

# CITY OF ROCKVILLE

P.O. BOX 93

229 Broadway Street East

ROCKVILLE, MN 56369

For Your Information – FYI

Council Action Needed – CA

## CITY COUNCIL AGENDA WEDNESDAY, APRIL 11, 2018 ROCKVILLE CITY HALL 6:00 P.M.

1. **Call to Order** Roll Call-DS.RT.JT.VS.DW
2. **Pledge of Allegiance**
3. **Roll Call** – (Silence Electronic Devices)
4. **Additions/Approval of Agenda -** CA 1
5. **Public Comment (4) Minute Limit** (no sharing/allotting of minutes, statements only, no dialog)
6. **Consent Agenda** (approved with one motion) CA
  - a) Acknowledge Review of the March 2018 Bills Paid and Journal Entries 2
  - b) Approval Rockville City Council Minutes of March 14, March 27, and April 2, 2018 26
  - c) Approval of Consumption and Display Permit – Boomerville LLC, Mike Nistler 34
7. **Department Reports:**
  - a) **Sheriff's Report** FYI
  - b) **Fire Department** FYI
  - c) **Planning Commission**
    - 1) Request to Amend Allowed Conditional Uses in an R-1 Zoning District CA 35
    - 2) Molitor CUP Application CA 37
    - 3) Irene Schneider Trust – Preliminary Plat and Rezoning Request CA 155
  - d) **Emergency Management** – Written Report FYI 172
  - e) **Public Works** - Written Report FYI 173
  - f) **Engineering Report**
8. **Administration:**
  - a) Ordinance 2018-xx Subdivision Moratorium CA 174
  - b) Resolution 2018-xx Public Works Director Resignation and Appointment CA 176
  - c) Water Base Fee FYI
9. **Appropriations, Allocations and Transfers**
  - a) Council Action CA
10. **Mayor / Council Reports:** FYI
  - a) LMC Legislative Conference March 21-22 FYI
  - b) Communication Task Force FYI
  - c) Ordinance Review Task Force FYI
  - d) SRWD Sauk River Road FYI 178
11. **Other**
12. **Future Agenda Items**
13. **Adjourn**

CITY OF ROCKVILLE

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MARCH 2018

			Check Amt	Invoice	Comment
<b>10600 COMBINED CITY ACCT</b>					
Paid Chk#	001231E	3/1/2018			<b>PERA</b>
G 101-21704	PERA		\$1,590.44		RETIRE CONTR-
			<b>Total PERA</b>	\$1,590.44	
<b>Paid Chk# 001232E 3/1/2018 MN REVENUE</b>					
G 101-21702	State Withholding		\$594.69		STATE TAX W/H-
			<b>Total MN REVENUE</b>	\$594.69	
<b>Paid Chk# 001233E 3/1/2018 EFTPS-ELECTRONIC FED TAX PMT</b>					
G 101-21701	Federal Withholding		\$1,461.56		FEDERAL W/H -
G 101-21703	FICA/Medicare Withholding		\$1,820.10		FICA/MEDICARE -
			<b>Total EFTPS-ELECTRONIC FED TAX PMT</b>	\$3,281.66	
<b>Paid Chk# 001234E 3/7/2018 PAYMENT SERVICE NETWORK</b>					
E 101-46300-210	Operating Supplies/Expenses		\$1.24		Monthly Credit Card fee
E 601-49440-210	Operating Supplies/Expenses		\$1.24		Monthly Credit Card fee
E 602-49490-210	Operating Supplies/Expenses		\$1.24		Monthly Credit Card fee
E 101-41000-210	Operating Supplies/Expenses		\$1.23		Monthly Credit Card fee
			<b>Total PAYMENT SERVICE NETWORK</b>	\$4.95	
<b>Paid Chk# 001235E 3/15/2018 PERA</b>					
G 101-21704	PERA		\$1,550.68		RETIRE CONTR-
			<b>Total PERA</b>	\$1,550.68	
<b>Paid Chk# 001236E 3/15/2018 MN REVENUE</b>					
G 101-21702	State Withholding		\$573.76		STATE TAX W/H-
			<b>Total MN REVENUE</b>	\$573.76	
<b>Paid Chk# 001237E 3/15/2018 EFTPS-ELECTRONIC FED TAX PMT</b>					
G 101-21701	Federal Withholding		\$1,391.05		FEDERAL W/H -
G 101-21703	FICA/Medicare Withholding		\$1,719.42		FICA/MEDICARE -
			<b>Total EFTPS-ELECTRONIC FED TAX PMT</b>	\$3,110.47	
<b>Paid Chk# 001238E 3/14/2018 NEOPOST, INC</b>					
E 101-41000-322	Postage		\$33.00		POSTAGE-GEN GOVT
E 101-41800-322	Postage		\$8.00		POSTAGE ADMIN
E 101-42200-322	Postage		\$15.00		POSTAGE-FD
E 101-43100-322	Postage		\$40.00		POSTAGE STREET
E 101-45122-322	Postage		\$8.00		POSTAGE PARK
E 101-46300-322	Postage		\$55.00		POSTAGE-ZONING
E 601-49440-322	Postage		\$75.00		POSTAGE-WTR DEPT
E 602-49490-322	Postage		\$166.00		POSTAGE-SWR DEPT
			<b>Total NEOPOST, INC</b>	\$400.00	
<b>Paid Chk# 001239E 3/14/2018 CITY OF ROCKVILLE</b>					
E 101-43100-210	Operating Supplies/Expenses		\$56.42		WATER/SEWER MTSHP
E 101-45122-210	Operating Supplies/Expenses		\$51.06		WATER/SEWER SOFTBALL PARK
E 101-41110-210	Operating Supplies/Expenses		\$5.00		WATER/SEWER CH
E 101-41800-210	Operating Supplies/Expenses		\$20.00		WATER/SEWER CH
E 101-46300-210	Operating Supplies/Expenses		\$5.00		WATER/SEWER CH
E 101-43100-210	Operating Supplies/Expenses		\$5.00		WATER/SEWER CH
E 101-41000-210	Operating Supplies/Expenses		\$26.61		WATER/SEWER CH

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		Check Amt	Invoice	Comment
<b>Total CITY OF ROCKVILLE</b>		\$169.09		
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Paid Chk#	001240E 3/28/2018	<b>PERA</b>		
G 101-21704	PERA	\$1,613.18		RETIRE CONTR-
<b>Total PERA</b>		\$1,613.18		
<hr/>				
Paid Chk#	001241E 3/28/2018	<b>MN REVENUE</b>		
G 101-21702	State Withholding	\$562.34		STATE TAX W/H-
<b>Total MN REVENUE</b>		\$562.34		
<hr/>				
Paid Chk#	001242E 3/28/2018	<b>EFTPS-ELECTRONIC FED TAX PMT</b>		
G 101-21701	Federal Withholding	\$1,364.52		FEDERAL W/H -
G 101-21703	FICA/Medicare Withholding	\$1,991.12		FICA/MEDICARE -
<b>Total EFTPS-ELECTRONIC FED TAX PMT</b>		\$3,355.64		
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Paid Chk#	018198 3/7/2018	<b>ADVANCE AUTO PARTS</b>		
E 101-43100-220	Repair/Maint Supply-Labor Incl	\$14.95	5099-331366	Shop Towels
E 101-43100-220	Repair/Maint Supply-Labor Incl	\$23.98	5099-331832	2 Degreaser
<b>Total ADVANCE AUTO PARTS</b>		\$38.93		
<hr/>				
Paid Chk#	018199 3/7/2018	<b>AMERIPRIDE SERVICES, INC</b>		
E 101-41000-209	Cleaning Supp,Bldg Op Supply	\$9.03	2201014708	RENTAL OF RUGS/MOPS-CITY HALL
E 101-41110-209	Cleaning Supp,Bldg Op Supply	\$7.00	2201014708	RENTAL OF RUGS/MOPS-CITY HALL
E 101-42200-209	Cleaning Supp,Bldg Op Supply	\$7.00	2201014708	RENTAL OF RUGS/MOPS-CITY HALL
E 101-43100-209	Cleaning Supp,Bldg Op Supply	\$7.00	2201014708	RENTAL OF RUGS/MOPS-CITY HALL
E 101-46300-209	Cleaning Supp,Bldg Op Supply	\$7.00	2201014708	RENTAL OF RUGS/MOPS-CITY HALL
E 601-49440-209	Cleaning Supp,Bldg Op Supply	\$7.00	2201014708	RENTAL OF RUGS/MOPS-CITY HALL
E 602-49490-209	Cleaning Supp,Bldg Op Supply	\$7.00	2201014708	RENTAL OF RUGS/MOPS-CITY HALL
<b>Total AMERIPRIDE SERVICES, INC</b>		\$51.03		
<hr/>				
Paid Chk#	018200 3/7/2018	<b>BECKYS GAS &amp; BAIT</b>		
E 101-42200-212	Gas & Oil	\$225.44	104	FUEL - FIRE DEPT
E 101-43100-212	Gas & Oil	\$817.92	92	FUEL - STREETS
E 601-49440-212	Gas & Oil	\$45.06	92	FUEL - WATER
E 602-49490-212	Gas & Oil	\$41.08	92	FUEL - SEWER
<b>Total BECKYS GAS &amp; BAIT</b>		\$1,129.50		
<hr/>				
Paid Chk#	018201 3/7/2018	<b>CENTRAL MCGOWAN, INC</b>		
E 101-42200-219	Fire Rescue Supplies	\$39.20	18155	MEDICAL OXYGEN/RENT-FIRE DEPT
E 101-43100-220	Repair/Maint Supply-Labor Incl	\$132.52	183671	Torch gas & oxygen, parts for Torch,
E 101-43100-426	PPE Personal Protective Equip	\$12.61	183671	Safety Glasses
<b>Total CENTRAL MCGOWAN, INC</b>		\$184.33		
<hr/>				
Paid Chk#	018202 3/7/2018	<b>COMMUNITY TECHNOLOGY CENTER</b>		
E 101-41000-309	Computer Svcs, Software & Sply	\$7.44	4775	Phone port, Computer Issue
E 101-41110-309	Computer Svcs, Software & Sply	\$7.42	4775	Phone port, Computer Issue
E 101-41800-309	Computer Svcs, Software & Sply	\$7.44	4775	Phone port, Computer Issue
E 101-42200-309	Computer Svcs, Software & Sply	\$7.44	4775	Phone port, Computer Issue
E 101-43100-309	Computer Svcs, Software & Sply	\$7.44	4775	Phone port, Computer Issue
E 101-46300-309	Computer Svcs, Software & Sply	\$7.44	4775	Phone port, Computer Issue
E 601-49440-309	Computer Svcs, Software & Sply	\$7.44	4775	Phone port, Computer Issue
E 602-49490-309	Computer Svcs, Software & Sply	\$7.44	4775	Phone port, Computer Issue
<b>Total COMMUNITY TECHNOLOGY CENTER</b>		\$59.50		

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Paid Chk# 018203	3/7/2018	<b>DELTA ELECTRIC</b>			
E 602-49490-296	Lk Sewer Contr Srvc		\$818.75		Grinderstation calls Lake Area
E 602-49490-289	Grinderstation Repairs/Parts		\$393.34		Grinderstation Relay Parts
	<b>Total DELTA ELECTRIC</b>		\$1,212.09		
Paid Chk# 018204	3/7/2018	<b>GUARDIAN FLEET SAFETY</b>			
E 101-43100-220	Repair/Maint Supply-Labor Incl		\$252.00	18-00026	2 New Strobe lights Plow Truck #7
	<b>Total GUARDIAN FLEET SAFETY</b>		\$252.00		
Paid Chk# 018205	3/7/2018	<b>HAWKINS WTR TREATMENT GRP INC</b>			
E 601-49440-216	Chemicals/Chem Products		\$10.00		DEMURRAGE-WATER DEPT
	<b>Total HAWKINS WTR TREATMENT GRP INC</b>		\$10.00		
Paid Chk# 018206	3/7/2018	<b>INSPECTRON INC.</b>			
E 101-46300-305	Building Inspection Fees		\$88.25		Building Inspection & review
	<b>Total INSPECTRON INC.</b>		\$88.25		
Paid Chk# 018207	3/7/2018	<b>MIDWAY IRON &amp; METAL CO INC</b>			
E 101-43100-220	Repair/Maint Supply-Labor Incl		\$49.51	381098	Steel Repair Plow Truck #5
	<b>Total MIDWAY IRON &amp; METAL CO INC</b>		\$49.51		
Paid Chk# 018208	3/7/2018	<b>NELSON ELECTRIC MOTOR REP INC</b>			
E 602-49490-220	Repair/Maint Supply-Labor Incl		\$731.50	8440	Replace the power supply for pump #2
	<b>Total NELSON ELECTRIC MOTOR REP INC</b>		\$731.50		
Paid Chk# 018209	3/7/2018	<b>NORTH CENTRAL</b>			
E 101-42200-220	Repair/Maint Supply-Labor Incl		\$254.19	246473	Back Up Camera Fire Dept Unit 2
	<b>Total NORTH CENTRAL</b>		\$254.19		
Paid Chk# 018210	3/7/2018	<b>ST CLOUD TECHNICAL COLLEGE</b>			
E 101-42200-538	Personal Protective Equip-Fire		\$350.00	184868	SCBA Hands on
	<b>Total ST CLOUD TECHNICAL COLLEGE</b>		\$350.00		
Paid Chk# 018211	3/7/2018	<b>STEARNS CO MUNICIPAL LEAGUE</b>			
E 101-41000-433	Dues and Subscriptions		\$40.00		2018 Membership
	<b>Total STEARNS CO MUNICIPAL LEAGUE</b>		\$40.00		
Paid Chk# 018212	3/7/2018	<b>STEARNS CO RECORDER OFFICE</b>			
E 101-46300-429	Recording of Legal Documents		\$46.00		Adjust Boundary Lines Kunkel, Nelson, Williams & Schmitt
	<b>Total STEARNS CO RECORDER OFFICE</b>		\$46.00		
Paid Chk# 018213	3/7/2018	<b>XCEL ENERGY</b>			
E 101-45122-381	Electric Utilities		\$11.31		1001 OTHMAR LN
E 101-43100-387	Street Lighting-Electricity		\$733.30		STREETLGHTS
E 601-49440-381	Electric Utilities		\$54.52		209 BRDWDY & 562 CHESTNUT
E 602-49490-381	Electric Utilities		\$54.52		209 BRDWDY & 562 CHESTNUT
E 101-43100-381	Electric Utilities		\$54.52		209 BRDWDY & 562 CHESTNUT
E 602-49490-381	Electric Utilities		\$288.43		398 BROADWAY ST
E 601-49440-381	Electric Utilities		\$373.04		423 MAPLE ST & 560 CHESTNUT
E 101-45122-381	Electric Utilities		\$61.79		1000 BRDWDY BALLPK BALL PRG
E 101-41000-381	Electric Utilities		\$64.38		229 BROADWAY
E 101-41800-381	Electric Utilities		\$64.38		229 BROADWAY
E 101-43100-381	Electric Utilities		\$64.37		229 BROADWAY

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E 101-46300-381	Electric Utilities		\$64.37		229 BROADWAY
E 601-49440-381	Electric Utilities		\$64.37		229 BROADWAY
E 602-49490-381	Electric Utilities		\$64.37		229 BROADWAY
E 101-41110-381	Electric Utilities		\$64.37		229 BROADWAY
E 101-42200-381	Electric Utilities		\$524.69		24001 FIRE HALL DR
<b>Total XCEL ENERGY</b>			<b>\$2,606.73</b>		
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Paid Chk# 018214	3/14/2018	<b>ALEX AIR APPARATUS INC</b>			
E 101-42200-540	Machinery & Equipment		\$977.00	35554	Turbojet Nozzle
<b>Total ALEX AIR APPARATUS INC</b>			<b>\$977.00</b>		
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Paid Chk# 018215	3/14/2018	<b>BLUE CROSS BLUE SHIELD OF MN</b>			
G 101-21705	Health Insurance		\$215.10		EMPLOYEE PORTION HEALTH INS.
G 101-21706	City Portion Health Ins		\$860.47		EMPLOYER PD HEALTH INS.
<b>Total BLUE CROSS BLUE SHIELD OF MN</b>			<b>\$1,075.57</b>		
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Paid Chk# 018216	3/14/2018	<b>CENTER POINT ENERGY-MINNEGASCO</b>			
E 601-49440-383	Gas Utilities		\$71.18		6109069-2 PMPHSE OTHMAR/MAPLE
E 101-43100-383	Gas Utilities		\$211.36		6109272-2 209 BRDWY-PUB WKS
E 601-49440-383	Gas Utilities		\$211.36		6109272-2 209 BRDWY-PUB WKS
E 602-49490-383	Gas Utilities		\$211.36		6109272-2 209 BRDWY-PUB WKS
E 601-49440-383	Gas Utilities		\$61.77		6110833-8 PUMPHSE @ WAL CIR
E 101-41000-383	Gas Utilities		\$48.71		6394888-9 UTIL-229 CITY HALL
E 101-41800-383	Gas Utilities		\$48.71		6394888-9 UTIL-229 CITY HALL
E 101-43100-383	Gas Utilities		\$48.70		6394888-9 UTIL-229 CITY HALL
E 601-49440-383	Gas Utilities		\$48.70		6394888-9 UTIL-229 CITY HALL
E 602-49490-383	Gas Utilities		\$48.70		6394888-9 UTIL-229 CITY HALL
E 101-42200-383	Gas Utilities		\$989.23		6436553-9 24001 FIRE HALL DR
<b>Total CENTER POINT ENERGY-MINNEGASCO</b>			<b>\$1,999.78</b>		
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Paid Chk# 018217	3/14/2018	<b>CENTRAL HYDRAULICS</b>			
E 101-43100-220	Repair/Maint Supply-Labor Incl		\$42.83	89815	Bumper Stop - 1 ton plow
<b>Total CENTRAL HYDRAULICS</b>			<b>\$42.83</b>		
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Paid Chk# 018218	3/14/2018	<b>COLD SPRING RECORD INC</b>			
E 101-46300-340	Advertising/Printing/Publishin		\$44.63	36737	Planning Commission Meeting Location change
<b>Total COLD SPRING RECORD INC</b>			<b>\$44.63</b>		
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Paid Chk# 018219	3/14/2018	<b>JOVANOVIK KADLEC &amp; ATHMANN</b>			
E 101-46300-304	Legal Fees		\$140.00		Review Subdivision, packet, Attend Meeting
E 101-46300-304	Legal Fees		\$565.00		Schneider Plat, Reimb from property owner
E 101-46300-304	Legal Fees		\$277.50		Voigts Plat, Reimb from property
E 101-46300-304	Legal Fees		\$70.00		Molitor Air bnb, Reimb from property owner
E 101-41110-304	Legal Fees		\$502.50		Attend Council meeting, open meeting law question
<b>Total JOVANOVIK KADLEC &amp; ATHMANN</b>			<b>\$1,555.00</b>		
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Paid Chk# 018220	3/14/2018	<b>MENARDS</b>			
E 101-43100-220	Repair/Maint Supply-Labor Incl		\$39.13	75439	Ice Melt, Gorilla Glue, Gal bar & chain lube
E 602-49490-220	Repair/Maint Supply-Labor Incl		\$23.41	75439	Sewer gloves, Tape
E 101-45122-220	Repair/Maint Supply-Labor Incl		\$6.45	75439	Garbage bags
<b>Total MENARDS</b>			<b>\$68.99</b>		
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Paid Chk# 018221	3/14/2018	<b>MIDCO</b>			

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			Check Amt	Invoice	Comment
E 101-42200-323	Internet/E-mail/Web Site		\$75.00		FIRE HALL
E 101-46300-323	Internet/E-mail/Web Site		\$9.44		CITY HALL
E 101-43100-323	Internet/E-mail/Web Site		\$9.44		CITY HALL
E 602-49490-323	Internet/E-mail/Web Site		\$9.44		CITY HALL
E 601-49440-323	Internet/E-mail/Web Site		\$9.44		CITY HALL
E 101-41000-323	Internet/E-mail/Web Site		\$9.48		CITY HALL
E 101-41110-323	Internet/E-mail/Web Site		\$9.44		CITY HALL
E 101-41800-323	Internet/E-mail/Web Site		\$9.44		CITY HALL
E 101-45122-323	Internet/E-mail/Web Site		\$9.44		CITY HALL
E 101-42500-323	Internet/E-mail/Web Site		\$9.44		CITY HALL
<b>Total MIDCO</b>			\$160.00		
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Paid Chk# 018222	3/14/2018	<b>MIKE S REPAIR</b>			
E 101-43100-220	Repair/Maint Supply-Labor Incl		\$646.79		Front Axle Repair 1 ton
<b>Total MIKE S REPAIR</b>			\$646.79		
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Paid Chk# 018223	3/14/2018	<b>ST CLOUD TECHNICAL COLLEGE</b>			
E 101-42200-332	Training		\$120.00	223227	Wildland Urban Firefighting Training Abbey H, Frank F, Travis R
<b>Total ST CLOUD TECHNICAL COLLEGE</b>			\$120.00		
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Paid Chk# 018224	3/14/2018	<b>STEARNS CO RECORDER OFFICE</b>			
E 101-46300-429	Recording of Legal Documents		\$46.00		Voigt's sewer easement
<b>Total STEARNS CO RECORDER OFFICE</b>			\$46.00		
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Paid Chk# 018225	3/14/2018	<b>STEARNS ELECTRIC ASOC INC</b>			
E 101-42500-381	Electric Utilities		\$29.00		5452511 CIVIL DEFENSE SIREN
E 101-43100-387	Street Lighting-Electricity		\$95.00		6400610 STR LIGHTS CO SIDE
E 601-49440-381	Electric Utilities		\$275.00		10052700 WTR TWR WALNUT CIR
E 101-43100-387	Street Lighting-Electricity		\$42.00		10232500 STR LGTS CORD140/H23
E 101-43100-387	Street Lighting-Electricity		\$44.00		10232600 STR LGTS CORD8/H23
E 602-49490-381	Electric Utilities		\$97.00		10405800 LIFT ST GRAND LAKE
E 602-49490-381	Electric Utilities		\$192.00		10405900 LIFT ST PLEAS LAKE
E 602-49490-381	Electric Utilities		\$350.00		10406000 LIFT ST PRAIRIE IND
E 602-49490-381	Electric Utilities		\$67.00		10440600 LIFT ST PLEAS RD
E 101-43100-387	Street Lighting-Electricity		\$47.70		10543000 STR LIGHTS PRAIRIE DR
E 601-49440-382	PL LK Electric Utilities		\$399.00		10516700 PUMPHOUSE PLEASANT
E 601-49440-382	PL LK Electric Utilities		\$124.00		10453000 PMPHOUSE 26498 79TH
E 101-43100-387	Street Lighting-Electricity		\$71.00		10549600 STR LIGHTS BRENTWOOD
E 101-43100-387	Street Lighting-Electricity		\$40.00		11633200 STR LGTS CORD6/H23
<b>Total STEARNS ELECTRIC ASOC INC</b>			\$1,872.70		
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Paid Chk# 018226	3/14/2018	<b>VISA</b>			
E 101-42200-200	Office Supplies		\$38.68		Fire Dept Computer Ink
E 101-42200-220	Repair/Maint Supply-Labor Incl		\$12.24		Fire Dept (3) Paper Towel Holder
E 101-41800-332	Training		\$299.75		Marty 2018 MCFOA Annual Conference
E 101-41800-433	Dues and Subscriptions		\$50.00		Marty MCFOA Membership dues
E 601-49440-540	Machinery & Equipment		\$572.79		Fluoride Colorimeter
E 601-49440-220	Repair/Maint Supply-Labor Incl		\$23.29		Well 3 Fittings
E 601-49440-322	Postage		\$20.55		Water Sample postage
E 602-49490-220	Repair/Maint Supply-Labor Incl		\$217.18		Liftstation parts for stock
E 101-41000-200	Office Supplies		\$12.46		Copy paper, markers, clips, hooks badges, calculator, wire compartment

CITY OF ROCKVILLE

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			Check Amt	Invoice	Comment
E 101-41800-200	Office Supplies		\$12.43		Copy paper, markers, clips, hooks badges, calculator, wire compartment
E 101-43100-200	Office Supplies		\$12.43		Copy paper, markers, clips, hooks badges, calculator, wire compartment
E 101-42200-200	Office Supplies		\$12.43		Copy paper, markers, clips, hooks badges, calculator, wire compartment
E 601-49440-200	Office Supplies		\$12.43		Copy paper, markers, clips, hooks badges, calculator, wire compartment
E 602-49490-200	Office Supplies		\$12.43		Copy paper, markers, clips, hooks badges, calculator, wire compartment
E 101-46300-200	Office Supplies		\$12.43		Copy paper, markers, clips, hooks badges, calculator, wire compartment
E 101-41110-200	Office Supplies		\$12.43		Copy paper, markers, clips, hooks badges, calculator, wire compartment
<b>Total VISA</b>			<u>\$1,333.95</u>		
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Paid Chk#	018227	3/14/2018	<b>WEST CENTRAL SANITATION, INC</b>		
E 101-42200-384	Refuse/Garbage Disposal		\$22.78		GARBAGE-FIRE HALL
E 101-45122-384	Refuse/Garbage Disposal		\$12.71		GARBAGE-PLEASANT LK
E 101-41000-384	Refuse/Garbage Disposal		\$23.00		GARBAGE-CITY HALL
E 101-43100-384	Refuse/Garbage Disposal		\$83.87		GARBAGE-PUB WKS DPT
<b>Total WEST CENTRAL SANITATION, INC</b>			<u>\$142.36</u>		
<hr/>					
Paid Chk#	018228	3/15/2018	<b>EMERGENCY RESPONSE SOLUTIONS</b>		
G 101-20200	Accounts Payable		\$463.21		101-42200-538 SCBA Masks
<b>otal EMERGENCY RESPONSE SOLUTIONS</b>			<u>\$463.21</u>		
<hr/>					
Paid Chk#	018229	3/22/2018	<b>AT &amp; T MOBILITY</b>		
E 101-43100-321	Telephone		\$84.05		WIRELESS PHONE
E 601-49440-321	Telephone		\$30.00		WIRELESS PHONE
E 602-49490-321	Telephone		\$30.00		WIRELESS PHONE
E 101-45122-321	Telephone		\$4.00		WIRELESS PHONE
E 602-49490-321	Telephone		\$30.06		GRINDERSTATION PHONE
<b>Total AT &amp; T MOBILITY</b>			<u>\$178.11</u>		
<hr/>					
Paid Chk#	018230	3/22/2018	<b>CENTURYLINK</b>		
E 101-42200-321	Telephone		\$76.90		251-0072 Fire Dept
E 601-49440-321	Telephone		\$35.81		251-1664 SCDA System
E 602-49490-321	Telephone		\$35.82		251-1664 SCDA System
E 601-49440-321	Telephone		\$51.15		251-2120 Well house 3
E 101-41000-321	Telephone		\$45.53		251-5836 City Hall
E 101-41110-321	Telephone		\$45.53		251-5836 City Hall
E 101-43100-321	Telephone		\$45.53		251-5836 City Hall
E 101-46300-321	Telephone		\$45.53		251-5836 City Hall
E 601-49440-321	Telephone		\$45.53		251-5836 City Hall
E 602-49490-321	Telephone		\$45.52		251-5836 City Hall
E 602-49490-321	Telephone		\$51.09		259-1473 Sewer
E 602-49490-321	Telephone		\$54.60		685-4204 Sewer
E 602-49490-321	Telephone		\$205.50		612-E16-2655 Sewer
<b>Total CENTURYLINK</b>			<u>\$784.04</u>		
<hr/>					
Paid Chk#	018231	3/22/2018	<b>EDWARD JONES</b>		
G 101-21711	Incentive Pay		\$300.00		INCENTIVE NICK W
<b>Total EDWARD JONES</b>			<u>\$300.00</u>		

CITY OF ROCKVILLE

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			Check Amt	Invoice	Comment
<b>Paid Chk# 018232 3/22/2018 STEARNS CO RECORDER OFFICE</b>					
E 101-46300-429	Recording of Legal Documents		\$46.00		76.41604.0605 9379 Co Rd 6
<b>Total STEARNS CO RECORDER OFFICE</b>			\$46.00		
<b>Paid Chk# 018233 3/28/2018 ASSOC OF MN EMERG MANAGERS</b>					
E 101-42500-433	Dues and Subscriptions		\$130.00	201837-276	AMEM Annual Dues Mike Hofmann
<b>Total ASSOC OF MN EMERG MANAGERS</b>			\$130.00		
<b>Paid Chk# 018234 3/28/2018 CITY OF COLD SPRING</b>					
E 602-49490-312	Wastewater Bill-Core City		\$3,213.19		JAN WASTEWTR BILL-CORE CITY
E 602-49490-293	Wastewtr Bill-Lakes Area		\$5,222.06		JAN WASTEWTR BILL-LAKES AREA
E 602-49490-312	Wastewater Bill-Core City		\$1,676.84		FEB WASTEWTR BILL-CORE CITY
E 602-49490-293	Wastewtr Bill-Lakes Area		\$5,895.23		FEB WASTEWTR BILL-CORE CITY
<b>Total CITY OF COLD SPRING</b>			\$16,007.32		
<b>Paid Chk# 018235 3/28/2018 COLD SPRING BAKERY INC</b>					
E 101-41110-210	Operating Supplies/Expenses		\$14.35		3/27/18 Workshop
<b>Total COLD SPRING BAKERY INC</b>			\$14.35		
<b>Paid Chk# 018236 3/28/2018 EMERGENCY APPARATUS MAINT INC</b>					
E 101-42200-220	Repair/Maint Supply-Labor Incl		\$39.36	98744	Fire Dept Engine 2 Auto Eject cover
<b>Total EMERGENCY APPARATUS MAINT INC</b>			\$39.36		
<b>Paid Chk# 018237 3/28/2018 HENRYS WATERWORKS, INC</b>					
E 101-43100-308	Road Patching		\$837.00	19549	56 Cold Patch 50# Bags
<b>Total HENRYS WATERWORKS, INC</b>			\$837.00		
<b>Paid Chk# 018238 3/28/2018 LITTLE FALLS MACHINE, INC</b>					
E 101-43100-220	Repair/Maint Supply-Labor Incl		\$500.57	351503	Single Axle Truck Unit 5 & Tandem Truck Unit 7 Pin, wing bolt, carbide cutting edge
<b>Total LITTLE FALLS MACHINE, INC</b>			\$500.57		
<b>Paid Chk# 018239 3/28/2018 LYNN PLUMSKI</b>					
E 101-41000-106	Cleaning Person		\$12.50		CITY HALL
E 101-41110-106	Cleaning Person		\$12.50		CITY HALL
E 101-41800-106	Cleaning Person		\$12.50		CITY HALL
E 101-42200-106	Cleaning Person		\$12.50		CITY HALL
E 101-43100-106	Cleaning Person		\$12.50		CITY HALL
E 101-46300-106	Cleaning Person		\$12.50		CITY HALL
E 601-49440-106	Cleaning Person		\$12.50		CITY HALL
E 602-49490-106	Cleaning Person		\$12.50		CITY HALL
<b>Total LYNN PLUMSKI</b>			\$100.00		
<b>Paid Chk# 018240 3/28/2018 MARCO FINANCING, INC (LEASE)</b>					
E 101-41000-413	Copier/Printer Lease		\$88.60		COPIER/LEASE
E 101-41110-413	Copier/Printer Lease		\$30.00		COPIER/LEASE
E 101-42200-413	Copier/Printer Lease		\$25.00		COPIER/LEASE
E 101-42500-413	Copier/Printer Lease		\$25.00		COPIER/LEASE
E 101-43100-413	Copier/Printer Lease		\$60.00		COPIER/LEASE
E 101-45122-413	Copier/Printer Lease		\$25.00		COPIER/LEASE
E 101-46300-413	Copier/Printer Lease		\$75.00		COPIER/LEASE
E 601-49440-413	Copier/Printer Lease		\$50.00		COPIER/LEASE
E 602-49490-413	Copier/Printer Lease		\$75.00		COPIER/LEASE

CITY OF ROCKVILLE

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			Check Amt	Invoice	Comment
<b>Total MARCO FINANCING, INC (LEASE)</b>			\$453.60		
Paid Chk#	018241	3/28/2018	<b>MENARDS</b>		
E 101-43100-220	Repair/Maint Supply-Labor Incl		\$24.99	76425	Shop Toilet Seat
<b>Total MENARDS</b>			\$24.99		
Paid Chk#	018242	3/28/2018	<b>MUNICIPAL EMERGENCY SERVICE IN</b>		
E 101-42200-540	Machinery & Equipment		\$3,486.36	1210174	Fire Dept Gas Meter
<b>Total MUNICIPAL EMERGENCY SERVICE IN</b>			\$3,486.36		
Paid Chk#	018243	3/28/2018	<b>ROYAL TIRE INC</b>		
E 101-43100-220	Repair/Maint Supply-Labor Incl		\$128.96	32831314	Tandem Truck #7 Repair used wheel, valve cap, Spin Balance
<b>Total ROYAL TIRE INC</b>			\$128.96		
Paid Chk#	018244	3/28/2018	<b>STEARNS CO AUDITOR-TREASURER</b>		
E 101-45122-434	Property Tax to County		\$652.00		76.41615.0800 Eagle Park
<b>Total STEARNS CO AUDITOR-TREASURER</b>			\$652.00		
Paid Chk#	018245	3/28/2018	<b>USABLE LIFE</b>		
G 101-21709	Short/Long-Term Disability		\$61.12		EMPLOYEE PORTION
E 101-41000-134	Employer Paid Life Insurance		\$19.20		LTD/STD
E 101-41000-135	Empl r Pd Short/Long Term Ins		\$244.45		LTD/STD
<b>Total USABLE LIFE</b>			\$324.77		
Paid Chk#	018246	3/28/2018	<b>WENNER COMPANY INC</b>		
E 101-43100-220	Repair/Maint Supply-Labor Incl		\$23.85	B185314	Shop supplies Bolts, Nuts, Screws, Ice Melter
<b>Total WENNER COMPANY INC</b>			\$23.85		
<b>10600 COMBINED CITY ACCT</b>			\$58,490.55		

