – Sgt Joe Litchy was present to report that in October 39 contract hours were charged. With this there were 3 moving citations.

Sgt. Litchy reported that there have been a lot of daytime burglaries in Stearns County and they are stealing Christmas presents. He urged people to report any suspicious activities.

PARK & RECREATION – Paul Wirth was present to report on the following:

Written report for the year:

- Hockey rink at Community Park open almost all of last winter – thanks to the volunteers
- Easter Egg Hunt – 175 youth participated – 130 lbs of food for local food shelf
- Summer Ball program – 100 youths participating – Thanks to Steve Heying for running the program
- Kiddie Tractor Pedal Pull at Rock Fest – 70 youths participating
- Constructed new hockey rink at Community Park – big thanks to Paul Wirth and Sentence to Services program for completing the project
- Santa Day – 140 participants and 150 lbs. of food for food shelf
- Park Board put in over 500 hours of volunteer time in 2011
- Prescribed Prairie burn was done last fall – Eagle Park and thanks to those volunteers

What's going on in 2012?

- Grand Opening for the new Hockey Rink
- Summer Ball program – sign up on March 24th – City Hall
- Easter Egg Hunt – April 7th Lion's Park new Pleasant Lake
- Tree planting plan for Community park

Park and Recreation Board meetings are the first Thursday of each month – 7 p.m.

BUILDING DONATION - John Koerber had addressed a letter to the Park & Recreation Board discussing the donation of a building from Cold Spring Granite to the Rockville Sportsman Club.
It could be used as a community center/voting place in the Pleasant Lake area. Paul Wirth has looked into it. There are costs of which some will be going through the Sportsman Club. The Sportsman Club would like to use it as their meeting space.

- $25,000 to move it and costs to city should be minimal
- Workable well that needs to be tested.
- Could be located right across the path from where the present building is located.
- Hoping for a burn of the old building

Mayor Hagen indicated that the Council will need a total budget to move the structure including having it up and running before the city will accept it.

Member Willenbring suggested we do it sooner than later.

It was determined that we need to schedule a meeting with Finance & Public Works Committees.

COMMITTEE REPORTS

MAYOR REPORT - Mayor reported he had nothing new.

FINANCE – Member Volkmuth talked about the proposed tax levy and how it is adding up to start repair work on the roads. The Finance Committee basically decided the increased funding is needed.

PUBLIC WORKS – Chair Simon reported on the following:
HOLLY ROAD – The residents on Holly Road had written a request to have their road tarred on its own and not be included with 80th Avenue. It was determined that a quote will be obtained and a letter be sent to the residents indicating what is being done.

HUBERT LANE –Plowing out Hubert Lane with the toolkat is not the most efficient way to do things. The Public Works Committee recommended approval of the purchase of the quick hitch for the loader and then Rick will plow the road instead of blowing it out. People will complain when we change the use of the plow instead of blowing it out, but this is how all residents have to deal with snow.

RTCB – Nothing new.

ADMINISTRATOR'S REPORT

DESIGNATED FUNDS – Rena Weber asked for approval of the following:

2012 DESIGNATED FUND	Increase Amount	2012 Total
STREETS		
ROAD PATCHING	$ 9,300.00	$ 9300.00
DITCH MOWING	$ 1,200.00	$ 1200.77
BLADING ROADS	$ 5,900.00	$ 7860.00
GRAVELING	$ 2,600.00	$ 18100.00
DUST CONTROL	$ 3,300.00	$ 12520.00
MACHINERY	$ 1,700.00	$ 1700.00
SNOW REMOVAL		
WAGES	$ 3,700.00	$ 5700.00
PARKS & RECREATION		
TRACTOR/MOWER PURCHASE	$ 1,000.00	$ 1000.00

CAPITAL OUTLAY	$ 4,900.00	$ 4900.00
FIRE DEPARTMENT		
WAGES	$ 5,300.00	$ 5,300.00
RADIO & COMMUNICATIONS	$ 1,900.00	$ 2,900.00
TRAINING	$ 4,500.00	$ 4,500.00
PERSONAL PROTECTIVE EQUIPMENT	$ 1,000.00	$ 1,504.00

Motion by Member Volkmuth, second by Member Willenbring, to approve the designated funds for 2012 as presented.
AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

ADJUSTMENTS -

CODE	DR	CR
YR END ADJUST		
ADJUST FUNDS ADMIN COSTS FD		
R 101-41800-33423		$ 2,000.00
E 101-42200-126	$ 2,000.00	
TRANSFER WATER TOWER RENT		
R 215-43100-34965	$ 5,191.00	
R 601-49440-34965		5,191.00

Motion by Member Willenbring, second by Member Volkmuth, to approve the year end adjustments as requested.
AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.
BUDGET AMENDMENTS –

AMEND BUDGET 2011

REVENUE CODE	**CR**	**DR**	
R 101-41000-36240	5,577.20		REF/REIM FOR OPERATIONS
R 101-41000-36100		10,170.00	SPECIAL ASSESSMENTS
R 101-41000-36238	1,228.80		REIMBURSEMENTS FOR LEGAL
R 101-42200-33420	12,907.50		FIREMAN'S STATE AID -IN/OUT
R 101-42200-36240	5,092.83		REFUND/REIMBURSEMENTS
R 101-43100-36240	2,353.65		REFUND/REIMBRUSEMENTS
R 101-43125-36240	1,591.35		REF/REIM FOR OPERATIONS
R 101-43125-34304		1,000.00	LABOR/EQUIPMENT CHARGE
R 205-45122-36210	1,093.18		INTEREST
R 215-43100-36100	3,546.12		SPECIAL ASSESSMENTS
R 215-43100-36105	28,406.96		PREPAID SPECIAL ASSESSMENTS

R 220-41000-36100	3,464.64		SPECIAL ASSESSMENTS
R 308-47000-36105	1,690.05		PREPAID SPECIAL ASSESSMENTS
R 312-47000-39203		13,558.00	TRANSFER FROM OTHER FUNDS
R 312-47000-39205	13,558.00		TRANSFER IN FROM OTHER FUNDS
R 409-47000-39205	3,772.72		TRANSFER IN
R 601-49440-36100	3,760.05		SPECIAL ASSESSMENTS
R 601-49440-36240	4,061.38		REF/REIM FOR OPERATIONS
R 602-49490-31900	4,482.02		PENALTIES/INTEREST
R 602-49490-36200		16,971.00	MISCELLANEOUS OPERATIONS
R 602-49490-36240	5,828.56		REF/REIM FOR OPERATIONS
EXPENDITURE CODE	**CR**	**DR**	
E 101-41000-300		12,794.32	LEGAL FEES/CITY
E 101-41000-302		5,000.00	ENGINEER FEE/CITY
E 101-41000-303	5,000.00		ENGINEER FEE
E 101-41000.304	1,398.40		LEGAL FEES
E 101-42200-125		12,907.50	FIREMAN'S STATE AID
E 101-43125-540		1,265.73	MACHINERY/EQUIPMENT
E 202-45122-590	8,000.00		CAPITAL OUTLAY
E 215-43100-303	36,327.18		ENGINEER FEES
E 215-43100-590	225,616.77		CAPITAL OUTLAY
E 304-47000-310		16,850.00	OTHER PROFESSIONAL SERVICE
E 304-47000-611		105,350.00	BOND INTEREST
E 308-47000-700		3772.72	TRANSFERS
E 309-47000-700		67,300.00	TRANSFERS
E 311-47000-611		32,437.57	BOND INTEREST
E 601-47000-611		4,510.99	BOND INTEREST
E 601-49440-220		13,952.82	REPAIR/MAINTENANCE

Motion by Member Volkmuth, second by Member Howe, to approve the budget amendments as presented.
AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

PLANNING COMMISSION APPOINTMENT – Rena Weber reported that Jerry Tippelt's term is up on the Planning Commission and approval is needed to re-appoint him.

Motion by Mayor Hagen, second by Member Simon, to re-appoint Jerry Tippelt to the Planning Commission until 12/31/2016.
AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

ALCOHOL ENFORCEMENT ISSUE – Administrator Weber reported that one liquor establishment in the city showed up on the delinquent sales tax liquor posting with the State of MN. On November 30th the enforcement officer showed up and as a result the establishment has been fined with purchasing alcohol for resale and has been fined $250.

The Council can also assess a fine; however, in the past the council has stayed the fine and if there are no more issues/fines within the next two years it was forgiven.

Motion by Member Volkmuth, second by Member Willenbring, to approve the civil penalty, but to stay the fine/penalty for a two year period if there are no more violations. If there is a 2nd violation the penalty would be reviewed and addressed.

Member Becker wished to impose a fine.

Member Willenbring stated that he agrees with Member Becker, but because it is the first time he could see staying the fine. We need to send the message that we are being lenient.

Member Volkmuth indicated the reason he is in favor of staying the fine is that they are getting fined from the State.

AYES: Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
NAYS: Becker
Motion passed on a 6 to 1 vote.

ADDITIONSTO THE AGENDA

KDV BILL FOR LONG TERM DEBT STUDY – Rena Weber reported that she negotiated a reduced bill with KDV for the long term debt study. This is a very necessary document and she requested approval to pay the $3000.00 to complete it. There is approximately $2000 in the budget so an additional $1000 would need to be approved with a budget amendment.

