

**ROCKVILLE SPECIAL CITY COUNCIL MEETING MINUTES**  
**July 20, 2020**  
**Rockville City Hall**

**Item 1) Call to Order**

Mayor Willenbring do to appearing by phone requested that Acting Mayor Brian Herberg chair the meeting. The meeting was called to order at 8:37 a.m. by Acting Mayor Brian Herberg.

**Item 2) Roll Call**

Roll call was taken and the following members were present: Bill Becker, Brian Herberg, Jerry Tippelt, Don Simon, and by phone Duane Willenbring.

Staff members present: City Administrator, Martin Bode; Finance Director, Judy Neu; Public Works Director, Gene VanHavermaet; City Attorney, Susan Dege; and by phone City Engineer, Justin Kannas.

Others present: Cold Spring Record, Paul Hedlund.

**Item 3) Additions/Approval of Agenda**

***Motion by Simon, second by Becker, to approve the agenda as presented. Motion carried.***

**Item 4) Stickney Hill Dairy**

- a) Utilities – Water, Sewer, Meter

Staff reported that the Trapezoidal Flume meter that was installed in the City ROW has been calibrated and is working as designed.

- b) Industrial User Discharge Permit

Council reviewed the proposed Interim Use Permit as prepared by City Staff. Council has concerns over the issue of using Stickney Hill's incorrectly installed mag meter even on an interim basis as opposed to using either the meter installed in the street by Bolton and Menk or the City's new Trapezoidal Flume meter that the City just recently installed in the City's ROW. Staff noted that although the new Trapezoidal meter is installed and calibrated and working properly that Stickney would have push back to using this meter until a brief trial period to prove its accuracy has been met. Additionally, the permit allows that if there is a 20% or greater variance in the mag meter as compared to the trapezoidal or street meter the City would have a recourse to negotiate an adjustment to the usage. It was noted that the Interim Permit allows the parties to be satisfied with the accuracy of the Trapezoidal meter, which will be the meter used in the long-term permit.

***Motion by Becker, second by Simon, to approve the Interim Industrial User Discharge Permit. Roll call vote; voting yes: Herberg, Becker, and Simon. Voting no: Tippelt and Willenbring. Motion carried on a 3 to 2 vote. Note: this interim permit is valid from July 20, 2020 to October 20, 2020.***

***Additionally, a motion was made by Herberg, second by Becker, to approve a 1:00 p.m. deadline of today, Monday, July 20, 2020 for Stickney Hill Dairy to agree and sign this permit as presented or Stickney Hill will be sent a sewer shut off notice effective 9:00 a.m. Wednesday, July 22, 2020. Roll call vote; voting yes: Herberg, Tippelt, Becker, Willenbring, and Simon. Voting no: no one. Motion passed unanimously.***

***Furthermore, the Council directed Staff to finalize the drafting of the one-year Industrial Use Permit between the City of Rockville and Stickney Hill Dairy so that both parties may review and afford Stickney Hill to except and execute the permit no later than 10 days before the Interim Permit expires.***

**Item 5) Closed Meeting** - Council did not go into closed meeting.

**Item 6) Reconvene**

- a) Summarize Closed Session – n/a

**Item 7) Council Action**

None.

**Item 8) Adjourn**

There being no further business Acting Mayor Herberg declared the meeting adjourned at 9:09 a.m.

Respectfully submitted,

Martin M. Bode, City Administrator