Fund Summary

<b>10600 COMBINED CITY ACCT</b>	
101 GENERAL FUND	\$35,448.78
601 WATER FUND	\$2,692.17
602 SEWER FUND	\$20,349.60
	<u>\$58,490.55</u>

**CITY OF ROCKVILLE**  
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Check Nbr	Check/Receipt Date	Search Name	Amount	Comments	Act Code	OBJ Descr
FUND 101 GENERAL FUND						
DEPT						
001231	03/01/18	PERA	\$1,590.44	RETIRE CONTR-	101-21704	
001232	03/01/18	MN REVENUE	\$594.69	STATE TAX W/H-	101-21702	
001233	03/01/18	EFTPS-ELECTRONIC FED TAX PMT	\$1,461.56	FEDERAL W/H -	101-21701	
001233	03/01/18	EFTPS-ELECTRONIC FED TAX PMT	\$1,820.10	FICA/MEDICARE -	101-21703	
001235	03/15/18	PERA	\$1,550.68	RETIRE CONTR-	101-21704	
001236	03/15/18	MN REVENUE	\$573.76	STATE TAX W/H-	101-21702	
001237	03/15/18	EFTPS-ELECTRONIC FED TAX PMT	\$1,391.05	FEDERAL W/H -	101-21701	
001237	03/15/18	EFTPS-ELECTRONIC FED TAX PMT	\$1,719.42	FICA/MEDICARE -	101-21703	
001240	03/28/18	PERA	\$1,613.18	RETIRE CONTR-	101-21704	
001241	03/28/18	MN REVENUE	\$562.34	STATE TAX W/H-	101-21702	
001242	03/28/18	EFTPS-ELECTRONIC FED TAX PMT	\$1,364.52	FEDERAL W/H -	101-21701	
001242	03/28/18	EFTPS-ELECTRONIC FED TAX PMT	\$1,991.12	FICA/MEDICARE -	101-21703	
018215	03/14/18	BLUE CROSS BLUE SHIELD OF MN	\$215.10	EMPLOYEE PORTION HEALTH INS.	101-21705	
018215	03/14/18	BLUE CROSS BLUE SHIELD OF MN	\$860.47	EMPLOYER PD HEALTH INS.	101-21706	
018228	03/15/18	EMERGENCY RESPONSE SOLUTIONS	\$463.21	101-42200-538 SCBA Masks	101-20200	
018231	03/22/18	EDWARD JONES	\$300.00	INCENTIVE NICK W	101-21711	
018245	03/28/18	USABLE LIFE	\$61.12	EMPLOYEE PORTION	101-21709	
DEPT			\$18,132.76			
DEPT 41000 General Government (GENERAL)						
001234	03/07/18	PAYMENT SERVICE NETWORK	\$1.23	Monthly Credit Card fee	101-41000-210	Operating Supplies/Expenses
001238	03/14/18	NEOPOST, INC	\$33.00	POSTAGE-GEN GOVT	101-41000-322	Postage
001239	03/14/18	CITY OF ROCKVILLE	\$26.61	WATER/SEWER CH	101-41000-210	Operating Supplies/Expenses
018199	03/07/18	AMERIPRIDE SERVICES, INC	\$9.03	RENTAL OF RUGS/MOPS-CITY HALL	101-41000-209	Cleaning Supp,Bldg Op Supply
018202	03/07/18	COMMUNITY TECHNOLOGY CENTER	\$7.44	Phone port, Computer Issue	101-41000-309	Computer Svcs, Software & Sply
018211	03/07/18	STEARNS CO MUNICIPAL LEAGUE	\$40.00	2018 Membership	101-41000-433	Dues and Subscriptions
018213	03/07/18	XCEL ENERGY	\$64.38	229 BROADWAY	101-41000-381	Electric Utilities
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$48.71	6394888-9 UTIL-229 CITY HALL	101-41000-383	Gas Utilities
018221	03/14/18	MIDCO	\$9.48	CITY HALL	101-41000-323	Internet/E-mail/Web Site
018226	03/14/18	VISA	\$12.46	Copy paper, markers, clips, hooks badges, calculator, wire	101-41000-200	Office Supplies
018227	03/14/18	WEST CENTRAL SANITATION, INC	\$23.00	GARBAGE-CITY HALL	101-41000-384	Refuse/Garbage Disposal
018230	03/22/18	CENTURYLINK	\$45.53	251-5836 City Hall	101-41000-321	Telephone
018239	03/28/18	LYNN PLUMSKI	\$12.50	CITY HALL	101-41000-106	Cleaning Person
018240	03/28/18	MARCO FINANCING, INC (LEASE)	\$88.60	COPIER/LEASE	101-41000-413	Copier/Printer Lease
018245	03/28/18	USABLE LIFE	\$19.20	LTD/STD	101-41000-134	Employer Paid Life Insurance
018245	03/28/18	USABLE LIFE	\$244.45	LTD/STD	101-41000-135	Empl r Pd Short/Long Term Ins

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Check Nbr	Check/Receipt Date	Search Name	Amount	Comments	Act Code	OBJ Descr
DEPT 41000 General Government (GENERAL)			\$685.62			
DEPT 41110 Council/Mayor/Boards						
001239	03/14/18	CITY OF ROCKVILLE	\$5.00	WATER/SEWER CH	101-41110-210	Operating Supplies/Expenses
018199	03/07/18	AMERIPRIDE SERVICES, INC	\$7.00	RENTAL OF RUGS/MOPS-CITY HALL	101-41110-209	Cleaning Supp,Bldg Op Supply
018202	03/07/18	COMMUNITY TECHNOLOGY CENTER	\$7.42	Phone port, Computer Issue	101-41110-309	Computer Svcs, Software & Sply
018213	03/07/18	XCEL ENERGY	\$64.37	229 BROADWAY	101-41110-381	Electric Utilities
018219	03/14/18	JOVANOVIK KADLEC & ATHMANN	\$502.50	Attend Council meeting, open meeting law question	101-41110-304	Legal Fees
018221	03/14/18	MIDCO	\$9.44	CITY HALL	101-41110-323	Internet/E-mail/Web Site
018226	03/14/18	VISA	\$12.43	Copy paper, markers, clips, hooks badges, calculator, wire	101-41110-200	Office Supplies
018230	03/22/18	CENTURYLINK	\$45.53	251-5836 City Hall	101-41110-321	Telephone
018235	03/28/18	COLD SPRING BAKERY INC	\$14.35	3/27/18 Workshop	101-41110-210	Operating Supplies/Expenses
018239	03/28/18	LYNN PLUMSKI	\$12.50	CITY HALL	101-41110-106	Cleaning Person
018240	03/28/18	MARCO FINANCING, INC (LEASE)	\$30.00	COPIER/LEASE	101-41110-413	Copier/Printer Lease
DEPT 41110 Council/Mayor/Boards			\$710.54			
DEPT 41800 City Administration						
001238	03/14/18	NEOPOST, INC	\$8.00	POSTAGE ADMIN	101-41800-322	Postage
001239	03/14/18	CITY OF ROCKVILLE	\$20.00	WATER/SEWER CH	101-41800-210	Operating Supplies/Expenses
018202	03/07/18	COMMUNITY TECHNOLOGY CENTER	\$7.44	Phone port, Computer Issue	101-41800-309	Computer Svcs, Software & Sply
018213	03/07/18	XCEL ENERGY	\$64.38	229 BROADWAY	101-41800-381	Electric Utilities
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$48.71	6394888-9 UTIL-229 CITY HALL	101-41800-383	Gas Utilities
018221	03/14/18	MIDCO	\$9.44	CITY HALL	101-41800-323	Internet/E-mail/Web Site
018226	03/14/18	VISA	\$12.43	Copy paper, markers, clips, hooks badges, calculator, wire	101-41800-200	Office Supplies
018226	03/14/18	VISA	\$299.75	Marty 2018 MCFOA Annual Conference	101-41800-332	Training
018226	03/14/18	VISA	\$50.00	Marty MCFOA Membership dues	101-41800-433	Dues and Subscriptions
018239	03/28/18	LYNN PLUMSKI	\$12.50	CITY HALL	101-41800-106	Cleaning Person
DEPT 41800 City Administration			\$532.65			
DEPT 42200 Fire Protection						
001238	03/14/18	NEOPOST, INC	\$15.00	POSTAGE-FD	101-42200-322	Postage
018199	03/07/18	AMERIPRIDE SERVICES, INC	\$7.00	RENTAL OF RUGS/MOPS-CITY HALL	101-42200-209	Cleaning Supp,Bldg Op Supply
018200	03/07/18	BECKYS GAS & BAIT	\$225.44	FUEL - FIRE DEPT	101-42200-212	Gas & Oil
018201	03/07/18	CENTRAL MCGOWAN, INC	\$39.20	MEDICAL OXYGEN/RENT-FIRE DEPT	101-42200-219	Fire Rescue Supplies
018202	03/07/18	COMMUNITY TECHNOLOGY CENTER	\$7.44	Phone port, Computer Issue	101-42200-309	Computer Svcs, Software & Sply
018209	03/07/18	NORTH CENTRAL	\$254.19	Back Up Camera Fire Dept Unit 2	101-42200-220	Repair/Maint Supply-Labor Incl
018210	03/07/18	ST CLOUD TECHNICAL COLLEGE	\$350.00	SCBA Hands on	101-42200-538	Personal Protective Equip-Fire
018213	03/07/18	XCEL ENERGY	\$524.69	24001 FIRE HALL DR	101-42200-381	Electric Utilities
018214	03/14/18	ALEX AIR APPARATUS INC	\$977.00	Turbojet Nozzle	101-42200-540	Machinery & Equipment
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$989.23	6436553-9 24001 FIRE HALL DR	101-42200-383	Gas Utilities

**CITY OF ROCKVILLE**  
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018221	03/14/18	MIDCO	\$75.00	FIRE HALL	101-42200-323	Internet/E-mail/Web Site
018223	03/14/18	ST CLOUD TECHNICAL COLLEGE	\$120.00	Wildland Urban Firefighting Training Abbey H, Frank F, Tr	101-42200-332	Training
018226	03/14/18	VISA	\$12.43	Copy paper, markers, clips, hooks badges, calculator, wire	101-42200-200	Office Supplies
018226	03/14/18	VISA	\$38.68	Fire Dept Computer Ink	101-42200-200	
018226	03/14/18	VISA	\$12.24	Fire Dept (3) Paper Towel Holder	101-42200-220	Repair/Maint Supply-Labor Incl
018227	03/14/18	WEST CENTRAL SANITATION, INC	\$22.78	GARBAGE-FIRE HALL	101-42200-384	Refuse/Garbage Disposal
018230	03/22/18	CENTURYLINK	\$76.90	251-0072 Fire Dept	101-42200-321	Telephone
018236	03/28/18	EMERGENCY APPARATUS MAINT INC	\$39.36	Fire Dept Engine 2 Auto Eject cover	101-42200-220	Repair/Maint Supply-Labor Incl
018239	03/28/18	LYNN PLUMSKI	\$12.50	CITY HALL	101-42200-106	Cleaning Person
018240	03/28/18	MARCO FINANCING, INC (LEASE)	\$25.00	COPIER/LEASE	101-42200-413	Copier/Printer Lease
018242	03/28/18	MUNICIPAL EMERGENCY SERVICE IN	\$3,486.36	Fire Dept Gas Meter	101-42200-540	Machinery & Equipment
DEPT 42200 Fire Protection			\$7,310.44			
DEPT 42500 Emergency Management						
018221	03/14/18	MIDCO	\$9.44	CITY HALL	101-42500-323	Internet/E-mail/Web Site
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$29.00	5452511 CIVIL DEFENSE SIREN	101-42500-381	Electric Utilities
018233	03/28/18	ASSOC OF MN EMERG MANAGERS	\$130.00	AMEM Annual Dues Mike Hofmann	101-42500-433	Dues and Subscriptions
018240	03/28/18	MARCO FINANCING, INC (LEASE)	\$25.00	COPIER/LEASE	101-42500-413	Copier/Printer Lease
DEPT 42500 Emergency Management			\$193.44			
DEPT 43100 Hwys, Streets, & Roads						
001238	03/14/18	NEOPOST, INC	\$40.00	POSTAGE STREET	101-43100-322	Postage
001239	03/14/18	CITY OF ROCKVILLE	\$5.00	WATER/SEWER CH	101-43100-210	Operating Supplies/Expenses
001239	03/14/18	CITY OF ROCKVILLE	\$56.42	WATER/SEWER MTSHP	101-43100-210	
018198	03/07/18	ADVANCE AUTO PARTS	\$14.95	Shop Towels	101-43100-220	Repair/Maint Supply-Labor Incl
018198	03/07/18	ADVANCE AUTO PARTS	\$23.98	2 Degreaser	101-43100-220	
018199	03/07/18	AMERIPRIDE SERVICES, INC	\$7.00	RENTAL OF RUGS/MOPS-CITY HALL	101-43100-209	Cleaning Supp,Bldg Op Supply
018200	03/07/18	BECKYS GAS & BAIT	\$817.92	FUEL - STREETS	101-43100-212	Gas & Oil
018201	03/07/18	CENTRAL MCGOWAN, INC	\$132.52	Torch gas & oxygen, parts for Torch,	101-43100-220	Repair/Maint Supply-Labor Incl
018201	03/07/18	CENTRAL MCGOWAN, INC	\$12.61	Safety Glasses	101-43100-426	PPE Personal Protective Equip
018202	03/07/18	COMMUNITY TECHNOLOGY CENTER	\$7.44	Phone port, Computer Issue	101-43100-309	Computer Svcs, Software & Sply
018204	03/07/18	GUARDIAN FLEET SAFETY	\$252.00	2 New Strobe lights Plow Truck #7	101-43100-220	Repair/Maint Supply-Labor Incl
018207	03/07/18	MIDWAY IRON & METAL CO INC	\$49.51	Steel Repair Plow Truck #5	101-43100-220	
018213	03/07/18	XCEL ENERGY	\$64.37	229 BROADWAY	101-43100-381	Electric Utilities
018213	03/07/18	XCEL ENERGY	\$54.52	209 BRDWDY & 562 CHESTNUT	101-43100-381	
018213	03/07/18	XCEL ENERGY	\$733.30	STREETLGHTS	101-43100-387	Street Lighting-Electricity
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$48.70	6394888-9 UTIL-229 CITY HALL	101-43100-383	Gas Utilities
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$211.36	6109272-2 209 BRDWDY-PUB WKS	101-43100-383	
018217	03/14/18	CENTRAL HYDRAULICS	\$42.83	Bumper Stop - 1 ton plow	101-43100-220	Repair/Maint Supply-Labor Incl
018220	03/14/18	MENARDS	\$39.13	Ice Melt, Gorilla Glue, Gal bar & chain lube	101-43100-220	

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018221	03/14/18	MIDCO	\$9.44	CITY HALL	101-43100-323	Internet/E-mail/Web Site
018222	03/14/18	MIKE S REPAIR	\$646.79	Front Axle Repair 1 ton	101-43100-220	Repair/Maint Supply-Labor Incl
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$47.70	10543000 STR LIGHTS PRAIRIE DR	101-43100-387	Street Lighting-Electricity
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$95.00	6400610 STR LIGHTS CO SIDE	101-43100-387	
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$40.00	11633200 STR LGTS CORD6/H23	101-43100-387	
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$71.00	10549600 STR LIGHTS BRENTWOOD	101-43100-387	
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$42.00	10232500 STR LGTS CORD140/H23	101-43100-387	
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$44.00	10232600 STR LGTS CORD8/H23	101-43100-387	
018226	03/14/18	VISA	\$12.43	Copy paper, markers, clips, hooks badges, calculator, wire	101-43100-200	Office Supplies
018227	03/14/18	WEST CENTRAL SANITATION, INC	\$83.87	GARBAGE-PUB WKS DPT	101-43100-384	Refuse/Garbage Disposal
018229	03/22/18	AT & T MOBILITY	\$84.05	WIRELESS PHONE	101-43100-321	Telephone
018230	03/22/18	CENTURYLINK	\$45.53	251-5836 City Hall	101-43100-321	
018237	03/28/18	HENRYS WATERWORKS, INC	\$837.00	56 Cold Patch 50# Bags	101-43100-308	Road Patching
018238	03/28/18	LITTLE FALLS MACHINE, INC	\$500.57	Single Axle Truck Unit 5 & Tandem Truck Unit 7 Pin, wing	101-43100-220	Repair/Maint Supply-Labor Incl
018239	03/28/18	LYNN PLUMSKI	\$12.50	CITY HALL	101-43100-106	Cleaning Person
018240	03/28/18	MARCO FINANCING, INC (LEASE)	\$60.00	COPIER/LEASE	101-43100-413	Copier/Printer Lease
018241	03/28/18	MENARDS	\$24.99	Shop Toilet Seat	101-43100-220	Repair/Maint Supply-Labor Incl
018243	03/28/18	ROYAL TIRE INC	\$128.96	Tandem Truck #7 Repair used wheel, valve cap, Spin Bal	101-43100-220	
018246	03/28/18	WENNER COMPANY INC	\$23.85	Shop supplies Bolts, Nuts, Screws, Ice Melter	101-43100-220	
DEPT 43100 Hwys, Streets, & Roads			\$5,423.24			
DEPT 45122 Parks & Recreation						
001238	03/14/18	NEOPOST, INC	\$8.00	POSTAGE PARK	101-45122-322	Postage
001239	03/14/18	CITY OF ROCKVILLE	\$51.06	WATER/SEWER SOFTBALL PARK	101-45122-210	Operating Supplies/Expenses
018213	03/07/18	XCEL ENERGY	\$11.31	1001 OTHMAR LN	101-45122-381	Electric Utilities
018213	03/07/18	XCEL ENERGY	\$61.79	1000 BRDWY BALLPK BALL PRG	101-45122-381	
018220	03/14/18	MENARDS	\$6.45	Garbage bags	101-45122-220	Repair/Maint Supply-Labor Incl
018221	03/14/18	MIDCO	\$9.44	CITY HALL	101-45122-323	Internet/E-mail/Web Site
018227	03/14/18	WEST CENTRAL SANITATION, INC	\$12.71	GARBAGE-PLEASANT LK	101-45122-384	Refuse/Garbage Disposal
018229	03/22/18	AT & T MOBILITY	\$4.00	WIRELESS PHONE	101-45122-321	Telephone
018240	03/28/18	MARCO FINANCING, INC (LEASE)	\$25.00	COPIER/LEASE	101-45122-413	Copier/Printer Lease
018244	03/28/18	STEARNS CO AUDITOR-TREASURER	\$652.00	76.41615.0800 Eagle Park	101-45122-434	Property Tax to County
DEPT 45122 Parks & Recreation			\$841.76			
DEPT 46300 Planning and Zoning						
001234	03/07/18	PAYMENT SERVICE NETWORK	\$1.24	Monthly Credit Card fee	101-46300-210	Operating Supplies/Expenses
001238	03/14/18	NEOPOST, INC	\$55.00	POSTAGE-ZONING	101-46300-322	Postage
001239	03/14/18	CITY OF ROCKVILLE	\$5.00	WATER/SEWER CH	101-46300-210	Operating Supplies/Expenses
018199	03/07/18	AMERIPRIDE SERVICES, INC	\$7.00	RENTAL OF RUGS/MOPS-CITY HALL	101-46300-209	Cleaning Supp,Bldg Op Supply
018202	03/07/18	COMMUNITY TECHNOLOGY CENTER	\$7.44	Phone port, Computer Issue	101-46300-309	Computer Svcs, Software & Sply

**CITY OF ROCKVILLE**  
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Check Nbr	Check/Receipt Date	Search Name	Amount	Comments	Act Code	OBJ Descr
018206	03/07/18	INSPECTRON INC.	\$88.25	Building Inspection & review	101-46300-305	Building Inspection Fees
018212	03/07/18	STEARNS CO RECORDER OFFICE	\$46.00	Adjust Boundary Lines Kunkel, Nelson, Williams & Schmitt	101-46300-429	Recording of Legal Documents
018213	03/07/18	XCEL ENERGY	\$64.37	229 BROADWAY	101-46300-381	Electric Utilities
018218	03/14/18	COLD SPRING RECORD INC	\$44.63	Planning Commission Meeting Location change	101-46300-340	Advertising/Printing/Publishin
018219	03/14/18	JOVANOVICH KADLEC & ATHMANN	\$70.00	Molitor Air bnb, Reimb from property owner	101-46300-304	Legal Fees
018219	03/14/18	JOVANOVICH KADLEC & ATHMANN	\$140.00	Review Subdivision, packet, Attend Meeting	101-46300-304	
018219	03/14/18	JOVANOVICH KADLEC & ATHMANN	\$565.00	Schneider Plat, Reimb from property owner	101-46300-304	
018219	03/14/18	JOVANOVICH KADLEC & ATHMANN	\$277.50	Voigts Plat, Reimb from property	101-46300-304	
018221	03/14/18	MIDCO	\$9.44	CITY HALL	101-46300-323	Internet/E-mail/Web Site
018224	03/14/18	STEARNS CO RECORDER OFFICE	\$46.00	Voigt's sewer easement	101-46300-429	Recording of Legal Documents
018226	03/14/18	VISA	\$12.43	Copy paper, markers, clips, hooks badges, calculator, wire	101-46300-200	Office Supplies
018230	03/22/18	CENTURYLINK	\$45.53	251-5836 City Hall	101-46300-321	Telephone
018232	03/22/18	STEARNS CO RECORDER OFFICE	\$46.00	76.41604.0605 9379 Co Rd 6	101-46300-429	Recording of Legal Documents
018239	03/28/18	LYNN PLUMSKI	\$12.50	CITY HALL	101-46300-106	Cleaning Person
018240	03/28/18	MARCO FINANCING, INC (LEASE)	\$75.00	COPIER/LEASE	101-46300-413	Copier/Printer Lease
DEPT 46300 Planning and Zoning			\$1,618.33			
FUND 101 GENERAL FUND			\$35,448.78			
FUND 601 WATER FUND						
DEPT 49440 Water-Administration						
001234	03/07/18	PAYMENT SERVICE NETWORK	\$1.24	Monthly Credit Card fee	601-49440-210	Operating Supplies/Expenses
001238	03/14/18	NEOPOST, INC	\$75.00	POSTAGE-WTR DEPT	601-49440-322	Postage
018199	03/07/18	AMERIPRIDE SERVICES, INC	\$7.00	RENTAL OF RUGS/MOPS-CITY HALL	601-49440-209	Cleaning Supp,Bldg Op Supply
018200	03/07/18	BECKYS GAS & BAIT	\$45.06	FUEL - WATER	601-49440-212	Gas & Oil
018202	03/07/18	COMMUNITY TECHNOLOGY CENTER	\$7.44	Phone port, Computer Issue	601-49440-309	Computer Svcs, Software & Sply
018205	03/07/18	HAWKINS WTR TREATMENT GRP INC	\$10.00	DEMURRAGE-WATER DEPT	601-49440-216	Chemicals/Chem Products
018213	03/07/18	XCEL ENERGY	\$373.04	423 MAPLE ST & 560 CHESTNUT	601-49440-381	Electric Utilities
018213	03/07/18	XCEL ENERGY	\$54.52	209 BRDWDY & 562 CHESTNUT	601-49440-381	
018213	03/07/18	XCEL ENERGY	\$64.37	229 BROADWAY	601-49440-381	
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$71.18	6109069-2 PMPHSE OTHMAR/MAPLE	601-49440-383	Gas Utilities
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$48.70	6394888-9 UTIL-229 CITY HALL	601-49440-383	
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$61.77	6110833-8 PUMPHSE @ WAL CIR	601-49440-383	
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$211.36	6109272-2 209 BRDWDY-PUB WKS	601-49440-383	
018221	03/14/18	MIDCO	\$9.44	CITY HALL	601-49440-323	Internet/E-mail/Web Site
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$275.00	10052700 WTR TWR WALNUT CIR	601-49440-381	Electric Utilities
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$124.00	10453000 PMPHOUSE 26498 79TH	601-49440-382	PL LK Electric Utilities
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$399.00	10516700 PUMPHOUSE PLEASANT	601-49440-382	
018226	03/14/18	VISA	\$12.43	Copy paper, markers, clips, hooks badges, calculator, wire	601-49440-200	Office Supplies

**CITY OF ROCKVILLE**  
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Check Nbr	Check/Receipt Date	Search Name	Amount	Comments	Act Code	OBJ Descr
018226	03/14/18	VISA	\$23.29	Well 3 Fittings	601-49440-220	Repair/Maint Supply-Labor Incl
018226	03/14/18	VISA	\$20.55	Water Sample postage	601-49440-322	Postage
018226	03/14/18	VISA	\$572.79	Fluoride Colorimeter	601-49440-540	Machinery & Equipment
018229	03/22/18	AT & T MOBILITY	\$30.00	WIRELESS PHONE	601-49440-321	Telephone
018230	03/22/18	CENTURYLINK	\$35.81	251-1664 SCDA System	601-49440-321	
018230	03/22/18	CENTURYLINK	\$51.15	251-2120 Well house 3	601-49440-321	
018230	03/22/18	CENTURYLINK	\$45.53	251-5836 City Hall	601-49440-321	
018239	03/28/18	LYNN PLUMSKI	\$12.50	CITY HALL	601-49440-106	Cleaning Person
018240	03/28/18	MARCO FINANCING, INC (LEASE)	\$50.00	COPIER/LEASE	601-49440-413	Copier/Printer Lease
DEPT 49440 Water-Administration			\$2,692.17			
FUND 601 WATER FUND			\$2,692.17			
FUND 602 SEWER FUND						
DEPT 49490 Sewer-Administration						
001234	03/07/18	PAYMENT SERVICE NETWORK	\$1.24	Monthly Credit Card fee	602-49490-210	Operating Supplies/Expenses
001238	03/14/18	NEOPOST, INC	\$166.00	POSTAGE-SWR DEPT	602-49490-322	Postage
018199	03/07/18	AMERIPRIDE SERVICES, INC	\$7.00	RENTAL OF RUGS/MOPS-CITY HALL	602-49490-209	Cleaning Supp,Bldg Op Supply
018200	03/07/18	BECKYS GAS & BAIT	\$41.08	FUEL - SEWER	602-49490-212	Gas & Oil
018202	03/07/18	COMMUNITY TECHNOLOGY CENTER	\$7.44	Phone port, Computer Issue	602-49490-309	Computer Svcs, Software & Sply
018203	03/07/18	DELTA ELECTRIC	\$393.34	Grinderstation Relay Parts	602-49490-289	Grinderstation Repairs/Parts
018203	03/07/18	DELTA ELECTRIC	\$818.75	Grinderstation calls Lake Area	602-49490-296	Lk Sewer Contr Srvc
018208	03/07/18	NELSON ELECTRIC MOTOR REP INC	\$731.50	Replace the power supply for pump #2	602-49490-220	Repair/Maint Supply-Labor Incl
018213	03/07/18	XCEL ENERGY	\$64.37	229 BROADWAY	602-49490-381	Electric Utilities
018213	03/07/18	XCEL ENERGY	\$54.52	209 BRDWDY & 562 CHESTNUT	602-49490-381	
018213	03/07/18	XCEL ENERGY	\$288.43	398 BROADWAY ST	602-49490-381	
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$48.70	6394888-9 UTIL-229 CITY HALL	602-49490-383	Gas Utilities
018216	03/14/18	CENTER POINT ENERGY-MINNEGASCO	\$211.36	6109272-2 209 BRDWDY-PUB WKS	602-49490-383	
018220	03/14/18	MENARDS	\$23.41	Sewer gloves, Tape	602-49490-220	Repair/Maint Supply-Labor Incl
018221	03/14/18	MIDCO	\$9.44	CITY HALL	602-49490-323	Internet/E-mail/Web Site
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$67.00	10440600 LIFT ST PLEAS RD	602-49490-381	Electric Utilities
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$350.00	10406000 LIFT ST PRAIRIE IND	602-49490-381	
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$97.00	10405800 LIFT ST GRAND LAKE	602-49490-381	
018225	03/14/18	STEARNS ELECTRIC ASOC INC	\$192.00	10405900 LIFT ST PLEAS LAKE	602-49490-381	
018226	03/14/18	VISA	\$12.43	Copy paper, markers, clips, hooks badges, calculator, wire	602-49490-200	Office Supplies
018226	03/14/18	VISA	\$217.18	Liftstation parts for stock	602-49490-220	Repair/Maint Supply-Labor Incl
018229	03/22/18	AT & T MOBILITY	\$30.00	WIRELESS PHONE	602-49490-321	Telephone
018229	03/22/18	AT & T MOBILITY	\$30.06	GRINDERSTATION PHONE	602-49490-321	
018230	03/22/18	CENTURYLINK	\$45.52	251-5836 City Hall	602-49490-321	

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Check Nbr	Check/Receipt Date	Search Name	Amount	Comments	Act Code	OBJ Descr
018230	03/22/18	CENTURYLINK	\$205.50	612-E16-2655 Sewer	602-49490-321	Telephone
018230	03/22/18	CENTURYLINK	\$54.60	685-4204 Sewer	602-49490-321	
018230	03/22/18	CENTURYLINK	\$51.09	259-1473 Sewer	602-49490-321	
018230	03/22/18	CENTURYLINK	\$35.82	251-1664 SCDA System	602-49490-321	
018234	03/28/18	CITY OF COLD SPRING	\$5,895.23	FEB WASTEWTR BILL-CORE CITY	602-49490-293	Wastewtr Bill-Lakes Area
018234	03/28/18	CITY OF COLD SPRING	\$5,222.06	JAN WASTEWTR BILL-LAKES AREA	602-49490-293	
018234	03/28/18	CITY OF COLD SPRING	\$1,676.84	FEB WASTEWTR BILL-CORE CITY	602-49490-312	Wastewater Bill-Core City
018234	03/28/18	CITY OF COLD SPRING	\$3,213.19	JAN WASTEWTR BILL-CORE CITY	602-49490-312	
018239	03/28/18	LYNN PLUMSKI	\$12.50	CITY HALL	602-49490-106	Cleaning Person
018240	03/28/18	MARCO FINANCING, INC (LEASE)	\$75.00	COPIER/LEASE	602-49490-413	Copier/Printer Lease
DEPT 49490 Sewer-Administration			\$20,349.60			
FUND 602 SEWER FUND			\$20,349.60			
			\$58,490.55			

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Batch Name	03/01/18 JE	Debit Total	\$14,817.64		3
	Journal Entry	Credit Total	\$14,817.64	<b>Posted</b>	
			<u>\$0.00</u>		

Refer	1 Labor Distribution	Debit	Credit
Payroll Journal	E 101-43125-104 Seasonal/Temp/Co	\$374.00	\$0.00
Payroll Journal	E 101-41410-108 Administrative Assi	\$41.83	\$0.00
Payroll Journal	E 101-42800-121 PERA	\$1.76	\$0.00
Payroll Journal	E 101-42800-122 FICA-Social Securit	\$1.48	\$0.00
Payroll Journal	E 101-42800-123 Medicare	\$0.36	\$0.00
Payroll Journal	E 101-42800-131 Health Insurance	\$3.21	\$0.00
Payroll Journal	E 101-43100-101 City Administrator	\$131.36	\$0.00
Payroll Journal	E 101-43100-102 Public Works Direct	\$1,290.38	\$0.00
Payroll Journal	E 101-43100-105 Finance/Billing Cler	\$234.36	\$0.00
Payroll Journal	E 101-43100-108 Administrative Assi	\$10.46	\$0.00
Payroll Journal	E 101-43100-109 Public Works Maint	\$1,120.75	\$0.00
Payroll Journal	E 101-43100-121 PERA	\$209.02	\$0.00
Payroll Journal	E 101-43100-122 FICA-Social Securit	\$176.79	\$0.00
Payroll Journal	E 101-42800-105 Finance/Billing Cler	\$5.72	\$0.00
Payroll Journal	E 101-43100-131 Health Insurance	\$250.20	\$0.00
Payroll Journal	E 101-42800-102 Public Works Direct	\$6.26	\$0.00
Payroll Journal	E 101-43125-122 FICA-Social Securit	\$23.19	\$0.00
Payroll Journal	E 101-43125-123 Medicare	\$5.42	\$0.00
Payroll Journal	E 101-45122-101 City Administrator	\$82.10	\$0.00
Payroll Journal	E 101-45122-102 Public Works Direct	\$357.05	\$0.00
Payroll Journal	E 101-45122-105 Finance/Billing Cler	\$11.43	\$0.00
Payroll Journal	E 101-45122-108 Administrative Assi	\$7.84	\$0.00
Payroll Journal	E 101-45122-109 Public Works Maint	\$258.96	\$0.00
Payroll Journal	E 101-45122-121 PERA	\$53.80	\$0.00
Payroll Journal	E 101-45122-122 FICA-Social Securit	\$45.77	\$0.00
Payroll Journal	E 101-45122-123 Medicare	\$10.71	\$0.00
Payroll Journal	E 101-45122-131 Health Insurance	\$49.31	\$0.00
Payroll Journal	E 101-46300-101 City Administrator	\$1,727.38	\$0.00
Payroll Journal	E 101-46300-102 Public Works Direct	\$6.26	\$0.00
Payroll Journal	E 101-43100-123 Medicare	\$41.35	\$0.00
Payroll Journal	E 101-42200-108 Administrative Assi	\$20.92	\$0.00
Payroll Journal	E 101-41410-121 PERA	\$7.32	\$0.00
Payroll Journal	E 101-41410-122 FICA-Social Securit	\$6.06	\$0.00
Payroll Journal	E 101-41410-123 Medicare	\$1.42	\$0.00
Payroll Journal	E 101-41410-131 Health Insurance	\$10.10	\$0.00
Payroll Journal	E 101-41800-101 City Administrator	\$170.77	\$0.00
Payroll Journal	E 101-41800-105 Finance/Billing Cler	\$569.31	\$0.00
Payroll Journal	E 101-41800-108 Administrative Assi	\$287.60	\$0.00
Payroll Journal	E 101-41800-121 PERA	\$77.08	\$0.00
Payroll Journal	E 101-41800-122 FICA-Social Securit	\$62.40	\$0.00
Payroll Journal	E 101-41800-123 Medicare	\$14.59	\$0.00
Payroll Journal	E 101-41800-131 Health Insurance	\$222.06	\$0.00
Payroll Journal	E 101-42200-101 City Administrator	\$39.41	\$0.00
Payroll Journal	E 101-42800-109 Public Works Maint	\$4.89	\$0.00
Payroll Journal	E 101-42200-105 Finance/Billing Cler	\$45.73	\$0.00