Motion by Member Volkmuth, second by Member Becker, to approve the cost of $3000 for the long term debt study and further to approve the necessary budget amendment of $1000 reflecting the additional cost over the budget.
AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

SPORTSMAN CLUB REQUEST FOR REIMBURSEMENT – Rena Weber reported that the Sportsman Club conducted a city wide clean up event in 2011. $1000 was received by the City from the SCORE funding for the excess costs incurred and approval is needed to remit it to the Sportsman Club.

Motion by Member Volkmuth, second by Member Willenbring, to approve the request for reimbursement of $1000 to the Sportsman Club as presented.
AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

PUBLIC HEARINGS

PUBLIC MEETING – 2012 TAX LEVY & 2012 PROPOSED BUDGETS – Rena Weber reported that the Finance Committee has reviewed/approved the changes in the proposed budgets that reflect keeping the Fire Department budget at $140,000. They also agreed to putting $23,500 into the Road & Bridge fund from the 2004 Facilities Bond (per the long term debt study) while keeping the tax levy at $1,063,910.
MICHAEL & KATHLEEN O'KEEFE LETTER – Rena Weber reported this letter is for the record and that she has discussed the increase with Mrs. O'Keefe.

Member Volkmuth reported that we have held the line for the past 3-4 years and basically the increase this year is going into the Road and Bridge fund. We need to address road repairs and that is why the Finance Committee is recommending approval of the tax levy and budgets as presented.

Member Willenbring agreed with transferring $23,500 from facility to road and bridge fund as suggested by the long term debt study.

No person appeared before the council regarding the issue.

Motion by Member Willenbring, second by Member Volkmuth, to close the hearing at 6:39 p.m.

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

Motion passed on a 7 to 0 vote.

Member Volkmuth introduced the following resolution and moved for it adoption including approval of the 2012 budgets:

RESOLUTION NO. 2011-20

RESOLUTION ADOPTING PROPOSED TAX LEVY

RESOLUTION APPROVING 2011 TAX LEVY, COLLECTIBLE IN 2012

Be it resolved by the council of the City of Rockville, County of Stearns, Minnesota, that the following sums of money be levied for the current year, collectible in 2012, upon taxable property in the City of Rockville, for the following purposes:

CITY OF ROCKVILLE	SUPPLEMENT TO REGULAR
2011	LEVY FORM
CERTIFIED LEVY	LEVY AMOUNT
LEVY PURPOSE	(PLEASE ROUND TO WHOLE DOLLARS)
Revenue-Fund 101-41000	525,880
Fire Protection-Fund 101-42200	121,500
Economic Development- Fund 209	1,000
Road & Bridge Maintenance-Fund 215	150,699
Special Levies Outside of Levy Limits:	
Certificate of Indebtedness Pumper Truck Fund 101-42200	20,530
Lake Improvement District Fund 221-41000	14,500
2009A/1998 G.O. Utility Revenue Bond Disposal Portion-Fund 310	13,015
2004 Prairie Ind. Park Imp. Bond-Fund 305	3,029
City Facilities-City Hall/Fire Hall-Fund 304	191,350
City Facilities-City Hall/Fire Hall-Fund 304 Detachment	8,228
CR 82 Imp (& SJ Louis) Bond Fund 308	14,179
TOTAL NET TAX CAPACITY BASED LEVIES	
TOTAL CERTIFIED LEVY	**$1,063,910**

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the county auditor of Stearns County, Minnesota.

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

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

Motion passed on a 7 to 0 vote.

ORDINANCE NO. 2011-72 A GAS FRANCHISE ORDINANCE AMENDED – Mayor Hagen announced that a public hearing would now be held to consider adoption of the amended gas franchise ordinance with Xcel Energy.

Rena Weber reported that the attorneys (Rinke Noonan and Xcel's) were in slight disagreement on a few points these have been addressed.

No person appeared for or against adoption of the ordinance as presented.

Motion by Member Volkmuth, second by Mayor Hagen, to close the public hearing at 6:40 p.m.

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

Motion passed on a 7 to 0 vote.

Member Becker introduced the following Ordinance and Summary and moved for its adoption:

GAS FRANCHISE ORDINANCE

ORDINANCE NO. 2011-72 A

CITY OF ROCKVILLE, STEARNS COUNTY, MINNESOTA

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT A GAS DISTRIBUTION SYSTEM FOR THE PURPOSES OF CONSTRUCTING, OPERATING, REPAIRING AND MAINTAINING IN THE CITY OF ROCKVILLE, MINNESOTA, THE NECESSARY GAS PIPES, MAINS AND APPURTENANCES FOR THE TRANSMISSION OR DISTRIBUTION OF GAS TO THE CITY AND ITS INHABITANTS AND OTHERS AND TRANSMITTING GAS INTO AND THROUGH THE CITY AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF THE CITY FOR SUCH PURPOSES.

THE CITY COUNCIL OF THE CITY OF ROCKVILLE, STEARNS COUNTY, MINNESOTA, ORDAINS:

SECTION 1. DEFINITIONS.

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

1.1 **City.** The City of Rockville, County of Stearns, State of Minnesota.

1.2 **City Utility System.** Facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including street lighting and traffic signals, sanitary sewer, storm sewer and water service, but excluding facilities for providing heating, lighting or other forms of energy.

1.3 **Commission.** The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all, or part of the authority to regulate gas retail rates now vested in the Minnesota Public Utilities Commission.

1.4 **Company.** Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy its successors and assigns.

1.5 **Gas.** "Gas" as used herein shall be held to include natural gas, manufactured gas, or other form of gaseous energy.

1.6 **Gas Facilities.** Gas transmission and distribution pipes, lines, ducts, fixtures, mains, regulators and all necessary equipment and appurtenances owned or operated by the Company for the purpose of providing Gas for retail or wholesale use.

1.7 **Notice**. A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the General Counsel, 414 Nicollet Mall, 5th Floor, Minneapolis, MN 55401. Notice to the City shall be mailed to the City Administrator, P.O. Box 93, Rockville, MN 56360-0093. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.

1.8 **Ordinance.** This gas franchise ordinance, also referred to as the Franchise.

1.9 **Public Ground.** Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

1.10 **Public Way.** Any street, alley, walkway or other public right-of-way within the City.

SECTION 2. ADOPTION OF FRANCHISE.

2.1 Grant of Franchise. City hereby grants Company, for a period of 20 years from the date passed and approved by the City, the non-exclusive right and privilege of erecting a gas distribution system and using the Public Ways and Public Grounds of City for the purpose of constructing, operating, repairing, and maintaining in, on, over, under and across the same, all gas pipes, mains and appurtenances usually, conveniently, or necessarily used in connection therewith, for the purpose of the transmission of gas, or the distribution of gas, for public and private use within and through the limits of City as its boundaries exist or as they may be extended in the future. Company may also do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to an ordinance or permit requirements adopted consistent with state law.

2.2 Effective Date; Written Acceptance. This franchise agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Company, and its publication as required by law. The City by Council resolution may revoke this franchise agreement if Company does not file a written acceptance with the City within 90 days after publication.

2.3 Service and Rates. The service to be provided and the rates to be charged by Company for gas service in City are subject to the jurisdiction of the Commission.

2.4 Publication Expense. The expense of publication of this Ordinance will be paid by City and reimbursed to City by Company.

2.5 Dispute Resolution. If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in Stearns County District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

SECTION 3. LOCATION, OTHER REGULATIONS.

3.1 Location of Facilities. Gas Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System or road projects previously installed therein. Gas Facilities shall be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance and location of Gas Facilities shall be subject to permits if required by separate ordinance and to other reasonable regulations of the City to the extent not inconsistent with the terms of this franchise agreement. Company may abandon underground gas facilities in place, provided, at City's request, Company will remove abandoned metal pipe interfering with a City improvement project, but only to the extent such metal pipe is uncovered by excavation as part of the City improvement project.

3.2 Field Locations. Company shall provide field locations for its underground Gas Facilities within City consistent with the requirements of Minnesota Statutes, Chapter 216D.

3.3 Street Openings. Company shall not open or disturb any Public Ground or Public Way for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Ground or Public Way without permission from the City where an emergency exists requiring the immediate repair of Gas Facilities. In such event Company shall notify the City by telephone to the office designated by the City as soon as practicable. Not later than the second working day thereafter, Company shall obtain any required permits and pay any required fees.

3.4 Restoration. After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall restore the Public Ways or Public Grounds in accordance with Minnesota Rules, 7819.1100. Company shall restore the Public Ground, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for two years thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the

Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way.

3.5 Avoid Damage to Gas Facilities. Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Gas Facilities while performing any activity.

3.6 Notice of Improvements. The City must give Company reasonable notice of plans for improvements to Public Grounds or Public Ways where the City has reason to believe that Gas Facilities may affect or be affected by the improvement. The notice must contain: (i) the nature and character of the improvements, (ii) the Public Grounds and Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Ground or Public Way is involved, the order in which the work is to proceed. The notice must be given to Company a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Gas Facilities.

3.7. **Mapping Information**. If requested by City, the Company must promptly provide mapping information for any of its Gas Facilities in accordance with the requirements of Minnesota Rules 7819.4000 and 7819.4100.

SECTION 4. RELOCATIONS.

4.1 Relocation of Gas Facilities in Public Ways. The Company and City shall comply with the provisions of Minnesota Rules 7819.3100, with respect to requests for the Company to relocate Gas Facilities located in Public Ways. If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Gas Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Gas Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Gas Facilities, which was made at Company expense, the City shall reimburse Company for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Gas Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

4.2 Relocation of Gas Facilities in Public Ground. City may require Company at Company's expense to relocate or remove its Gas Facilities from Public Ground upon a finding by City that the Gas Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

4.3 Projects with Federal Funding. City shall not order Company to remove or relocate its Gas Facilities when a Public Way is vacated, improved or realigned for a right-of-way project or any other project which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation are first paid to Company. The City is obligated to pay Company only for those portions of its relocation costs for which City has received federal funding specifically allocated for relocation costs in the amount requested by the Company, which allocated funding the City shall specifically request. Relocation, removal or rearrangement of any Company Gas Facilities made necessary because of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable rights.

