

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,  
TUESDAY, OCTOBER 11, 2011 – 6:30 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Chair Toni Honer, Jerry Bechtold, Dale Borgmann, Susan Palmer, Jerry Tippelt, & Liaison Jeff Howe.

Staff members present were: Zoning Administrator Rena Weber, Billing Clerk/Administrative Assistant Judy Neu.

Councilor Member Jerry Schmitt.

Others present: Roger Bechtold, Attorney Igor Lenzner & Eugene & Jan Mick.

**APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Bechtold, second by Member Borgmann, to approve the agenda. Motion carried unanimously.**

**APPROVAL OF MINUTES 08/09/11 – Motion by Member Bechtold, second by Member Palmer, to approve the minutes of 08/09/11 as presented. Motion carried unanimously.**

**NEW BUSINESS**

**RESCHEDULE 11/8/11 MEETING (SCHOOL ELECTION):** Chair Honer rescheduled Planning Commission meeting from Tuesday November 8<sup>th</sup> (School Election) to Tuesday November 1<sup>st</sup> @ 6:30 p.m.

**ROGER & ANNELLA BECHTOLD @ 25705 COUNTY ROAD 2- ADMINISTRATIVE PLAT** – Attorney Igor Lenzner (Rinke Noonan Law) explained he is here on behalf of his clients the Bechtold's & the Mueller's and the reason for the request is that CAPX 2020 power lines are crossing their property and as a result to that they would like to convey a portion of their land directly to CAPX 2020 rather than just have an easement. The power lines will be crossing the Northerly edge of both Bechtold's and Mueller's property. When high voltage power lines crosses a homestead or agricultural property a homeowner can elect to require the power company to buy their property or a portion where it is contiguous with the power lines. The Bechtold's would like to split off 16.60 acres (residential site) for CAPX 2020 to purchase. The Bechtold's will own the remaining 23.4 acres (Declaration of Restriction) and the other acreage and keep it in tillable land.

**CERTIFICATE OF COMPLIANCE**

STATE OF MINNESOTA            )  
COUNTY OF STEARNS            )        ss  
CITY OF ROCKVILLE            )

RE: These descriptions are intended for the purpose of split of building site from tillable acres for Roger R Bechtold and Annella M. Bechtold (husband and wife) in the City of Rockville.

**The following described property is to be transferred from parcel #76.41610/0100 to a new parcel number to be owned by Roger R. Bechtold and Annella M. Bechtold.  
Tract "B"**

Tract of land lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

That part of the E 1/2 of the NE 1/4 and the NW 1/4 of the NE 1/4, Section 6, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the Northwest corner of said NW 1/4 of the NE 1/4; thence on an assumed bearing of N 89°09'08" E, along the North line of the NE 1/4 of said Section 6, a distance of 948.34 feet to the point of beginning of the tract herein described; thence continue on a bearing of N 89°09'08" E, along last said line, 868.86 feet to a point that is 842.20 feet West of the Northeast corner of said Section 6, as

measured along the north line thereof; thence at a right angle to last said line on a bearing of S 00°50'52" E, 1558.65 feet to the center line of C.S.A.H. No. 2; thence on a bearing of S 57°30'13" W along said center line, 88.10 feet; thence on a bearing of N 00°50'52" W, 835.85 feet; thence on a bearing of N 89°46'39" W, 793.99 feet to its intersection with a line bearing S 00°50'52" E from the point of beginning, said line being at a right angle to the North line of said NE 1/4; thence on a bearing of N 00°50'52" W along last said line, 754.20 feet to the point of beginning.

Subject to easements of record.

Subject to the rights of the public in C.S.A.H. NO. 2

Containing 16.60 acres, more or less.