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Payroll Journal	E 101-46300-109 Public Works Maint	\$4.89	\$0.00
Payroll Journal	E 101-42200-109 Public Works Maint	\$14.66	\$0.00
Payroll Journal	E 101-42200-121 PERA	\$10.46	\$0.00
Payroll Journal	E 101-42200-122 FICA-Social Securit	\$8.68	\$0.00
Payroll Journal	E 101-42200-123 Medicare	\$2.04	\$0.00
Payroll Journal	E 101-42200-131 Health Insurance	\$21.27	\$0.00
Payroll Journal	E 101-42500-101 City Administrator	\$32.84	\$0.00
Payroll Journal	E 101-42500-105 Finance/Billing Cler	\$5.72	\$0.00
Payroll Journal	E 101-42500-108 Administrative Assi	\$26.15	\$0.00
Payroll Journal	E 101-42500-121 PERA	\$4.85	\$0.00
Payroll Journal	E 101-42500-122 FICA-Social Securit	\$4.08	\$0.00
Payroll Journal	E 101-42500-123 Medicare	\$0.96	\$0.00
Payroll Journal	E 101-42500-131 Health Insurance	\$3.65	\$0.00
Payroll Journal	E 101-42800-101 City Administrator	\$6.57	\$0.00
Payroll Journal	E 101-42200-102 Public Works Direct	\$18.79	\$0.00
Payroll Journal	E 101-41000-108 Administrative Assi	\$54.90	\$0.00
Payroll Journal	G 101-21701 Federal Withholding	\$0.00	\$1,461.56
Payroll Journal	G 101-21702 State Withholding	\$0.00	\$594.69
Payroll Journal	G 101-21703 FICA/Medicare Withhol	\$0.00	\$1,820.10
Payroll Journal	G 101-21704 PERA	\$0.00	\$1,590.44
Payroll Journal	G 101-21705 Health Insurance	\$0.00	\$107.55
Payroll Journal	G 101-21706 City Portion Health Ins	\$0.00	\$860.47
Payroll Journal	G 101-21709 Short/Long-Term Disabi	\$0.00	\$30.55
Payroll Journal	G 101-21711 Incentive Pay	\$0.00	\$150.00
Payroll Journal	G 221-10600 Cash	\$0.00	\$7.42
Payroll Journal	G 601-10600 Cash	\$0.00	\$1,891.73
Payroll Journal	G 602-10600 Cash	\$0.00	\$2,211.04
Payroll Journal	E 101-41000-101 City Administrator	\$170.77	\$0.00
Payroll Journal	E 101-46300-105 Finance/Billing Cler	\$228.64	\$0.00
Payroll Journal	E 101-41000-105 Finance/Billing Cler	\$40.01	\$0.00
Payroll Journal	E 602-49490-131 Health Insurance	\$277.67	\$0.00
Payroll Journal	E 101-41000-109 Public Works Maint	\$19.54	\$0.00
Payroll Journal	E 101-41000-121 PERA	\$23.28	\$0.00
Payroll Journal	E 101-41000-122 FICA-Social Securit	\$19.66	\$0.00
Payroll Journal	E 101-41000-123 Medicare	\$4.59	\$0.00
Payroll Journal	E 101-41000-131 Health Insurance	\$25.86	\$0.00
Payroll Journal	E 101-41110-101 City Administrator	\$755.32	\$0.00
Payroll Journal	E 101-41110-105 Finance/Billing Cler	\$22.86	\$0.00
Payroll Journal	E 101-41110-108 Administrative Assi	\$41.83	\$0.00
Payroll Journal	E 101-41110-121 PERA	\$61.51	\$0.00
Payroll Journal	E 101-41110-122 FICA-Social Securit	\$52.83	\$0.00
Payroll Journal	E 101-41110-123 Medicare	\$12.35	\$0.00
Payroll Journal	E 101-41110-131 Health Insurance	\$43.10	\$0.00
Payroll Journal	E 101-41410-101 City Administrator	\$32.84	\$0.00
Payroll Journal	E 101-41000-102 Public Works Direct	\$25.06	\$0.00
Payroll Journal	E 601-49440-109 Public Works Maint	\$387.82	\$0.00
Payroll Journal	E 101-41410-105 Finance/Billing Cler	\$22.86	\$0.00
Payroll Journal	E 101-46300-121 PERA	\$169.49	\$0.00
Payroll Journal	E 101-46300-122 FICA-Social Securit	\$144.11	\$0.00
Payroll Journal	E 101-46300-123 Medicare	\$33.72	\$0.00

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**Journal Entries**

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Payroll Journal	E 101-46300-131 Health Insurance	\$165.72	\$0.00		
Payroll Journal	E 221-41000-101 City Administrator	\$3.28	\$0.00		
Payroll Journal	E 221-41000-105 Finance/Billing Cler	\$2.29	\$0.00		
Payroll Journal	E 221-41000-121 PERA	\$0.41	\$0.00		
Payroll Journal	E 221-41000-122 FICA-Social Securit	\$0.34	\$0.00		
Payroll Journal	E 221-41000-123 Medicare	\$0.09	\$0.00		
Payroll Journal	E 221-41000-131 Health Insurance	\$1.01	\$0.00		
Payroll Journal	E 601-49440-101 City Administrator	\$65.68	\$0.00		
Payroll Journal	E 601-49440-102 Public Works Direct	\$375.84	\$0.00		
Payroll Journal	G 101-10600 Cash	\$0.00	\$4,092.09		
Payroll Journal	E 602-49490-102 Public Works Direct	\$425.95	\$0.00		
Payroll Journal	E 101-46300-108 Administrative Assi	\$292.82	\$0.00		
Payroll Journal	E 602-49490-123 Medicare	\$24.09	\$0.00		
Payroll Journal	E 602-49490-122 FICA-Social Securit	\$103.26	\$0.00		
Payroll Journal	E 602-49490-121 PERA	\$125.25	\$0.00		
Payroll Journal	E 602-49490-109 Public Works Maint	\$426.91	\$0.00		
Payroll Journal	E 601-49440-105 Finance/Billing Cler	\$503.01	\$0.00		
Payroll Journal	E 602-49490-105 Finance/Billing Cler	\$594.46	\$0.00		
Payroll Journal	E 601-49440-108 Administrative Assi	\$104.58	\$0.00		
Payroll Journal	E 602-49490-101 City Administrator	\$65.68	\$0.00		
Payroll Journal	E 601-49440-131 Health Insurance	\$237.30	\$0.00		
Payroll Journal	E 601-49440-123 Medicare	\$20.80	\$0.00		
Payroll Journal	E 601-49440-122 FICA-Social Securit	\$88.91	\$0.00		
Payroll Journal	E 601-49440-121 PERA	\$107.79	\$0.00		
Payroll Journal	E 602-49490-331 Hotel,Meal,Prkg &	\$10.90	\$0.00		
Payroll Journal	E 602-49490-108 Administrative Assi	\$156.87	\$0.00		
Transaction Date	3/1/2018	Due 0	<b>Total</b>	\$14,817.64	\$14,817.64

**Fund Summary**

		Debit	Credit	Difference
Refer 1	101 GENERAL FUND	\$10,707.45	\$10,707.45	In Balance
	221 LAKE IMPROVEMENT DISTRIC	\$7.42	\$7.42	In Balance
	601 WATER FUND	\$1,891.73	\$1,891.73	In Balance
	602 SEWER FUND	\$2,211.04	\$2,211.04	In Balance

For each fund the Debits MUST equal Credits to be In Balance.

Batch Name	03/06/18 JE	Debit Total	\$466.66		3
	Journal Entry	Credit Total	\$466.66	<b>Posted</b>	
			\$0.00		

Refer	0 Reallocate	Debit	Credit		
Journal Entry	E 101-43125-104 Seasonal/Temp/Co	\$0.00	\$433.50		
Journal Entry	E 101-43100-104 Seasonal/Temp/Co	\$433.50	\$0.00		
Journal Entry	E 101-43125-122 FICA-Social Securit	\$0.00	\$26.88		
Journal Entry	E 101-43100-122 FICA-Social Securit	\$26.88	\$0.00		
Journal Entry	E 101-43125-123 Medicare	\$0.00	\$6.28		
Journal Entry	E 101-43100-123 Medicare	\$6.28	\$0.00		
Transaction Date	3/6/2018	Due 0	<b>Total</b>	\$466.66	\$466.66

Journal Entries

Current Period: MARCH 2018

Fund Summary

Refer 0	101 GENERAL FUND	Debit	Credit	Difference
		\$466.66	\$466.66	In Balance

For each fund the Debits MUST equal Credits to be In Balance.

Batch Name	03/14/18 JE	Debit Total	\$13,320.89		3
	Journal Entry	Credit Total	\$13,320.89	<b>Posted</b>	
			\$0.00		

Refer	1 Labor Distribution	Debit	Credit
Payroll Journal	E 101-42500-123 Medicare	\$0.96	\$0.00
Payroll Journal	E 101-42200-101 City Administrator	\$39.41	\$0.00
Payroll Journal	E 101-42200-102 Public Works Direct	\$18.79	\$0.00
Payroll Journal	E 101-42200-105 Finance/Billing Cler	\$45.73	\$0.00
Payroll Journal	E 101-42200-108 Administrative Assi	\$20.92	\$0.00
Payroll Journal	E 101-42200-109 Public Works Maint	\$14.66	\$0.00
Payroll Journal	E 101-42200-121 PERA	\$10.46	\$0.00
Payroll Journal	E 101-42200-122 FICA-Social Securit	\$8.68	\$0.00
Payroll Journal	E 101-42200-123 Medicare	\$2.04	\$0.00
Payroll Journal	E 101-42200-131 Health Insurance	\$4.06	\$0.00
Payroll Journal	E 101-42500-101 City Administrator	\$32.84	\$0.00
Payroll Journal	E 101-42500-105 Finance/Billing Cler	\$5.72	\$0.00
Payroll Journal	E 101-42500-108 Administrative Assi	\$26.15	\$0.00
Payroll Journal	E 101-43100-108 Administrative Assi	\$10.46	\$0.00
Payroll Journal	E 101-42500-122 FICA-Social Securit	\$4.08	\$0.00
Payroll Journal	E 101-41800-123 Medicare	\$14.59	\$0.00
Payroll Journal	E 101-42500-131 Health Insurance	\$1.50	\$0.00
Payroll Journal	E 101-42800-101 City Administrator	\$6.57	\$0.00
Payroll Journal	E 101-42800-102 Public Works Direct	\$6.26	\$0.00
Payroll Journal	E 101-42800-105 Finance/Billing Cler	\$5.72	\$0.00
Payroll Journal	E 101-42800-109 Public Works Maint	\$4.89	\$0.00
Payroll Journal	E 101-42800-121 PERA	\$1.76	\$0.00
Payroll Journal	E 101-42800-122 FICA-Social Securit	\$1.48	\$0.00
Payroll Journal	E 101-42800-123 Medicare	\$0.36	\$0.00
Payroll Journal	E 101-42800-131 Health Insurance	\$1.06	\$0.00
Payroll Journal	E 101-43100-101 City Administrator	\$131.36	\$0.00
Payroll Journal	E 101-43100-102 Public Works Direct	\$1,290.38	\$0.00
Payroll Journal	E 101-41000-101 City Administrator	\$170.77	\$0.00
Payroll Journal	E 101-42500-121 PERA	\$4.85	\$0.00
Payroll Journal	E 101-41110-131 Health Insurance	\$34.50	\$0.00
Payroll Journal	E 101-41000-102 Public Works Direct	\$25.06	\$0.00
Payroll Journal	E 101-41000-105 Finance/Billing Cler	\$40.01	\$0.00
Payroll Journal	E 101-41000-108 Administrative Assi	\$54.90	\$0.00
Payroll Journal	E 101-41000-109 Public Works Maint	\$19.54	\$0.00
Payroll Journal	E 101-41000-121 PERA	\$23.28	\$0.00
Payroll Journal	E 101-41000-122 FICA-Social Securit	\$19.65	\$0.00
Payroll Journal	E 101-41000-123 Medicare	\$4.59	\$0.00
Payroll Journal	E 101-41000-131 Health Insurance	\$10.80	\$0.00
Payroll Journal	E 101-41110-101 City Administrator	\$755.32	\$0.00
Payroll Journal	E 101-41110-105 Finance/Billing Cler	\$22.86	\$0.00

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Current Period: MARCH 2018

Payroll Journal	E 101-41110-108 Administrative Assi	\$41.83	\$0.00
Payroll Journal	E 101-41110-121 PERA	\$61.51	\$0.00
Payroll Journal	E 101-41800-331 Hotel,Meal,Prkg &	\$9.27	\$0.00
Payroll Journal	E 101-41110-123 Medicare	\$12.35	\$0.00
Payroll Journal	E 101-41800-131 Health Insurance	\$7.80	\$0.00
Payroll Journal	E 101-41410-101 City Administrator	\$32.84	\$0.00
Payroll Journal	E 101-41410-105 Finance/Billing Cler	\$22.86	\$0.00
Payroll Journal	E 101-41410-108 Administrative Assi	\$41.83	\$0.00
Payroll Journal	E 101-41410-121 PERA	\$7.32	\$0.00
Payroll Journal	E 101-41410-122 FICA-Social Securit	\$6.06	\$0.00
Payroll Journal	E 101-41410-123 Medicare	\$1.42	\$0.00
Payroll Journal	E 101-41410-131 Health Insurance	\$1.50	\$0.00
Payroll Journal	E 101-41800-101 City Administrator	\$170.77	\$0.00
Payroll Journal	E 101-41800-105 Finance/Billing Cler	\$569.31	\$0.00
Payroll Journal	E 101-41800-108 Administrative Assi	\$287.60	\$0.00
Payroll Journal	E 101-41800-121 PERA	\$77.08	\$0.00
Payroll Journal	E 101-41800-122 FICA-Social Securit	\$62.40	\$0.00
Payroll Journal	E 101-43100-109 Public Works Maint	\$1,026.06	\$0.00
Payroll Journal	E 101-41110-122 FICA-Social Securit	\$52.83	\$0.00
Payroll Journal	E 602-49490-122 FICA-Social Securit	\$97.41	\$0.00
Payroll Journal	E 601-49440-102 Public Works Direct	\$375.84	\$0.00
Payroll Journal	E 601-49440-105 Finance/Billing Cler	\$503.01	\$0.00
Payroll Journal	E 601-49440-108 Administrative Assi	\$104.58	\$0.00
Payroll Journal	E 601-49440-109 Public Works Maint	\$293.16	\$0.00
Payroll Journal	E 601-49440-121 PERA	\$100.69	\$0.00
Payroll Journal	E 601-49440-122 FICA-Social Securit	\$83.06	\$0.00
Payroll Journal	E 601-49440-123 Medicare	\$19.43	\$0.00
Payroll Journal	E 601-49440-131 Health Insurance	\$48.00	\$0.00
Payroll Journal	E 602-49490-101 City Administrator	\$65.68	\$0.00
Payroll Journal	E 602-49490-102 Public Works Direct	\$425.95	\$0.00
Payroll Journal	E 602-49490-105 Finance/Billing Cler	\$594.46	\$0.00
Payroll Journal	E 602-49490-108 Administrative Assi	\$156.87	\$0.00
Payroll Journal	E 101-43100-105 Finance/Billing Cler	\$234.36	\$0.00
Payroll Journal	E 602-49490-121 PERA	\$118.15	\$0.00
Payroll Journal	E 221-41000-123 Medicare	\$0.09	\$0.00
Payroll Journal	E 602-49490-123 Medicare	\$22.73	\$0.00
Payroll Journal	E 602-49490-131 Health Insurance	\$53.96	\$0.00
Payroll Journal	G 101-10600 Cash	\$0.00	\$4,330.41
Payroll Journal	G 101-21701 Federal Withholding	\$0.00	\$1,391.05
Payroll Journal	G 101-21702 State Withholding	\$0.00	\$573.76
Payroll Journal	G 101-21703 FICA/Medicare Withhol	\$0.00	\$1,719.42
Payroll Journal	G 101-21704 PERA	\$0.00	\$1,550.68
Payroll Journal	G 101-21705 Health Insurance	\$0.00	\$107.55
Payroll Journal	G 101-21709 Short/Long-Term Disabi	\$0.00	\$30.55
Payroll Journal	G 101-21711 Incentive Pay	\$0.00	\$150.00
Payroll Journal	G 221-10600 Cash	\$0.00	\$6.56
Payroll Journal	G 601-10600 Cash	\$0.00	\$1,593.45
Payroll Journal	E 602-49490-109 Public Works Maint	\$332.25	\$0.00
Payroll Journal	E 101-46300-101 City Administrator	\$1,727.38	\$0.00
Payroll Journal	E 101-43100-121 PERA	\$201.94	\$0.00

**CITY OF ROCKVILLE**  
**Journal Entries**

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**Current Period: MARCH 2018**

Payroll Journal	E 101-43100-122 FICA-Social Securit	\$170.90	\$0.00		
Payroll Journal	E 101-43100-123 Medicare	\$39.97	\$0.00		
Payroll Journal	E 101-43100-131 Health Insurance	\$162.00	\$0.00		
Payroll Journal	E 101-43100-426 PPE Personal Prot	\$94.99	\$0.00		
Payroll Journal	E 101-45122-101 City Administrator	\$82.10	\$0.00		
Payroll Journal	E 101-45122-102 Public Works Direct	\$357.05	\$0.00		
Payroll Journal	E 101-45122-105 Finance/Billing Cler	\$11.43	\$0.00		
Payroll Journal	E 101-45122-108 Administrative Assi	\$7.84	\$0.00		
Payroll Journal	E 101-45122-109 Public Works Maint	\$258.96	\$0.00		
Payroll Journal	E 101-45122-121 PERA	\$53.80	\$0.00		
Payroll Journal	E 101-45122-122 FICA-Social Securit	\$45.76	\$0.00		
Payroll Journal	E 601-49440-101 City Administrator	\$65.68	\$0.00		
Payroll Journal	E 101-45122-131 Health Insurance	\$45.01	\$0.00		
Payroll Journal	E 221-41000-131 Health Insurance	\$0.15	\$0.00		
Payroll Journal	E 101-46300-102 Public Works Direct	\$6.26	\$0.00		
Payroll Journal	E 101-46300-105 Finance/Billing Cler	\$228.64	\$0.00		
Payroll Journal	E 101-46300-108 Administrative Assi	\$292.82	\$0.00		
Payroll Journal	E 101-46300-109 Public Works Maint	\$4.89	\$0.00		
Payroll Journal	E 101-46300-121 PERA	\$169.47	\$0.00		
Payroll Journal	E 101-46300-122 FICA-Social Securit	\$144.11	\$0.00		
Payroll Journal	E 101-46300-123 Medicare	\$33.72	\$0.00		
Payroll Journal	E 101-46300-131 Health Insurance	\$79.66	\$0.00		
Payroll Journal	E 221-41000-101 City Administrator	\$3.28	\$0.00		
Payroll Journal	E 221-41000-105 Finance/Billing Cler	\$2.29	\$0.00		
Payroll Journal	E 221-41000-121 PERA	\$0.41	\$0.00		
Payroll Journal	E 221-41000-122 FICA-Social Securit	\$0.34	\$0.00		
Payroll Journal	G 602-10600 Cash	\$0.00	\$1,867.46		
Payroll Journal	E 101-45122-123 Medicare	\$10.70	\$0.00		
<b>Transaction Date</b>	<b>3/15/2018</b>	<b>Due 0</b>	<b>Total</b>	<b>\$13,320.89</b>	<b>\$13,320.89</b>

**Fund Summary**

		Debit	Credit	Difference
Refer 1	101 GENERAL FUND	\$9,853.42	\$9,853.42	In Balance
	221 LAKE IMPROVEMENT DISTRIC	\$6.56	\$6.56	In Balance
	601 WATER FUND	\$1,593.45	\$1,593.45	In Balance
	602 SEWER FUND	\$1,867.46	\$1,867.46	In Balance

For each fund the Debits MUST equal Credits to be In Balance.

Batch Name	03/27/18 JE	Debit Total	\$15,401.43		3
	Journal Entry	Credit Total	\$15,401.43	<b>Posted</b>	
			\$0.00		

Refer		Debit	Credit
1	Labor Distribution		
Payroll Journal	E 101-42500-112 Emergency Manag	\$375.00	\$0.00
Payroll Journal	E 101-43100-102 Public Works Direct	\$1,290.38	\$0.00
Payroll Journal	E 101-42200-101 City Administrator	\$39.41	\$0.00
Payroll Journal	E 101-42200-102 Public Works Direct	\$18.79	\$0.00
Payroll Journal	E 101-42200-105 Finance/Billing Cler	\$45.73	\$0.00
Payroll Journal	E 101-42200-108 Administrative Assi	\$20.92	\$0.00
Payroll Journal	E 101-42200-109 Public Works Maint	\$14.66	\$0.00
Payroll Journal	E 101-42200-121 PERA	\$10.46	\$0.00

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Journal Entries

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Payroll Journal	E 101-42200-122 FICA-Social Securit	\$8.66	\$0.00
Payroll Journal	E 101-42200-123 Medicare	\$2.01	\$0.00
Payroll Journal	E 101-42500-101 City Administrator	\$32.84	\$0.00
Payroll Journal	E 101-41800-123 Medicare	\$14.90	\$0.00
Payroll Journal	E 101-42500-108 Administrative Assi	\$26.15	\$0.00
Payroll Journal	E 101-41800-122 FICA-Social Securit	\$63.72	\$0.00
Payroll Journal	E 101-42500-121 PERA	\$4.85	\$0.00
Payroll Journal	E 101-42500-122 FICA-Social Securit	\$27.26	\$0.00
Payroll Journal	E 101-42500-123 Medicare	\$6.38	\$0.00
Payroll Journal	E 101-42800-101 City Administrator	\$6.57	\$0.00
Payroll Journal	E 101-42800-102 Public Works Direct	\$6.27	\$0.00
Payroll Journal	E 101-42800-105 Finance/Billing Cler	\$5.72	\$0.00
Payroll Journal	E 101-42800-109 Public Works Maint	\$4.89	\$0.00
Payroll Journal	E 101-42800-121 PERA	\$1.76	\$0.00
Payroll Journal	E 101-42800-122 FICA-Social Securit	\$1.44	\$0.00
Payroll Journal	E 101-42800-123 Medicare	\$0.34	\$0.00
Payroll Journal	E 101-41000-101 City Administrator	\$170.77	\$0.00
Payroll Journal	E 101-42500-105 Finance/Billing Cler	\$5.72	\$0.00
Payroll Journal	E 101-41110-122 FICA-Social Securit	\$129.89	\$0.00
Payroll Journal	E 101-41000-102 Public Works Direct	\$25.06	\$0.00
Payroll Journal	E 101-41000-105 Finance/Billing Cler	\$40.01	\$0.00
Payroll Journal	E 101-41000-108 Administrative Assi	\$54.90	\$0.00
Payroll Journal	E 101-41000-109 Public Works Maint	\$19.54	\$0.00
Payroll Journal	E 101-41000-121 PERA	\$23.28	\$0.00
Payroll Journal	E 101-41000-122 FICA-Social Securit	\$19.23	\$0.00
Payroll Journal	E 101-41000-123 Medicare	\$4.50	\$0.00
Payroll Journal	E 101-41110-101 City Administrator	\$755.32	\$0.00
Payroll Journal	E 101-41110-103 Mayor/Council	\$1,275.00	\$0.00
Payroll Journal	E 101-41110-105 Finance/Billing Cler	\$22.86	\$0.00
Payroll Journal	E 101-41800-331 Hotel,Meal,Prkg &	\$530.20	\$0.00
Payroll Journal	E 101-41110-121 PERA	\$90.26	\$0.00
Payroll Journal	E 101-43100-105 Finance/Billing Cler	\$234.36	\$0.00
Payroll Journal	E 101-41110-123 Medicare	\$30.38	\$0.00
Payroll Journal	E 101-41410-101 City Administrator	\$32.84	\$0.00
Payroll Journal	E 101-41410-105 Finance/Billing Cler	\$22.86	\$0.00
Payroll Journal	E 101-41410-108 Administrative Assi	\$41.83	\$0.00
Payroll Journal	E 101-41410-121 PERA	\$7.32	\$0.00
Payroll Journal	E 101-41410-122 FICA-Social Securit	\$6.05	\$0.00
Payroll Journal	E 101-41410-123 Medicare	\$1.42	\$0.00
Payroll Journal	E 101-41800-101 City Administrator	\$170.77	\$0.00
Payroll Journal	E 101-41800-105 Finance/Billing Cler	\$569.31	\$0.00
Payroll Journal	E 101-41800-108 Administrative Assi	\$287.60	\$0.00
Payroll Journal	E 101-41800-121 PERA	\$77.08	\$0.00
Payroll Journal	E 101-41110-108 Administrative Assi	\$41.83	\$0.00
Payroll Journal	E 602-49490-108 Administrative Assi	\$156.87	\$0.00
Payroll Journal	E 101-43100-101 City Administrator	\$131.36	\$0.00
Payroll Journal	E 601-49440-101 City Administrator	\$65.68	\$0.00
Payroll Journal	E 601-49440-102 Public Works Direct	\$375.84	\$0.00
Payroll Journal	E 601-49440-105 Finance/Billing Cler	\$503.01	\$0.00
Payroll Journal	E 601-49440-108 Administrative Assi	\$104.58	\$0.00

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Journal Entries

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Payroll Journal	E 601-49440-109 Public Works Maint	\$293.16	\$0.00
Payroll Journal	E 601-49440-121 PERA	\$100.69	\$0.00
Payroll Journal	E 601-49440-122 FICA-Social Securit	\$83.22	\$0.00
Payroll Journal	E 601-49440-123 Medicare	\$19.46	\$0.00
Payroll Journal	E 602-49490-101 City Administrator	\$65.68	\$0.00
Payroll Journal	E 221-41000-122 FICA-Social Securit	\$0.34	\$0.00
Payroll Journal	E 602-49490-105 Finance/Billing Cler	\$594.46	\$0.00
Payroll Journal	E 221-41000-121 PERA	\$0.41	\$0.00
Payroll Journal	E 602-49490-109 Public Works Maint	\$332.25	\$0.00
Payroll Journal	E 602-49490-121 PERA	\$118.15	\$0.00
Payroll Journal	E 602-49490-122 FICA-Social Securit	\$97.67	\$0.00
Payroll Journal	E 602-49490-123 Medicare	\$22.84	\$0.00
Payroll Journal	G 101-10600 Cash	\$0.00	\$6,504.36
Payroll Journal	G 101-21701 Federal Withholding	\$0.00	\$1,364.52
Payroll Journal	G 101-21702 State Withholding	\$0.00	\$562.34
Payroll Journal	G 101-21703 FICA/Medicare Withhol	\$0.00	\$1,991.12
Payroll Journal	G 101-21704 PERA	\$0.00	\$1,613.18
Payroll Journal	G 221-10600 Cash	\$0.00	\$6.40
Payroll Journal	G 601-10600 Cash	\$0.00	\$1,545.64
Payroll Journal	E 602-49490-102 Public Works Direct	\$425.95	\$0.00
Payroll Journal	E 101-45122-123 Medicare	\$10.41	\$0.00
Payroll Journal	E 101-43100-108 Administrative Assi	\$10.46	\$0.00
Payroll Journal	E 101-43100-109 Public Works Maint	\$1,026.06	\$0.00
Payroll Journal	E 101-43100-121 PERA	\$201.94	\$0.00
Payroll Journal	E 101-43100-122 FICA-Social Securit	\$166.94	\$0.00
Payroll Journal	E 101-43100-123 Medicare	\$39.04	\$0.00
Payroll Journal	E 101-45122-101 City Administrator	\$82.10	\$0.00
Payroll Journal	E 101-45122-102 Public Works Direct	\$357.05	\$0.00
Payroll Journal	E 101-45122-105 Finance/Billing Cler	\$11.43	\$0.00
Payroll Journal	E 101-45122-108 Administrative Assi	\$7.84	\$0.00
Payroll Journal	E 101-45122-109 Public Works Maint	\$258.96	\$0.00
Payroll Journal	E 221-41000-123 Medicare	\$0.08	\$0.00
Payroll Journal	E 101-45122-122 FICA-Social Securit	\$44.49	\$0.00
Payroll Journal	G 602-10600 Cash	\$0.00	\$1,813.87
Payroll Journal	E 101-46300-101 City Administrator	\$1,727.38	\$0.00
Payroll Journal	E 101-46300-102 Public Works Direct	\$6.26	\$0.00
Payroll Journal	E 101-46300-105 Finance/Billing Cler	\$228.64	\$0.00
Payroll Journal	E 101-46300-108 Administrative Assi	\$292.82	\$0.00
Payroll Journal	E 101-46300-109 Public Works Maint	\$4.88	\$0.00
Payroll Journal	E 101-46300-111 Planning Commissi	\$287.50	\$0.00
Payroll Journal	E 101-46300-121 PERA	\$171.97	\$0.00
Payroll Journal	E 101-46300-122 FICA-Social Securit	\$157.95	\$0.00
Payroll Journal	E 101-46300-123 Medicare	\$36.94	\$0.00
Payroll Journal	E 221-41000-101 City Administrator	\$3.28	\$0.00
Payroll Journal	E 221-41000-105 Finance/Billing Cler	\$2.29	\$0.00
Payroll Journal	E 101-45122-121 PERA	\$53.80	\$0.00
Transaction Date	3/29/2018	Due 0	
		<b>Total</b>	
		\$15,401.43	\$15,401.43

**CITY OF ROCKVILLE**  
**Journal Entries**

Current Period: MARCH 2018

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**Fund Summary**

		Debit	Credit	Difference
<a href="#">Refer 1</a>	101 GENERAL FUND	\$12,035.52	\$12,035.52	In Balance
	221 LAKE IMPROVEMENT DISTRIC	\$6.40	\$6.40	In Balance
	601 WATER FUND	\$1,545.64	\$1,545.64	In Balance
	602 SEWER FUND	\$1,813.87	\$1,813.87	In Balance

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For each fund the Debits MUST equal Credits to be In Balance.

**ROCKVILLE CITY COUNCIL MEETING MINUTES**  
**March 14, 2018**  
**Rockville City Hall**

**Item 1) Call to Order**

The meeting was called to order at 6:00 p.m. by Mayor Duane Willenbring.

**Item 2) Pledge of Allegiance**

**Item 3) Roll Call**

Roll call was taken and the following Council Members were present: Vince Schaefer, Don Simon, Rick Tallman, and Jerry Tippelt.

Staff members present: City Administrator, Martin Bode; Planning Commission Chair, Bill Becker; Bolton & Menk Engineer, Justin Kannas; Stearns County Attorney, Janelle Kendall.

Others present: Various members of the public.

**Item 4) Approval of Agenda**

Mayor Willenbring requested the following additions:

Item 9 b) MCFOA (Marty) March 20-23 – add *Council Action*

Add Item 9 c) Resolution 2018-14 Support of Bonding Money for Greater MN Parks and Trails

***Motion by Simon, second by Tippelt, to approve the agenda with the additions. Motion carried.***

**Item 5) Public Comment**

Kevin Voigt, 7819 Co. Rd. 141, expressed concern about the public voicing their opinions at a Public Hearing. He also questioned the Subdivision Moratorium that was addressed in the January City Council meeting.

**Item 6) Resolution 2018-10 Acceptance of February 2018 Donation**

***Motion by Tallman, second by Schaefer, to approve Resolution 2018-10 Acceptance of February 2018 Donation. Motion passed unanimously.***

**Item 7) Consent Agenda**

- a) Acknowledge Review of the February 2018 Bills Paid and Journal Entries
- b) Acknowledge Review of January/February 2018 Bank Statements
- c) Approval Rockville City Council Minutes of February 14, 2018
- d) Acknowledge Sheriff's February 2018 Activity Report

Tallman inquired about the City's certificates of deposit and the Council's involvement.

***Motion by Simon, second by Tippelt, to approve the Consent Agenda as presented. Motion passed unanimously.***

**Item 8) Department Reports:**

- a) **Stearns County Attorney** – Janelle Kendall

Kendall provided Council a brief overview of the 2017 Rockville Prosecution Contract Report and noted the following:

- Stearns County has been handling the City of Rockville prosecution since 2006.
- Reviewed with the Council the County first time offenders program called the Diversion Program, which does come with a first time offenders work program that local governments are entitled to take advantage of.
- Court appearances for the City of Rockville dropped by nearly half of the year before.
- Juvenile crime is down and adult crime is up.