4.4 No Waiver. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right of way acquired by easement or prescriptive right before the applicable Public Ground or Public Way was established, or Company's rights under state or county permit.

SECTION 5. TREE TRIMMING.

Company may trim all trees and shrubs in the Public Grounds and Public Ways of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of any Gas Facilities installed hereunder, provided that Company shall save the City harmless from any liability arising therefrom, and subject to permit or other reasonable regulation by the City.

SECTION 6. INDEMNIFICATION.

6.1 Indemnity of City. Company shall indemnify, defend, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Gas Facilities located in the Public Grounds and Public Ways. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work.

6.2 Defense of City. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense

municipal tort limits, or immunity otherwise available to the City and Company, in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf. This Franchise agreement shall not be interpreted to constitute a waiver by the City of any of its defenses of immunity or limitations on liability under Minnesota Statutes Chapter 466.

SECTION 7. VACATION OF PUBLIC WAYS.

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. Except where required for a City improvement project, the vacation of any Public Way, after the installation of Gas Facilities, shall not operate to deprive Company of its rights to operate and maintain such Gas Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

SECTION 9. CHANGE IN FORM OF GOVERNMENT.

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 10. FRANCHISE FEE.

The City at the time of adopting this franchise agreement does not desire to require that Company collect a franchise fee from its customers in the City. At a future date during the term of this franchise agreement, the City may determine that it desires Company to collect a franchise fee. If so, the City may give Company Notice to amend this franchise agreement to authorize collection of a franchise fee by separate ordinance in an amount and upon such terms and conditions as Company at that time is willing to incorporate in its electric franchise agreements with other cities. Upon receipt of such Notice Company shall negotiate in good faith with City to so amend this franchise agreement.

SECTION 11. PROVISIONS OF ORDINANCE.

11.1 Severability. Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

11.2 Limitation on Applicability. This Ordinance constitutes a franchise agreement between the City and Company as the only parties and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

SECTION 12. AMENDMENT PROCEDURE.

Either party to this franchise agreement may at any time propose that the agreement be amended to address a subject of concern and the other party will consider whether it agrees that the amendment is mutually appropriate. If an amendment is agreed upon, this Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 90 days after the date of final passage by the City of the amendatory ordinance.

SECTION 13. PREVIOUS FRANCHISES SUPERSEDED.

This franchise supersedes any previous gas franchise granted to Company or its predecessor, including City of Pleasant Lake Ordinance No. 50 and City of Rockville Ordinance No. 2011-72.

The motion for the foregoing ordinance 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.

FLOODPLAIN MANAGEMENT ORDINANCE – Mayor Hagen announced that a public hearing would now be held to consider adoption of a Floodplain Management Ordinance.

Rena Weber reported that the ordinance has been approved by FEMA representatives and no attorney fees were incurred in the preparation of this ordinance.

No person appeared before the council.

Motion by Member Simon, second by Member Howe, to close the public hearing at 6:41 p.m.
AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

Member Howe introduced the following ordinance and Summary for its adoption:

Rockville, MN Floodplain Management Ordinance

Three Districts - One-Map Format

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ORDINANCE NO. 2011-73
FLOOD PLAIN MANAGEMENT ORDINANCE
THREE DISTRICT - ONE-MAP FORMAT[1]

[1]*A Flood Insurance Rate Map has been published for the community and the Regulatory Floodway boundary is shown on this map. A separate Flood Boundary and Floodway Map has not been published.*

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Rockville, Minnesota does ordain as follows:

1.2 Findings of Fact:

1.21 The flood hazard areas of the City of Rockville, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

1.22 Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

1.23 National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

1.3 Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by provisions contained herein.

SECTION 2.0 GENERAL PROVISIONS

2.1 Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the jurisdiction of the City of Rockville shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

2.2 Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached
thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study, Stearns County, Minnesota And Incorporated

Areas; Flood Insurance Rate Map panels therein numbered 27145C0600E, 27145C0615E, 27145C0620E, 27145C0810E, 27145C0820E, and 27145C0830E; and the Flood Insurance Rate Map Index (Map Numbers 27145CIND1A and 27145CIND2A), all dated February 16, 2012 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the *Administrator/Clerk* and the *Zoning Administrator.*.

2.3 Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.4 Interpretation:

2.41 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City Council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2.42 The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

2.5 Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

2.6 Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Rockville or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

2.7 Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.8 Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

2.811 Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2.812 Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

2.813 Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
(a) Certain conditions as detailed in the zoning ordinance exist.
(b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

2.814 Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.815 Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

2.816 Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

2.817 Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study, Stearns County, Minnesota And Incorporated Areas.

2.818 Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

2.819 Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

2.820 Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

2.821 Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

2.822 Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

2.823 Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

2.824 Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

2.825 Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

2.826 Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

2.827 Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

2.828 Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.829 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes and other similar items.

2.830 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.831 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by

the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

2.832 Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

2.9 Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the City of Rockville at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Rockville after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Rockville.

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts:

3.11 Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 2.2.

3.12 Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in Section 2.2 as being within Zones AE but being located outside of the floodway.

3.13 General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A on the Flood Insurance Rate Map adopted in Section 2.2.

3.2 Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

3.21 New manufactured homes, and replacement manufactured are subject to the general provisions of this Ordinance. Recreational vehicles shall not be allowed in the flood plain.

3.22 Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 11.0.

3.23 As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 10.0 of this Ordinance.

SECTION 4.0 FLOODWAY DISTRICT (FW)

4.1 Permitted Uses:

4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

4.12 Boat launching ramps, swimming areas, parks, wildlife and nature preserves, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

4.13 Residential lawns, gardens, parking areas, and play areas.

4.2 Standards for Floodway Permitted Uses:

4.21 The use shall have a low flood damage potential.

4.22 The use shall be permissible in the underlying zoning district if one exists.

4.23 The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

4.3 Conditional Uses:

4.31 Structures accessory to the uses listed in 4.1 above and the uses listed in 4.32 - 4.36 below.

4.32 Extraction and storage of sand, gravel, and other materials.

4.33 Railroads, streets, bridges, utility transmission lines, and pipelines.

4.34 Storage yards for equipment, machinery, or materials.

4.35 Placement of fill or construction of fences.

4.36 Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4.4 Standards for Floodway Conditional Uses:

4.41 All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

4.42 All floodway conditional uses shall be subject to the procedures and standards contained in Section 10.4 of this Ordinance.

4.43 The conditional use shall be permissible in the underlying zoning district if one exists.

4.44 Fill:

(a) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

(b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

(c) As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the City Council has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

4.45 Accessory Structures:

(a) Accessory structures shall not be designed for human habitation.

(b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

(1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

(2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

(1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

(2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and

(3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two

"automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

4.46 Storage of Materials and Equipment:
(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.

4.47 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

4.48 A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

SECTION 5.0 FLOOD FRINGE DISTRICT (FF)

5.1 Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 5.2 and the "Standards for all Flood Fringe Uses" listed in Section 5.5.

5.2 Standards for Flood Fringe Permitted Uses:

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

5.22 As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Section 4.45 (c).

5.23 The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance.

5.24 The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

5.25 The provisions of Section 5.5 of this Ordinance shall apply.

5.3 Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 5.21 - 5.22 and or any use of land that does not comply with the standards in Section 5.23 - 5.24 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 5.4-5.5 and 10.4 of this Ordinance.

5.4 Standards for Flood Fringe Conditional Uses:

5.41 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

(2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

5.42 Basements, as defined by Section 2.812 of this Ordinance, shall be subject to the following:

(a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 5.43 of this Ordinance.

5.43 All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

5.44 When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5.45 Storage of Materials and Equipment:

(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.

5.46 The provisions of Section 5.5 of this Ordinance shall also apply.

5.5 Standards for All Flood Fringe Uses:

5.51 All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

5.52 Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be

granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

5.53 Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5.52 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

5.54 Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5.55 Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

5.56 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

SECTION 6.0 GENERAL FLOOD PLAIN DISTRICT

6.1 Permissible Uses:

6.11 The uses listed in Section 4.1 of this Ordinance shall be permitted uses.

6.12 All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 6.2 below. Section 4.0 shall apply if the proposed use is in the Floodway District and Section 5.0 shall apply if the proposed use is in the Flood Fringe District.

6.2 Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

6.21 Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.

(a) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(b) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.

(c) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.

(d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

6.22 The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

(a) Estimate the peak discharge of the regional flood.

(b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

(c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

6.23 The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the City Council. The City Council must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The City Council, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the City Council shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this Ordinance.

SECTION 7.0 SUBDIVISIONS[2]

7.1 Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

7.2 Floodway/Flood Fringe Determinations in the General Flood Plain District: In the General Flood Plain District, applicants shall provide the information required in Section 6.2 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

7.3 Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

8.1 Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

8.2 Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 4.0 and 5.0 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

8.3 On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

SECTION 9.0 RESERVED FOR FUTURE USE

SECTION 10.0 ADMINISTRATION

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the City Council shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12.0 of the Ordinance.

10.2 Permit Requirements:

10.21 Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

10.22 Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

10.23 State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

10.24 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.

10.25 Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 12.0 of this Ordinance.