**The following described property is the remaining description of parcel #76.41610.0100 to be retained by Roger R. Bechtold and Annella M. Bechtold.  
TRACT "A"**

"A" The Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 6, Township 123, Range 29, Stearns County, Minnesota, together with that part of the East Half of the Northwest Quarter (E ½ NW ¼) of said Section 6 lying North of the centerline of County Road No. 2 (aka Cold Spring-St. Joseph Road), that part of the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) of said Section 6 lying North of said centerline of County Road No. 2 and that part of the West Half of the East Half of the Northeast Quarter (W ½ E ½ NE ¼) of said Section 6 lying North of said centerline of County Road No. 2 and West of a line drawn South at right angles to the the north line of the Northeast Quarter (NE ¼) of said Section 6 from a point thereon distant 842.20 feet West of the northeast corner of said Section 6 EXCEPTING therefrom that part of said NW ¼ NE ¼ described as follows: Beginning at a point on the north line of said NW ¼ NE ¼ distant 370.81 feet East of the northwest corner thereof: thence East along said north line for 577.53 feet; thence South at right angles to said north line for 754.20 feet: thence West parallel with said north line for 577.53 feet; thence North for 754.20 feet to the point of beginning.

"B" That part of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 6. Township 123, Range 29, Stearns County, Minnesota described as follows: Beginning at a point on the north line of said NW ¼ NE ¼ distant 370.81 feet East of the northwest corner thereof: thence East along said north line for 577.53 feet: thence South at right angles to said north line for 754.20 feet: thence West parallel with said north line for 577.53 feet: thence North for 754.20 feet to the point of beginning. Together with an easement for ingress and egress over that part of the West Half of the Northeast Quarter (W ½ NE ¼) of said Section 6 lying within 16.5 feet on each side of the following described line: Beginning at a point on the south line of the above described tract distant 216.08 feet East of the southwest corner thereof: thence southerly at an angle of 87°00'12" with said south line, as measured from East to South, for 1431 feet to the centerline of County Road No. 2 and there terminating.

This request is being made to split off the farm place from the tillable land and is not for building purposes.

The Rockville City Planning Commission has reviewed this split and found it to be in compliance with the standards set forth in the City of Rockville.

#### **DECLARATION OF RESTRICTIONS**

This Declaration of Restrictions ("Declaration") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the undersigned "Declarants".

WHEREAS, the Declarants are all the fee owners of the following described property: See

attached Exhibit A

WHEREAS, Section 11 of the City of Rockville Subdivision Code requires that a Declaration of Restrictions be executed restricting the further subdivision of the property that has been subdivided and/or attached

pursuant to that section and the Administrative Minor Subdivision procedures included therein, unless such subsequent subdivision is performed by platting.

WHEREAS, the Declarants have sought subdivision under Section 11 for agricultural, nonresidential purposes.

NOW, THEREFORE, the Declarants make the following Declaration. The restrictions described below shall run with the land and shall be binding on all parties and all persons claiming under them.

1. The property described in **Exhibit A** shall not be further subdivided until and unless platted pursuant to the Subdivision Code of the City of Rockville, or its successor ordinances.
2. No residential dwelling or structure may be constructed, erected, placed or developed within the property being subdivided and/or attached, as described in **Exhibit B**.  
The West 772.89 feet of the SE ¼ of the NW ¼ of Section 6, Township 123, Range 29, Stearns County, Minnesota.  
  
Containing 23.4 acres, more or less.
3. The remaining property (Exhibit A less the area described in Exhibit B), is eligible for a single residential dwelling. This eligibility may not be transferred, unless at least 40 acres of property within the A-40 district is restricted from any residential development.
4. All future subdivisions or transfers must comply with the zoning and subdivision controls effective at that time.

FURTHERMORE, this Declaration is made for benefit of the City of Rockville or its successors ("City"), and may be removed by resolution of the City, recorded with the County Recorder, in the event:

- A. The property is rezoned to allow for additional residential development, or
- B. The City determines the purposes of this Declaration no longer apply.

IN WITNESS WHEREOF, the Declarants have executed this Declaration on the date and year above written.