- Council requested the Administrator work with Stearns County in scheduling a public information presentation on Sex Trafficking.

b) **Planning Commission**

1) Resolution 2018-11 Simones Variance Application

Staff Report

Re: Variance from Accessory Structure Requirements

Parcel I.D. No. 76.41604.0605 - Section 03, Township 123, Range 029

Owner: David A. Simones

Property Address: 9379 County Road 6

Request:

1. To construct a 3<sup>rd</sup> accessory structure, (Section 9, subd 2.J – maximum of two (2) accessory structures)
2. Appearance to match current two accessory structures (Section 9, subd 2.H – uniform and resembles principal structure)
3. Locate said structure in the front yard (Section 9, subd 2.D.1 – rear yard only)
4. Proposed accessory building size is 3,840 sf (Section 17, subd 3.1 - max sf is 2,400)

Relevant Information:

1. Property is zoned R-1.
2. Property is 10 +/- acres.
3. Rear yard is mostly wooded wetland.
4. Structure setback from County Road 6 is 100 feet from center or 50 feet from road RW.

Action Item:

1. Consider Approval of Variance Request: **All** or No. **1**      **2**      **3**      **4**

Schaefer spoke about state practical difficulties. Council held further discussion before calling the vote.

Tippelt expressed his opinion that rather than granting all these variances should have maybe been better served by rezoning to RR.

***Motion by Simon, second by Willenbring, to approve Resolution 2018-11 David A. Simones Variance from Accessory Structure Requirements as presented. Roll Call Vote: AYES: Tallman, Tippelt, Simon, Willenbring. NAYS: Schaefer. Motion passed on a 4 to 1 vote.***

2) Resolution 2018-12 Irene Schneider Trust – Qualified Minor Subdivision/Rezone

Staff Report

Re: Qualified Minor Subdivision and Amended Rezone

Parcel I.D. No. 76.42170.0051 - Section 25, Township 123, Range 029

Owner: Irene Schneider Trust

Property Address: County Road 141

Request:

1. Rezone the 2 new proposed parcel's from Ag-40 to RR and amend the City's Future Land Use Map
2. Qualified Minor Subdivision of two (2) new lots

Relevant Information:

1. Property is zoned Ag-40.
2. Property is 10 +/- acres.
3. There are two (2), new lots (5 +/- acres each) being proposed to be sub-divided.
4. Purpose is residential development.
5. Property not conducive to long-term agriculture use; wooded area, rock outcroppings and marginal soils.

Action Items:

1. Amended Rezoning Application A-40 to RR
2. QMS Application

Schaefer questioned the driveway location on the map provided.

Dan Kron, surveyor, O'Malley & Kron Land Surveyors, stated he was working with the Schneider's and with Stearns County on the driveway and there would be a shared driveway for the two (2) proposed lots.

***Motion by Simon, second by Willenbring, to approve Resolution 2018-12 Irene Schneider Trust – Amended Qualified Minor Subdivision and Rezone as presented. Motion carried unanimously.***

c) **Public Works**

- 1) February Written Report
- 2) MDH Report – Council expressed their appreciation for the quality of work that the Public Works Department does in maintaining the City Water System.

**Item 9) Administration**

a) Subdivision Moratorium

Schaefer explained the need to place a subdivision moratorium to review the city's ordinances and comprehensive plan. Council held further discussion and determined to publish a Public Hearing for the Subdivision Moratorium on March 30, 2018 at 6:00 p.m.

***Motion by Simon, second by Schaefer, to approve the Subdivision Moratorium Public Hearing to be scheduled for March 30, 2018 at 6:00 p.m. Motion passed unanimously.***

b) MCFOA-City Administrator

-(Marty) attending the March 20-23, 2018, MCFOA Annual Conference in Bloomington, MN

-Resolution 2018-13 A resolution supporting City Administrator Bode applying for and if selected accepting a Board position with the MCFOA.

***Motion by Simon, second by Tippelt, to approve Resolution 2018-13 to grant Martin Bode approval in applying for a position with the MCFOA Board. Motion passed unanimously.***

c) GMPT (Greater Minnesota Parks and Trails) Resolution 2018-14

***Motion by Simon, second by Schaefer, to approve Resolution 2018-14 In Support of Bonding Money for Parks and Trails. Motion passed unanimously.***

**Item 10) Appropriations, Allocations and Transfers**

a) Council Action – none to report.

**Item 11) Mayor/Council Reports**

- a) RTCB – nothing to report.
- b) LMC Legislative Conference March 21-22, 2018 – Willenbring and Schaefer attending.
- c) Communication Task Force – Site visit made to City of Waite Park to view their website.
- d) Ordinance Review Task Force – Committees continue the ordinance review process.
- e) Hwy 23 Coalition – Willenbring provided an update regarding recent meetings.

f) RTU – 2018 Street Project

Tallman stated he provided an update at the last three council meetings regarding the road improvements that the RTU Committee felt needed to be addressed by the City Council. Council held extensive discussion on the proposed streets/roads to be addressed as well as the process of the bidding process along with the supervision of the actual construction/reconstruction phase. Justin Kannas, Bolton & Menk Engineer, provided insight from the engineer's standpoint and what can be expected of the submitted bids.

There was a great deal of discussion on how to be most efficient with the limited City tax dollars that have already been sent aside for road projects and the amount of time and money spent on professional engineering services.

It was the consensus of the Council to at the very least use the City Engineer to put together the bid specs for this proposed 2018 Street project.

***Motion by Tallman, second by Simon, to approve the City Administrator work with the City Engineer to prepare bid specs for reclaim and overlay on all possible roads with a minimum of 60,000 square yards and present the proposals to Council at the next meeting. Motion passed unanimously.***

**Item 12) Other**

- a) Rockville Fire Relief Assn. Fish Fry March 16, 2018 from 4-8 p.m.
- b) Reminder for Councilmembers to turn in Quarterly Meeting Expense Report (Timesheet)

**Item 13) Future Agenda Items**

**Item 14) Adjourn**

***Motion made by Simon, second by Tippelt, to adjourn the meeting at 8:18 p.m. Motion carried.***

Respectfully Submitted,

*Martin M. Bode  
City Administrator*

**ROCKVILLE CITY COUNCIL WORKSHOP MEETING MINUTES**  
**March 27, 2018**  
**Rockville City Hall**  
**9:30 a.m.**

**Item 1) Call to Order**

Meeting was called to order at 9:33 a.m. by Mayor Willenbring.

**Item 2) Roll Call**

Roll call was taken and the following were present: Mayor, Duane Willenbring; Council Members; Vince Schaefer, Don Simon, Rick Tallman, and Jerry Tippelt.

Staff member present: City Administrator, Martin Bode, Administrative Assistant, Debbie Weber, Bolton Menk City Engineer, Justin Kannas.

Others present: Judy Merrill, Brad Busse, Brian Herberg, Bruce Conrad.

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

Willenbring requested to add to the Workshop Agenda:

k) *City Employee*

***Motion by Simon, second by Schaefer, to approve the agenda with the addition. Motion passed unanimously.***

**Item 4) Recess to Workshop**

**Workshop Agenda**

- a) Communication Task Force Summary Report:
- b) Fire Dept Tablets: Cost of purchasing, installation, and on-going costs to have several tablets/docking stations in key fire dept. vehicles.
- c) 2017 Fire Call breakdown - summary of the different types of call requests during 2017 i.e. FIRE: dwelling, grass, auto. RESCUE: Health emergency, accident, animal rescue, welfare check. FALSE ALARMS.
- d) 2018 Street Project-Gather information for an indebt discussion regarding RTU recommendation as it relates to reclaim and re-surface specifics. Also; to what extent shall the City engineer have involvement regarding several streets/roads for up-coming road upgrade season
- e) Alleged disparity in Water Base Fee Configuration. The discussion would not be intended nor warranted to determine the amount of Base Fee nor Usage Fee.
- f) Policy on Finance; (reports, investments, Council/Administrator interaction)?
- g) Discuss the merits of having Planning and Zoning Committee! Get clarity on "standards for granting" variance requests and definition of the phrase (Practical Difficulties)! Get clarity regarding alleged chair of P and Z allowed to break tie votes
- h) Discuss specifics of anticipated moratorium and to what extent; (is it proposed to be a blanket moratorium and for how long)?
- i) Snow plow policy
- j) Repair/Replace Kubota/Pay loader
- k) City employee

**Reconvene Council Meeting at 12:31 p.m.**

**Item 5) 2018 Street Project** - Authorize Engineer to Advertise for Bids 2018 Street Project

Four (4) alternate bids considered:

- 82nd, 263rd and 83rd
- Drainage improvement at Chestnut Street and Broadway Street
- Trail on Chestnut Street

- Sauk River Road will be determined (may be assessed) - Mayor Willenbring stated we should go through the process and negotiate with Stearns County.

Justin Kannas, City Engineer, provided Council with the bid process schedule and expectations. Kannas stated reclaiming projects are best done at the end of June, July or August in order to achieve better results.

***Motion by Tallman, second by Simon to approve the 2018 Street Project bidding process. Motion passed unanimously.***

**Item 6) Other**

**Item 7) Adjourn**

***Motion by Simon, second by Schaefer, to adjourn the meeting at 12:45 p.m. Motion carried.***

Respectfully Submitted,

*Martin M. Bode  
City Administrator*

**ROCKVILLE CITY COUNCIL PUBLIC HEARING MEETING MINUTES**  
**April 2, 2018**  
**Rockville City Hall**  
**6:00 p.m.**

**Item 1) Call to Order**

Meeting was called to order at 6:01 p.m. by Mayor Willenbring.

**Item 2) Roll Call**

Roll call was taken and the following were present: Mayor, Duane Willenbring; Council Members; Vince Schaefer, Don Simon, Rick Tallman, and Jerry Tippelt.  
Staff member present: City Administrator, Martin Bode.  
Others present: Various members of the public.

**Item 3) Approval of Agenda**

***Motion by Simon, second by Tippelt, to approve the agenda as presented. Motion passed unanimously.***

**Item 4) Public Hearing – Subdivision Moratorium**

Comments:

Favor of subdivision moratorium –

- Committees are reviewing the City ordinances
- Sections in ordinance that need to be addressed or clarified
- Comprehensives Plan should be reviewed
- Plan growth
- Wide planning for the city making sewer and water more profitable
- Either support the Comprehensive Plan or update it

Opposed of subdivision moratorium –

- Encouraging growth, development, tax base and businesses
- Moratorium signal that the City doesn't want development
- Rules and Ordinance have been put in place for development

***Motion by Simon, second by Tallman, to close the Public Hearing at 6:32 p.m. Motion carried unanimously.***

Council held extensive discussion.

***Motion by Schaefer, second by Tallman, to approve a six (6) month Subdivision Moratorium to include all Residential and Ag-40 with the exception of Administrative Subdivisions, Brentwood Addition and Voigts Pleasant Estates.***

***Roll Call Vote: AYES: Tallman, Tippelt, Schaefer. NAYS: Willenbring, Simon. Motion passed on a 3 to 2 vote.***

**Item 5) Seasonal – Part/Full-time Employees**

City Administrator recommends to Council to amend the City's Compensation Plan as follows:

- \$10-\$17/hour for part-time/seasonal maintenance
- \$17-\$20/hour for temporary snowplow drivers

***Motion by Simon, second by Tippelt, to approve amending the City's Compensation Steps to \$10-\$17 part-time/seasonal maintenance and \$17-\$20 temporary snowplow drivers.***

***Motion by Willenbring, second by Schaefer to Amend the motion to approve the City's Compensation Steps to \$10-\$16/hour part-time/seasonal maintenance and \$17-\$20/hour for temporary snowplow drivers. Motion to amend passed unanimously.***

**Item 6) Other**

**Item 7) Adjourn**

***Motion by Simon, second by Tallman, to adjourn the meeting at 7:17 p.m. Motion carried.***

Respectfully Submitted,

*Martin M. Bode  
City Administrator*



Minnesota Department of Public Safety  
Alcohol and Gambling Enforcement  
445 Minnesota Street, Suite 222  
St. Paul, MN 55101  
651-201-7512

**RENEWAL OF CONSUMPTION AND DISPLAY PERMIT**  
Permit Fee \$250 (Renewal Date: April 1)

ID#	44156	License Code	CDPBL
Boomerville LLC			
Boomerville Lodge			
25417 Co Rd 2			
St. Cloud			
		MN	56301
Business Phone	3202934058		

**IF NAME AND ADDRESS SHOWN ARE NOT CORRECT, MAKE CHANGES BELOW**

Worker's Comp. Ins. Name \_\_\_\_\_ Policy # \_\_\_\_\_ Policy Period \_\_\_\_\_

City/County where permit approved Rockville, Mn Stearns

Licensee Name Michael A Nistler

Address, City, State, Zip 25417 Co Rd 2 St Cloud, Mn

Business Phone 320 293 4058 Email Prairievalley@Ms.n.com

By signing this renewal application, applicant certifies that there has been no change in ownership, corporate officers, bylaws, membership, partners, home addresses, or telephone numbers. If changes have occurred during the past 12 months, please give details on the back of this renewal, then sign below.

Applicant's signature on this renewal confirms the following: Failure to report any of the following will result in fines.

1. Applicant confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
2. Applicant confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
3. Applicant confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on the back of this renewal, then sign below.
4. Applicant confirms that workers compensation insurance is in effect for the full license period.
5. Applicant confirms, no club on-sale intoxicating liquor license is held.
6. Applicant confirms business premises are separate from any other business establishment.

Licensee Signature Michael A. Nistler Date 3/28/15  
(Signature certifies all application information to be correct and permit has been approved by city/county.)

City Clerk/County Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Signature certifies that a consumptions and display permit has been approved by the city/county as stated above.)

**MAKE CHECKS PAYABLE TO: DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT AND RETURN WITH APPLICATION**

Amount Received \_\_\_\_\_

## STAFF REPORT

### ALEX and LORLA MOLITOR

April 3, 2018 / April 11, 2018

Rockville Planning Commission / City Council

RE: Application to Amend Rockville City Zoning and Conditional Use Permit  
Parcel I.D. No. 76.42340.0005 - Section 21, Township 123, Range 029

Owner: Alex and Korla Molitor  
Property Address: 10919 Mitchell LN

#### REQUEST

- 1) To Amend Rockville Zoning to allow for Vacation Rental by Owner (VRBO)
- 2) CUP Application to operate a Bed and Breakfast Type/VRBO in an R-1, Shoreland District

#### RELEVANT INFORMATION

1. Property is zoned R-1 Single Family Residential in a Shoreland Overlay District
2. Property is .38 +/- acres.
3. 10 Notices of public hearing were sent out
4. Currently not a permitted use
5. Property has an approved rental license, however this license was approved without City acknowledgment that it is a Bed and Breakfast type/VRBO

#### ACTION ITEMS TO CONSIDER:

- 1) Amend Section 8 Descriptions to include VRBO  
Define VRBO: Stearns County: **Vacation/Private Home Rental**  
A single family dwelling and/or related structure that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than thirty (30) consecutive days.
- 2) Amend Section 17; Subd 4, Conditional Use to include VRBO and Bed and Breakfast
- 3) Approve Molitor CUP Application
- 4) a. Postpone any action on amending Rockville Zoning to allow further research  
b. Deny Molitor CUP – Currently not a permitted use  
c. Stay enforcement of Molitor violation notice until 12/31/2018 per item 4 a.
- 5) Deny application(s) in its entirety.

#### PLANNING COMMISSION RECOMMENDATION TO COUNCIL:

Submitted by:  
Martin M. Bode  
Zoning Administrator

## DEFINITIONS

**“DWELLING, SINGLE FAMILY”** means a building with a single dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for only one (1) family.

**“FAMILY”** mean those persons living together on the premises in a single dwelling unit under one of the following conditions:

1. Four (4) or fewer unrelated persons, or;
2. Any number of persons related by blood, marriage or legal adoption, or;
3. Any number of persons related by blood, marriage or legal adoption, and two (2) unrelated persons.

**“BED AND BREAKFAST”** means an owner occupied single family dwelling unit in which rooms are rented on a nightly basis for a period of seven (7) or less consecutive days by the same person. Meals may or may not be provided to residents or overnight guests (B-1 PU, A-40 CU, RR CU)

**BOARDING HOUSE”** means any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein cooking or kitchen accommodations, providing that accommodations are not provided for more than ten (10) persons (Not currently allowed in any zoning District)

**“MOTEL/HOTEL”** is a business comprising a series of attached, semi-detached or detached rental units with or without eating facilities for the overnight accommodation of transient guests and travelers. (B-2 PU,)

**Subd. 2:**           **“Dwelling Unit”**

Shall mean one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

**Subd. 12:**       **“Rental Property”**

Shall mean a dwelling unit, manufactured home, lot, rooming house or sleeping room occupied by a person or persons in the status of tenant.

**Subd. 15:**       **“Tenant”**

Shall mean one who has as his/her place of abode a dwelling unit, manufactured home, lot, rooming house, or sleeping room furnished to him/her for payment of a rental charge to another.

**CITY OF ROCKVILLE**  
**CONDITIONAL USE PERMIT APPLICATION AND THE PROCESS**

The Conditional Use permit application must be filled out and completed by the Applicant. The following items should be included as part of the application.

**PURPOSE**

The purpose of this Section of the Zoning Ordinance is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

**PROCEDURE**

1. **Application.** A person applying for a Conditional Use Permit must fill out and submit to the Zoning Administrator a Conditional Use Permit Application form, accompanied by the required fee and detailed material fully explaining the specific request together with such information as is necessary to show compliance with this Ordinance. The application must include a site plan showing the following, as applicable:
  - A. **Application filled out & signed**
  - B. **Form to explain how the request for a Conditional Use Permit meets the zoning requirements.** (A Conditional Use Permit cannot be granted unless evidence is presented that satisfies the 9 conditions. Failure to adequately provide such information may result in a denial of your request for a conditional use permit.)
  - C. **Copy of Deed.**
  - D. **Provide Individual Property Owner names:** Within 350 feet or nearest 10 property owners (whichever is greatest)
  - E. **Applicant provides an Aerial Photo** (The photo would depict vegetative cover on property and how it links with adjacent property).
  - F. **Applicant provides the distance to the nearest existing driveways.**
  - G. **Application must include a site plan.**  
*(Site plan shows the following, as applicable :)*
    1. Site description (legal description).
    2. A Certificate of Survey.
    3. Site plan drawn to scale showing the parcel and building dimensions, area and setbacks.
    4. Location of all existing and proposed buildings and their square footage.
    5. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, sidewalks, vehicular circulation, and snow storage locations.
    6. Landscaping and screening plans.
    7. Waste facilities including enclosure and screening.
    8. Drainage and grading plan.
    9. Sanitary sewer and water plan with estimated use per day.
    10. Soil type.
    11. Any additional written or graphic information reasonably required by the Zoning Administrator or the Planning Commission.
2. **Fees.** A fee the City Council shall establish by resolution must accompany the application. **An additional fee may be charged for atypical projects, which in the opinion of the Zoning Administrator will require additional staff time and/or City Expenditures. In such case, the applicant will be required to reimburse the City for administrative time, professional services and costs incurred by the City.**

- ◆ The required fee offsets –Staff time, publishing the public hearing notice, mailing the notice to property owners, the regular scheduled meetings of the Planning Commission & Council.

\*\*\*Note: There is an additional cost to hold a special meeting.

**When a complete Conditional Use permit application is on file. (Here are the next steps.)**

1. **Referral to Planning Commission.** After the Zoning Administrator has reviewed the application and the date has been set for the public hearing, the Zoning Administrator shall refer the application to the Planning Commission, together with the Zoning Administrator’s review and recommendations regarding the application.
2. **Planning Commission Review.** The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council.
  - A. **Appearance by Applicant.** The applicant or the applicant’s representative(s) must appear before the Planning Commission in order to answer questions concerning the Conditional Use Permit application.
3. **Recommendation by the Planning Commission.** After reviewing the Conditional Use Permit application, the Planning Commission will make a written recommendation to the City Council within forty-five (45) days after the Zoning Administrator receives the application as to whether the City Council should approve or deny the application. If approval is recommended, the Planning Commission may suggest conditions to be attached to the Conditional Use Permit.
4. **City Council’s Review.** Upon receiving the Planning Commission’s report and recommendation, the City Council may hold an additional public hearing, if deemed necessary, and make the final decision on all Conditional Use Permit applications.
  - A. **Appearance by Applicant.** The applicant or the applicant’s representative(s) must appear before the City Council in order to answer questions concerning the Conditional Use Permit application.
5. **Vote Required.** Approval of a Conditional Use Permit will require passage by a majority of the votes cast.
6. **Conditions.** If the City Council grants the Conditional Use Permit, it may impose conditions to it, or the Planning Commission, considers necessary to protect the public health, safety and welfare.
7. **Written Findings.** The City Council will issue written findings stating the reasons for its decision and any conditions imposed, and will serve a copy of its decision on the applicant by U.S. mail, within ten (10) days after its decision. In any event, the City Council will make a decision on each Conditional Use Permit application within sixty (60) days after the Zoning Administrator receives the application or may extend the time for consideration under state law.
8. **Appeal.** An applicant may appeal the City Council’s decision to the Stearns County District Court as provided by law.
9. **Amendments.** An application for an amendment to a Conditional Use Permit will be administered in the same manner as a Conditional Use Permit.
10. **Resubmission.** No application, which is substantially the same as and application of a denied Conditional Use Permit shall be resubmitted for a period of one (1) year from the date of denial. The City Council may permit a new application if, in its opinion, new evidence or a change of circumstances warrant reconsideration.

## **CRITERIA FOR GRANTING CONDITIONAL USE PERMITS**

In granting a Conditional Use Permit, the City Council will consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding land, including land values. Among other things, the City Council must make the following findings when applicable.

1. **Not a Burden on Public Facilities.** The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. **Compatible with Existing and Planned Adjacent Uses.** That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area.
3. **No Adverse Affect on Adjacent Properties.** The structure and site will not have an appearance, traffic, noise, odors, fumes, dust, vibration, light or emission levels or other features that will have an adverse effect upon adjacent properties for purposes already in use or permitted.
4. **Related to the Needs of the City.** The use is reasonably related to the overall needs of the City and to existing land uses.
5. **Consistent with the Comprehensive Plan.** The proposed use is in compliance with the Land Use Plan and other portion of the Comprehensive Plan adopted by the City.
6. **Not a Traffic Hazard.** The use will not cause a traffic hazard or congestion.
7. **Adequate Parking and Loading.** That maximum measures have been or will be taken to provide maximum off-street parking and loading space to serve the proposed use.
8. **Not detrimental to Health, Safety and Welfare.** The proposed use will not be detrimental to the public health, safety, comfort and general welfare of the City.
9. **Floodplain.** For property located in Floodplain districts, the criteria set out in the Floodplain Ordinance will be met.
10. **Shore land.** For property located in Shore land districts, the criteria set out in the Shore land Ordinance will be met.
11. **Feedlots.** Feedlots will meet the requirements of this Ordinance and all other applicable ordinances.

## **ADDITIONAL CONDITIONS**

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition of and the City Council may impose conditions considered necessary to protect the best interest of the surrounding area or the City as a whole, in addition to the standards and requirements expressly specified by this Ordinance. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimensions.
2. Limiting the height, size, number or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Requiring diking, berming, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Designating operating hours and noise levels.
10. A time limit on the use.
11. Any other condition the Planning Commission or City Council deems necessary to protect the public interest.

12. Additional Conditions may be imposed on property located in a floodplain in accord with the Floodplain Ordinance.
13. Additional Conditions may be imposed on property covered by the Shore land Ordinance.
14. Additional Conditions may be imposed on feedlots in accord with other applicable ordinances including without limitation Stearns County=s Ordinances relating to feedlots.

### **CHANGES IN CONDITIONAL USES**

Any change involving structural alteration, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator will maintain a record of all Conditional Use Permits issued including information on the use, location, and conditions imposed by the City Council and time limits, review dates, and such other information as may be appropriate.

### **RECORDING CONDITIONAL USE PERMITS**

A certified copy of any Conditional Use Permit shall be filed with the Stearns County Recorder. The Conditional Use Permits shall include the legal description of the property involved.

- ◆ Stearns County Recorder office charges a fee to record the legal document.  
**The Applicant is responsible for those fees.**

### **REVOCAATION**

In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke a Conditional Use Permit.

### **TIME LIMITATION**

A Conditional Use Permit may include an expiration date and the property owner will be responsible to submit the application for renewal of the permit. The City Council will review and approve all renewal applications, which must be submitted at least sixty (60) days before the expiration date. The criteria for renewal will be the same as for a new permit. The owner of the land will not be required to pay a fee for said review.

### **LAPSE/EXPIRATION**

If within one (1) year after granting a Conditional Use Permit the use permitted has not been started, then the permit will become null and void unless the City Council has approved a petition for an extension. Conditional Use Permits expire if the authorized use ceases for any reason for more than six (6) months. Conditional Use Permits expire if the use is abandoned. A use is considered abandoned if the use is replaced by another use or discontinued for more than six (6) months.

### **COMPLIANCE**

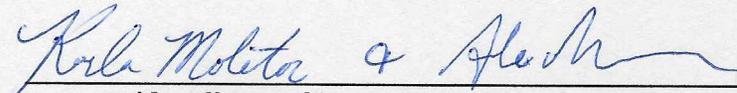
1. **Revocation.** The City Council may revoke a conditional use permit if it determines that the permit's terms and conditions are not being complied with.
2. **Procedure.** The Building Inspector, Zoning Administrator, any Council member or the Mayor may bring before the City Council notice of a potential violation involving the terms or conditions of a Conditional Use Permit which has been issued in the City. In such event the Building Inspector or Zoning Administrator shall investigate the violation and report back to the Council. If the Council determines that proceedings to consider revocation of the permit are warranted, the Council shall provide five (5) days written notice to the owner of the property, as shown on the property tax records for which the

Conditional Use Permit has been issued, of the time and place at which the Council will consider the revocation. The property owner shall have an opportunity to be heard after which time the Council may take all appropriate actions including the revocation and termination of the Conditional Use Permit.

3. **Costs of Enforcement**. It shall be a term of any Conditional Use Permit issued by the City, whether or not specifically stated, that the property owner(s) shall pay all staff and reasonable attorney's fees associated with enforcement of the terms of the Conditional Use Permit.

**THE STEPS:**

1. Provide a complete application by the 2<sup>nd</sup> Tuesday of the month to be on the following month's Planning Commission Agenda.
2. **DATE:** 4/3/18 Planning Commission –May schedule a site visit; hold the public hearing at their meeting and make a recommendation to the Council at the next City Council meeting.
3. **DATE:** 4/11/18 Council - (Meets 3<sup>rd</sup> Wednesday of month) Makes the final decision—if Council grants the Conditional Use Permit.
4. **Applicant:**
  - ◆ If applicant waits for Council approval before providing the plans the next step is to fill out the Building Permit Application & provide 2 full sets of plans to City Hall.
  - ◆ If Applicant provided the Building Permit Application & 2 full sets of plans with the Conditional Use process. The applicant will need to notify City Hall that the plans that are on file are correct. This process will not be forwarded to the Building Official until applicant contacts City Hall.  
**DATE:** \_\_\_\_\_ **Applicant should call City Hall.**
5. Building Official-Reviews the plans (allow 4-6 days). Once City Hall receives the plans back, Staff will notify the Applicant with the cost of the building permit.

  
\_\_\_\_\_  
**(Applicant Signature)**

(I hereby certify that I have read the above information and I agree with the terms.)

3/5/2018  
\_\_\_\_\_  
**Date**

**CITY OF ROCKVILLE**  
**APPLICATION FOR CONDITIONAL USE PERMIT: FEE \$200**  
**RECORDING FEE: \$46.00 (Per Document)**

**Need separate checks: 1 for Conditional Use permit fee & 1 for recording fee(s)**

**PLEASE NOTE: ANY COSTS** (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, STEARNS COUNTY FEES, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER)

**PROPERTY LOCATION/ADDRESS:** 10919 Mitchell Lane St.Cloud, MN 56301

SECTION 21 TOWNSHIP 123 RANGE 029 SUBDIVISIONNAME WHEELOCK SHORE LOTS LOT 008

**LEGAL DESCRIPTION:** LOTS 8-9-10 & 11 OLD # 28.17482.000 **PARCEL #:** 76.42340.0005 **ZONING:** R1

**EXPLANATION OF REQUEST:** To continue to rent out our cabin to family, friends, and vetted guests.

If replacing an existing structure, what will be done with the old structure? N/A

Has a variance request been made previously on this property? No If yes, when? \_\_\_\_\_

**PROPERTY OWNER:**

Name (Print): <u>Korla &amp; Alex</u> <u>L &amp; R</u> <u>Molitor</u> Phone : <u>320-291-0536</u>			
<small>First Name</small>	<small>Middle Initial</small>	<small>Last Name</small>	
Address: <u>3025 29th Ave S Minneapolis, MN 55406</u>			
Signature (required): <u><i>Karla Molitor &amp; Alex M</i></u> Date: <u>3/5/2018</u>			
*Signature of property owner shall serve as acknowledgement and authorization of this request.			

**APPLICANT:**

Name (Print): <u>Korla &amp; Alex Molitor</u> Phone: <u>320-291-0536</u>	
Address: <u>3025 29th Ave S Minneapolis, MN 55406</u>	
Signature (required): <u><i>Karla Molitor &amp; Alex M</i></u> Date: <u>3/5/2018</u>	
<small>(I hereby certify that I have read the above information and I agree with the terms)</small>	

101.41000-34102 \$46.00

**OFFICE USE ONLY:**

Permit # _____	
R # _____ Conditional Use Permit Fee Check#: _____ Date _____	101.41000.34103 \$200.00
R # _____ Reimb. for Invoice Check# _____ Date _____	101.41000.34102 \$46.00

CITY OF ROCKVILLE  
APPLICATION FOR CONDITIONAL USE  
ALEX & KORLA MOLITOR  
B. Explanation Form

**1. Not a burden on public facilities.**

The property will be using the same or less facilities than a regular full time resident due to the cabin only being rented out part of the time. As a result, it will not strain, burden or have a negative effect on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

**2. Compatible with existing and planned adjacent uses.**

The use of this property as a vacation rental is consistent with that of all other dwellings on the lake. There will be no behavior different than a typical longterm rental or owner occupied property. The occupants are there to enjoy some quiet time by the lake. In Minnesota and on Grand lake specifically, there have been people renting their properties for short term vacations for over a hundred years. We have spoken with many people who have rented cabins on the lake dating back multiple generations. Renting a cabin is a concept that is universal in Minnesota. We may be the only ones with a rental license, but we are not the only cabin that is rented out to help pay the mortgage, taxes, and bills. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for existing and planned uses in the area.

**3. No adverse effect on adjacent properties**

The guest have and will continue to be respectful of the neighbors. The cabin is described as a quiet retreat, not a party destination. All guests are our family, friends, or are carefully vetted beforehand. Guests without proper verification or poor reviews are not allowed to stay. We have had good communication with our next door neighbors and they have said that the guests have been very respectful and have not caused any issues. We have also spoken with many neighbors and members of the community and the response has been extremely positive. The structure and site will not have an appearance, traffic, noise, odors, fumes, dust, vibration, light or emission levels or other features that will have an adverse effect upon adjacent properties for purposes already in use or permitted.

**4. Related to the needs of the City.**

Currently the city has no other legal rental housing for anyone coming to visit friends and family in the area on a short term basis. The average stay at the cabin is 6 nights with no maximum and a two night minimum. Having a minimum stay, along with a cleaning fee, as well as a deposit, helps dissuade transient or more irresponsible guests. We are providing a clean, and well maintained lake cabin. When people stay in the area, they also spend their resources there as well. We encourage our guests to dine out at Eddie's on Grand, have brunch at the 400 Club, buy gas and bait at Becky's Gas and Bait shop, pick up supplies at B's Quick Mart, and have lunch at the Granite Edge Cafe. We also recommend that they visit Eagle Park and take a bike ride on the Rocori trail. Some of our guests have been so impressed with getting a taste of the Grand Lake experience that they are now looking to purchase property on the lake. This is very positive for the community because it helps build demand and with that, it has a positive effect on property values. We are crafting an experience for them. By having books on the birds, plants, and trees of the area, showcasing artwork by local artists, as well as providing local reading material about Stearns County and the surrounding area, guests are able to get unique insight about the area and this special place to live. Not all people are able to afford a lake property or have the time or energy to take care of one. This

gives people in the area the opportunity to have those valuable lake experiences that are quintessential to living in or visiting Minnesota. We have hosted friends who live in Richmond, MN as well as people who grew up in the area but now live out of state and are coming back to visit friends and family. We are not reinventing the wheel. We are just trying to offer this experience in a legal way by paying taxes, holding a rental license, and complying by local codes and ordinances.

**5. Consistent with the Comprehensive plan.** The proposed use is in compliance with the Land Use Plan and other portions of the Comprehensive Plan adopted by the City. We are adamant about following local guidelines and are eager to work with the city and the community to maintain a space that is and continues to be an asset to the community.

**6. Not a traffic hazard.**

The property will not be used full time so the traffic will be less than that of a full time resident. It will also not add to traffic congestion for this reason. The property is located at the end of a dead end road. All guests are told to drive slow.

**7. Adequate parking and loading.**

The property has ample parking spaces (6) to accommodate guests.