10.26 Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished

fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

10.27 Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

10.28 Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.29 Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

10.3 Board of Adjustment:

10.31 Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.

10.32 Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.

10.33 Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(a) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
(b) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.35 Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within 60 days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.36 Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.

10.37 Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

10.4 Conditional Uses. The Rockville Planning Commission shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning Commission for consideration.

10.41 Hearings. Upon filing with the Planning Commission an application for a conditional use permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.42 Decisions. The Rockville City Council shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the Rockville City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.43 Procedures to be followed by the Rockville City Council in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.

(a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Rockville City Council_ for determining the suitability of the particular site for the proposed use:
   (1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
   (2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(b) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

(c) Based upon the technical evaluation of the designated engineer or expert, the Rockville City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

10.44 Factors Upon Which the Decision of the Rockville City Council Shall Be Based. In passing upon conditional use applications, the Rockville City Council shall consider all relevant factors specified in other sections of this Ordinance, and:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.
(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
(i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
(j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
(l) Such other factors which are relevant to the purposes of this Ordinance.

10.45 Time for Acting on Application. The Rockville City Council shall act on an application in the manner described above within 60 days from receiving the application, except that where additional information is required pursuant to 10.43 of this Ordinance. The Rockville City Council shall render a written decision within 60 days from the receipt of such additional information.

10.46 Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Rockville City Council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
(a) Modification of waste treatment and water supply facilities.
(b) Limitations on period of use, occupancy, and operation.
(c) Imposition of operational controls, sureties, and deed restrictions.
(d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
(e) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

SECTION 11.0 NONCONFORMING USES

11.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.831(b) of this Ordinance, shall be subject to the provisions of Sections 11.11 – 11.15 of this Ordinance.

11.11 No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

11.12 Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.16 below.

11.13 The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 4.0 or 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

11.14 If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.

11.15 If any nonconforming use or structure is substantially damaged, as defined in Section 2.830 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0, 5.0 or 6.0 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

11.16 If a substantial improvement occurs, as defined in Section 2.831 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 4.0 or 5.0 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

SECTION 12.0 PENALTIES FOR VIOLATION

12.1 Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

12.2 Nothing herein contained shall prevent the City of Rockville from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

12.21 In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

12.22 When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

12.23 The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

12.24 If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SECTION 13.0 AMENDMENTS

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

The motion for the foregoing ordinance was duly seconded by Member Becker 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 – Member Willenbring reported that the Wellhead Protection Plan is being updated and is going smoothly.

ROCORI AREA COMMUNITY FOUNDATION – Member Willenbring reported that the Rocori Area Community Foundation is being formed. Member Willenbring has been appointed as a director from the Rockville area along with Administrator/Clerk Weber.

OPEN FORUM

Kimberly Thelen Cremers- 22817 Grovewood Lane complained about what occurred when she applied for a building permit to add a kitchen to her home. She was "led down a trail that she needed a septic system certification; she did as she was asked, and was told she did not need one."

Ms. Thelen Cremers stated she spent $295 and later she indicated did not need to spend this amount nor has she paid the bill. "She is frustrated with the process." "She feels that septic systems should be up to speed and was told to do something that is false." "She should not have incurred those costs and her builder will sign an affidavit stating that he was told to obtain a septic system certification."

"Two questions should have been asked that were never asked." "Had that happened that could have alleviated the issue." She thinks we need to fix the process and also how does she pay the bill.

Member Willenbring stated he is not disputing what Kim said; usually an addition triggers bedrooms, additional people so a certification is needed. He told her that if she feels that strongly she should come to a council meeting.

Mayor Hagen asked if this was something the building inspector should have handled instead of staff? Was there misleading information given out?

Rena Weber indicated there was no misleading information given out, but rather a misunderstanding on Ms. Thelen Cremers part. Ms. Thelen Cremers had asked the question early on as to what is required and the Administrator/Clerk suggested that she may need to check with Stearns County Environmental Services regarding her septic and further the Administrator/Clerk did not want Ms. Thelen Cremers to have any surprises.

The Administrator/Clerk did not have the information with her to dispute what Ms. Thelen Cremers is saying.

Ms. Thelen Cremers cited e-mails dated 10/28 and three days later that referred to septic system certification being required.

"To her a certification is a document that states something is up to par."

"A permit is payment."

Member Howe suggested that we take this to a committee level and fix the process. Finance Committee – invite Kimberly Thelen Cremers to attend.

ADJOURNMENT – ***Motion by Member Becker, second by Member Schmitt, to adjourn the meeting at 6:57 p.m. Motion carried unanimously.***

VERENA M. WEBER – CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR

CITY OF ROCKVILLE

Cash Balance Statement-Landscape

City Council Meeting

January 18, 2012

FUND Descr	Begin Yr	MTD Debit	MTD Credit	YTD Debit	YTD Credit	2012 YTD Bal	BALSHT Descr
FUND 101 GENERAL FUND							
GENERAL FUND	$378.47	$0.00	$0.00	$0.00	$0.00	$378.47	Petty Cash
GENERAL FUND	$829,078.93	$0.00	$0.00	$0.00	$0.00	$829,078.93	Investments at Cost
GENERAL FUND	$83,125.39	$1,172.04	$7,482.21	$1,172.04	$7,482.21	$76,815.22	Cash
	$912,582.79	$1,172.04	$7,482.21	$1,172.04	$7,482.21	$906,272.62	
FUND 202 PUBLIC/PARK LAND DEDICATION							
PUBLIC/PARK LAND DEDICATION	$118.65	$0.00	$0.00	$0.00	$0.00	$118.65	Investments at Cost
PUBLIC/PARK LAND DEDICATION	$54,306.86	$0.00	$0.00	$0.00	$0.00	$54,306.86	Cash
	$54,425.51	$0.00	$0.00	$0.00	$0.00	$54,425.51	
FUND 205 ROCORI TRAILS							
ROCORI TRAILS	$958.97	$0.00	$0.00	$0.00	$0.00	$958.97	Investments at Cost
ROCORI TRAILS	$5,151.12	$0.00	$0.00	$0.00	$0.00	$5,151.12	Cash
	$6,110.09	$0.00	$0.00	$0.00	$0.00	$6,110.09	
FUND 209 ECONOMIC DEVELOPMENT							
ECONOMIC DEVELOPMENT	$653.23	$0.00	$0.00	$0.00	$0.00	$653.23	Cash
ECONOMIC DEVELOPMENT	$252,844.00	$0.00	$0.00	$0.00	$0.00	$252,844.00	Investments at Cost
	$253,497.23	$0.00	$0.00	$0.00	$0.00	$253,497.23	
FUND 212 BOUNDARY COMMISSION PROJECT							
BOUNDARY COMMISSION PROJECT	$13,440.41	$0.00	$0.00	$0.00	$0.00	$13,440.41	Cash
	$13,440.41	$0.00	$0.00	$0.00	$0.00	$13,440.41	
FUND 215 ROAD MAINTENANCE FUND							
ROAD MAINTENANCE FUND	$59,556.16	$0.00	$0.00	$0.00	$0.00	$59,556.16	Investments at Cost
ROAD MAINTENANCE FUND	($63,608.09)	$4,602.19	$0.00	$4,602.19	$0.00	($59,005.90)	Cash
	($4,051.93)	$4,602.19	$0.00	$4,602.19	$0.00	$550.26	
FUND 220 TAMARACK CT DRAIN PROJECT							
TAMARACK CT DRAIN PROJECT	$8,631.67	$0.00	$0.00	$0.00	$0.00	$8,631.67	Cash
	$8,631.67	$0.00	$0.00	$0.00	$0.00	$8,631.67	
FUND 221 LAKE IMPROVEMENT DISTRICT							
LAKE IMPROVEMENT DISTRICT	$14,331.13	$0.00	$0.00	$0.00	$0.00	$14,331.13	Cash
	$14,331.13	$0.00	$0.00	$0.00	$0.00	$14,331.13	
FUND 304 CITY FACILITIES							
CITY FACILITIES	$228,579.06	$0.00	$0.00	$0.00	$0.00	$228,579.06	Investments at Cost
CITY FACILITIES	$92,066.79	$0.00	$127,375.00	$0.00	$127,375.00	($35,308.21)	Cash