***Motion by Member Palmer, second by Member Bechtold, approved the Administrative Plat as presented. Motion carried unanimously.***

**GREG & TERRY MUELLER @ 25770 133<sup>RD</sup> AVENUE - ADMINISTRATIVE PLAT** – Attorney Igor Lenzner (Rinke Noonan Law) explained the Mueller’s would like to split 28.74 acres (Building site & pasture land) from the tillable acres. The Mueller’s are undecided at this time if they are going to sell the 28.74 acres to CAPX 2020. The remaining acreage and the 6.53 acres (Declaration of Restriction) will continue to be farmland.

**CERTIFICATE OF COMPLIANCE**

STATE OF MINNESOTA            )  
COUNTY OF STEARNS            )        ss  
CITY OF ROCKVILLE            )

RE: These descriptions are intended for the purpose of split of building site from tillable acres for Gregory G. Mueller and Terry R. Mueller (husband and wife) in the City of Rockville.

**The following described property is to be transferred from parcel #76.41609.0900 to a new parcel number to be owned by Gregory G. Mueller and Terry R. Mueller.**

**Tract “B”**

Tract of land lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

That part of the NW 1/4 of the NW 1/4 of Section 6, Township 123, Range 29, Stearns County, Minnesota lying Northerly of the following described line; Commencing at the Northwest corner of said Section 6; thence on an assumed bearing of S 00°21'48" E, along the West line of said NW 1/4 of the NW 1/4, a distance of 1230.05 feet to the point of beginning of the line herein described; thence on a bearing of N 57°15'44" E, 125.31 feet; thence on a bearing of N 86°24'17" E, 678.91 feet; thence on a bearing of N 00°28'22" E, 254.92 feet; thence on a bearing of N 87°07'08" E, 404.03 feet to the East line of said NW 1/4 of the NW 1/4 and said line there terminating.

Subject to easements of record.

Subject to the rights of the public in 133rd Ave.

Containing 28.74 acres, more or less.

**The following described property is the remaining description of parcel #76.41609.0900 to be retained by Gregory G. Mueller and Terry R. Mueller.**

**TRACT "A"**

The W 1/2 of the NW 1/4 and the W 1/2 of the SW 1/4, Section 6, Township 123, Range 29, Stearns County

This request is being made to split off the farm place from the tillable land and is not for building purposes.

The Rockville City Planning Commission has reviewed this split and found it to be in compliance with the standards set forth in the City of Rockville.

**DECLARATION OF RESTRICTIONS**

This Declaration of Restrictions ("Declaration") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the undersigned "Declarants".

WHEREAS, the Declarants are all the fee owners of the following described property as **Exhibit A**

The W 1/2 of the NW 1/4 and the W 1/2 of the SW 1/4, Section 6, Township 123, Range 29, Stearns County.

WHEREAS, Section 11 of the City of Rockville Subdivision Code requires that a Declaration of Restrictions be executed restricting the further subdivision of the property that has been subdivided and/or attached pursuant to that section and the Administrative Minor Subdivision procedures included therein, unless such subsequent subdivision is performed by platting.

WHEREAS, the Declarants have sought subdivision under Section 11 for agricultural, nonresidential purposes.

NOW, THEREFORE, the Declarants make the following Declaration. The restrictions described below shall run with the land and shall be binding on all parties and all persons claiming under them.

1. The property described in **Exhibit A** shall not be further subdivided until and unless platted pursuant to the Subdivision Code of the City of Rockville, or its successor ordinances.
2. No residential dwelling or structure may be constructed, erected, placed or developed within the property being subdivided and/or attached, as described in **Exhibit B**. That part of the NW 1/4 of the NW 1/4 of Section 6, Township 123, Range 29, Stearns County, Minnesota lying Southerly of the following described line; Commencing at the Northwest corner of said Section 6; thence on an assumed bearing of S 00°21'48" E, along the West line of said NW 1/4 of the NW 1/4, a distance of 1230.05 feet to the point of beginning of the line herein described; thence on a bearing of N 57°15'44" E, 125.31

feet; thence on a bearing of N 86°24'17" E, 678.91 feet; thence on a bearing of N 00°28'22" E, 254.92 feet; thence on a bearing of N 87°07'08" E, 404.03 feet to the East line of said NW ¼ of the NW 1/4 and said line there terminating.