**8. Not detrimental to health, safety, or welfare.**

Many of our guests consist of friends and family just like any other property on the lake. Our renters are our aunts and uncles, cousins, and our extended family. We host friends who are in need of a quiet getaway. We also rent the cabin out to other vetted guest that use the VRBO or Airbnb platform. These are families who are coming to town to visit family or friends in the area, as well as individuals or couples who are looking for a quiet retreat. We have also hosted a number of families who are seeking medical care, such as Scoliosis treatment in St. Cloud, who are in need of an extended stay residence. This is advertised as a quiet getaway or retreat, not a party destination. We have all of our guests, including friends and family use these platforms because they also help collect sales tax and keep track of bookings for our income tax. We are also able to easily vet guests and approve or not approve them. Another important tool for using 3<sup>rd</sup> party platforms is that all guests are reviewed and rated on how they follow the house rules, clean, and communicate. This is very important, as it keeps guests accountable for their actions and ensures they are respectful. No one with bad reviews or ratings is allowed to book. As a result, we have an excellent track record both here and in Minneapolis. Since July of 2015, we have successfully run a vacation rental out of the upper level of our Minneapolis duplex home. We are registered as Super Hosts due to our 5 star rating. We would not bring guests into our residence if we did not feel extremely comfortable with how they treat us, our neighbors, and the property. They have been extremely respectful of us and our space. We have had absolutely no issues with them hosting parties, being excessively loud, or leaving any sort of substantial mess. Most guests are very gracious, clean the space, and leave us notes about how they had such a wonderful experience. Our cabin on Grand Lake has been inspected twice and received a 2017 as well as a 2018-2022 rental license, so everything in the cabin meets all the current codes and ordinances. We have demonstrated that we are able to run a successful short term rental cabin without causing any harm to the neighbors or other residents of the area. Our renters have all been extremely respectful and we will continue to make sure that that stays the same.

**9. Flood plan.**

This use of the property has no effect on the flood plan.

**10. Shore land.**

The criteria set out in the Shore land Ordinance will be met.

**11. Feedlots. N/A**



---

**Staff Use only:**

Zoning Administrator reviewed Conditional Use Permit Application.

1. Referred to City Attorney and/or City Engineer: Date \_\_\_\_\_

Why: \_\_\_\_\_

2. Determination made & why: \_\_\_\_\_

( ) Complete Application

( ) Incomplete Application Why: \_\_\_\_\_

Applicant was notified for additional information: Date \_\_\_\_\_ in which the information needs to be turned in by. \_\_\_\_\_ in person \_\_\_\_\_ by phone \_\_\_\_\_ email

Staff \_\_\_\_\_ Date \_\_\_\_\_

**D. Provide Individual Property Owner names: 7.**

Within 350 feet or nearest 10 property owners  
(whichever is greatest)

**1. Michael & Mary Hetherington**

10893 Mitchell Ln  
Saint Cloud MN 56301  
Distance: 0 ft to the East

**2. Margarita M Sweeney**

10923 Hubert Ln  
Cold Spring, MN 56320  
Distance: 0 ft to the West

Tax Payer Address:  
4212 Ewing Ave S  
Minneapolis, MN 55410

**3. Clarence & Mary Bloch**

21990 County Road 8  
Cold Spring, MN 56320  
Distance: 0 ft to the North

**4. Edward Zapp**

21785 Agate Beach Rd  
St.Cloud, MN 56301  
Distance: Approx. 15 ft to the North East

**5. Mary Jo Tamble**

10855 Mitchell Ln  
Saint Cloud, MN 56301  
Distance: 100 ft to the East

Tax Payer Address:  
PO Box 324  
Rockville, MN

**6. The House That Jack Built**

11001 Hubert Ln  
Cold Spring, MN 56320  
Distance: 185 ft to the West

Tax Payer Address:  
5619 Wigton Dr  
Houston, Texas 77096

**Duane Koepp**

11011 Hubert Ln  
Cold Spring, MN 56320  
Distance: 244 ft to the West

Tax Payer Address:  
975 60<sup>th</sup> Ave SE  
Saint Cloud, MN 56304

**8. Robert R Schlicht**

11031 Hubert Ln  
Cold Spring, MN 56320  
Distance: 339 ft to the West

Tax Payer Address:  
2674 23rd St S  
Saint Cloud, MN 56301

**9. David & Frances Lenzmeier**

10819 Mitchell Lane  
St.Cloud, MN 56301  
Distance: 415 ft to the East

**10. John & Joyce Kirscher**

11063 Hubert Lane  
Cold Spring, MN 56320  
Distance: 445ft to the West

Tax Payer Address:  
16894 89th Pl N  
Maple Grove, MN

**F. Applicant provides the distance to the nearest existing driveways.**

**Michael & Mary Hetherington**

10893 Mitchell Ln  
Saint Cloud MN 56301

Driveway Distance: Approximately 5 ft to the East

**FINDING OF FACT**  
**CRITERIA FOR GRANTING CONDITIONAL USE PERMITS**

In granting a Conditional Use Permit, the City Council will consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding land, including land values. Among other things, the City Council must make the following findings when applicable.

1. **Not a Burden on Public Facilities.** The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*
  
2. **Compatible with Existing and Planned Adjacent Uses.** That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*
  
3. **No Adverse Affect on Adjacent Properties.** The structure and site will not have an appearance, traffic, noise, odors, fumes, dust, vibration, light or emission levels or other features that will have an adverse effect upon adjacent properties for purposes already in use or permitted.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*
  
4. **Related to the Needs of the City.** The use is reasonably related to the overall needs of the City and to existing land uses.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*
  
5. **Consistent with the Comprehensive Plan.** The proposed use is in compliance with the Land Use Plan and other portion of the Comprehensive Plan adopted by the City.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*
  
6. **Not a Traffic Hazard.** The use will not cause a traffic hazard or congestion.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*
  
7. **Adequate Parking and Loading.** That maximum measures have been or will be taken to provide maximum off-street parking and loading space to serve the proposed use.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*
  
8. **Not detrimental to Health, Safety and Welfare.** The proposed use will not be detrimental to the public health, safety, comfort and general welfare of the City.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*
  
9. **Floodplain.** For property located in Floodplain districts, the criteria set out in the Floodplain Ordinance will be met.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*
  
10. **Shore land.** For property located in Shore land districts, the criteria set out in the Shore land Ordinance will be met.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*
  
11. **Feedlots.** Feedlots will meet the requirements of this Ordinance and all other applicable ordinances.  
*Becker Y/N                      Herberg Y/N                      Meyer Y/N                      Molitor Y/N                      Tippelt Y/N*

## **ADDITIONAL CONDITIONS**

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition of and the City Council may impose conditions considered necessary to protect the best interest of the surrounding area or the City as a whole, in addition to the standards and requirements expressly specified by this Ordinance. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimensions.
2. Limiting the height, size, number or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Requiring diking, berming, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Designating operating hours and noise levels.
10. A time limit on the use.
11. Any other condition the Planning Commission or City Council deems necessary to protect the public interest.
12. Additional Conditions may be imposed on property located in a floodplain in accord with the Floodplain Ordinance.
13. Additional Conditions may be imposed on property covered by the Shore land Ordinance.
14. Additional Conditions may be imposed on feedlots in accord with other applicable ordinances including without limitation Stearns County's Ordinances relating to feedlots.

76.41638.0810  
CLARENCE J & MARY  
ANN BLOCH REV TRUST

76.42189.0055  
MARGARITA  
M SWEENEY

76.42340.0005  
ROBERT A &  
DIANE B OAKVIK

21

76.42340.0004  
MICHAEL W  
HETHERINGTON

76.42340.0003  
MARY JO TAMBLE

76.42189.0054  
THE HOUSE THAT  
JACK BUILT TRUST

HUBERT LN

76.42189.0051  
MARGARITA  
M SWEENEY

44

51

2/46 50 WDC  
1377  
1221.00  
6/8 CV8  
6/8

NO DELINQUENT TAXES AND  
TRANSFER ENTERED

DATE 6/8/2017

AUDITOR Randy R. Schriefel

DEPUTY Brenda Stanger  
76.42340.0005

OFFICE OF COUNTY RECORDER  
STEARNS COUNTY, MINNESOTA

Document: **A1497382**

Certified, Filed, and/or Recorded on

**June 08, 2017 1:41 PM**

**DIANE GRUNDHOEFER**  
**STEARNS COUNTY RECORDER**



1497382

**5-M WARRANTY DEED**

Individual(s) to Joint Tenants

DEED TAX DUE: \$ 1221.00

Date: May 26th 2017

eCRV: 665171

FOR VALUABLE CONSIDERATION, Robert A. Oakvik, a single person, Grantor, hereby conveys and warrants to Alex Reid Molitor and Korla L. Molitor and Richard James Luckerth, Grantees, as joint tenants, real property in Stearns County, Minnesota, described as follows:

Lots Eight (8), Nine (9), Ten (10), and Eleven (11) in Wheelock Shores Lots, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Building and zoning laws, ordinances, and state and federal regulations. Restrictions relating to use or improvement of the property without effective forfeiture provisions. Reservation of any mineral rights by the State of Minnesota. Utility and drainage easements which do not interfere with existing improvements. Covenants, Easements and Restrictions of Record, if any.

**Check box if applicable:**

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document.
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

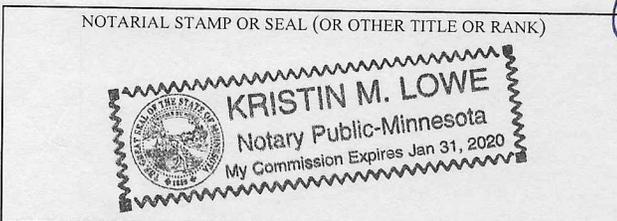
OFFICE OF COUNTY RECORDER  
STEARNS COUNTY, MN  
WELL CERTIFICATE RECEIVED

Robert A. Oakvik  
Robert A. Oakvik

Affix Deed Tax Stamp Here

STATE OF MINNESOTA )  
  )ss.  
COUNTY OF HENNEPIN )

This instrument was acknowledged before me on May 26, 2017 by  
Robert A. Oakvik, a single person, Grantor.



[Signature]  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Torrens)

Tax Statements for the real property described in this instrument should be sent to  
(include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):  
  
TitleNexus, LLC  
13700 Reimer Drive, Suite 230  
Maple Grove, MN 55311  
(763)331-0350  
GR-92063

Alex Reid Molitor  
Korla L. Molitor  
3025 29th Ave  
Minneapolis, MN 55406

AK/Kristin

GR-92063

ABSTRACT

# CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620



Duane Willenbring, Mayor  
Vince Schaefer, Councilor  
Don Simon, Councilor  
Richard Tallman, Councilor  
Jerry Tippelt, Councilor

Martin M. Bode, City Administrator  
Judy Neu, Finance Director  
Nick Waldbillig, Public Works Director  
Gene Van Havermaet Maintenance/Mechanic  
Debbie Weber, Administrative Assistant

## NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, April 3, 2018 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider amending Section 17: R-1 Single Family Residential District, Subdivision 4 Conditional Uses to include Bed and Breakfast Type and or Motel Type Establishments. Additionally, the Planning Commission will consider a conditional use permit application from Alex and Korla Molitor to operate an Airbnb Bed and Breakfast type and or Motel business in an R-1, Shoreland District, General Development Lake. Property Address: 10919 Mitchell Lane. Legal Description: Lots 8, 9, 10 and 11 in Wheelock Shores Lots, according to the recorded plat thereof, Stearns Country, Minnesota.

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN prior to the hearing, or be present at the public hearing.

Martin M. Bode  
Administrator/Clerk

Publish 03/20/18

*Cold Spring Record*

In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)  
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, room 326-w, Whitten Building, 1400 Independence Ave, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice & tdd). USDA is an equal opportunity provider and employer.

*Rockville City is an equal opportunity provider and employer*

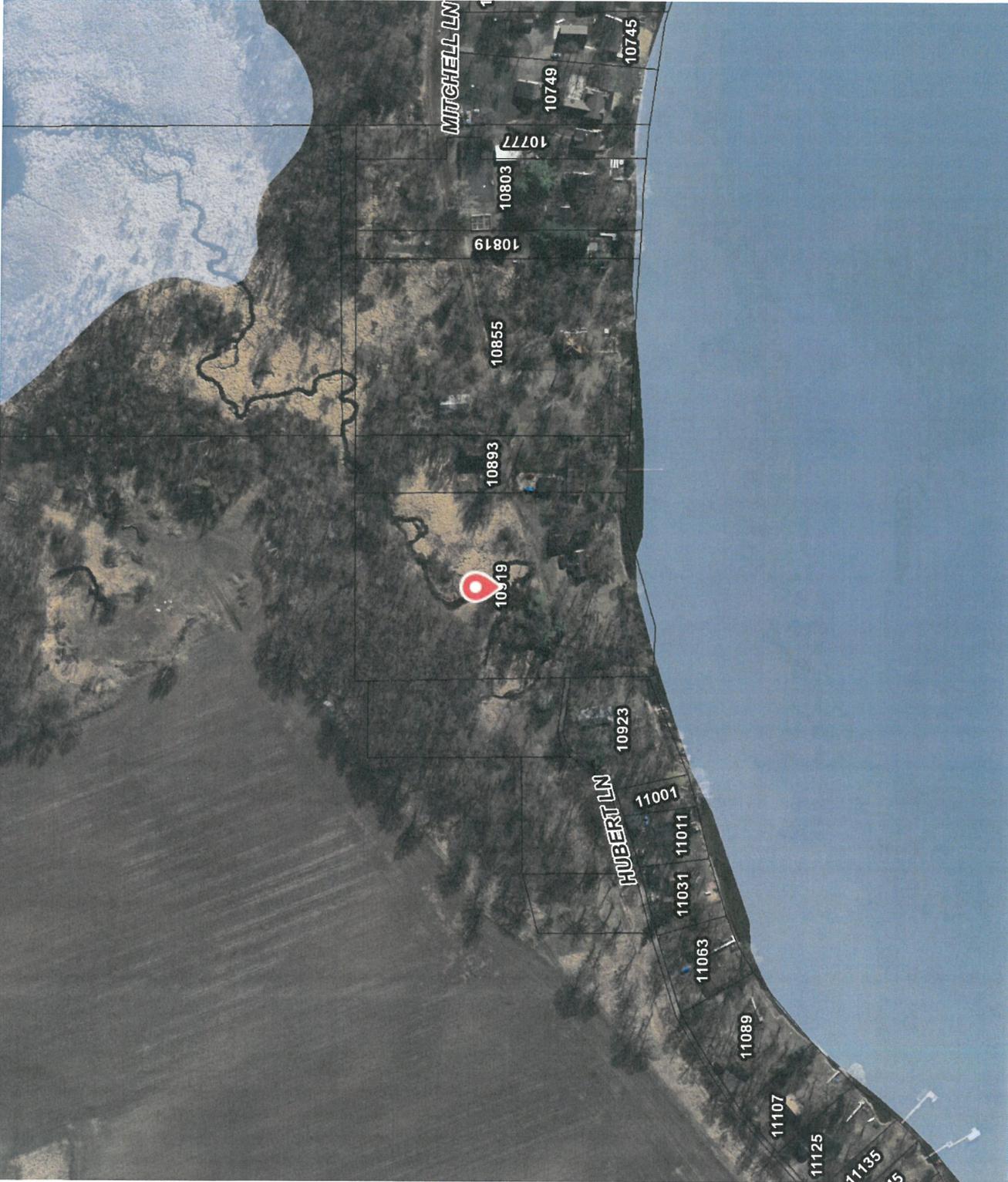
- Legend**
-  City Limits
  -  Parcels
  -  PWI Watercourse
  -  PWI Basin

**Molitor**  
**18-01 C.U.P.**



**Disclaimer:**

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Rockville is not responsible for any inaccuracies herein contained.



**BOLTON & MENK**  
Real People. Real Solutions.



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STATE OF MINNESOTA )  
 )ss.  
COUNTY OF STEARNS )

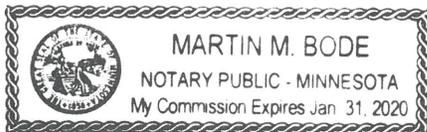
**AFFIDAVIT OF SERVICE**

**Debbie Weber**, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **16th** day of **March, 2018**, he/she served the annexed Notice on **see attachment**, the person therein named, personally, by then and there handing to and leaving with him/her a true and correct copy of said Notice.

  
\_\_\_\_\_  
Signature

Subscribed and sworn to before me this 16<sup>th</sup> day of March, 2018.

  
\_\_\_\_\_  
Notary Public Signature



Notary Public Stamp

<b>Taxpayer Name</b>	<b>Taxpayer Address</b>	<b>Taxpayer City</b>
MARGARITA M SWEENEY	4212 EWING AVE S	MINNEAPOLIS MN 55410
ROBERT R SCHLICHT	PO BOX 364	ROCKVILLE MN 56369
MARY JO TAMBLE	PO BOX 324	ROCKVILLE MN 56369
MICHAEL W HETHERINGTON	10893 MITCHELL LN	ST CLOUD MN 56301-9735
DUANE N KOEPP TRUST	975 60TH AVE SE	SAINT CLOUD MN 56304
THE HOUSE THAT JACK BUILT TRUST	5619 WIGTON DR	HOUSTON TX 77096-4905
EDWARD J ZAPP REV TRUST	21785 AGATE BEACH RD	ST CLOUD MN 56301-9736
ALEX R MOLITOR	3025 29TH AVE	MINNEAPOLIS MN 55406
CLARENCE J & MARY ANN BLOCH REV TRUST	21990 COUNTY ROAD 8	COLD SPRING MN 56320
DAVID LENZMEIER	3822 ZENITH AVE	MINNEAPOLIS MN 55410

## 10 Notices

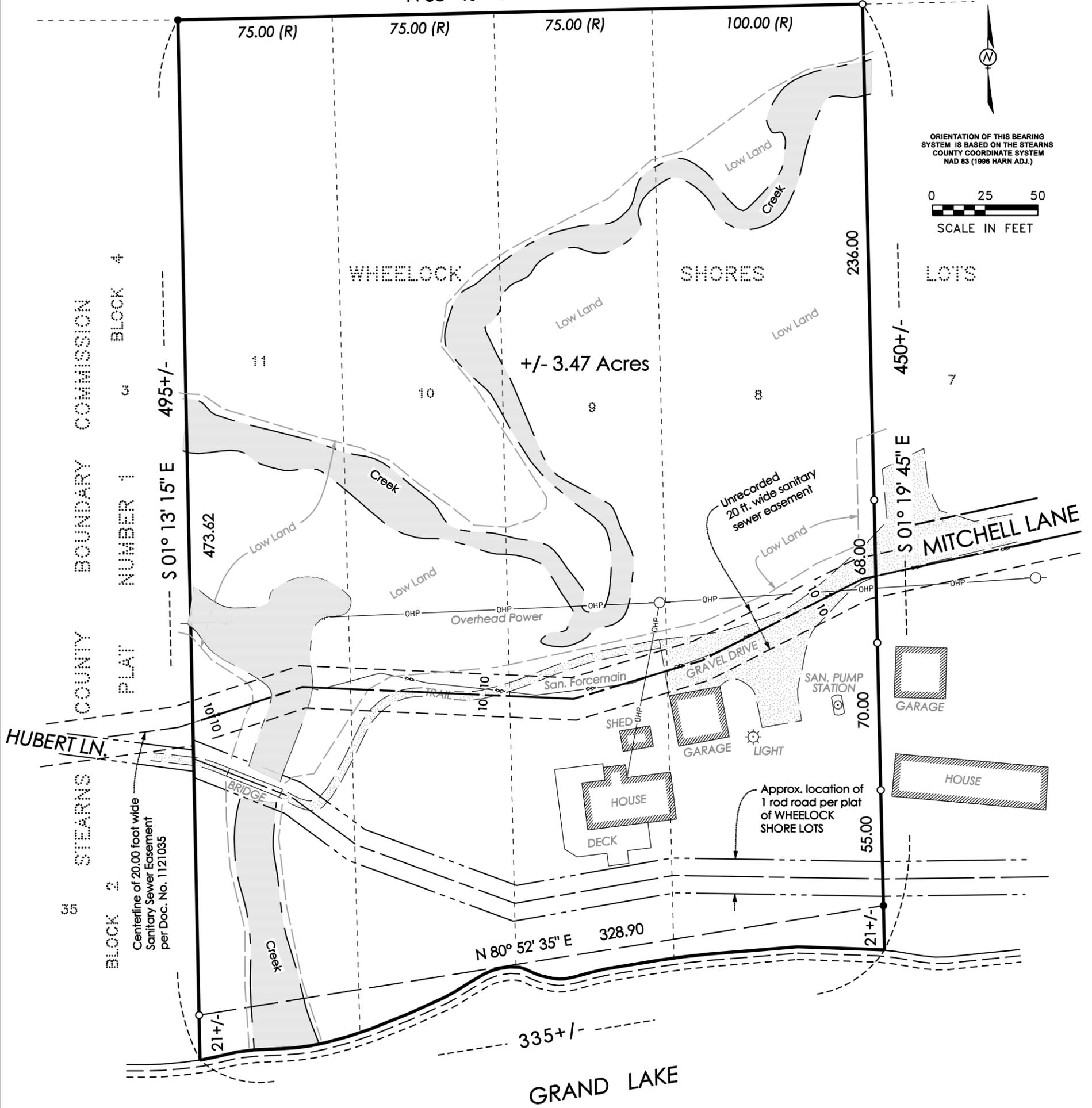
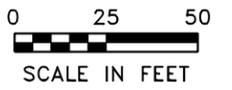
GOVT. LOT 2  
SEC. 21-T123N-R29W

N 88° 40' 16" E 324.96

75.00 (R) 75.00 (R) 75.00 (R) 100.00 (R)



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE STEARNS COUNTY COORDINATE SYSTEM NAD 83 (1996 HARN ADJ.)



Legal Description-

Lots 8, 9, 10, and 11 in WHEELLOCK SHORES LOTS, according to the recorded plat thereof, Stearns County, Minnesota

Note: This survey was conducted without a review of a current abstract of title for the premises. The unrecorded easements shown hereon reflect those based on information provided by the City of Rockville. Said unrecorded easements should not be considered an inclusive representation of interest via easements or right of way in the premises surveyed.

- DENOTES: SET IRON PIPE WITH CAP STAMPED "DELEO 40341"
- DENOTES: FOUND IRON MONUMENT
- (R) DENOTES: DIMENSION PER PLAT OF RECORD

Initial Survey dated 9/15/2014  
Revised Sewer Easement 03/05/2018

**KLD**  
14 North 11th Avenue  
St. Cloud, MN 56303  
320-259-1266

**KRAMER LEAS DELEO**  
SURVEYING • ENGINEERING • PLANNING  
BRainerd ST. CLOUD

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: *Samuel J. DeLeo* 3/05/2018  
Samuel J. DeLeo, MN License No. 40341 Date

PROJECT NO. OAKVB1401

**CERTIFICATE OF SURVEY**  
Boundary Survey

Robert Oakvik  
Site: 10919 Mitchell Lane, St. Cloud MN 56301  
City of Rockville, County of Stearns, State of Minnesota  
Located in Section 21, Township 123 North, Range 29 West

Sheet No. 1 of 1

**Vacation Home Rental Study**

**Committee of the Whole Presentation  
November 17, 2014**

**Presented by  
Dan Listug  
Crow Wing County Land Services**

## **Executive Summary:**

Private rental of vacation and lake homes by owners (commonly called vacation rental by owner or VRBO) has been a growing trend nationally and locally. Different approaches have been taken by state and local jurisdictions in deciding whether and to what extent to regulate VRBOs. From a land use perspective, the central question concerning VRBOs is whether the use of a single family home as a VRBO is compatible with the zoning district in which it is located. This question raises the closely related issue of whether and at what point a VRBO may become a commercial operation.

This report reviews the treatment of VRBOs by popular tourist states, cities, and counties in Minnesota and across the country. A special emphasis was placed on approaches taken by Minnesota counties, including survey data from 32 responding counties. This report incorporates that data and presents a summary of the issues surrounding regulation of vacation rentals as Crow Wing County pursues a thorough, objective analysis of this issue.

In Minnesota, the issue was heavily discussed at the Legislature in 2010, however no action has been taken at the state level. Existing Minnesota Department of Health (MDH) licensing laws governing lodging establishments encompass a great deal of VRBO activity, however the number of VRBOs currently licensed by the state is minimal. MDH has licensed 18 properties which would be considered VRBOs in Crow Wing County.

In the absence of state regulations, some Minnesota counties have enacted VRBO-specific land use ordinances. In Crow Wing County, VRBOs are not specifically regulated in the Land Use Ordinance. In the past year, complaints have been received on two properties.

Survey data collected from 32 counties shows that only five counties have VRBO ordinances, an additional seven counties state they would require a conditional use permit if the VRBO was determined to be a commercial operation, and 20 counties report they do not regulate VRBOs. Of responding counties, complaints have been received on 26 properties in the past year with no citations being issued and only one case pending in district court.

This data also highlights many of the difficulties associated with enforcement against VRBOs including; identification, multiple complaints against single properties, after-hours complaints, renter behavior/nuisance activity, parking, shoreline activities, and costs of enforcement. One regulating county reports it requires between 20-30 hours of staff time to bring one VRBO into compliance. Additionally, emerging legal issues regarding property rights, regulation of rental properties and property tax classification of VRBOs represent additional challenges to this discussion.

This report concludes by summarizing some of the key issues that remain unresolved and key next steps regarding VRBOs.

## I. Crow Wing County Overview:

### A. VRBO Regulations:

VRBOs may be regulated by a county under the scope of the planning and zoning authority contained in Minnesota Chapter 394. In general, zoning regulation challenges are subject to the deferential rational basis standard, and are likely to withstand judicial scrutiny if the regulation is found to have a substantial relationship to land use impacts in the area. Additionally, regulations most not infringe upon constitutional rights of equal protection and the 5<sup>th</sup> Amendment protections against taking of private property without just compensation and due process.

A case pending before the Minnesota Supreme Court may have direct impact upon how rental regulations are viewed by courts. In *Dean v. City of Winona*<sup>1</sup> property owners challenged a rental ordinance passed in Winona which limits the number of rental licenses available to 30% of the dwellings in a given area. The ordinance has been upheld in district court and the Minnesota Court of Appeals.

Several groups including; the American Civil Liberties Union, the Institute for Justice, the Minnesota Vacation Rental Association, the Minnesota Association of Realtors and the Center for the American Experiment have all joined the case raising the argument that the right to rent property is a fundamental right. If the right to rent property is determined to be a fundamental right, all regulations limiting the right would be reviewed under the strict scrutiny standard rather than the rational basis standard. Such a ruling by the Court would have significant impact upon government's ability to regulate rental property through traditional zoning ordinances. The case is expected to be decided in early 2015.

### B. Ordinance Challenges:

Given the recent rise in popularity of using single-family dwellings located in residential or shoreland residential districts as VRBOs, many land use ordinances do not clearly encompass the use within existing definitions. A Minnesota Court of Appeals case from 2009 demonstrates the difficulty in applying existing ordinances to regulate or stop operations of undefined VRBOs. In *Douglas County v. Owen*<sup>2</sup>, after receiving complaints from neighbors, the county determined that 3 VRBOs (rented for 13, 53 and 19 days respectively) owned by the Owens were operating as "resorts" under the zoning ordinance. The county sought to enjoin the rental of the properties until a CUP was obtained.

The Court held, citing many deficiencies in the ordinance, that the zoning ordinance did not restrict the rental of single-family dwellings on a short-term basis, and the use of the properties did not compel the conclusion that the properties are resorts. In part because zoning laws are construed against the county and because the county sought to impose regulation on these homes beyond the plain language of the ordinance, the county's efforts to classify a VRBO within their existing ordinance failed and was held invalid twice by the court.

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<sup>1</sup> *Ethan Dean, et al., v. City of Winona*, A13-1028 (Minn. Ct. App. 2014).

<sup>2</sup> *County of Douglas v. Richard N. Owen and Judith A. Owen*, A08-1776, (Minn. Ct. App. 2009).

**C. Current Regulations in Crow Wing County:**

Vacation home rentals are not regulated or defined in the Land Use Ordinance.

- Commercial is defined as “any use or establishment pertaining to commerce or mercantile for the sale, lease, rental or trade of products, goods and services.”
- Single-family dwellings are a permitted use in all but the commercial/LI zoning districts, and are defined as a detached residence for or occupied by one family or up to 3 non-related individuals.
- Hotel/motel is not defined in the Ordinance, and is a conditional use in most districts.
- Resorts are defined as commercial establishments, and are primarily service-oriented for transient guests seeking recreation<sup>3</sup>. Resorts may obtain a conditional use permit to operate only in the ag/forest, RR 2.5, RR5, 10, 20, and waterfront commercial zones.
- Bed and Breakfast Residence is defined in the Ordinance as limited to four or fewer guest rooms, must provide at least one meal per day, and the operator must live on the premises or adjacent premises. A bed and breakfast is a conditional use in nearly all districts.
- Septic Regulations: To protect the health and safety of residents as well as prevent contamination of surface and groundwater, Land Services may require a compliance inspection whenever deemed appropriate.

**D. VRBOs in Crow Wing County:**

The following represents a sampling from popular websites used to advertise VRBOs. It should be noted, because of the private nature of VRBOs there may be no way of determining the actual number of VRBOs operating in Crow Wing County at any given time.

Crow Wing County Vacation Home Rental Listings: Sample as of 8-19-14	
VRBO.com	267
Exploreminnesota.com	19
Brainerd Lakes Chamber	2
Airbnb.com	7
flipkey.com	13
lakeplace.com	25
northlandcabincare.com	21
craigslist.org	65
vacationrentals.com	31
byowner.com	56
Total <sup>4</sup>	506

<sup>3</sup> The Ordinance defines a traditional resort as: A commercial establishment that includes lodges, dwelling units, dwelling sites, structures or enclosures kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are furnished to the public, and having for rent three or more cabins, rooms, dwelling units or enclosures. Resorts must be primarily service-oriented for transient occupancy for guests seeking recreation. All cabins, rooms, dwelling units or enclosures must be included in the resort rental business and rates set by resort. The entire parcel of land must be owned, controlled and managed by the single business entity which comprises the commercial establishment. In order to qualify as a resort pursuant to this definition, the commercial establishment shall also be fully licensed and permitted under the appropriate state and local regulation.

<sup>4</sup> Total listings may include duplicate properties listed on multiple websites

## II. Approaches around the Country:

As vacation home rental numbers have soared nationally in recent years, state legislatures have acted in different ways. Here is a summary of different approaches:

### Wisconsin:

- State law requires a Lodging permit issued and administered through the Wisconsin Department of Health Services for all facilities in the state.
- Vacation home rentals are classified as a Tourist Rooming House (TRH), defined as “all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients.”
- A tourist or transient is defined as someone away from their permanent residence.
- Rental to a tourist or transient, regardless of duration, requires a state permit.
- The application process also requires the owner to provide documentation of approved use by the local zoning authority.
- Example: Door County, Wisconsin: All municipalities under county zoning jurisdiction permit short-term rentals in all zoning districts, and require registration with the county tourism commission for purposes of tax collection in addition to state licensure.

### Hawaii:

- Individual counties in Hawaii have jurisdiction over VRBO use of property.
- Most counties that allow vacation rentals in specific zoning districts and generally require a condition use permit.
- Some counties prohibit vacation home rentals (rental duration ranging from under 30 days to under 90 days) unless the owner can demonstrate a legal non-conforming use certificate dating to prior than 1986.

### Florida:

- State law prohibits local units of government from restricting the use, prohibiting, or regulating vacation rentals solely on the basis of classification, use, or occupancy if not regulated prior to 2011.
- Recent changes now allow local governments to require inspections or to create certain standards (such as mandatory trash pick-up).
- Vacation rental owners also must obtain a license from the state to operate a rental unit.
- Example: Fort Myers Beach, Florida: Single-family dwellings located in the residential zoning district are generally restricted to rental for transient lodging to once per calendar month, with a minimum stay of 7 days.

### Austin, Texas:

- Enacted a qualitative restriction on the number of homes that can be rented on a short-term basis.
- Depending upon the location within the city, a cap was placed upon the number of short-term rentals that may operate in a given neighborhood.
- The city stated a concern for the mix of short-term to long term rental properties as justification for the cap.

Scottsdale, Arizona:

- Rentals of less than 30 days are not permitted in Single Family Residential Districts.

Portland, Oregon:

- Enacted a tiered approach to short-term rental regulation.
- For owner-occupied residences, an over the counter permit may be obtained for short-term rental of 1 to 2 bedrooms.
- For 3-5 bedroom homes, owners must obtain a CUP to operate a short-term rental.

Palm Desert, California:

- Originally passed an ordinance requiring a CUP and 3-night minimum stay requirement on vacation home rentals. The CUP application process cost \$500 and included additional conditions on parking, noise, maximum occupants, and days the property may be rented annually.
- In 2012, the city significantly amended its regulation and lowered fees after finding that compliance with the CUP requirement was very low. The city now licenses all short-term rentals annually, with a \$25 per property fee. The city has found license registration has greatly increased with the lower fees.

### III. State of Minnesota

#### A. State Regulation:

In 2008, the Minnesota Legislature created a Task Force charged with studying VRBOs in the state. The group published a report in 2009. Citing a lack of knowledge about the application of current laws relating to VRBO owners, the Task Force offered a series of recommendations including legislation to improve awareness and compliance with existing laws. The recommendations included:

- Adding a definition to the Department of Health Licensing statute defining vacation rentals as requiring a license.
- Clarify sales and use tax law as it applies to vacation rentals.
- Increase coordination between state and local officials regarding vacation home rental regulations.
- Encourage and develop a means of proactive communication between VRBO owners and renter about the rules and regulations that must be implemented for safe operation, compliance, and interactions with neighboring homeowners.

In 2010, HF1072/SF894 was introduced which would have added the Task Force definition<sup>5</sup> of vacation home rental to the Department of Health licensing statute. The proposed legislation would require VRBO owners to receive a license and comply with the licensure requirements of the Department of Health relating to safe operation. The bills received hearings in committee in both houses but did not advance.

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<sup>5</sup> Definition included in HF1072/SF894: "Vacation home rental means any home, cabin, condominium or similar building that is advertised or held out to the public as a place where sleeping accommodations are furnished to the public on a nightly or weekly basis and is not a bed and breakfast, resort, hotel or motel."