FUND Descr	Begin Yr	MTD Debit	MTD Credit	YTD Debit	YTD Credit	2012 YTD Bal	BALSHT Descr
	$320,645.85	$0.00	$127,375.00	$0.00	$127,375.00	$193,270.85	
FUND 305 2004A-$990,000 GO IMPV BDS-PIP							
2004A-$990,000 GO IMPV BDS-PIP	($72,149.97)	$0.00	$114,423.75	$0.00	$114,423.75	($186,573.72)	Cash
	($72,149.97)	$0.00	$114,423.75	$0.00	$114,423.75	($186,573.72)	
FUND 308 CO RD 82 STREET IMPR BOND							
CO RD 82 STREET IMPR BOND	$17,390.72	$0.00	$0.00	$0.00	$0.00	$17,390.72	Investments at Cost
CO RD 82 STREET IMPR BOND	$29,108.30	$0.00	$0.00	$0.00	$0.00	$29,108.30	Cash
	$46,499.02	$0.00	$0.00	$0.00	$0.00	$46,499.02	
FUND 309 LAKES SEWER PROJECT BOND							
LAKES SEWER PROJECT BOND	$748,240.81	$0.00	$0.00	$0.00	$0.00	$748,240.81	Investments at Cost
LAKES SEWER PROJECT BOND	$325,487.08	$0.00	$0.00	$0.00	$0.00	$325,487.08	Cash
	$1,073,727.89	$0.00	$0.00	$0.00	$0.00	$1,073,727.89	
FUND 310 2009 UTILITY DISPOSAL PORTION							
2009 UTILITY DISPOSAL PORTION	$8,781.78	$0.00	$10,982.15	$0.00	$10,982.15	($2,200.37)	Cash
	$8,781.78	$0.00	$10,982.15	$0.00	$10,982.15	($2,200.37)	
FUND 311 2009 UTILITY WTR CORE CITY							
2009 UTILITY WTR CORE CITY	($26,377.31)	$0.00	$36,422.90	$0.00	$36,422.90	($62,800.21)	Cash
	($26,377.31)	$0.00	$36,422.90	$0.00	$36,422.90	($62,800.21)	
FUND 312 2009 UTILITY WTR P.L. PORTION							
2009 UTILITY WTR P.L. PORTION	$157,173.88	$0.00	$0.00	$0.00	$0.00	$157,173.88	Investments at Cost
2009 UTILITY WTR P.L. PORTION	$39,686.00	$0.00	$81,755.99	$0.00	$81,755.99	($42,069.99)	Cash
	$196,859.88	$0.00	$81,755.99	$0.00	$81,755.99	$115,103.89	
FUND 313 2009 UTILITY WTR PIP - GOVT L							
2009 UTILITY WTR PIP - GOVT L	($0.06)	$0.00	$0.00	$0.00	$0.00	($0.06)	Cash
	($0.06)	$0.00	$0.00	$0.00	$0.00	($0.06)	
FUND 408 ANNUAL EVENT FUND							
ANNUAL EVENT FUND	$274.37	$0.00	$0.00	$0.00	$0.00	$274.37	Cash
	$274.37	$0.00	$0.00	$0.00	$0.00	$274.37	
FUND 601 WATER FUND							
WATER FUND	$87,835.98	$0.00	$0.00	$0.00	$0.00	$87,835.98	Investments at Cost
WATER FUND	$132,826.20	$3,257.32	$6,468.03	$3,257.32	$6,468.03	$129,615.49	Cash
	$220,662.18	$3,257.32	$6,468.03	$3,257.32	$6,468.03	$217,451.47	
FUND 602 SEWER FUND							
SEWER FUND	$165,206.31	$12,959.74	$1,673.24	$12,959.74	$1,673.24	$176,492.81	Cash
SEWER FUND	$670,825.44	$0.00	$0.00	$0.00	$0.00	$670,825.44	Investments at Cost
	$836,031.75	$12,959.74	$1,673.24	$12,959.74	$1,673.24	$847,318.25	

FUND Descr	Begin Yr	MTD Debit	MTD Credit	YTD Debit	YTD Credit	2012 YTD Bal	BALSHT Descr
	$3,863,922.28	$21,991.29	$386,583.27	$21,991.29	$386,583.27	$3,499,330.30	

CITY OF ROCKVILLE

*Fund Summary - Budget to Actual©

JANUARY 2012

	2012 YTD Budget	JANUARY MTD Amount	2012 YTD Amount	2012 YTD Balance	2012 % YTD Budget
FUND 101 GENERAL FUND					
Revenue	$754,705.00	$1,172.04	$1,172.04	$753,532.96	0.16%
Expenditure	$745,912.00	$7,873.60	$7,873.60	$738,038.40	1.06%
		-$6,701.56	-$6,701.56		
FUND 202 PUBLIC/PARK LAND DEDICATION					
Revenue	$500.00	$0.00	$0.00	$500.00	0.00%
Expenditure	$8,000.00	$0.00	$0.00	$8,000.00	0.00%
		$0.00	$0.00		
FUND 203 LIONS PARK IMPROVEMENT FUND					
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		
FUND 205 ROCORI TRAILS					
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		
FUND 209 ECONOMIC DEVELOPMENT					
Revenue	$10,000.00	$0.00	$0.00	$10,000.00	0.00%
Expenditure	$10,000.00	$0.00	$0.00	$10,000.00	0.00%
		$0.00	$0.00		
FUND 212 BOUNDARY COMMISSION PROJECT					
Revenue	$0.00	$0.00	$0.00	$0.00	0.00%
		$0.00	$0.00		
FUND 215 ROAD MAINTENANCE FUND					
Revenue	$210,219.00	$4,602.19	$4,602.19	$205,616.81	2.19%
Expenditure	$210,596.00	$0.00	$0.00	$210,596.00	0.00%
		$4,602.19	$4,602.19		
FUND 218 WAC/TRUNK ACCESS FUND					
Expenditure	$0.00	$0.00	$0.00	$0.00	0.00%
		$0.00	$0.00		
FUND 220 TAMARACK CT DRAIN PROJECT					
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		
FUND 221 LAKE IMPROVEMENT DISTRICT					
Revenue	$14,500.00	$0.00	$0.00	$14,500.00	0.00%
Expenditure	$29,000.00	$0.00	$0.00	$29,000.00	0.00%
		$0.00	$0.00		
FUND 301 1997 GO DISPOSAL SYSTEM BOND					
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		
FUND 302 1998 GO DISPOSAL SYSTEM BOND					

CITY OF ROCKVILLE
*Fund Summary - Budget to Actual©
JANUARY 2012

	2012 YTD Budget	JANUARY MTD Amount	2012 YTD Amount	2012 YTD Balance	2012 % YTD Budget
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		
FUND 304 CITY FACILITIES					
Revenue	$221,350.00	$0.00	$0.00	$221,350.00	0.00%
Expenditure	$214,650.00	$127,375.00	$127,375.00	$87,275.00	59.34%
		-$127,375.00	-$127,375.00		
FUND 305 2004A-$990,000 GO IMPV BDS-PIP					
Revenue	$121,177.00	$0.00	$0.00	$121,177.00	0.00%
Expenditure	$121,177.00	$114,423.75	$114,423.75	$6,753.25	94.43%
		-$114,423.75	-$114,423.75		
FUND 307 2005 WTR IMP BOND- P LAKE					
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		
FUND 308 CO RD 82 STREET IMPR BOND					
Revenue	$24,488.00	$0.00	$0.00	$24,488.00	0.00%
Expenditure	$24,338.00	$0.00	$0.00	$24,338.00	0.00%
		$0.00	$0.00		
FUND 309 LAKES SEWER PROJECT BOND					
Revenue	$372,346.00	$0.00	$0.00	$372,346.00	0.00%
Expenditure	$493,417.00	$0.00	$0.00	$493,417.00	0.00%
		$0.00	$0.00		
FUND 310 2009 UTILITY DISPOSAL PORTION					
Revenue	$13,030.00	$0.00	$0.00	$13,030.00	0.00%
Expenditure	$13,030.00	$1,982.15	$1,982.15	$11,047.85	15.21%
		-$1,982.15	-$1,982.15		
FUND 311 2009 UTILITY WTR CORE CITY					
Revenue	$43,198.00	$0.00	$0.00	$43,198.00	0.00%
Expenditure	$43,089.00	$6,573.90	$6,573.90	$36,515.10	15.26%
		-$6,573.90	-$6,573.90		
FUND 312 2009 UTILITY WTR P.L. PORTION					
Revenue	$10,938.00	$0.00	$0.00	$10,938.00	0.00%
Expenditure	$6,548.00	$14,755.99	$14,755.99	-$8,207.99	225.35%
		-$14,755.99	-$14,755.99		
FUND 313 2009 UTILITY WTR PIP - GOVT L					
Revenue	$95,842.00	$0.00	$0.00	$95,842.00	0.00%
Expenditure	$96,063.00	$0.00	$0.00	$96,063.00	0.00%
		$0.00	$0.00		
FUND 314 GLR FOWLER RD IMPROV					
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		

CITY OF ROCKVILLE

*Fund Summary - Budget to Actual©

JANUARY 2012

	2012 YTD Budget	JANUARY MTD Amount	2012 YTD Amount	2012 YTD Balance	2012 % YTD Budget
FUND 407 SEWER PROJECT-GRAND LAKE/P LK					
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		
FUND 408 ANNUAL EVENT FUND					
Revenue	$0.00	$0.00	$0.00	$0.00	0.00%
Expenditure	$470.00	$0.00	$0.00	$470.00	0.00%
		$0.00	$0.00		
FUND 409 CR 82 STREET IMP-CONSTR FUND					
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		
FUND 601 WATER FUND					
Revenue	$139,958.00	$3,149.80	$3,149.80	$136,808.20	2.25%
Expenditure	$127,183.00	$2,317.03	$2,317.03	$124,865.97	1.82%
		$832.77	$832.77		
FUND 602 SEWER FUND					
Revenue	$292,670.00	$12,366.71	$12,366.71	$280,303.29	4.23%
Expenditure	$174,465.00	$1,673.24	$1,673.24	$172,791.76	0.96%
		$10,693.47	$10,693.47		
FUND 604 SEWER DEBT RETIREMENT-PFA LOAN					
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		
FUND 605 UNDISTR RCPTS-SEWER					
Expenditure	$0.00	$0.00	$0.00	$0.00	0.00%
		$0.00	$0.00		
FUND 606 UNDISTR RCPTS-WTR					
Expenditure	$0.00	$0.00	$0.00	$0.00	0.00%
		$0.00	$0.00		
FUND 901 FIX ASSET-GASB CONVERSION					
Expenditure	$0.00	$0.00	$0.00	$0.00	0.00%
		$0.00	$0.00		
FUND 902 LONG TERM DEBT-GASB CONVERSION					
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		
FUND 903 GASB CONVERSION FUND					
Revenue	$0.00	$0.00	$0.00	$0.00	0.00%
		$0.00	$0.00		
Report Total		-$255,683.92	-$255,683.92		