~~AND~~

~~The North 170.4 feet of the SW 1/4 of the NW 1/4, of said Section 6.~~

Containing 6.53 acres, more or less.

3. The remaining property (Exhibit A less the area described in Exhibit B), is eligible for a single residential dwelling. This eligibility may not be transferred, unless at least 40 acres of property within the A-40 district is restricted from any residential development unless at least 40 acres of property within the A-40 district is restricted from any residential development.
4. All future subdivisions or transfers must comply with the zoning and subdivision controls effective at that time.

FURTHERMORE, this Declaration is made for benefit of the City of Rockville or its successors ("City"), and may be removed by resolution of the City, recorded with the County Recorder, in the event:

- A. The property is rezoned to allow for additional residential development, or
- B. The City determines the purposes of this Declaration no longer apply.

IN WITNESS WHEREOF, the Declarants have executed this Declaration on the date and year above written.

The Planning Commission members are okay with the quarter quarter so the Declaration of Restriction will be only 6.53 acres not 11.26 acres.

***Motion by Member Borgmann, second by Member Bechtold, to approve the Administrative Plat as presented. Motion carried unanimously.***

**TOM MASELTER'S UPDATE –**

***Motion by Member Honer, second by Member Bechtold, to recommend that the City Administrator work with the Building Official to start the process of abatement. Motion carried unanimously.***

**ADMINISTRATIVE REVIEW- EUGENE & JANET MICK @ 24935 County Road 138 - Zoning**  
Administrator Rena Weber reported that the Mick's own lot 2 and lot 3 and would like to combine the two lots into one for homestead credit purposes. The lots must be sold together and can not be split in the future.

### **COVENANT**

In consideration of the approval to combine two lots into one for homestead credit purposes, the undersigned owners covenant and agree with the City of Rockville, Stearns County, Minnesota, a municipal corporation, which no dwelling, structure of other building shall be constructed on: Lot 3, Block 1, Mickville and must be sold with Lot 2, Block 1, Mickville. This shall be forever conveyed only as an integral and inseparable parcel, and all deeds of conveyance shall so provide, and the purchasers, grantees, and encumbrances, by acceptance of the conveyance covenant and agree for themselves, their heirs and assigns forever that the foregoing restrictions shall be a

covenant running with and binding both lots and block.

***Motion by Member Palmer, second by Member Bechtold, to approve the covenant as presented. Motion carried unanimously.***

**FLOODPLAIN ORDINANCE-** Zoning Administrator Rena Weber reported that the City does not have a floodplain ordinance in place and this ordinance would only affect the property owners that are in the floodplain (on the FEMA MAP). This would not affect the property owners that are around the lakes. The DNR (Department of Natural Resource) sent a sample of a floodplain ordinance for the City to review and delete things that don't affect us.

Chair Honer commented that before a property owner (within the floodplain) could apply for FEMA (Federal Emergency Management Agency) assistance the City would have to have a Floodplain ordinance adopted.

***Motion by Member Bechtold, second by Member Palmer, to recommend that the City Council schedule a public hearing. Motion carried unanimously.***

**PLANNING COMMISSION MEMBER/STAFF REPORT-**

1. 25983 80<sup>TH</sup> AVE – ACCESSORY STRUCTURE –Discussion on the history of the property.

***ADJOURNMENT – Motion by Member Borgmann, second by Member Tippelt, to adjourn the meeting at 7:18p.m. Motion carried unanimously.***

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**JUDY NEU**  
**BILLING CLERK/ADMINISTRATIVE ASST**

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**TONI HONER**  
**CHAIR**