In 2011, HF1532/SF1190 was introduced which would have mandated that use of residential property as a vacation rental must be considered a permitted residential use, but which may be licensed as rental housing by a county. The bill received no consideration. To date, no legislation has been passed specifically defining vacation home rentals.

#### **B. Current Department of Health Regulation:**

Under Minnesota Statutes Chapter 157, hotels/motels<sup>6</sup>, lodging establishments<sup>7</sup>, and resorts<sup>8</sup> are subject to licensure and inspections by the Department of Health (MDH) and must comply with minimum standards<sup>9</sup> in the following areas of health and safety:

- Building standards, including ADA compliance
- Provide a safe and adequate water supply
- Septic systems designed for and in compliance with MPCA Chapter 7080
- Removal of trash, rubbish and refuse frequently from the property
- Fire protection, including egress, escapes and fire extinguishers

Under the licensing statute, any facility providing sleeping accommodations for rent for periods less than one week is considered a hotel/motel and subject to licensure. VRBO owners renting their property for periods of longer than one week would not be subject to licensure because the renters would not be considered "regular roomers" as included in the lodging establishment definition.

Approximately five years ago, MDH developed a list of properties potentially subject to licensure by scanning websites. MDH currently has 18 licensees in the hotel/motel category in Crow Wing County which would be considered VRBOs.

### **IV. Minnesota Counties**

#### **A. Summary of Minnesota Counties Survey Data:**

VRBO Specific Ordinances:

- Four counties in the state have enacted specific VRBO land use ordinances.
- Seven counties responded that they will require a CUP if the VRBO is determined to be a commercial operation.
- Twenty counties report they do not regulate VRBOs.

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<sup>6</sup> M.S. 157.15 Subd. 7. Hotel or motel. "Hotel or motel" means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.

<sup>7</sup> M.S. 157.15 Subd. 8: Lodging establishment. "Lodging establishment" means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public.

<sup>8</sup> M.S. 157.15 Subd. 11: Resort. "Resort" means a building, structure, enclosure, or any part thereof located on, or on property neighboring, any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.

<sup>9</sup> Minnesota Rules Chapter 4625

MN Counties with VRBO Land Use Ordinances				
	Type of Regulation	Inspection Requirements	Approved VRBOs	Properties Receiving Complaints
Aitkin	IUP and County Lodging License	Complaints Only	13	3
Lake	IUP w/Performance Standards and MDH License	1 during first year of operation, complaints thereafter	20	2
Mille Lacs	IUP	Application inspection, complaints thereafter	12	1
Stearns	CUP and County FBL License	Annual FBL inspections, no P&Z inspections	10	2

\*Cottonwood County regulates VRBOs under an FBL ordinance

#### Complaints and Enforcement:

- Among these 32 counties, 61 complaints have been registered against 26 different properties in the past year.
- Zero citations have been issued in the past year.
- One enforcement has resulted in a pending court action (Lincoln County).

#### VRBO Monitoring:

- Six counties monitor VRBOs only after a complaint.
- Two counties (Aitkin, Lincoln) actively scan for operating VRBOs.
- 24 counties do not actively monitor VRBOs.

#### Biggest Challenge:

In response to a question about the biggest challenge relating to VRBOs, the following represent the most common responses:

- Neighbor complaints.
- Owner/Operator cooperation.
- Concerns over clarity of zoning ordinance.
- Finding VRBOs.
- Gathering evidence of alleged violations.
- Fairness to resorts.
- Fairness of complaints-only enforcement policy.
- Septic compliance and proper sizing.
- Costs and staff time associated with ordinance enforcement.

#### **B. Enforcement Issues:**

Enforcement of a land use VRBO ordinance involves multiple challenges. Survey results have highlighted several of the main issues associated with VRBO ordinance enforcement.

#### Complaints:

Of the 32 counties responding, only 61 complaints involving 26 properties were registered last year. Of these 61 complaints, fifteen issues were resolved by working with property owners, zero citations were issued, and one case is pending in district court.

#### Identification:

Given the private nature of VRBOs, scanning websites, responding to neighbor complaints, and voluntary contact are the most prevalent ways of identifying VRBO operations. Only two responding counties stated they actively seek to identify VRBOs through websites and other means. 6 respondents investigate after receiving a complaint, and a majority of counties do not actively search for VRBOs.

#### Cost of Enforcement:

Stearns County reports that it requires 20-30 hours of planning and zoning staff time to bring a VRBO into compliance with their ordinance. Additional staff hours are required by food and beverage license staff. Land Services staff conservatively estimates it requires a minimum of 10-15 hours per staff of time to process a conditional use permit application through the public hearing process. With the large number of VRBOs operating in Crow Wing County, regulation of VRBOs could represent a significant challenge given current staffing levels.

#### Evidence of Violations:

Most activity generating complaints occurs on the weekends or afterhours. By the time staff are able to respond to the complaint, the activity likely has ended. This creates the need to rely on evidence from neighbors and other sources if an enforcement action is necessary. Additionally, it is extremely difficult to know and track how many times a vacation rental has been rented in a given period. Depending upon the nature of the complaint, it can be difficult to receive law enforcement zoning ordinance support for afterhours and weekend complaints

#### Conduct by renters:

Many of the common complaints against vacation home rentals relate to the conduct of renters. This creates a very difficult environment in which to effectively enforce provisions of a land use ordinance. Survey respondents list neighbor complaints, noise, traffic, parking, dogs, and shoreline activities as the most common issues. Septic and SSTS issues are the most common land use problem reported to zoning officials.

In general, jurisdictions received very few complaints, but usually multiple complaints about specific properties. Depending upon the type and scope of regulation, a more detailed cost study would need to be conducted to determine the impacts upon current workload in Land Services. Additionally, more study would be required to explore a greater partnership with the Sherriff's Office on addressing after-hours enforcement issues. Active enforcement of a VRBO ordinance may require significant staff resources, and therefore, substantial costs to taxpayers.

#### C. Property Tax Issues:

For property tax classifications, short-term rentals differ from long-term rentals because it is unlikely that the owner or renter could claim the property as a primary residence. Properties

such as lake or vacation homes that cannot be classified as residential real estate, either because it is not the primary residence of someone or is vacant and not used for any purpose, can be classified as seasonal residential recreational. An emerging issue is determining when properties used for short-term or vacation rentals can be classified as commercial for tax purposes.

This issue was highlighted in a recent tax court case. In *T.C. Hewitt, LLC, v. County of McLeod*<sup>10</sup>, a single family lake home purchased by the LLC was classified as non-homestead residential for 6 years until reclassified as commercial by McLeod County. The owners challenged the reclassification. The Court held that the owner did not overcome their burden to demonstrate the reclassification was prima facie invalid. The Court highlighted several facts key to their analysis:

- Actual Use of the Property: the LLC organizational documents reserved around five weekends per year for the owners use, with the property either held out for rent or rented for the remainder of the year.
- The property is advertised for rental on a year-round basis.
- The property earned a small profit or broke even for years in which it was classified commercial.
- The property is not anyone's primary residence.
- The property was not a "vacant dwelling not used for any purpose" because it was being used for rental purposes when held out for rent.

#### **Conclusion:**

This report represents a broad view of the VRBO issue. Several key questions emerge from the information provided in this report regarding determining the proper approach to VRBOs which require further analysis. On a threshold level the wide variance amongst current and potential county regulations raises questions about fairness and treatment of resort and property owners that may suggest a statewide approach is best. Additionally because most of the complaints associated with VRBOs relate the conduct of renters, land use regulations may not provide the best tools to address the problem conduct. Existing regulations, criminal statutes, legal remedies, and exploring an increased partnership with law enforcement in responding to complaints may provide an adequate framework for addressing this behavior. Finally, the potential costs associated with creating and enforcing a new regulation as well as property tax valuation and classification changes would need to be evaluated based upon the scope and implementation of a regulatory approach.

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<sup>10</sup> *T.C. Hewitt, LLC., v. County of McLeaod*, June 27,2014.

Land Services Department  
VRBO Report Summary  
Committee of the Whole  
November 18, 2014

Scope of Study

- Reviewed VRBO treatment by cities, states, and counties around the country & MN
- Survey data obtained from 32 Minnesota Counties

VRBO Regulations

- CWC Land Use Ordinance does not regulate VRBOs
- Property Rights & *Dean v. City of Winona*
- Example from *Douglas County v. Owen*

Crow Wing County Overview:

- An estimated 500+ VRBOs are operating in CWC at any given time
- Minnesota Department of Health is aware of 18 properties they consider a VRBO
- Land Services has received complaints on two VRBOs in the past year

Approaches around the Country

- States: Wisconsin, Florida, Hawaii
- Cities: Austin, TX, Scottsdale, AZ, Portland, OR, Palm Desert, CA

Minnesota Approach:

- Task Force recommends adding a Vacation Home Rental definition to licensing statute
- No legislation has been passed on this issue
- Minnesota Department of Health licenses lodging establishments and enforces regulations on health and safety
- Hotel/Motel definition includes the use of a structure to provide sleeping accommodations to the public for periods of less than one week.
- Providing sleeping accommodation for more than one week would not be regulated unless 5 or more rooms are rented.
- MDH follows the definitions closely and seeks to apply any VRBO

Minnesota Counties Survey:

- Survey sent to all 87 counties; 32 responses received
- 20 Counties do not regulate VRBOs
- 7 Counties state they will require a CUP if a VRBO is determined to be commercial
- 4 Counties have VRBO land use ordinances
  - Aitkin: IUP required; 13 approved VRBOs
  - Lake: IUP required; 20 approved VRBOs
  - Mille Lacs: IUP required; 12 approved VRBOs
  - Stearns: CUP required; 10 approved VRBOs
- 61 complaints against 26 properties have been registered in the past year
- Zero citations have been issued, one enforcement action is pending in district court

Enforcement Issues:

- VRBOs are difficult to identify; most found through complaints, monitoring is costly
- Stearns County reports 20-30 hours in staff time to bring one a VRBO into compliance
- Evidence of violations is difficult to obtain; complaints come after-hours or on weekends
- Conduct of renters is the most common source of complaint; this conduct may be difficult to regulate under a land use regulation
- Septic system capacity and compliance can represent the most serious land use issues surrounding VRBOs and may be handed through existing requirements

Property Tax Classification:

- Different treatment of short-term v. long-term rentals
- *TC Hewitt v. McLeod*: emerging issue of when a VRBO is commercial for property tax classification purposes
- Regulating VRBOs may also implicate how these properties are treated for tax purposes

**From:** Vince Schaefer <vince.schaefer14@gmail.com>  
**Sent:** Friday, March 30, 2018 9:14 AM  
**To:** mbode@rockvillecity.org  
**Subject:** Fwd: vacation home rental standards  
**Attachments:** IUP- Vacation Home Rental 2014 - fillable.pdf; 6.60 Vacation Home Rental.pdf

----- Forwarded message -----

**From:** **Vince Schaefer** <[vince.schaefer14@gmail.com](mailto:vince.schaefer14@gmail.com)>  
**Date:** Fri, Mar 30, 2018 at 9:06 AM  
**Subject:** Fwd: vacation home rental standards  
**To:** Vince Schaefer <[vince.schaefer14@gmail.com](mailto:vince.schaefer14@gmail.com)>

----- Forwarded message -----

**From:** **Vince Schaefer** <[vince.schaefer14@gmail.com](mailto:vince.schaefer14@gmail.com)>  
**Date:** Thu, Mar 29, 2018 at 6:38 PM  
**Subject:** Fwd: vacation home rental standards  
**To:** Audrey Schaefer <[audreyschaefer@gmail.com](mailto:audreyschaefer@gmail.com)>

I spoke with Jennifer from Stearns County about this and she sent me the enclosed information. I was involved in bringing about this "Vacation Rental Ordinance" for Stearns County as the problem originated in my district at the time. I have not heard of any opposition to this in Rockville except the comment about someone's concern about the potential of increased boat traffic on the lake and in my opinion, that is a non issue.

I believe something like this could be a win-win situation for everybody.

It may be too late to have this on the agenda for Mon. evening but I see no reason why it could not be discussed as an addition and also as an addition to the agenda at the Tue. evening Planning & Zoning meeting. Because this is not a permitted use in a R-1 district I believe we need to have a public hearing to amend the ordinance by adding this as permitted with an interim use permit or a conditional use permit, and , if the ordinance amendment is approved, the use permit could be voted on at the same meeting. Because of all the confusion on this matter , the Council could also extend the time that was given to abate the violation. If you have any questions on this, feel free to call me or call Stearns County Environmental Services at , [320-656-3613](tel:320-656-3613) and ask for Jennifer.

Vince

----- Forwarded message -----

**From:** **Buckentine, Jennifer** <[Jennifer.Buckentine@co.stearns.mn.us](mailto:Jennifer.Buckentine@co.stearns.mn.us)>  
**Date:** Thu, Mar 29, 2018 at 4:29 PM  
**Subject:** vacation home rental standards  
**To:** "[vince.schaefer14@gmail.com](mailto:vince.schaefer14@gmail.com)" <[vince.schaefer14@gmail.com](mailto:vince.schaefer14@gmail.com)>

Hi Vince,

Vacation home rentals (also called VRBO or Airbnb) in Stearns county have a couple of permit requirements:

1. Interim use permit per the zoning ordinance
2. Lodging license per the county lodging ordinance

The zoning standards for vacation rentals are attached (6.60 Vacation Home Rental).

I also attached the application for the interim use permit. this application packets included a very detailed checklist to help assist the property owner through the permit and license process. Our application fee is \$500. The lodging inspection is \$250 plus the license fee is around \$250.

Let me know if you have any questions!

*Jennifer Buckentine*

Stearns County Environmental Services

705 Courthouse Square Rm 343

St. Cloud MN 56303

[320-656-3613](tel:320-656-3613)

[320-656-6484](tel:320-656-6484) (fax)

- K. The small truck terminal at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

## **6.60 Vacation/Private Home Rental**

### **6.60.1 Performance Standards**

A Vacation/Private Home Rental shall be subject to the administrative requirements of *Section 4.18 of this Ordinance* and the following performance standards:

- A. Submittal of an application signed by the property owner and including the following: a current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria, a compliance inspection of the existing sub-surface sewage treatment system and a to-scale drawing of the location and dimensions of the structure intended for licensing and all associated accessory structures, parking areas, shore recreation facilities and sewage treatment systems.
- B. The occupancy of a Vacation/Private Home Rental shall be limited to no more than two persons per bedroom plus two additional persons per building, not to exceed a maximum of twelve (12) persons; or no more than one (1) person for every fifty (50) gallons of water per day that the building's sub-surface sewage treatment system is designed to handle, whichever is less.
- C. Parking shall meet the requirements of *Section 7.19 of this Ordinance*. Designated parking areas shall be off-street parking.
- D. On premise signs are prohibited.
- E. The Vacation/Private Home Rental shall be connected to an approved sub-surface sewage treatment system. The sub-surface sewage treatment system shall be designed and constructed with a design flow of fifty (50) gallons of water per person per day to handle the maximum number of guests for which the facility is permitted. The sub-surface sewage treatment system shall include a flow measurement device. Flow measurement readings and monitoring of the sub-surface sewage treatment system shall be recorded monthly and records shall be made available to the Department upon request. The use of holding tanks for Vacation/Private Home rental units shall be prohibited.
- F. Rental of recreational vehicles shall not be allowed.
- G. The Planning Commission may impose conditions that will reduce the impact of the proposed use on neighboring properties and nearby waterbodies. Said conditions may include but not be limited to a fence or vegetative screening along a property line or a native buffer along the shoreline.
- H. The owners of Vacation/Private Home Rentals shall ensure that the noise standards of *Minnesota Rules, chapter 7030; or successor rules*, are met. The Planning Commission may impose a quiet hours standard in order to assist in achieving this goal and to reduce the potential impacts on neighboring properties.

- I. The owners of Vacation/Private Home Rentals shall, at a minimum, comply with *Minnesota Statutes, chapter 504B; or successor statute* and make available to all tenants the Minnesota Attorney General's annual statement summarizing the significant legal rights and obligations of landlords and residential tenants, as described in *Minnesota Statutes, section 504B.275; or successor statute*.
- J. The licensee shall keep a report, detailing use of the home by recording, at a minimum, the name, address, phone number and vehicle license number of all guests using the property. A copy of the report shall be provided to the Department upon request.
- I. No more than two Vacation/Private Home rentals will be allowed on a parcel. Construction of more than one single family dwelling unit or Guest Cottage shall only be allowed on a parcel that meets the requirements of *Sections 10.2.8 and 10.2.12 of this Ordinance*. More than two Vacation/Private Home rentals on the same parcel or on contiguous parcels under common ownership shall constitute a resort and must meet the standards set forth in *Section 10.2.23 of this Ordinance*.

#### **6.60.2 License Required**

A Vacation/Private Home Rental shall be licensed by the County and shall meet the requirements of *Stearns County Ordinance Number 204; or successor ordinances*.

### **6.61 Warehousing, Storage, Distribution and Wholesale Facilities**

#### **6.61.1 Performance Standards**

Except as provided in *Section 9.11.2 of this Ordinance*, warehousing, storage, distribution and/or wholesaling facilities shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall have a lot area no less than four (4) times the area of the building footprint.
- C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- D. Buildings shall meet the setback requirements of the applicable zoning district.
- E. All loading and unloading facilities shall be located on the rear or side of the structure and be screened from view from residential uses.
- F. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear or side of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with *Sections 6.47 and 7.23 of this Ordinance*.

## SUMMARY OF PLANNING COMMISSION PROCEDURES

**STEP 1.** Request application and discuss circumstances with staff (see the following page for more specific information).

Application Deadline: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

County Board Date: \_\_\_\_\_

**STEP 2.** File application by the above noted deadline. An application includes the following:

- a. A completed application form with the required filing fee
- b. A full, recordable property description (deed or abstract)
- c. A complete site sketch listing all applicable distances, setbacks or other necessary measurements
- d. For shoreland requests, septic system certification is required. (Note: Noncompliant septic systems are required to be upgraded regardless of the outcome of the planning commission proceedings).

**STEP 3.** Processing (completed by the Environmental Services staff, with the exception of plats):

- a. Public hearing notice sent to the local paper and to the official County paper, the Cold Spring Record
- b. Notification of affected property owners:
  - Plats - property owners within ½ mile
  - Rezoning - property owners within ½ mile
  - Conditional Use/Interim Use Permits - property owners within ¼ mile
- c. Staff reviews application and generates a staff report
- d. Mailing of information packets to the members of the Commission, and
- e. Mailing of agenda and staff report to applicants

**STEP 4.** Planning Commission conducts hearings on plats, rezonings and conditional and interim use permits on the third Thursday of the month unless otherwise stated.

It is recommended that the applicant(s) or their representative attend the hearing to answer any questions the Commission may have. The Commission will base its decision on the information presented and public testimony. Failure to have representation may result in the continuation of the item to the next meeting.

Actions of the Planning Commission are as follows:

- ✓ **Plats** are recommendations to the County Board, and will follow final plat requirements.
- ✓ **Rezoning**s are also recommendations and will be submitted to the County Board of Commissioners generally one month after the Planning Commission meeting.
- ✓ **Conditional and interim use permits** are also recommendations and will be submitted to the County Board of Commissioners generally at their next meeting. Any item may be continued or tabled by the Planning Commission. If the item is continued, the Planning Commission will state when the item is continued to (either the next meeting or a specified date). There will be no additional notification on continued items.

**STEP 5.** All conditional and interim use permits are recorded with the property deed in the County Recorder's Office. If the conditional use permit is denied, notice will be sent to the applicant(s) via mail.

**STEP 6.** Once the proceedings for conditional and interim use permits are recorded, a copy will be sent to the applicant(s) via mail.



# APPLICATION FOR INTERIM USE PERMIT

## Vacation/Private Home Rental

Environmental Services Department  
http://co.stearns.mn.us/Environment/LandUseandSubdivision  
Administration Center Rm 343 - 705 Courthouse Square - St. Cloud, MN 56303  
320-656-3613 or 1-800-450-0852 - Fax 320-656-6484

Application Fee: \$ \_\_\_\_\_ File No. \_\_\_\_\_ Receipt No. \_\_\_\_\_

Property Owner	_____	Phone	_____
Property Owner Email	_____		
Address of Property	_____		
Mailing Address	_____		
Applicant (if different from above)	_____	Phone	_____
Applicant Email	_____		
Applicant Mailing Address	_____		
Parcel I.D. Number(s)	_____	Township	_____
		Section	_____
Legal Description	_____		

The following must be submitted with the completed application:

- A. Current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria
- B. Certification that the sub-surfaces sewage treatment system is designed to handle the number of proposed occupants
- C. A to-scale drawing of the location and dimensions of the structure intended for licensing and all associated accessory structures, parking areas, shore recreation facilities and sewage treatment systems. This should include a sketch showing the dimensions of all bedrooms and living room.

Zoning District \_\_\_\_\_ Section of Ordinance \_\_\_\_\_

Staff to Complete	
<b>Overlay Districts</b>	
<input type="checkbox"/> Floodplain	<input type="checkbox"/> Airport
<input type="checkbox"/> Shoreland: Water Body Name/Number _____	<input type="checkbox"/> Conservation Overlay
	Classification _____

### Building Information

Dimensions of the vacation/private home rental \_\_\_\_\_

Number of bedrooms \_\_\_\_\_

Proposed occupancy (maximum number of persons) \_\_\_\_\_

Number of off-street parking spaces \_\_\_\_\_

Septic Permit or Certification Number \_\_\_\_\_

Proposed date or event upon which Interim Use will be terminated \_\_\_\_\_

Property Owners Signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature of this application authorizes Environmental Services Staff to enter upon the property to perform needed inspections.  
Entry may be without prior notice

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**WHAT HAPPENS NEXT?** Staff will review your application and determine if the application is complete. If the application is complete, the application will be scheduled for a Public Hearing with the County Planning Commission who will recommend action to the County Board of Commissioners. It typically takes 2 months from the time a complete application is submitted until the County Board issues final approval or denial of the IUP.

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## Site Plan

Include the following on the site plan:

- Setbacks- Side Yard, Rear Yard, Road, Ordinary  
High Water Level, Wetlands
- Existing Structures
- Proposed Structures / Additions /  
Modifications
- Roads & Existing or Proposed Approaches
- Parking Areas & Driving Surfaces
- Existing & Proposed Fences or Screening
- Existing & Proposed Lighting
- Existing & Proposed Signage (on & off the  
building)
- Outdoor Sales, Display, or Storage Areas

**Vacation Rentals**  
**Application Process**  
**5/5/17**

- LU staff - Determine if the request is a permitted use in the zoning district?  
If no, then discuss options with the Land Use (LU) staff.  
If yes, then request the applicant submit a sketch showing the floor plan of the existing home and address the requirements from the vacation home checklist. Once this information is provided, the LU staff will forward it the Environmental Health (EH) Division Supervisor for reassignment to the appropriate EH staff person.
- EH staff - EH staff will schedule a site visit on the property. A written plan review letter will be provided to the LU staff with EH staff recommendations.
- LU staff - Applicant may submit an IUP application to the LU staff. The IUP will be processed using zoning ordinance requirements for vacation rentals and EH requirements from the Lodging ordinance, whichever are more restrictive.
- LU staff – Planning Commission will hold a Public Hearing, and make a recommendation to the County Board for consideration. LU staff will incorporate EH staff recommendations into the staff report, making certain requirements conditions when appropriate. If the IUP is approved then:
- EH staff - the applicant may submit a Lodging application for an annual Lodging license. All requirements of the IUP and Lodging License checklist must be met prior to issuance of the license.

## **Vacation Home Performance standards**

### **Checklist**

(5/5/17)

1. Submittal of an IUP application signed by the property owner and including the following: a current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria, a compliance inspection of the existing sub-surface sewage treatment system and a to-scale drawing of the location and dimensions of the structure intended for licensing and all associated accessory structures, parking areas, shore recreation facilities and sewage treatment systems. (LU)
2. A Floor plan of the home shall be provided showing each floor level and the dimensions of the sleeping areas.(EH)
3. The occupancy of a Vacation/Private Home Rental shall be limited to no more than two persons per bedroom plus two additional persons per building, not to exceed a maximum of twelve (12) persons; or no more than one (1) person for every fifty (50) gallons of water per day that the building's sub-surface sewage treatment system is designed to handle, whichever is less. (LU)
4. Every room occupied for sleeping purposes by one person shall contain 70 square feet of usable floor space and every room occupied by more than one person shall contain at least 60 square feet of usable floor space for each occupant. (EH)
5. Under no circumstances shall less than 400 square feet of air space be provided per occupant.(EH)
6. Beds shall be spaced at least three (3) feet apart when placed side by side. (EH)

7. No sleeping quarters shall be provided in any basement having more than half its floor to ceiling height below the average grade of the adjoining ground. (EH)
8. The year the windows were installed. (EH)
9. Every structure used for lodging accommodations shall be kept in good repair and so maintained to promote health, comfort, safety and well being of the persons accommodated. (EH)
10. When flies, mosquitos and other insects are prevalent, all outside doors, windows and other openings shall be screened. (EH)
11. All rooms and areas used by patrons shall be adequately lighted and ventilated. (EH)
12. Toilets, lavatories and bath facilities shall be available on each floor in a ratio of one toilet and one lavatory for every 10 occupants and one bath tub or shower for every twenty occupants. (EH)
13. The temperature of the hot water provided in any public area or guest room shall not exceed 130 degrees Fahrenheit. All lavatories shall be supplied with hot and cold running water and soap. (EH)
14. Fire protection shall be provided by suitable fire escapes that are maintained in good repair and that are accessible at all times. Sleeping quarters shall only be allowed in rooms which have unobstructed egress to the outside or to a central hallway leading to a fire escape. Fire extinguishers and smoke detectors shall be provided in accordance with the State Fire Marshall. (EH)
15. Designated parking areas shall be off-street parking. One (1) parking space for every three (3) occupants. (LU)
16. On premise signs are prohibited. (LU)
17. The Vacation/Private Home Rental shall be connected to an approved sub-surface sewage treatment system. The sub-surface sewage treatment system shall be designed and constructed with a design flow of fifty (50) gallons of water per person per day to handle the maximum number of guests for which the facility is permitted. (LU). The sub-surface sewage treatment system shall include a flow measurement device. The flow measurement device must be installed prior to license issuance (EH). Flow measurement readings and monitoring of the sub-surface sewage treatment system shall be recorded

- monthly and records shall be made available to the Department upon request. (LU)
18. The use of holding tanks for Vacation/Private Home rental units shall be prohibited. (LU)
  19. Rental of recreational vehicles shall not be allowed. (LU)
  20. The Planning Commission may impose conditions that will reduce the impact of the proposed use on neighboring properties and nearby waterbodies. Said conditions may include but not be limited to a fence or vegetative screening along a property line or a native buffer along the shoreline. (LU)
  21. The owners of Vacation/Private Home Rentals shall ensure that the noise standards of *Minnesota Rules, chapter 7030; or successor rules*, are met. The Planning Commission may impose a quiet hour's standard in order to assist in achieving this goal and to reduce the potential impacts on neighboring properties. (LU)
  22. The owners of Vacation/Private Home Rentals shall, at a minimum, comply with *Minnesota Statutes, chapter 504B; or successor statute* and make available to all tenants the Minnesota Attorney General's annual statement summarizing the significant legal rights and obligations of landlords and residential tenants, as described in *Minnesota Statutes, section 504B.275; or successor statute*.(LU)
  23. The licensee shall keep a report, detailing use of the home by recording, at a minimum, the name, address, phone number and vehicle license number of all guests using the property. A copy of the report shall be provided to the Department upon request.(LU)
  24. No more than two Vacation/Private Home rentals will be allowed on a parcel. Construction of more than one single family dwelling unit or Guest Cottage shall only be allowed on a parcel that meets the requirements of *Sections 10.2.8 and 10.2.12 of this Ordinance*. More than two Vacation/Private Home rentals on the same parcel or on contiguous parcels under common ownership shall constitute a resort and must meet the standards set forth in *Section 10.2.23 of this Ordinance*. (LU)
  25. **License Required** A Vacation/Private Home Rental shall be licensed by the County and shall meet the requirements of *Stearns County Ordinance Number 204; or successor ordinances*.(EH)

**Stearns County Planning Commission  
Worksheet for Findings of Fact – Conditional/Interim Use Permits**

Findings shall be made in either granting or denying an application, and should reference specific sections of ordinances that apply to the project. Questions which you could be asking include, but are not limited to:

1. Is the proposal consistent with existing County ordinances (performance standards)? Specify the applicable section of the ordinance and discuss why or why not.  
Zoning District \_\_\_\_\_

\_\_\_\_\_

2. Are there any other standards, rules or requirements that the proposal must meet?

\_\_\_\_\_

\_\_\_\_\_

3. Is the proposed use compatible with the present and future land uses in the area or can it be separated by distance or screening from adjacent land uses? Why or why not? How will any scenic views be impacted by the proposed use?

\_\_\_\_\_

\_\_\_\_\_

4. How are the potential environmental impacts (ground water, surface water, air quality, wellhead protection areas) of the proposal being addressed?

\_\_\_\_\_

\_\_\_\_\_

5. How will the potential impacts of the proposal affect the property values of the area in which it is proposed?

\_\_\_\_\_

\_\_\_\_\_

6. What potential public health, safety or traffic generation impacts will the proposal have in relation to the area and the capability of the roads serving the area, and how are they being addressed by the proposal?

\_\_\_\_\_

\_\_\_\_\_

7. How does the proposal affect the general health, safety and welfare of the residents?

\_\_\_\_\_

\_\_\_\_\_

8. Does the proposal conform to the goals and objectives of the County's Comprehensive Plan? Specify which goals and objectives apply.

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9. How will the proposal potentially impact existing public services and facilities including schools, parks, streets and utilities and what potential is there for the proposal to overburden the service capacity? How will these issues be addressed by the proposal?

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10. Has the applicant provided financial assurance to guarantee reclamation or cleanup?

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11. Other issues pertinent to this matter.

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Note: The Planning Commission is a recommending body to the County Board, any motion relating to the conditional/interim use permit should be made in that context.

## Planning Commission Public Hearing Procedures

- 1) Prior to the first public hearing, the Planning Commission Chair will briefly explain the public hearing process and the steps the Commission will take in making their decisions on applications. Commission members, any member of the public, the applicant and staff should endeavor at all times to be respectful and understanding of one another during this entire public hearing.
- 2) For each application, the Chair will first declare the public hearing to be open and then request the applicant to come forward and state their name.
- 3) Next, the Chair will call on the Environmental Services Department staff to give a summary of the application and provide pertinent information regarding the property and the applicant's request. Following the summary, the Chair will allow the applicant an opportunity to add any additional information in regards to the request.
- 4) The next step will be for the Chair to allow members of the public to state their position in regard to the application. Speakers should first state their name for the record. Comments should be limited to issues directly related to the request and be presented in a manner that is respectful to the Commission, the applicant, staff and others present at the hearing. If an item is particularly controversial and entails considerable discussion, the Chair may ask that positions not be repeated and that only new information be presented. If the public has questions of the applicant or staff, those questions must be directed through the Chair in order to maintain order and provide proper protocol for the meeting. At anytime the Commission may ask questions of the applicant, staff, or the public.
- 5) Following the conclusion of all public testimony, the Chair will call for a motion to close the public hearing. Once the public hearing is closed, only the Commission members may ask clarifying questions of the applicant or staff. During this time, the applicant and/or the public may not make any further comments or testimony unless directed to do so by the Chair. This is an opportunity for the Commission to discuss the request and testimony among themselves and begin to frame their individual positions on the merits of the application.
- 6) Once it appears that all issues have been discussed and questions have been asked by the Commission members, the Chair will direct the Commission members to proceed with making their Findings of Fact. This is a formal process in which the Chair will read through a series of questions aimed at determining whether or not the request and testimony presented meet the intent of the comprehensive plan and all applicable ordinance requirements. Following the completion of the Findings of Fact, the Chair will call for a motion in support of or in denial of the request. The motion passed must be supported by the evidence in the Commission's Findings of Fact. For conditional use permits, interim use permits, plats and rezoning applications, the motion made by the Commission will be a recommendation of approval or denial to the County Board of Commissioners. At a later date, the County Board of Commissioners will make the final decision on these requests.
- 7) Applicants for a conditional use permit, interim use permit, rezoning, or plat will receive written notice of the Commission's decision within one week of the public hearing.

**From:** Korla Molitor <korlamolitor@gmail.com>  
**Sent:** Monday, March 19, 2018 3:20 PM  
**To:** mbode@rockvillecity.org  
**Subject:** Notice of Public Hearing

Hello Martin,

We received your notice in the mail today. We believe it is unfair and misleading to the community to label us as a Bed and Breakfast type and or Motel Business. It is a cabin rental. We propose amending section 17: R-1 Single Family Residential District, Subdivision 4 Conditional Uses to include a new term: Vacation Rental instead of pigeonholing us into a category that we do not fit in such as "Bed and Breakfast Type and or Motel Type Establishment". Another suggestion would be to update the rental ordinance to include the term "Short Term or Vacation Rental" as one of the uses, since it currently has no length of stay included.

We are fine with applying for a conditional use permit and having a hearing but under this context, it seems as though the City is trying to misguide the community. Motel is very loaded term. We included below the definitions of a Motel, Bed & Breakfast, as well as a Vacation Rental.

We feel as though we have been very accommodating to the City thus far and have done everything we can do to work with the City. We feel it is necessary to let you know that we are not comfortable with this labeling as it is inaccurate and portraying us as something we are not.