CITY OF ROCKVILLE

Bills Payable

Council Meeting
January 18, 2012

Check/Receipt Date	CHECK Nbr	Search Name	Amount	Comments	Act Code
12/29/2011	013420	U S POSTMASTER	$234.86	BULK MAIL POSTAGE-NEWSLETTER JAN	101-41940-322
12/31/2011	013421	INTEGRA TELECOM	$56.13	LIFT STATION-PRAIRIE IND PARK	602-49490-321
12/31/2011	013421	INTEGRA TELECOM	$157.29	TELEPHONE-ADMIN	101-41940-321
12/31/2011	013421	INTEGRA TELECOM	$113.11	TELEPHONE-FIRE DEPT.	101-42200-321
12/31/2011	013421	INTEGRA TELECOM	$247.33	NETWORK ACCESS CHANNEL	601-49440-321
12/31/2011	013421	INTEGRA TELECOM	$40.27	LIFT STATION-CORE CITY	602-49490-321
12/31/2011	013422	ROYAL TIRE	$63.73	REPAIR LOADER TIRE	101-43100-220
12/31/2011	013423	SIMON, DONALD	$208.88	CONTRACTED SRVC	602-49490-314
12/31/2011	013423	SIMON, DONALD	$208.88	CONTRACTED SRVC FOR WELL/PUMPH	601-49440-314
12/31/2011	013424	VISA	$10.20	LIC REN	101-43100-318
12/31/2011	013424	VISA	$5.34	CARDS	101-41940-200
12/31/2011	013424	VISA	$14.24	THERMO WELL 3	601-49440-220
12/31/2011	013424	VISA	$25.00	HEALTH CARD RENEW NP	101-43100-292
12/31/2011	013424	VISA	$52.36	OFFICE SUPPLIES	101-41940-200
12/31/2011	013424	VISA	$25.00	MTG MEAL	101-42200-428
12/31/2011	013424	VISA	$25.51	BULBS XMAS DÉCOR	101-43100-220
12/31/2011	013424	VISA	$70.63	LIGHT SOCKETS XMAS DÉCOR	101-43100-220
12/31/2011	013424	VISA	$44.88	OFFICE SUPPLIES	101-41940-200
12/31/2011	013424	VISA	$41.85	SUPPLIES	101-41940-200
12/31/2011	013424	VISA	$43.25	SODERING GUN	101-43100-210
12/31/2011	013424	VISA	$85.88	INK	101-41940-200
12/31/2011	013424	VISA	$9.98	CLEANING	101-41940-209
12/31/2011	013424	VISA	$55.53	SANDING DISCS SPRAY GUN	101-43100-210
12/31/2011	013424	VISA	$546.51	STEEL FOR SNOW PUSHER	101-43125-228
12/31/2011	013424	VISA	$22.50	BATTERY	101-41940-210
12/31/2011	013425	XCEL ENERGY	$162.87	ELEC-CORE CITY LIFT STATN	602-49490-381
12/31/2011	013425	XCEL ENERGY	$286.86	ELEC-CITY HALL	101-41940-381
12/31/2011	013425	XCEL ENERGY	$445.14	ELEC-FIRE HALL	101-42200-381
12/31/2011	013425	XCEL ENERGY	$146.63	ELEC-562 CHEST209 BROAD-MAINT	101-43100-381
12/31/2011	013425	XCEL ENERGY	$43.01	ELEC-CORE CITY BALLPK BALL PRG	101-45120-381
12/31/2011	013425	XCEL ENERGY	$52.95	ELEC-CORE CITY BALLPK & RINK	101-45122-381
12/31/2011	013425	XCEL ENERGY	$416.39	ELEC-PUMPHSE MAPLE/CHESTNUT	601-49440-381
12/31/2011	013425	XCEL ENERGY	$752.76	ELEC-STREETLGHTS	101-43100-387
12/31/2011	013425	XCEL ENERGY	$0.00	ELEC-ROCKFEST	408-45122-210
			$4,715.75		

CITY OF ROCKVILLE

Bills Payable 2

Council Meeting
January 18, 2012

CHECK Nbr	Check/Receipt Date	Search Name	Amount	Comments	Act Code
013426	1/4/2011	STEARNS CO AUDITOR TREAS	$16.00	ORANGE PLOW	101-43125-210
013426	1/4/2011	STEARNS CO AUDITOR TREAS	$16.00	SUBURBAN	101-42200-430
013426	1/4/2011	STEARNS CO AUDITOR TREAS	$16.00	GENERATOR	602-49490-441
013426	1/4/2011	STEARNS CO AUDITOR TREAS	$20.00	PLATE FEE 10,11 ORANGE PLOW	101-43125-210
013426	1/4/2011	STEARNS CO AUDITOR TREAS	$32.00	TRAILER 1 TON	101-43100-210
013426	1/4/2011	STEARNS CO AUDITOR TREAS	$16.00	GRAY PLOW	101-43125-210
013427	12/30/2011	AMERIPRIDE SERVICES, INC	$39.77	RENTAL OF RUGS-CITY HALL	101-41940-209
013427	12/30/2011	AMERIPRIDE SERVICES, INC	$17.05	MAINT DEPT UNIFORMS	101-43100-425
013428	12/30/2011	DELTA ELECTRIC	$412.50	GRINDER STATN CALLS-LAKES AREA DEC 2011	602-49490-296
013429	12/30/2011	DIJITAL MAJIK COMPUTER, INC	$75.15	BATTERY BACKUP	101-41940-220
013429	12/30/2011	DIJITAL MAJIK COMPUTER, INC	$214.74	LAPTOP	101-43100-540
013430	12/30/2011	FASTENAL COMPANY, INC	$22.48	1 1/4 SOCKET	101-43100-220
013431	12/30/2011	GENERAL RENTAL CTR, C SPRG	$537.57	WOOD CHIPPER RENTAL DEC 6,7,20,28,29	101-43100-318
013432	12/30/2011	GOPHER STATE ONE-CALL	$18.85	LOCATE TICKETS-SWR DEPT	602-49490-291
013433	12/30/2011	HANSEN MECHANICAL	$66.00	THERMOSTAT AND GUARD	101-42200-220
013433	12/30/2011	HANSEN MECHANICAL	$817.00	REZNOR HTR MATERIAL WELL HOUSE 3	601-49440-220
013434	12/30/2011	HAWKINS WTR TREATMENT GRP INC	$15.00	DEMURRAGE-WATER DEPT	601-49440-216
013434	12/30/2011	HAWKINS WTR TREATMENT GRP INC	$319.11	CHEMICALS 4 WAY VALVE	601-49440-216
013435	12/30/2011	INSPECTRON INC.	$65.00	DEC 2011 BUILD SERVICES	101-41000-305
013436	12/30/2011	KRAEMER TRUCKING & EXCAV, INC	$6,117.00	SPODEN RD CULVERT	101-43100-308
013437	12/30/2011	RINKE NOONAN ATTORNEYS, INC	$3,419.21	1/3RD PORTION ROC TRAIL	205-45122-304
013438	12/30/2011	ST CLOUD TECHNICAL COLLEGE	$450.00	FF TRAIN 11 14 11 GROUND LADDERS	101-42200-332
013439	12/30/2011	STEARNS CO ENVIRONMENTAL SRVC	$116.25	CTY ENVIRO REVIEW-10926 GR LAKE RD	101-41000-298
013440	1/6/2012	BOND TRUST SERVICES CORP	$8,873.75	PIP INTEREST PMT	305-47000-611
013440	1/6/2012	BOND TRUST SERVICES CORP	$51,925.00	FACILITIES INTEREST PMT	304-47000-611
013440	1/6/2012	BOND TRUST SERVICES CORP	$105,000.00	PIP PRINCIPAL PMT	305-47000-601
013440	1/6/2012	BOND TRUST SERVICES CORP	$550.00	AGENDT FEE	305-47000-445
013440	1/6/2012	BOND TRUST SERVICES CORP	$450.00	AGENT FEE	304-47000-445
013440	1/6/2012	BOND TRUST SERVICES CORP	$75,000.00	FACILITIES PRINCIPAL PMT	304-47000-601
013441	1/6/2012	GRANITE ELECTRONICS,INC	$76.91	PAGER CASES	101-42200-218
013442	1/6/2012	ITRON, INC	$799.93	ANNUAL SOFTWARE & PHONE SUPP 2012	601-49440-339
013442	1/6/2012	ITRON, INC	$799.92	ANN SFTWR & PHONE 2012	602-49490-339
013443	1/6/2012	MIDCONTINENT	$69.95	SERV JAN 2012	101-41940-323
013443	1/6/2012	MIDCONTINENT	$42.95	SERV JAN 2012	101-42200-323
013444	1/6/2012	NCPERS MINNESOTA	$16.00	EMPLOYEE PD LIFE-1 EMPL@$16/EA PREM JAN 2012	101-21707
013445	1/6/2012	NORTHLAND TRUST SERVICES, INC	$29,849.00	2009A BOND	311-22500
013445	1/6/2012	NORTHLAND TRUST SERVICES, INC	$4,151.00	2009A BOND	601-22500
013445	1/6/2012	NORTHLAND TRUST SERVICES, INC	$14,755.99	2009A BOND	312-47000-611
013445	1/6/2012	NORTHLAND TRUST SERVICES, INC	$67,000.00	2009A BOND	312-22500
013445	1/6/2012	NORTHLAND TRUST SERVICES, INC	$6,573.90	2009A BOND	311-47000-611
013445	1/6/2012	NORTHLAND TRUST SERVICES, INC	$1,982.15	2009A BOND	310-47000-611
013445	1/6/2012	NORTHLAND TRUST SERVICES, INC	$914.21	2009A BOND	601-47000-611