This is causing a substantial amount of stress on our behalf and it imposes on us a huge potential undue hardship. We did our due diligence by researching and contacting the City before our purchase. We were inspected twice and received a rental license for 2017 & 2018-22 that says we meet the rental housing ordinance of the City of Rockville. Our goal here is to not run a business and make a profit from renting out our cabin. We are just trying to help pay for the mortgage, utilities, and taxes (approximately \$2800 per month). If we are not able to continue to do this, we will be forced to sell.

We requested an extension to the 30 day Notice to Abate in our first email to you and we never received a response. Can you please confirm if the extension was granted and let us know the date it was approved to? Many of our guests have booked many months in advance. We have 13 bookings totaling 87 days between April and September. Many of them are return guests and all of them have paid a 3rd party site (VRBO or Airbnb) to reserve their reservation. One family who booked in August of 2017, has a total of 3 bookings totaling 28 days between June and August. This family normally rents out another cabin on Grand Lake but after visiting us this past summer, they thought the condition of our cabin was superior to the other cabin and decided to book ours instead. We are not trying to gloat, we just want to get the point across that this is something that has been happening on the lakes in the community for generations and we are not reinventing the wheel. We assume they, as well as many others, are going to be greatly disappointed to find out they are not going to be allowed to have their family vacations this year.

Again, we are trying so hard to work with the City but we feel that this labeling is inaccurate and inappropriate.

Alex and Korla Molitor

“MOTEL/HOTEL” is a business comprising a series of attached, semi-detached or detached rental units with or without eating facilities for the overnight accommodation of transient guests and travelers.

“BED AND BREAKFAST” means an owner occupied single family dwelling unit in which rooms are rented on a nightly basis for a period of seven (7) or less consecutive days by the same person. Meals may or may not be provided to residents or overnight guests.

"VACATION RENTAL" Renting out of a furnished apartment, house, or cabin on a temporary basis to guests.

--

Korla Molitor

Realtor

Realty Executives Only Excellence

Member of the National, Minnesota, and St.Cloud Area Association of Realtors

[korlamolitor@gmail.com](mailto:korlamolitor@gmail.com)

320.291.0536

[www.korlamolitor.com](http://www.korlamolitor.com)

In need of a vacation? We have a couple of spots for you!

Below is a link to our Airbnb listings page.

[https://www.airbnb.com/users/32078671/listings?user\\_id=32078671&s=50](https://www.airbnb.com/users/32078671/listings?user_id=32078671&s=50)

Alex and Korla Molitor  
The Oak Creek Cottage on Grand Lake  
10919 Mitchell Lane  
St. Cloud, MN 56301

March 28<sup>th</sup>, 2018  
City of Rockville  
Dear Marty Bode, Planning Commission, & Counsel Members,

We are writing to you in regards to the conditional use permit we submitted for our cabin. We would like to give you some more information about what we are doing and what we specifically applied for. Included with this letter you will find a few pages of info about us and our story. You will also find a flyer with images, so that you can get a better feel of what we are offering.

We were inspected and received a rental license in the summer of 2017 and again for 2018-2022 through the City of Rockville. Since then, we have rented out our cabin part time to family, friends, and other vetted guests with no issues. In March of 2018, the City requested that in order to continue to rent out our cabin, they wanted us to apply for a conditional use permit. We honored their request and applied for a conditional use permit for our cabin. We just want to be clear that this is a cabin rental and we are not operating a Bed and Breakfast or a Motel and we have no intention to do so. We object to the designation that our cabin is a Bed and Breakfast and or Motel. It does not meet the criteria of either, as it is not owner occupied, we do not rent a series of rooms, the length of stay is often for more than 7 days, and we do not have a series of attached, semi-detached, or detached units that we are renting out. Along with that, we do not support rezoning to include motels in the R-1 zoning at this time.

Please do not hesitate to contact us if you have any questions or concerns. We would be happy to meet with you, answer any questions you may have, and give you a tour so that you can see the cabin and the property first hand.

“BED AND BREAKFAST”: means an owner occupied single family dwelling unit in which rooms are rented on a nightly basis for a period of seven (7) or less consecutive days by the same person. Meals may or may not be provided to residents or overnight guest.

“MOTEL/HOTEL”: Is a business comprising a series of attached, semi-detached or detached rental units with or without eating facilities for overnight accommodation of transient guest and travelers.

“VACATION RENTAL”: Renting out a furnished apartment, house, or cabin on a temporary basis to guests.

“ABODE”: the place where one lives: home; a temporary stay

Thank you for your time,

Alex and Korla Molitor  
Korla: 320.291.0536 [korlamolitor@gmail.com](mailto:korlamolitor@gmail.com)  
Alex: 651.724.1774 [alex.reid.molitor@gmail.com](mailto:alex.reid.molitor@gmail.com)  
**VRBO:** <https://www.vrbo.com/1194314?unitId=1745072>  
**Airbnb:** [https://www.airbnb.com/rooms/18757304?preview\\_for\\_ml](https://www.airbnb.com/rooms/18757304?preview_for_ml)

# THE OAK CREEK COTTAGE ON GRAND LAKE

## Who we are- Alex & Korla Molitor

Alex grew up in Cold spring. His parents, Dave and Marlene Molitor, grandpa, as well as a number of his aunts and uncles live around Grand and Pleasant Lake. His wife, Korla, grew up on Pleasant Lake. Korla's dad, Dick Luckeroth, as well as her mother & stepdad, Vicky (Behrend) & Jack Rozycki, and brother live around Pleasant Lake. We have always loved the area and knew that after going to school, we wanted to find a way to move back. Buying this cabin has been a stepping stone for us to move back to the area and a way to spend more time close to our families, as family is very important to us.

## What is our mission?

In May of 2017 we purchased a cabin on Grand Lake. Before our purchase, we contacted the City of Rockville to make sure that there were no rules against renting out a cabin part time. We went ahead with the purchase and shortly thereafter, we applied for, were inspected, and received a 2017 rental license. We were also inspected again for 2018 and received a 2018-2022 license.

We feel like it has been a privilege to be raised in central Minnesota and have had the opportunity to create wonderful memories by the lake. Not all people are able to afford a lake property. This gives people the opportunity to have those valuable lake experiences that are essential to living in or visiting Minnesota. Renting a cabin is a concept that is universal in Minnesota and has been going on for generations. One of our goals is to continue to provide a clean and well maintained cabin for our own personal use as well as to share it with others. All of our guests have been very respectful and we will make sure that continues into the future. We are not trying to make a profit, we are just trying to help pay our expenses. If we are not able to continue to offer it as a part time rental, unfortunately, we will be forced to sell.

Having a lake front cabin rental provides an asset to the community. Rockville has no current legal establishment for friends, family, and other visitors to stay. They are outsourced to other larger towns such as St.Cloud and are spending their resources their as well. We recommend all guests utilize the local business such as the local restaurants, cafes, bait shops, markets, etc. Having a short term rental also adds interest and demand for the area. One of our past guests is now looking for a place to buy on the lake. Creating more demand has a positive effect on property values in the area.

## Why are we applying for a conditional use permit (CUP)?

After renting out our cabin since July of 2017 with a rental license, the City of Rockville has now requested that we apply for a conditional use permit to be able to continue to rent out our cabin. We have since applied for a (CUP) and have a public hearing scheduled for April 3rd.

**Who are our guests?**

**Family-** Our aunts and uncles, cousins, and our extended family

**Friends-** Our friends who are in need of a quiet get away

**Vetted guests that use the platform of VRBO or Airbnb-** These are families, friends, couples, or individuals who are visiting their friends and family in the area or are looking for a quiet lakefront retreat. We also host people seeking medical treatment in St.Cloud who are in need of an extended stay residence. We have had multiple guests who are coming to town for Scoliosis treatment in St.Cloud.

**Why we like using platforms such as VRBO and Airbnb**

1. They collect sales tax for us. They organize and keep records of all the transaction so it makes paying income taxes easy and simple. They have an additional \$1,000,000 insurance policy for hosts.
2. All guests must register and have a verified ID on record. We are then able to easily vet and approve or not approve any guests. Airbnb completes background checks on all guests and hosts. All guests must let us know why they are interested in renting.
3. All guests are reviewed and rated on how they follow the house rules, how well they clean, and their communication. This is very important, as it keeps guests accountable for their actions and ensures they are respectful. No one with bad reviews or ratings is allowed to book. We have all guests including our friends and family use these sites to book for the above reasons.

**Our track record****Minneapolis**

We have successfully run an Airbnb vacation rental out of the upper level of our duplex home since July of 2015. We are registered as super hosts due to our 5 star rating. We would not bring guests into our residence if we did not feel highly comfortable with how they treat us and the property. They have been extremely respectful of us and our space. We have had no issues with them hosting parties, being excessively loud, or leaving any sort of substantial mess. Most guests are very gracious and actually clean the space and leave us notes about how they had such a wonderful experience.

**Grand Lake**

Since receiving our rental license in the summer of 2017, we have been fortunate to host family, friends, as well as introduce out of town guests to the area as well. The response has been extremely positive. Our neighbors have told us that they have not had any issues with our guests.

**Why short term rentals?**

1. We can still use the property for our own personal use
2. We have lots of access to the property so we can maintain and improve it regularly
3. Share the lake experience with our family, friends, and community
4. Helps pay for taxes, mortgage, and expenses

**Preventing transient guests**

The booking platforms that we use require personal identification, information, as well as financial information before booking. Same day bookings are not allowed on our listing. All guests must pay in advance and there is a 3 night minimum. Having a minimum stay, no same day bookings, along with a cleaning fee, as well as a deposit, helps dissuade transient or more irresponsible guests. We have had no issues with our guests. We have asked our neighbors and they have told us that our

guests have been respectful and have caused no issues. We describe the cabin as a peaceful retreat and a quiet get away, not suitable for parties or events. We vet guests and diligently monitor them. We do not approve anyone who we are uncomfortable with. Even though we have not had to exercise the right, we have the ability to cancel any reservation at anytime.

### Length of stay

In 2017 there was an average stay at the cabin of 6.7 days. We advertise a 4 night minimum on weekends and a 3 night minimum on weekdays but we have opened it up on occasion a 2 night minimum for friends, family, and a few other select guests.

### Traffic

Since purchasing the property 10 months ago, we have rented it out a total of 121 days which is the equivalent of 4.03 months. We spent a total of approximately 10 weeks at the cabin ourselves between doing maintenance, projects, cleaning and personal leisure time. Combined, it is a total of 6.5 months. This is far less traffic than that of a full time renter or resident, since over a third of the time it has been vacant.

### Helps offsets our costs

We are not making enough to pay the mortgage, taxes, and utilities for the property and there has been a deficit of \$9762 for the past 10 months. Our goal is not to make a profit, it is just to help offset the costs of owning a cabin. Yes, we are advertising it in a professional way. It makes our lives easier to have a platform with clear information about what renters can expect from our place and what we can expect from them. Renters still ask questions but this greatly reduces any amount of confusion regarding what is stocked in the cabin etc. The site also organizes all reservations into an easy to read and use calendar. We also take every interaction very seriously like a business would and have very high standards for cleanliness as well as the overall condition of the property. However, we do not make enough to cover the monthly expenses, we are not a paid a wage for any maintenance/improvements or for the 6+ hours it takes to meticulously clean the interior and exterior between guests. It also does not cover the replacement costs of household items such as linens, towels, toilet paper, cleaning products etc. We are not trying to make a profit, we are just trying to help pay our monthly mortgage, utilities, and taxes.

### Upcoming Renters

As of 3/19 we have 13 future reservations between now and September totaling 87 days. Many of them make their reservations months ahead of time, some of them have had their reservations since August of 2017 for the summer of 2018. When they make their reservation they pay the 3rd party site so their money is held in advance and it ensures they can pay at the time of their stay. One family has a total of 28 days booked between June and August.

### Ask yourselves

Would you want a clean and well maintained lake property for your friends and family to visit when they come to the area? Not all residents have enough space to host out of town company so this feature can be very beneficial for the community.

# Statistics

**Average length of stay for 2017 = 6.7 days**

**In the past 10 months we have rented it a total of 121 days/4.03 months**

## Reason For Stay

Vacation 69%

Medical Treatment 10%

Weddings 3.4%

Down Hill Skiing 3.4%

Quiet work space 3.4%

Working for the City of St.Cloud 3.4%

Wood firing at St. Johns University 3.4%

Crossfit 3.4%

## Type of Guest

Families 41%

Couples 28%

Friends 10.3 %

Couples of 2 or more 7%

Individuals 7%

Co-workers 3.4%

Teams 3.4%

## Average Age of Guest who booked (Approximate)

30's 38%

40's 17%

60's 14%

50's 14%

20's 10%

70's 7%

## The Oak Creek Cottage Reviews

*"This was the perfect place for our family to celebrate a stress-free, relaxing Christmas. The view of the lake was spectacular. The cottage is well-equipped with everything we needed to prepare Christmas dinner. Our two college-aged kids were glad to have a bedroom to themselves along with excellent wi-fi. After walking the nearby trail, the fireplace was a welcoming sight. Alex and Korla were very easy to work with and responded quickly to any questions we had. We would love to come back in the summer to take advantage of all this lakehouse has to offer."*  
-Diane from Monticello, MN

*"What an amazing place!! Beautiful little piece of heaven off the beaten path. Korla and Alex were outstanding as hosts. Quick to respond and take care of anything I need. If you just want to get away, this is the place. Beautiful lake and a cozy cabin at the end of the road. I just do not have the words to describe it all. Just experience it for yourself."*- Jody from Montrose, Colorado

*"What a perfect location for a quiet week to enjoy some time away. There was also ample things to do to enjoy with family and friends. A great view of the lake and a huge yard filled with trees to enjoy a yard game or read a book in a hammock. We loved the extras here...treats, beautiful kitchen and all the amenities to go along with it, great Wi-Fi. We also enjoyed the area...bike trails, hiking trails & swimming at the local county granite quarry park, coffee shops. Thanks for making our stay in Minnesota perfect, Alex & Korla"- Diane from Greenville, MI*

*"There are vacation rentals and then there are places like this where your every need is met with perfection. I love to travel but rarely feel so at home. Alex and Korla have created the ultimate getaway. Their attention to detail is subtle but creates ambience, coziness, comfort and beauty. We are already going to book 2 weeks next year!"*  
-Mike, Telluride, Colorado

*"A perfect lake home cabin. Great decks and views of the lake. Great yard. Wonderful for people with or without kids for swimming or yard play. Comfortable beds. Great cooking facilities. Walked around the lake for a good exercise. Reserving for next year"*  
-Mary Lee from Richmond, MN

*"It was a super cute and cozy cottage cabin in a secluded little nook - and it was the most PEACEFUL area I have ever been to!! The cabin was very nice and clean. We would highly recommend this to anyone!"*  
-Kim from Lake Benton, MN

*"We've used Airbnb all over the world and this was the most relaxing, inclusive, and cozy spot we've had the pleasure to enjoy. The lot and lakefront are huge, with a picturesque dock to start the day, fish from, or watch the sunset. Lots of shade outside and a lovely fire pit with built-in benches. We took advantage of the available canoes for peaceful morning lake excursions, and the huge gas grill for daily cooking. My wife and I even used the little paddleboat for an anniversary "sunset cruise," that was all the luxury we could have wanted. Even though the outdoors are perfect, the inside of the house is wonderful as well. The kitchen is big and fully outfitted. The beds are big and very comfortable. There's plenty of space to lounge, a big TV, and dining tables both inside and outside. We awoke to egrets hanging out on the dock, had bald eagles soaring overhead, and, given the house's location at a dead end, felt blissfully isolated all day. The couple of times we reached out to Alex and Korla they answered immediately, resolving our questions. We are already trying to figure out when we can return. This place is an absolute find!"*-Christopher from Italy

# The Oak Creek Cottage On Grand Lake



- 3 Bedrooms/ 1 bathroom lakefront cottage
- Fully equipped kitchen
- Fresh bath towels and bed linens provided
- The cottage is decorated with a mix of modern and vintage charm
- Grand Lake is great for swimming, fishing, and relaxing
- Barrel sauna
- Outdoor fire pit and indoor wood burning fireplace
- Creek runs through the property
- Parklike setting with mature oak trees

For more info please  
look at our Airbnb  
listing:

[https://  
www.airbnb.com/  
rooms/18757304](https://www.airbnb.com/rooms/18757304)



*This spot is perfect for a quiet getaway for individuals, couples, or a whole family.*

## QUESTIONS?

**Please contact:**

Korla Molitor

320-291-0536

[korlamolitor@gmail.com](mailto:korlamolitor@gmail.com)

Alex Molitor

651-724-1774

[alex.reid.molitor@gmail.com](mailto:alex.reid.molitor@gmail.com)

- Woods with trails- Great for walking and also skiing in snowy weather
- Canoes and paddle boat available
- Great location to view eagles, blue heron, sand hill crane, pelican, turtles, and more!

### **Things to Note**

- No parties or events
- Not suitable for pets
- No smoking

City of Rockville:

Our neighbors, Korla and Alex Molitor operate an Airbnb next door to us. While Alex and Korla Molitor are very respectful neighbors themselves, we are concerned about several issues:

- Possible decrease in our property value being next door to a short term rental.
- The negative impact it could have when we try to sell our home at some point in the future. As mentioned in the attached article, it is likely we could have fewer offers and for less money.
- Decline in sense of "neighborhood".
- Never knowing who is living next door is unsettling. There is a sense of security in knowing who your neighbors are.

We have lived here for 30 years; raised 4 children here. We have always felt a strong sense of community. Our kids grew up visiting with our Grand Lake neighbors. They sold Girl Scout cookies, Boy Scout Christmas wreaths and raised money by participating in the Rockville Area American Cancer Society Daffodil Days. I was a Girl Scout leader for 6 years. My husband has been a firearms safety instructor in the Cold Spring Community for over 30 years. All of these things contribute to a sense of neighborhood and community.

When Alex and Korla informed us August, 2017, that they would be renting their cabin as an Airbnb, they assured us that their renters would be well-screened and that they would do everything they could do to make sure their renters were respectful of us and surrounding neighbors. They have done a good job of that. We can't complain about loud or disrespectful conduct from their renters. It hasn't happened yet. However, there are some points to be made about the frequency of renters. Initially, we had an open mind about this, thinking that there was a possibility of building new relationships even though short-term, with these renters as they come and go. Over months, we found that while the atmosphere when Korla and Alex are next door is very neighborly, this has not been the case with their renters. Since August, I don't remember any of the renters ever having said "hello" or even waved to us, because it is simply not a vested relationship. In fact, it is very cold to live next to this.

**Road Issue:**

- Many years ago, Bob Oakvicks's son, Danny, 16 at the time, came barrelling over the hill one day, on the easement that goes through our back yard, at about 30 - 35 miles an hour. We had a talk with him about slowing down. He very respectfully, never did that again. Thereafter, he always came down the road slowly. This is a conversation that we don't have the opportunity to have with transient neighbors. We have six small grandchildren and two pets. There is a small hill in the road that comes up through our property and you can't see over it if youre going too fast - a

very real concern for us. This is something we can communicate with longer-term neighbors, but not so, with short-term transient neighbors.

- We have been maintaining the road between Hansens and Molitors for 30 years. Plowing snow and grading the road with our own equipment. With the onset of the Airbnb at the end of the drive, there has been increased traffic and more road maintenance.

Given our concerns noted above we are opposed to the conditional use permit allowing this to continue.

Respectfully,

Mike & Mary Hetherington

## Airbnb Is Crashing the Neighborhood

Short-term rental websites raise risks for home owners, their neighbors, and communities.

DECEMBER 2015 | BY BARBARA NICHOLS

There's a good reason every city has zoning laws. They separate various types of buildings and building uses for the mutual benefit of everyone, so people don't have to live next to a factory or a motel. Most cities also have laws related to the minimum rental period for a single-family house or a multifamily dwelling. In Los Angeles, for example, a residential rental of less than 30 days — called a "short-term rental" — is currently prohibited.

Internet companies such as Airbnb and VRBO pay no mind to such ordinances. They've swamped the market in California and elsewhere with thousands of STR listings, making the rules difficult or impossible to enforce. These rental sites appeal to home owners who need additional income. Then the companies use those owners as examples to coax cities into making STRs legal. Even though there's clear demand on the part of home owners, that doesn't justify the many problems STRs cause for the larger community.

Usually, there's no problem with people renting a room in their home, as long as the lease is longer than 30 days and the home owner is present to monitor the renter's activities. The owner has an opportunity to check the potential renter's credit, employment, and references. However, STR websites are calling this type of pre-existing rental the "shared economy" to sell their quite different concept to cities.

These websites claim that home owners should have the right to do whatever they want with their property — but that's a fallacy. When someone has purchased in a single-family or multifamily zone, they have accepted the rules of that zoning. They do not have the right to turn their home into a motel (transient zoning), a restaurant, or a factory to the detriment of everyone else in that zone.

**What is your main feeling about short-term rental websites like Airbnb? (Poll Closed)**

They provide consumers with a lower-cost alternative to hotels. 33.46%

They could reduce property inventory and values in the surrounding neighborhood. 22.06%

Owners have the right to rent out their property if zoning rules permit it. 33.46%

I am not familiar with short-term rental sites. 11.02%

### More to Come

Watch for the January/February 2016 print issue of REALTOR® Magazine for insights about how real estate professionals are handling short-term rentals in their market.

STRs are having a dangerous effect on our housing stock. In L.A., a city desperate for more affordable housing, 11 units of long-term rental housing are being lost daily to STR conversions, according to a report from the [Los Angeles Alliance for a New Economy](#). The report says people are converting rent-controlled units into commercial STR operations, and long-term rent-control tenants are being evicted. The loss of these units in the long-term rental market has driven up total housing costs for L.A. renters by more than \$464 million in the last year. (Read more in this Los Angeles Times article, "[Rental sites like Airbnb aren't as innocuous as they pretend.](#)")

The trend for STRs is away from "shared spaces," where owners are present. Individuals are now purchasing single-family or multifamily units to turn them into STRs — creating a business — to the considerable detriment of their neighbors. Some short-term renters turn these locations into party houses, creating noise, traffic, and a public nuisance. In such instances, neighbors who need a night's sleep to work the next day or who have school-age children are disturbed. In my neighborhood, a home owner leased her property for a year to someone she believed was occupying it, only to learn he listed it on one of the STR sites as a "commercial party house." Some 500 people being charged \$125 apiece crammed narrow, winding canyon roads by illegally parking and throwing trash everywhere. When the property owner was alerted, she was shocked and started eviction proceedings.

STRs pose big risks for the home owners who are leasing their properties: Home insurance typically covers only owner-occupied or long-term rental homes. Damage to an STR likely isn't covered. Airbnb seems to have addressed this problem with its "[host guarantee](#)" that offers up to \$1 million for property damage caused by short-term renters, but owners should read the fine print: Airbnb itself says its policy "should not be considered as a replacement or stand-in for homeowners or renters insurance." Most notably, it doesn't cover liability at all. The fine print also suggests that property owners try to settle with the guest first. If no settlement can be reached, they have to document the damage and submit to a possible inspection. Airbnb won't cover "reasonable wear and tear" — whatever that means — and limits compensation for high-value items such as jewelry and artwork. So, really, how much can a host expect to be protected?

The negative impact of STRs goes far beyond the immediate neighborhoods they're in. Every region has environmental challenges, and short-term renters who are unfamiliar — or unconcerned — with those challenges could pose a big threat. California is in the midst of a severe drought. Imagine if a short-term renter who knew nothing of the threat — or didn't care — threw a cigarette butt over a balcony onto dry brush?

Worst of all, the growth of short-term rentals has pitted neighbor against neighbor, with neighborhood organizations joining forces to fight STRs. Some cities are calling for stricter STR regulations or outright bans, but who will pay for enforcement of these rules? In fairness, STR websites and their customers should pay the bill. Local taxpayers would prefer to see their tax revenue used for better schools, roads, and public transit.

Those who support STRs speak of the financial help it has provided and the interesting visitors they have met. STR hosts say they provide lower-cost accommodations than conventional motels and hotels. Well, hotels and motels pay taxes and employ millions of people. They are required to meet public-safety laws, including fire exits, sprinklers, and habitability. Unregulated STRs are not currently subject to these provisions, and many "hosts" would like to keep it that way.

The real estate industry is caught in the middle of a fight between those who oppose STRs and the property owners and companies promoting them. But practitioners selling real estate should keep this in mind: A single-family home or condo unit next door to a short-term rental — where the occupants change every few days — will take longer to sell and bring in lower offers. You never know who your neighbors could be, and that's a classic situation of property stigma.

In the future, real estate agents could be required to disclose to a seller or long-term renter the existence of a nearby STR. The California Association of REALTORS® may soon ask its Forms Committee to add a question to the Seller's Property Questionnaire: "Is your home across from or next door to a short-term rental?" If agents fail to disclose nearby STRs they know about, they could open themselves up to a lawsuit by unhappy clients who end up living next door to one.

The real estate industry needs to take a stand to protect residential zoning laws against STRs. Without this protection, property values will decline and cause neighborhood stress and disruption. Real estate agents will have another obstacle to overcome in marketing properties and could expose themselves to liability. Saving our communities and protecting our property values is the mission of our industry. I have worked hard as a real estate broker to pay for my home of 29 years. I did not buy in a transient motel zone and do not believe that the profit motives of these short-term rental companies and a few property owners should be allowed to negatively impact my home's value, peace and quiet, and safety.

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#### Barbara Nichols

Barbara Nichols of Nichols Real Estate & General Contracting is a broker, contractor, expert witness, and author of "*The No Lawsuit Guide to Real Estate Transactions*." She can be reached at 310-273-6369 or at [www.barbaranichols.net](http://www.barbaranichols.net).

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**Ishevawn** • 2 years ago

Another example of the sky is falling mentality. If you look at the percentage of homeowners who use AirBnB or VRBO, it is likely less than 1% of the total. It is hardly taking over the real estate market or ruining neighborhoods. As for adding a question on a disclosure form, there are LOTS of questions that could (but won't) be added - like how many rental homes are on your street? how many sex offenders live nearby? how much traffic does your street get? do drivers generally speed past your house? how old are your neighbors? how many of your neighbors have (noisy) children that like to play outside? how many of your neighbors have dogs (that bark incessantly)? how many of your neighbors drive loud vehicles? how many of your neighbors park cars on the street instead of their driveway or garage? or, which of your neighbors doesn't mow his lawn as often as he should? All of these would be a headache to someone & may or may not lower property values, but no one is adding them to a seller disclosure form.

Short term tenants are generally vacationers from out of town. They're not looking for a place to party - they're looking for a place their family can relax & enjoy themselves with more amenities & a more interesting experience of their vacation destination than is offered by a hotel. While state & local governments should require homeowners to pay income taxes for the rents they receive, I don't believe STRs should be banned or so regulated that it would squash the business model entirely. STRs have thrived because lots of consumers have demanded this alternative - like Uber is to taxis, Airbnb is to hotels. Step up your game & compete or keep doing what you're doing...

13 ^ | v • Share ›

**Dustin Brohm** → Ishevawn • 2 years ago

Well put, Shevawn. Airbnb isn't going anywhere. They have simply changed the game. They are a disrupter, just like Uber, WorldVentures, and Apple. People need to realize that it's not on US to adjust to the changes which are mostly all positive.

2 ^ | v • Share ›

**Jay Reynolds** → Ishevawn • 2 years ago

Well written response to an emotionally imbalanced article.

3 ^ | v • Share ›

**Kate Mccaffrey** → Ishevawn • 2 years ago

I think all the categories you listed in the first paragraph would fall under the category of the known nuisances question that is on the seller's disclosure list. I don't think all short-term rentals should be banned but I think zoning laws should be observed.

^ | v • Share ›

**Genevieve Thompson** • 2 years ago

**First of all i am glad someone else is seeing the not so sweet reality of STR's.**

In my neighborhood we have seen an increased numbers of STR's coming in. We live in a neighborhood that has maybe about 40 family homes and now out of the 40 homes we have 5 STR's that are fully operational and 2 that are under renovation.

I have been living in this neighborhood for 10 years, this was supposed to be our forever home, near a great school, park and with amazing neighbors that gave us that sense of community. Sadly this has changed a lot.

Our family consists of 3 girls and 1 boy and my husband and i, we have a young family our youngest child is 6 years old and i am not comfortable to let her go out and play like she used to anymore. Next to us we have a STR that is a revolving door for strangers, such as men that rent the space and stay there for a couple of days at a time, they smoke and cuss out and leave trash out in front of the property. Sometimes it is rented by large groups that throw parties till 3:00 am.

I am sick and tired of calling the police to complain about the noise and the littering. I have also contacted the owner of the STR with no results. My last option was complaining to the city but when they send someone to check out the property next to me during the day of course there is no loud music or strange behavior going on because they come during the day.

**There is no sense of community anymore, these STR's are businesses** and they are destroying our community! We are reaching our breaking point just like some of neighbors have and we are even considering selling our home and moving somewhere else.

For the ones that say that STR's are harmless i invite you to live next to one day in and day out and then you can tell me how amazing it is to deal with the noise, strange people, trash left outside and the cars parking everywhere inconveniencing you and taking your parking.

STR's ARE A BUSINESS! Not only that, but they don't operate under the same standards that hotels or motels would, they don't have occupancy limits, fire code safety policies etc. At one point the STR next to my house had a total of 16 people that i could count and let me remind you that this STR used to be a 3 bedroom family home....how can 16 people stay in there? who knows! but imagine the noise and the partying we have to put up with.

There's a reason why the city has zoning laws!

5 ^ | v • Share ›

put up and large groups start unloading suitcases. Many times they stand outside and smoke constantly, they party. One group got in a fight and the police showed up (we didn't call them). Once it was rented out to some group that had a large bus that took up 3 spaces for nearly a month. We used to be able to sit in our living room and enjoy quiet, now it is large groups of people making noise at all hours, cars pulling in and out. It is ridiculous.

^ | v • Share ›



**Plan Be** → Genevieve Thompson • 2 years ago

Totally agree on all points. In one year i have had the joy of watching this neighbourhood ---- the ancient town centre of Palma ----- take on the beginnings of the attributes of Magaluf the holiday trash destination a few k away. Residents are forced out by landlords wanting to cash in. But those tenants have no place to go on account of rentals forced up by demand by dint of airbnb in first place. It is no exaggeration to say this is the beginning of one huge obvious cancer to communities, Coastal Spain being one nasty melanoma well in progress right now. The local left wing government mumble their mealy mouthed excuses for lack of action in contra ---- quite likely fed fat on bribes already which they can no longer stop taking. Come and take your holidays in other peoples' misery ----- while you can ---- because you and I know there is one thing waiting to happen that will change this picture for.. uh.. "good".

^ | v • Share ›



**Valerie Tutor** • 2 years ago

I will be one that supports this article since others here have been so against the author's opinion. I stand with her. I am a Realtor and in a vacation destination and winter home market here in Florida. We are having an increasing issue with Airbnb which is a business model that encourages folks to ignore the laws in their area, do whatever they want with a property they bought knowing (if they had a decent real estate agent) the laws of the community. **On our island, single family homes are restricted to a minimum 30 day rental.** The large majority of our buyers like that very much since, while we definitely attract families on vacation, the purchasers of second vacation homes here tend to be an older demographic. If they are buying a home on the island as opposed to a condo (they have different rental restrictions depending on the board) it is usually because they enjoy their privacy and the stable aspects of the neighborhood. Rentals are big business here on the island and we have a waiting list for folks during the season more than willing to rent for 1-2-3 or even 4 months at a time. There are some communities on the island that are largely full time residents who work here (like myself) and raise their families or are retired. We buy in these communities knowing they are not heavy rental areas or have only annual or seasonal renters not STRs. I paid a great deal of money for my home precisely to be in those communities. I am all for the rental business on the island and those properties that are rentals - I have several clients that are profit driven and enjoy owning a place here that they can rent out and have others help pay for the expenses of owning here in paradise. My customers follow the rules and pay the fees & bed taxes required on their rentals and rent for the appropriate time frames. No neighbor though should have to deal with the owner next door who wants to make a buck and flaunts the ordinances. This is a fact here and has been a concern in recent transactions. So much so, our city manager addressed it at a recent meeting of property managers, HOAs and condo associations. We have some of those facts others are criticizing the author about where Airbnb homes have impacted recent sales of homes next door or on the same street. The city manager is urging folks to report it if they see it. No one wants to be a tattle tale but it is beginning to become a nuisance here. It has definitely not raised sale prices and every buyer I have dealt with the past year on a single family home sale has asked me specifically about rental policies in the neighborhood. Not one wanted to see there be an option for STRs. Not if they were interested in a home. The 30 day rule has been a plus from that standpoint. I have no problem with Airbnb as long as those using it follow the local rules and pay the fees or taxes that everyone else has to - I am mystified that folks think it is a great thing to break local laws and ignore your neighbor's rights and expectations of the community and property. We would be outraged in any other situation. If the laws of a community allow for STR (as some of our properties are allowed to do so here) then fine - have a ball; but if the rule is no STRs - then don't buy that property if that is what you want to do...not until you have been able to get the law changed if you can. If the majority of the community doesn't want it, then so be it. Find another property elsewhere that fits your "business model."

5 ^ | v • Share ›



**rematrav** • 2 years ago

So many airbnb shells in these comments

4 ^ | v • Share ›



**Becky** → rematrav • 2 years ago

Exactly

2 ^ | v • Share ›



**Becky** • 2 years ago

Ishevawn, what is being left out of your analysis is that this phenomenon does change community. **On our riverfront street of a dozen houses, 4 are now short-term rentals. 1/3rd fewer neighbors we will get to know, whose kids will go to the neighborhood school, who will look out for each other (as we've done for years on this street, in illness or difficulties), there is a sense of community that is impacted, and this means something. It is not the end of the world, of course not, but it absolutely does change quality of life.** Many more cars on our quiet street, a parade of new faces, a loss of community. I can tell you that it's sad, that we had something special here. The guy instigating it is doing it purely for profit. The rest of us live here to have families and be in a neighborhood. It IS a commercial enterprise, and this is meant to be a residential neighborhood. Renting a room in a house you live in is one thing. What is happening to us is something altogether different.