CHECK Nbr	Check/Receipt Date	Search Name	Amount	Comments	Act Code
013445	1/6/2012	NORTHLAND TRUST SERVICES, INC	$9,000.00	2009A BOND	310-22500
013446	1/6/2012	SCHAEFER'S AUTO ELECTRIC,INC	$35.00	1 TON CHECK SYSTEM	101-43100-220
013447	1/6/2012	SIMON, DONALD	$47.72	DIESEL FUEL FOR NEW P.U. FROM DNR UNIT 7	101-42200-212
013448	1/6/2012	TOM KRAEMER, INC	$25.27	DISPOSE OF BED FOUND RAUSCH LK RD	101-43100-384
013449	1/6/2012	U S POSTMASTER	$185.00	BULK MAIL POSTAGE-2012	101-41940-322
			$390,962.33		

ADMINISTRATIVE	TAXABLE	
ADMINISTRATIVE CHARGES		$25.00
COPIES	Y	.25 PER SHEET (Cost includes MN Sales Tax)
FAX	Y	LONG DISTANCE FAX @ $2.00 1ST PAGE THEREAFTER $1.00 PER PAGE
USE OF FIRE EQUIPMENT to fill Swimming Pools	Y-Water	$150.00
ASSESSMENT SEARCH FEE		$20.00 EACH
911 ADDRESS SIGN/POST/LABOR (BLUE SIGN)		$25.00
SUMMER RECREATION FEES		SEE LIST-REC REGISTRATION FILE
LATE FEE (UTILITY BILLS)		10% EVERY MONTH
LATE FEE (INVOICES)		10% -1st MONTH THEREAFTER 1%
NSF CHECK		$25.00
PEDDLERS LICENSE		$25.00
SIGN IN VIOLATION (RETRIEVE SIGNS FEE)		$25.00 PER SIGN

LICENSE	TAXABLE	
LIQUOR LICENSES-ON SALE		$1,250.00
-OFF SALE		$100.00
-3.2 LIQUOR		$10.00
SUNDAY		$150.00
TOBACCO LICENSES		$12.00

MAINTENANCE	TAXABLE	
MAINTENANCE/PUBLIC WORKS WAGE CHARGE		$35.00 PER HOUR
TANDEM AXLE DUMP TRUCK		$80.00 PER HOUR LABOR/EQUIPMENT
TANDEM AXLE DUMP TRUCK WITH PLOW		$100.00 PER HOUR LABOR/EQUIPMENT
1 TON TRUCK		$60.00 PER HOUR LABOR/EQUIPMENT
1 TON TRUCK WITH PLOW		$75.00 PER HOUR LABOR/EQUIPMENT
TOOLCAT		$45.00 PER HOUR LABOR/EQUIPMENT
MAIL BOX		$95.00 PICKUP/$120.00 IF DELIVERED

RENTAL	TAXABLE	
APARTMENT RENTAL REGISTRATION		$50.00/UNIT MIN $100.00
PASTURE RENT (EAGLE PARK APPX 65 ACRES)		$800.00/YR
LIONS PARK- PLEASANT LAKE **(Fees include MN Sales Tax)**	Y	$25.00 Resident
	Y	$50.00 Non-Resident
	Y	$100.00 Event
		$25.00 City Building
DEPOSIT FEE FOR PARK RENTAL		$50.00 Minimum (Deposit is returned if shelter & grounds are left in very good condition after the event).
EAGLE PARK **(Fees include MN Sales Tax)**	Y	$25.00 Resident
	Y	$50.00 Non-Resident
DEPOSIT FEE FOR PARK RENTAL		$50.00 Minimum (Deposit is returned if shelter & grounds are left in very good condition after the event).
COMMUNITY PARK **(Fees include MN Sales Tax)**	Y	$25.00 Resident
	Y	$50.00 Non-Resident
DEPOSIT FEE FOR PARK RENTAL		$50.00 Minimum (Deposit is returned if shelter & grounds are left in very good condition after the event).
COMMUNITY BALL FIELD **(Fees include MN Sales Tax)**	Y	$25.00 Resident
	Y	$50.00 Non-Resident
	Y	$100.00 Event
DEPOSIT FEE FOR PARK RENTAL		$50.00 Minimum (Deposit is returned if shelter & grounds are left in very good condition after the event).
CITY HALL RENTAL		1 - 29 people: $50.00 PER ROOM 30 and More $75.00 PER ROOM
For businesses, organizations, non-profits. No Private Parties		$25.00 KITCHEN USE
Rooms available: Council Chambers (seats about 60), Front and Back meeting rooms (seats about 14)		NON PROFITS - DEPOSIT OF $50.00 RETURNED IF ROOM IS CLEANED ASK TO GIVE A DONATION TO HELP COVER THE COSTS TO THE CITY

SEWER	TAXABLE	
SEWER LICENSE FEE (APPLICATION)		$40.00 ANNUAL FEE
SEWER/WATER EXCAV PERMIT		$50.00
SEWER USER FEES (DOWNTOWN AREA)		$14.00/MONTH DEBT SERVICE +
		$12.00/MONTH FLAT RATE-OM & R(Operation/Maintenance & Replacement)
		$1.22/1000 GALLONS Minimum Gallons 1000
LAKE AREA SEWER USER FEES (Grand & Pleasant Lakes)		
SEWER ONLY-**HOMESTEAD RESIDENTS**		$27.43/MONTH FLAT RATE-O & M (Operation & Maintenance only)
SEWER ONLY-**BUSINESS**		$27.43/MONTH FLAT RATE-O & M (Operation & Maintenance only)
		$1.22/1000 GALLONS Minimum Gallons 1000 Adopted 5/4/05
SEWER ONLY-**SEASONAL (NON-HOMESTEAD) RESIDENTS**		$20.57/MONTH FLAT RATE-(Based on 6 months as full fee & 6 months at ½ fee of Homestead Residents)

WATER	TAXABLE	
BLOWING WATER LINE-Revised 8/15/07 by CC		$135.00
SAFE WATER FEE		.53/MO REIMB TO STATE
WATER USER FEES		$9.20/MONTH FLAT FEE-OM & R (Operations/Maintenance & Replacement)+
		$3.32/1000 GALLONS Minimum Gallons 1000
WATER METERS- Residential-radio read meter	Y	Total Cost + Sales Tax 6.875% + 60 (Sales Tax 6.875% + 25-admin fee; 35-Maint charge)
- Commercial-radio read meter	Y	Total Cost + Sales Tax 6.875% + 60 (Sales Tax + 25-admin fee; 35-Maint charge)
WATER RECONNECT FEE	Y-COMMERICAL	$100.00
WATER RATE SALES TO CONTRACTORS	Y	$5.00/THOUSAND GALLONS+Sales Tax 6.875%+25.00 FLAT RATE Adpt10/4/06eff11/1/06

ZONING/PERMITS	TAXABLE	
BUILDING PERMITS		SEE PERMIT SCHEDULE
CONDITIONAL USE PERMIT		$200.00
CONSTRUCTION SITE PERMIT		$25.00
EXCAVATION PERMIT		$20.00
MECHANICAL & PLUMBING PERMITS (each)		
Residential		
New House		$75.50
Remodel		$40.50
Commercial		
Contract Valuation $2500 or less		$40.50
Contract Valuation $2501 and up		1.5% of contract valuation
PLATTING		
Administrative Plat		$100.00
Preliminary Plat		
1-3 Lots		$300.00
4-10 Lots		$500.00
11-40 Lots		$1,500.00
Over 40 Lots		$5,000.00
Final Plat		$300.00
REZONE		$200.00
STEARNS COUNTY ENVIRONMENTAL SERVICE		ACTUAL COST
VARIANCE		$200.00
FINANCIAL ASSISTANCE APPL FEE		$2,500
ZONING MAP	Y	$2.00 (Fee includes MN Sales Tax)
ZONING MANUAL	Y	$25.00 (Fee includes MN Sales Tax)
ZONING/SUBDIVISION FEES-Public Land Dedication Fee		
Single Family Development		1,800 SQ FEET PER LOT OR BASED ON VALUE OF LAND
Multi Family Development		1,500 SQ FEET PER LOT OR BASED ON VALUE OF LAND

2012 Schedule of Costs
For Public Improvements

Bituminous Surface Street	
Rural Section (street width up to 24 feet), Non-Commercial/Industrial	$54.10 per assessable foot
Rural Section (street width greater than 24 feet), Non-Commercial/Industrial	$73.43 per assessable foot
Rural Section, Commercial and Industrial	$98.75 per assessable foot
Urban Section, Non-Commercial/Industrial	$105.10 per assessable foot
Urban Section, Commercial and Industrial	$128.04 per assessable foot
Drainage Improvements	included in street rates above
Concrete Curb & Gutter	$19.65 per assessable foot
Replacement	30% of standard rates above
	15% of standard rates above for non-City roads
Reclaim (street width up to 24 feet), Non-Commercial/Industrial	$20.91 per assessable foot
Reclaim (street width greater than 24 feet), Non-Commercial/Industrial	$28.81 per assessable foot
Reclaim, Commercial and Industrial	$39.85 per assessable foot
Overlay (street width up to 24 feet), Non-Commercial/Industrial	$9.21 per assessable foot
Overlay (street width greater than 24 feet), Non-Commercial/Industrial	$12.68 per assessable foot
Overlay, Commercial and Industrial	$20.09 per assessable foot
Reclaim & Overlay assessment rate	30% of standard rates above
	15% of standard rates above for non-City roads
Concrete Sidewalk	
Sidewalk installed on one side of street	$12.77 per assessable foot
Sidewalk installed on both sides of street	$25.55 per assessable foot
Replacement	30% of standard rates above
	15% of standard rates above for non-City roads
Sanitary Sewer main line	
Sanitary Sewer	$37.71 per assessable foot
Replacement	75% of standard rate above
Water Main main line	
Water Main	$37.71 per assessable foot
Replacement	75% of standard rate above
Utility Service Lines	
Water Service Line (1 inch)	$1128.60 per service
Water Service Line (1.5 inch)	$1297.89 per service
Water Service Line (6 inch)	$2257.20 per service
Water Service Line (8 inch)	$2513.70 per service
Sewer Service Line (4 inch)	$974.70 per service
Sewer Service Line (6 inch)	$1077.30 per service
Replacement	100% of standard rates above
Sanitary Sewer Trunk/Area Fee	
Single Family Residential (R-1)	$2455.27 per developable acre
Multi Family Residential (R-2)	$4910.54 per developable acre
Commercial (B-1)	$4910.54 per developable acre
Light Industrial (I-1)	$4095.79 per developable acre
Industrial (I-2)	$4095.79 per developable acre
Sewer Stub (low pressure system only)	
Stub (includes Assessment, SAC & Trunk)	$8782.50 per connection
Water Trunk/Area Fee (core city system)	
Single Family Residential (R-1)	$2438.29 per developable acre
Multi Family Residential (R-2)	$4876.58 per developable acre
Commercial (B-1)	$4876.58 per developable acre
Light Industrial (I-1)	$4063.82 per developable acre
Industrial (I-2)	$4063.82 per developable acre
Water Trunk/Area Fee (Pleasant Lake area system)	$8393.33 per developable acre
Sewer Access Charge (SAC) and Water Availability Charge (WAC)	
SAC	$1944.81 per connection
WAC	$1944.81 per connection

January 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 CITY HALL CLOSED	3	4	5 9AM ROC TRAILS 7PM PARK REC	6	7
8	9	10 630 PLANNING COMMISSION	11	12	13	14
15	16 CITY HALL CLOSED	17 630PM SCML	18 6 PM COUNCIL	19	20	21
22	23	24	25	26	27	28
29	30 7 PM FIRE DEPT 5TH MONDAY	31				

February 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 9AM ROC TRAILS 7PM PARK REC	3	4
5	6	7	8	9	10	11
12	13	14 630 PLANNING COMMISION	15 6 PM COUNCIL	16	17	18
19	20 CITY HALL CLOSED	21	22	23	24	25
26	27 7 PM FIRE DEPT	28	29			

March 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 9AM ROC TRAILS 7PM PARK REC	2	3
4	5	6	7	8	9	10
11	12	13 630PM PLANNING COMMISSION	14	15	16	17
18	19	20	21 6PM COUNCIL	22	23 FIRE RELIEF FISH FRY	24
25	26 7PM FIRE DEPT	27	28	29	30	31

April 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5 9AM ROC TRAILS 7PM PARK & REC	6	7
8	9	10 630PM PLANNING COMMISSION	11	12	13	14
15	16	17	18 6PM COUNCIL	19	20	21
22	23	24	25	26	27	28
29	30 7PM FIRE DEPT 5TH MONDAY					

May 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3 9AM ROC TRAILS 6PM NATURE TR 7PM PARK REC	4	5
6	7	8 630 PLANNING COMMISSION	9	10	11	12
13	14	15 SCML	16 6PM COUNCIL	17	18	19
20	21 7PM FIRE DEPT	22	23	24	25	26
27	28 CITY HALL CLOSED	29	30	31		

June 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7 9AM ROC TRAILS 6PM NATURE 7PM PARK REC	8	9
10	11	12 630PM PLANNING COMMISSION	13	14	15	16
17	18	19	20 6PM COUNCIL	21	22	23
24	25 7PM FIRE DEPT	26	27	28	29	30

July 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 CITY HALL CLOSED	5 9AM ROC TRAILS 6PM NATURE 7PM PARK REC	6	7
8	9	10 630PM PLANNING COMMISSION	11	12	13	14
15	16	17	18 6PM COUNCIL	19	20	21
22	23	24	25	26	27	28
29	30 7PM FIRE DEPT 5TH MONDAY	31				

August 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 9AM ROC TRAILS 6PM NATURE 7PM PARK REC	3	4
5	6	7 630 PLANNING COMMISSION	8	9	10	11
12	13	14 630PM ~~PLANNING COMMISSION~~ PRIMARY ELEC-TION	15 6PM COUNCIL	16	17	18
19	20	21	22	23	24	25
26	27 7PM FIRE DEPT	28	29	30	31	

September 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 CITY HALL CLOSED	4	5	6 9AM ROC TRAILS 6PM NATURE 7PM PARK REC	7	8
9	10	11 630PM PLANNING COMMISSION	12	13	14	15
16	17	18	19 6PM COUNCIL	20	21	22
23	24 7PM FIRE DEPT	25	26	27	28	29
30						

October 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4 9AM ROC TRAILS 6PM NATURE 7PM PARK REC	5	6
7	8	9 630PM PLANNING COMMISSION	10	11	12	13
14	15	16 SCML	17 6PM COUNCIL	18	19	20
21	22	23	24	25	26	27
28	29 7PM FIRE DEPT 5TH MONDAY	30	31			

November 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 9AM ROC TRAILS 6PM NATURE 7PM PARK REC	2	3
4	5 630 PLANNING COMMISSION	6 ELECTION DAY	7 6PM COUNCIL Moved to canvas results	8	9	10
11	12 CITY HALL CLOSED	13 630PM ~~PLANNING COMMISSION~~	14	15	16	17
18	19	20	21 ~~6PM COUNCIL~~	22 CITY HALL CLOSED	23 CITY HALL CLOSED	24
25	26 7PM FIRE DEPT	27	28	29	30	

December 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6 9AM ROC TRAILS NATURE 7PM PARK REC	7	8
9	10	11 630PM PLANNING COMMISSION	12	13	14	15
16	17 7 PM FIRE DEPT	18	19 6PM COUNCIL	20	21	22
23	24	25 CITY HALL CLOSED	26	27	28	29
30	31					

RESOLUTION NO. 2012-01

RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED by the City Council (the "Council") of the City of Rockville, Minnesota (the "City"), as follows:

1. Recitals.

(a) The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

(b) The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

(c) The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

(d) The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the City Administrator to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

(a) Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

(b) Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

(c) Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City does not reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

(d) The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Adopted this 198hday of January, 2012, by the City Council.

ATTEST:

VERENA M. WEBER-CMC	**JEFF HAGEN**
ADMINISTRATOR/CLERK	**MAYOR**

916757.01

EXHIBIT A

SAMPLE
Declaration of Official Intent

The undersigned, being the duly appointed and acting Administrator/Clerk of the City of Rockville, Minnesota (the "City"), pursuant to and for purposes of compliance with Treasury Regulations, Section 1.150-2 (the "Regulations"), under the Internal Revenue Code of 1986, as amended, hereby states and certifies on behalf of the City as follows:

1. The undersigned has been and is on the date hereof duly authorized by the City Council to make and execute this Declaration of Official Intent (the "Declaration") for and on behalf of the City.

2.This Declaration relates to the following project, property or program (the "Project") and the costs thereof to be financed:

SEE ATTACHED SPREADSHEET

3. The City reasonably expects to reimburse itself for the payment of certain costs of the Project out of the proceeds of a bond issue or similar borrowing (the "Bonds") to be issued by the City after the date of payment of such costs. As of the date hereof, the City reasonably expects that $_____ is the maximum principal amount of the Bonds which will be issued to finance the Project.

4. Each expenditure to be reimbursed from the Bonds is or will be a capital expenditure or a cost of issuance, or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Regulations.

5. As of the date hereof, the statements and expectations contained in this Declaration are believed to be reasonable and accurate.

Date:_____

_____
City Administrator/Clerk
City of Rockville, Minnesota

916757.01

CERTIFICATION

The undersigned, being the duly qualified and acting City Administrator/Clerk of the City of Rockville, Minnesota, hereby certifies the following:

The foregoing is a true and correct copy of a Resolution on file and of official, publicly available record in the offices of the City, which Resolution relates to procedures of the City for compliance with certain IRS Regulations on reimbursement bonds. Said Resolution was duly adopted by the governing body of the City (the "Council") at a regular or special meeting of the Council held on _____, _____. Said meeting was duly called, regularly held, open to the public, and held at the place at which meetings of the Council are regularly held. Council Member _____ moved the adoption of the Resolution, which motion was seconded by Council Member _____. A vote being taken on the motion, the following members of the Council voted in favor of the motion to adopt the Resolution:

and the following voted against the same:

Whereupon said Resolution was declared duly passed and adopted. The Resolution is in full force and effect and no action has been taken by the Council which would in any way alter or amend the Resolution.

WITNESS MY HAND officially as the City Administrator/Clerk of the City of Rockville, Minnesota, this ____ day of _____, 2012.

_____
City Administrator/Clerk
City of Rockville Minnesota