Kate Mccaffrey • 2 years ago

I have been saying for several months now that the presence of a short-term rental type 2(non-owner occupied)within 1000 ft should be included on the seller's disclosure list particularly if the property is in a residential zone. The short-term rental type 2 is a business. These properties are not homes, no one resides in them. They provide transient lodging for a fee, collect hotel occupancy taxes and require commercial liability insurance for proper coverage. **They are commercial lodgings operating in residential zones.**

**I would be so angry if I moved in a home in a residential zone only to find there was a de facto hotel operating in my area. I would definitely hold both my agent and the seller's agent responsible if I found out they knew there was a business operating in my new neighborhood and didn't tell me.**

2 ^ | v • Share ›



gh79 → Kate Mccaffrey • 2 years ago

Why dont you just book up the entire place and cancel within the refundable period and as close to the rental date. Have each of your neighbours who doesnt like it do it chance by chance and create new emails and airbnb accounts once every week. 2 months of no cash inflow will drive out the STR.

1 ^ | v • Share ›



Kate Mccaffrey → gh79 • 2 years ago

I like your attitude but we prefer to do it on the up and up. Five members of Austin's former city council(none of them work there anymore)gave away the sanctity of our residential zoning. They gave special dispensation to the short-term rental industry to surreptitiously commercialize our neighborhoods with non-owner occupied short-term rentals. These are de facto hotels providing commercial lodging. **There is a tidal wave of pushback from many many cities all across the US and internationally as well. Major cities like New York, Los Angeles, San Francisco, New Orleans and dozens of others do not allow non-owner occupied short-term rentals in residential zones. No city who cares about citizens should.**

2 ^ | v • Share ›



Sharon walker • 2 years ago

As Realtors, our group has found that selling a home near a short-term rental makes the sale easier. The buyer has the opportunity to see income potential making it easier to overcome fears of another market downturn. We've also had an incredibly high rate of owners being able to cover unexpected expenses and property taxes via the short-term rental of their homes.

Also, as Realtors, we all know it's very difficult to sell the home next to long term renters who are disorderly, loud or have an unkempt house. Luckily if you have a bad group of short-term renters it only lasts for one weekend. Much preferable to a year.

This is a property rights issue and any Realtor can and should see that, and support this residential use of a home.

2 ^ | v • Share ›



Kate Mccaffrey → Sharon walker • 2 years ago

Non-owner occupied short-term rentals do not constitute a residential use. Reside means to occupy one's legal domicile, to occupy continuously and permanently. That does not characterize the transient stay of a guest. Having businesses like the short-term rental type 2 in residential zones is not a property rights issue. It's zoning issue that the operation of these commercial lodgings violates.

3 ^ | v • Share ›



Jay Reynolds • 2 years ago

This is another classic argument by someone who probably never cared about short term rentals until there happened to be a huge party in her neighborhood. These are not the norm and unfortunately they do happen from time to time. But guess what? When you have a bad tenant at a short term rental...you can get rid of them in no-time flat. Most "furnished rentals" are not party houses but simply the best option for a particular homeowner at that time. My properties are constantly in flux between short term and long term tenants and I enjoy having that flexibility with how I choose to responsibly handle my real estate portfolio. Just last week my short term tenants had to call the police because my long-term renting neighbors threw a huge party. So we should just outlaw long term rentals too? Or parties? Cities have noise ordinances, trash ordinances, occupancy ordinances, parking ordinances, and these rules simply need to be enforced for all properties, whether it's an owner-occupied property, longer term rental property or short term rental. There's always going to be bad apples in any one of these groups. Of course there is. And that's why fair and balances licensing requirements that can actually be enforced is the correct answer to what governments should do about short term rentals. If you make them illegal - people will do underground. If you make the fees and rules too tight? people will just go under ground. Add fair and reasonable rules? You'll see homeowners flock to follow the rules, which will in turn lead to increased tax revenue for the city and will also give the city a vehicle for license removal from folks who can't seem to have their guests follow the existing rules.

Oh and one more thing: blaming increased housing costs in LA on short term rentals is absolutely no different than blaming your next door neighbors cat for the rising cost of gas. It's just a non-starter. It's such a small slice of the pie.

2 ^ | v • Share ›



RDS • 2 years ago

beauty of diversity is that it is just that. Different. What's wrong with short term rentals? Don't you like it when out of town visitors want to see your town? Do you think hotels are nice enough? Let's get a life and keep the fences high enough to keep your NIMBY prying eyes on your own place. My property is not yours.

2 ^ | v . Share >



**Magua1952** • 2 years ago

It is certainly fair that the owners should be required to obey the local zoning laws, and the limitations on renting by any association. Beyond that let the owners decide who they want to rent their property to. Obviously it would rarely be cost effective to rent out a "party house". Cleaning and damage control should discourage that activity from an economic point of view. The first time his house is trashed the owner of the short term rental will reconsider re-renting for that purpose. Concerns about insurance are probably valid. I'm guessing insurance companies will balk at repairing houses that have been used as transient rentals. The owner can probably purchase a special (more expensive) insurance policy to cover these events. In any case he should carefully read his current insurance policy. He might find he needs to charge as much or more than the local hotels. How many homeowners want to invest their time changing beds and cleaning bathrooms? Maybe they could get a part time job at a hotel, if they need the money, and save their home from the transient crowds.

1 ^ | v . Share >



**Kate Mccaffrey** → Magua1952 • 2 years ago

And their community!

^ | v . Share >



**ACribbs** • 2 years ago

I'm so disappointed that Realtor Magazine chose to run this commentary. Not only is it horribly biased through the eyes of a NIMBY, but it sites very few facts and quite a few opinions masquerading as facts. I would be interested to see the data that backs up your statement: "A single-family home or condo unit next door to a short-term rental will take longer to sell and bring in lower offers". I've been in 2 separate situations where a buyer knew they were going to buy near a short term rental (one transaction was a home 2 houses away from an str, and the other was next door to an str), and both transactions set near-record prices for the neighborhood. The STRs themselves were some of the nicest properties on the block which I believe is more the norm than the exception. I've also had countless transactions where the buyers didn't buy because the home was next to an owner occupied eyesore! I've spoken with several Realtors about short term rentals, and none have taken issue with them; and most even finding them valuable for their clients who are in between homes or are remodeling. Clients are selling their homes first, then staying in a STR until they find a new home. This really helps smooth out the process in a tight market, and can also help them from a loan qualifying perspective.

There are so many issues with this commentary that I can't even begin to address them all.

1 ^ | v . Share >



**Louise** → ACribbs • 2 years ago

Sure many Realtors have no problems with Short Term rentals. One big reason I know of two Realtors that have purchased a total of 8 homes in single family zoning. And yes they use them as business where people can come to this area and live in their short term rental while they look for a house. Also the Realtors rent them out minimum stay of 3 nights. They make much more renting out as a short term rental than a long term lease.

Yes, tight market here where I live in this little City there are 103 homes listed as VRBO. And only 15 homes for rent long term. Yes, tight rental market because of these VRBO. So 103 homes could be rented out long term. but these two realtors rent out short term. Since these are rented less than 30 days they are just like a hotel/motel.

^ | v . Share >



**Baron Castillo** • 2 years ago

The City of Los Angeles cannot control three to four families living in a single family home or apartment. I would rather deal with a temporary Airbnb then three families living in a single family home.

1 ^ | v . Share >



**Al Cannistra** • 2 years ago

isn't. To add another potential for a lawsuit against a Realtor makes little to no sense at all. OK - so you got published.

1 ^ | v • Share ›



**disqus\_Z77ib0ffmz** • 2 years ago

Do you have data showing that STRs drive down property values? Sure nuisance properties do, and they take all forms be it owner occupied, long term rented, or short term rented. But the vast majority of STRs aren't nuisance properties. The couple that bought the home next to our STR did so knowing it was a STR, and commented on how nice our house is. The price they paid for their home set a new price record for the neighborhood.

1 ^ | v • Share ›



**Kate Mccaffrey** → disqus\_Z77ib0ffmz • 2 years ago

I don't know of any data but perhaps will have some by next fall. We are encouraging all property owners who live near a non-owner occupied short-term rental to protest their property values come 2016. Having a property next door that is either empty or full of strangers does not enhance property value in our opinion. We will see if the county appraiser agrees with us.

1 ^ | v • Share ›



**Eliza King** • a year ago

This is a big problem for my family. Our neighbor has a right of way through our property to access his. With a different group of strangers every night/week who often speed up our driveway. This puts my son's safety at risk, as well as that of our pets and guests, and ruins the dirt driveway. Additionally they often come up to our house first, a real violation of privacy and safety inn the remote area we live in. These among many more issues. There needs to be more recourse for situations like this other than having had a crystal ball to forsee such a thing when the easement was drawn up.

^ | v • Share ›



**Louise** • 2 years ago

Hello Barbara

We are with you that VRBO do not belong in single family zones. We have a subdivision that has 200 homes and so far there are now four VRBO. Three are owned by a Real Estate agent. They also own five more in other close by subdivision.

Also depending on where you live and what subdivision you are in all have some type of CCR. So you understand the CCR's before you purchase a home in that Subdivision.

This is a quote not my words: "Long term renters are vetted, credit checked, and background checked. You know who you are dealing with. When you move into a single family neighborhood you have an expectation of knowing who your neighbors are. Strangers in and out of a neighbor's house destroy neighborhood connections. If the argument for "home sharing" is to help a homeowner pay the mortgage, a homeowner can rent a spare bedroom for six months or a year and currently get the same benefit." " Same with a vacation rental home that can be leased out for six months or a year"

I do not want to live next door to a HOTEL/MOTEL. I have to homes and I rent them out using a lease. I have had renters stay up to six years before they move. And we run background checks, credit checks etc.

Just Google VRBO in your town, city or county and see how many there really are in your neighborhood. GET A MOTEL or HOTEL if you want to rent out short term.

see more

^ | v • Share ›



**civlee** • 2 years ago

Couldn't disagree more. In Newport there is a severe shortage of hotel rooms. People who travel should have the right to let others use their home when away... VRBO and others provide a valuable service for all concerned.

^ | v • Share ›



**Susie in WI** → civlee • 2 years ago

Do YOU live next door to a Short Term Rental??? I have no problem with short term rentals located in the country with some acreage but not in a residential zoned area in the city. I live next door to one and have to deal with parking issues (sometimes 5-7 cars surrounding my home), feeling like I live next to a hotel, strangers coming and going every couple days, litter, and losing our neighborhood atmosphere. My rights are violated by my neighbors rights to rent out the lower level of their home. I've lived in my home for 25 years and invested in improvements. Now I have to accept that my rights don't matter because airbnb and VRBO provide a "valuable service". Try living 30 feet from a STR and then let me know how you feel! Lastly, I don't understand why cities aren't more concerned--especially since they are losing room tax revenue to these STRs.

**John Myers** • 2 years ago

"There's a good reason every city has zoning laws. They separate various types of buildings and building uses for the mutual benefit of everyone..."

The same reason Glass-Steagall existed but where were the brainiac Realtors and their respective Associations when it was being tossed by the wayside and now have the audacity to attack Airbnb as if it's destroying everything around us?

Just stick to "selling;" the kind that coerces people to do what they really don't want or have to do and leave economics to those who know something about it.

That's why I never contribute to "Action Funds" cause the Associations at all three levels do not care about the public; just the car salesman mentality that our industry is well known for. If you're going to be angry, be angry about something that really matters: the public we are supposed to serve; at least I do and the money just follows.

^ | v • Share ›

**rematrav** • 2 years ago

STRs have become a very contentious issue in the San Francisco Bay area. Zoning and land use laws and regulations have been ignored by these companies. [Move.com](http://Move.com) is complicit because we feature airbnb links in our listings.

^ | v • Share ›

**Brian Burry** • 2 years ago

So really a small issue but BIG property rights issue in a Sky-is-Falling article. The few times such guests cause problems can be handled just as when a resident owner causes problems. Either you speak with your neighbor over your concerns or you call the police to resolve it.

This is not as bad as boarded up houses which entice homeless to break in, squat and start fires or worse. In Fresno California 5 homeless died in a fire they started inside the house. Ask yourself which is worse, the guests this article acts like are all Animal House Frat Boys or the blight of a neighborhood by neglected boarded up vacat houses?!

Guess you can figure that one out yourself.

^ | v • Share ›

**Kate Mccaffrey** → **Brian Burry** • 2 years ago

The short-term rental operating as a business in a residential zone is not a property rights issue but a zoning issue. In Austin, TX, we have short-term rental type 2s which are non-owner occupied. They are commercial lodgings being allowed to operate in residential zones. Fortunately for us our Planning Commission has come to the same conclusion after a great deal of strife and dissension over that last three years. The PC unanimously concluded that the STR 2 constitutes a commercial use and should be phased out of residential zones.

I do agree that dangerous living conditions are serious but have seen dangerous living conditions created by short-term rentals. Many are furnished to encourage over-occupancy. At this time there are no inspections for smoke alarms, carbon monoxide detectors and proper egress in the event of an emergency. I am afraid of a tragedy where everyone can not get out of the over-occupied in the event of a fire or other disaster.

1 ^ | v • Share ›

**Richard Ryon** • 2 years ago

Barbara, First Off, let's stop accusing people of breaking laws, zoning or otherwise. Are you an attorney competent in all zoning jurisdictions? Fat chance of that! Then hold off on making statements that STR's violate zoning laws! Practice law much?

STR's, as they operate today, were not contemplated when existing zoning laws were written. The popularity and resultant growth of STR's is a New phenomenon driven by New ways of utilizing the internet. As Realtors, we pledge to protect property rights. Our industry depends on them, this is what we sell!

Barbara, if you want your fellow Realtors to agree to restrict those rights you will need more than statements backed up with zero data from zero studies. Property rights are too precious to give up due to opinions based on what ifs and anecdotes. You must show that STR's significantly INCREASE problems in a STUDIED way, a task you did not even attempt!

You were just giving your opinion? Your opinion is worth exactly how much serious study and data back it up. In this case, I see zero!

^ | v • Share ›

**Kate Mccaffrey** → **Richard Ryon** • 2 years ago

Non-owner occupied short-term rentals are properties that are empty or full non-residents on a rotating basis. How does that add value to neighborhoods. Imagine this: I am buying a house.

Me to the seller's realtor: Who lives next door?

Seller's realtor to me: No one.

Me to seller's realtor: Oh, is it on the market too?

Me to seller's realtor: You mean the owners come home on the weekends?

Seller's realtor to me: No, it will be different people every weekend.

Me to seller's realtor: That sounds like a hotel. I'm not buying this house. I want a neighborhood.

1 ^ | v • Share ›



Louise → Richard Ryon • 2 years ago

Hi Richard,

You really need to start checking what other cities have decided and many of them have come to the decision that VRBO in a single family zone is breaking the law. May 2016 Los Angeles, Ca. it is against the code for R-1 R-2 zones to rent short term. Austin, TX. Even in New York. You really need to Google and see where these short term rentals anything rented for less than 30 days is transient occupancy which is considered hotel/motel and not allowed in residential zones. THEY are breaking laws of zoning. If you have a VRBO and in a resort area they are allowed commercial zone. Not in a single family zone.

^ | v • Share ›



BTZ4455 • 2 years ago

OK, I'll agree with those who think this particular piece is rather over the top as far as the "STR's are going to KILL you and your family very soon" vibe running through it, BUT I'll say that I'm quite surprised at the pretty lax response in my area (Milwaukee metro) especially from certain suburbs famous for often heavy handed responses from usually the building inspector when someone doesn't pull a permit for some minor change to their home or the HOA's that end up with some insane board members who want to measure a lawn with a ruler when they think its 3 1/4" deep and the 49 page rule book says no longer than 3 inches for your lawn and since legal action is going to take a while, a major shaming campaign is started so if this malcontent lawn criminal doesn't comply immediately, they'll hopefully just leave forever!

We did have a fairly high profile case that was covered in multiple newspaper articles and local TV news stories, where in the city of Milwaukee itself, which has a wide range of areas from high crime/very low cost with many vacant homes that are immediately stripped of all copper, etc and then often used for squatting, drug related stuff, etc all the way up to some high end areas, but where the inspectors have their hands full and in one of the high end areas of all large, older single family homes, the vast majority of which are very well kept and often get big \$\$ remodels done, but then you'll have the occasional old mansion that falls into disrepair to some extent often when its just some 95 year old lady who's husband passed years ago and kids all moved away and occasionally one will be foreclosed on or sold off fairly cheap in an "as is" estate type sale and normally they'll get scooped up and fixed up by a new owner/occupant, not much high end investor/flip type work here as that all seems to be on the lower end to middle class, but some guy bought one of these type deals as well as a second one nearby that was still deeded to the old owner, so not sure if he was renting that one or what, but he began renting these out via some website and at least from what the stories said, they were advertised as "party house" rentals and on these two prestigious streets, where these large homes are not on huge lots, neighbors quickly went nuts over supposedly loud parties that went very late and where cars normally don't park much on the

see more

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Heather Allen  
8619 Orange Road  
St. Joseph, MN  
(320) 291-9478

March 25<sup>th</sup>, 2018

Martin M. Bode  
Rockville City Administrator/Clerk  
P.O. Box 93  
Rockville, MN

To the members of the Rockville Planning Commission, and City Council:

I am writing to voice my support for the conditional use permit application submitted by Alex and Korla Molitor. I am a mother, gardener and artist living in St. Joseph, MN. I work for a grant making organization that serves four counties in Central MN including Stearns. When I came to this area over 13 years ago, I lived on Ahles road in Rockville township. Members of the Rockville community were my first friends in this area and made me feel welcome and supported as a new mom.

I am concerned that a decision not to allow the conditional use of 10919 Mitchell Lane as a short-term vacation rental will cost Alex and Korla their cabin and the significant amount of time and money they have already invested will be lost.

I have known Alex and Korla for almost fifteen years and am proud to count them among my closest friends. I admire their drive, their creativity and their steady and joyful approach to life. When they purchased their cabin last year I was lucky enough to get to help a bit with the renovations. I was impressed with the speed at which they worked and the wonderful resources and support they have in their families, who have always welcomed me as a friend and neighbor. These are the kind of people I think anyone would want in their community.

My friends have twice been granted a rental license for this property and prior to purchasing, did their due diligence to communicate their intentions to rent the cabin with the City of Rockville. Any decision that alters their ability to rent this property will cause them significant hardship.

I have personally rented AirB&B listed properties on the same site Alex and Korla use to advertise their cabin. Despite the name, the lodging found on this platform is not typically a bed and breakfast arrangement. I prefer AirB&B when I travel because it enables me to stay in home-like settings and experience local culture in a way that a hotel or motel doesn't. When I register, I am asked to provide more information and identification than I need to get a hotel room.

I know my friends only to be responsible and kind stewards as well as impressive hosts. The Molitors have created a place where people from around the world, as well as from down the road have come to enjoy iconic Minnesota experiences in a quiet and beautifully maintained setting. Those visitors benefit this community when they visit local establishments to eat, shop and seek out entertainment. They also leave with wonderful things to say about their stay in Rockville, Minnesota. That is due to the care and hard work of these two great people.

I urge the Planning commission and City Council to continue to welcome and support Alex and Korla by approving their request for a conditional use permit. The City of Rockville couldn't ask for better ambassadors.

Thank you for taking the time to read



Heather Allen

**mbode@rockvillecity.org**

---

**From:** dale Borgmann <daborg58@gmail.com>  
**Sent:** Wednesday, March 28, 2018 7:33 PM  
**To:** Martin Bode  
**Subject:** Oak Creek Cottage

I'm in favor of the conditional permit with the following conditions, that the guests are approved by both VRBO and Airbnb.

Thank You  
Dale Borgmann



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**From:** Deason, Claire B. <CDeason@littler.com>  
**Sent:** Monday, March 26, 2018 11:53 AM  
**To:** mbode@rockvillecity.org  
**Subject:** Molitar conditional use permit

To Whom It May Concern,

I write in support of Korla and Alex Moliar's application for a conditional use permit for their cabin on Grand Lake ("The Oak Creek Cottage on Grand Lake"). We understand that the Township has requested this permit authorization before the Molitar family can rent the cabin using a service such as Airbnb or VRBO.

The Molitar family are our next-door neighbors in Minneapolis. They are responsible, quiet, kind, and attentive neighbors who keep their property in good condition, and are a great asset to the neighborhood. Alex is incredibly handy and talented, and Korla is a pillar in our community – she acts as our community representative with the neighborhood police force and other community services. I'm sure they would bring the same level of care and responsibility to their work at The Oak Creek Cottage on Grand Lake.

I am completely confident that the Molitars can be trusted to be responsible and attentive landlords with such a lovely property and location. Please authorize them to rent the property using the methods they see fit; their judgment and professional skill as landlords and property owners is exemplary.

Best,  
Claire Deason

**Claire Deason, Attorney At Law**

612.313.7610 direct 612.308.0798 mobile 763.647.7964 fax CDeason@littler.com  
1300 IDS CENTER, 80 South 8th Street | Minneapolis, MN 55402-2136

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MAR 26 2018

Hello!

I am writing to express support for Alex and Korla Molitor as they seek their conditional use permit for their cabin on Grand Lake.

My husband and I rented this cabin last summer for 4 days and have reservations again for a full week this coming summer. We were able to have our two adult children visit along with our grand children. With the improvements Alex and Korla have made on the cabin and deck we have found it to be an ideal setting for all ages. The cabin is clean, very appealing in appearance and the yard very well kept up.

My brother, Greg Beckrich, as I'm sure you knew, spent his adult years on Grand Lake. None of his neighbors have expressed any negativity about having a rental down the lane. We have felt it to be such a benefit to be able to rent down from where he lived as we have had so many good memories from over the years.

We have found going through Airbnb to be an easy process. It provides predictability in having a well-maintained, clean, high quality rental. We feel, from knowing Alex & Korla and their families, that they are an asset to the Grand Lake & surrounding businesses.

Thank-you! Mary Lee + Gary Dockendorf

Mayor Duane Willenbring,  
All City of Rockville council persons,  
Planning and Zoning Board Members

My Name is Vera I live in Rockville. First I need to explain my need for this letter. I have 5 children 4 married with family's who all live more then a 1 to 5 hours from our home.

When they are home they are here to stay overnight.

When they all are home we have seventeen total ( with their spouses and their children). Sleeping area is very tight. We have been to a home that is a rent-able by Avon and now we are able to rent a home even closer to us by Grand lake, Oak Creek Cottage on Grand Lake owned by Alex and Korla Molitor,

It is not a B & B or a motel. Alex and Korla Molitors rental house is perfect for our family. Not only does it offer us more sleeping space but also a beach, fishing, trails, fire pit and more.

Why would I want to put my family in a motel or B&B when I have a fun lake home that can offer a place to walk, the water, or sit by a camp fire with my family.

It is not a B&B no one makes us breakfast,

It is not a motel it does not have room service or a pool.

Why would the city not want something that keeps family in Rockville area. To buy gas at Beckys gas station, for the boat, chips at the little store in town for the BBQ that we will have at the Oak Creek Cottage. I see no reason that this home cannot work as a Rental Cottage for family's who need/want a relaxing few days in our community.

Please keep opened the Oak Creek Cottage on Grand Lake owned by Alex and Korla Molitor. This Rental lake home is a GREAT addition to the Community of Rockville.

Thank You  
Vera Ebensteiner

*Vera Ebensteiner*

MAR 28 2018

**From:** Sandy Klocker <sandyklocker@gmail.com>  
**Sent:** Wednesday, March 21, 2018 10:36 AM  
**To:** mbode@rockvillecity.org  
**Subject:** 10919 Mitchell Lane- Alex and Korla Monitor

Dear Martin and the city of Rockville. I am writing to you in reference to the Alex and Korla Molitor public hearing on April 3, 2018. I will try to attend but if I am absent I wish to voice a concern.

Being a Real Estate Agent/Broker in the area for over 25 years I have learned to strongly advise to all my clients that they ask any and all questions to the proper government authorities before purchasing a piece of real estate. I encouraged the Molitor's to contact the city of Rockville to inquire if the home they intended to purchase would allow a rental situation suitable to their intentions and to acquire all documentation posted online by the city to substantiate that what their intent was would be allowed. I was of the knowledge that what they had wanted to do was under the rental jurisdiction of the Rockville city code.

It is upsetting to me that this issue has come up at this time as I feel my professional guidance to the Molitor's in accordance with the city rules and laws have left me vulnerable to litigation. It is my duty to do any and all due diligence prior to any purchase to prevent any future situations. I am confident that prior to the purchase of this property all indications were clear that your rental code would allow this home to be a rental property.

I hope you can resolve this matter that is equitable for all.

Respectfully,

Sandy Klocker

--

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March 28, 2018

Martin Bode, City Administrator  
City of Rockville, MN 563692

Mbode@rockvillecity.org

RE: Conditional Use Permit application submitted by Alex & Korla Molitor to allow them to continue to rent the cabin they own on Grand Lake as a short-term vacation rental. 10919 Mitchell Lane

Dear Mr. Bode,

My name is Mike Rozycki, I am writing to you as the City Administrator, who I assume will be making recommendations to the Rockville Planning Commission and the Rockville City Council on this pending Conditional Use Permit (CUP) application. I want the Rockville Planning Commission and Town Mayor and Council to know that I encourage and respectfully ask the City to approve the Molitor's Conditional Use Permit (CUP) application. I understand that Korla and Alex having been renting their cabin to family, friends, and vetted guests since they purchased the property and obtained their Rental License from the City of Rockville in 2017. I also understand that this Rental License for renting their cabin was renewed by the City Administration for the years 2018 thru 2022.

I offer the following information and comments for you and the Planning Commission and City of Rockville Mayor and Council to consider as you and they deliberate on this situation and CUP application:

I grew up in St. Cloud MN in the 1960's and graduated from Tech High in 1970. I spent a number of memorable summers in the 1960's on Grand Lake. My folks, Tony & Marie Rozycki, during several summers rented cabins, much like Korla' and Alex's, for a week or two at a time on the lake from George Cook, Sr., Ralph & Donna Kruchten and also from Don & Kate Heckman. I have a special fondness for Grand Lake as a result of spending parts of several summers with my family and friends at the lake. My wife and I are currently looking to purchase a cabin on the lake to spend our summers. I am well aware that there are other cabins on the lake that are being rented short term i.e. for less than 30 days at a time; the short term vacation rental of cabins on lakes throughout Central MN and Stearns County is on-going, wide spread and is not going away.

My wife Lori and I rented the Molitor's Oak Creek Cottage on-line from Alex & Korla through AirBNB this past fall (2017) for a week. We had a wonderful stay and vacation. Our stay was in a cabin or Single-family residence, we were there by ourselves and the cabin included a kitchen, bathroom, and three (3) bedrooms. This was not a Bed & Breakfast nor a motel where you rent a room, have an owner or manager on-site or are served meals etc. This vacation cabin rental was actually very nostalgic for me as it was exactly like what I did with my family back in the 60's when my folks rented a cabin on the lake for a week or two. We did not find our experience at the Molitor's cabin this fall to be anything like staying in a Bed and Breakfast or a Motel as stated in the City of Rockville Notice for the Public Hearing on this CUP application.

When I'm not vacationing, which is most of the time, I am the Planning Director, for San Miguel County, Colorado. Because Telluride is the County seat and our region includes the Telluride Ski area I have had considerable experience in addressing and dealing with short-term vacation rentals to include drafting

and presenting amendments to the Board of County Commissioners to regulate the short-term vacation rental of Single-family residences in our county.

I have read through the City of Rockville's Zoning Code, to include the various Definitions in Section 8 of the code. I have also reviewed the City's Ordinance for Rental Licensing (Ordinance # 2013-79). I believe the design and use of Korla and Alex's cabin on the lake fits the definition of "Dwelling Unit" in the Rental Ordinance to a "T". I looked through the City's Zoning Code and could find nothing that specifically deals with vacation rentals or short-term rentals of "Dwelling Units". Additionally, I didn't find any information in the City's Rental Licensing Ordinance or elsewhere that specifies or places a requirement that dwelling units (cabins) have to be rented for 30 days or longer or that rentals cannot be managed through Airbnb. I'm quite certain that local Realtors & property managers manage the rental of cabins on the lake for owners.

As the San Miguel County Planning Director I have experienced situations with short-term rentals similar to what the City of Rockville and other communities are now grappling with. This issue of short-term renting of cabins on Grand Lake, the Horseshoe Chain and many other lakes throughout Stearns County and Minnesota has gone on for decades and in all likelihood will continue in the future to meet a public need and demand for lake vacation rentals. San Miguel County initially took the position that the short-term rental of homes are similar to a bed and breakfast, or motel business etc. This approach didn't work, was successfully challenged, and shortly thereafter resulted in San Miguel County going through a public process with the community to adopt an amendment and new section to our LUC (Zoning Ordinance) to provide permitting and review standards for Short-term Vacation Rentals.

I have to say that in the past 3 ½ years since the Board of County Commissioners adopted its regulations pertaining to Short-term Vacation Rentals it's worked very well and we've not had problems. This issue is one that many communities around the country are experiencing and have needed to respond to. Rather than selectively responding to complaints and treating short-term vacation rentals as B&B's and motel type businesses, which they are not, I would encourage the City of Rockwell to amend its Zoning Code to define and develop standards and/or limitations specifically for short-term vacation rentals. As a courtesy I am attaching a copy of San Miguel County's LUC standards for Short-term Rentals and a copy of an Application Form we use for a Short-Term Rental Permit. This is just one example. There are many other communities that have gone through a public process to develop specific requirements and restrictions that apply to short-term vacation rentals.

I am also enclosing a Judgement from a Colorado Court of Appeals from 2015 involving a situation in our County where a Judge ruled that for a Home Owner's Association to prohibit short-term rentals in their subdivision they could not rely on a general definition of a commercial use and say that a definition of commercial, in and of itself, is sufficient to deny an owner from short-term renting his or her home. Rather for the short term rental of a residence or "Dwelling Unit" to be prohibited the covenants themselves had to be amended to specifically define and address the issue of an owner renting their residence for a specified time period. I don't think it's reasonable for the City of Rockville or a community to expect that treating an owner's cabin, which is designed and functions as a Single-family Dwelling Unit, as a bed & breakfast or a motel type business, and requiring a Conditional Use Permit in each of these rental situations, is going to work well for landowners, neighbors or the community.

I have reviewed the City of Rockville's criteria for granting Conditional Use Permits. I have also read Korla and Alex's CUP application and explanation as to how the use of their cabin meets the eleven (11) criteria for approving a Conditional Use Permit in the City of Rockville. Based on my past experience,

visits to Grand Lake this summer, and having stayed at Alex & Korla's cabin with my wife in October of 2017, I agree with the explanations that are stated in the Molitor's CUP application and believe that their application meets the requisite criteria for approval of this CUP application. I respectfully request that the Planning Commission recommend approval and the Town Council approve this application as submitted.

Thank you in advance for your consideration.

Sincerely, 

Mike Rozycki (970) 708-7698

Enclosures: as stated

**“ATTACHMENT A”**

**Article 6 Definitions**

**Primary Residence**

A Primary Residence is considered the main dwelling on a parcel. This dwelling can be a single-family home, a condominium, a one- to four-unit residential building or a manufactured home. There can be only one Primary Residence.

**Short-Term Rental**

A Primary Residence (residential dwelling) that is rented for durations of less than 30 consecutive days. This includes dwellings rented out by individual owners and dwellings rented out on behalf of an owner by a property management entity. Accessory Dwelling Units and/or Caretaker Units and County R-1 Housing Deed-Restricted Units are not eligible for Short-Term Rental. The following standards do not apply in the West End (WE) Zone District. Short-Term Rentals are prohibited in the Open Space (OS) Zone District and the High Country Area (HCA) Zone District. Hotels, Bed and Breakfasts, and Hunting Lodges are excluded from this definition and require an application and review through a Special Use Permit process.

**Short-Term Rental Permit**

Property owners must obtain a “Short-Term Rental Permit” from the County prior to Short-Term renting a residence pursuant to Land Use Code Section 5-30.

**New Section 5-30**

**5-30: SHORT-TERM RENTAL**

**5-3001 General**

This section shall govern the use and occupancy of a Single-family Residence, Condominium Unit or Duplex Unit by a third party for compensation for less than 30 consecutive days. Accessory Dwelling Units and/or Caretaker Units and County R-1 Housing Deed-Restricted Units are not eligible for Short-Term Rental. The following standards do not apply in the West End (WE) Zone District. Short-Term Rentals are prohibited in the Open Space (OS) Zone District, the High Country Area (HCA) Zone District, and the Affordable Housing Planned Unit Development (AHPUD) Zone District.

**5-3001 A. Purpose**

The purpose of this Section is to promote public health, safety and general welfare by establishing standards for rental of a Primary Residence for less than 30 days. These regulations

are also intended to ensure that individuals or entities that are Short-Term Renting in the unincorporated areas of San Miguel County are paying the requisite State Sales Tax and County Lodging Tax. Any individual or entity advertising a residential unit for Short-Term Rental in any media including the Internet or who has hired a property manager to handle the Short-Term Renting of a residence is required to comply with the standards in Section 5-3001 and obtain a County Short-Term Rental Permit.

#### 5-3001 B. Standards

- I. County Permit. The owner(s) must complete the application for and obtain a Short-Term Rental Permit approval from the County. An approved Permit is valid for a two-year period and must be renewed every two years.
- II. Registering with the Colorado Department of Revenue (CDOR). Short-Term Rental of a residential unit requires the property owner to file with the CDOR and provide the County Planning Department with a copy of their State Sales Tax License.
- III. The County Short-Term Rental Permit number must appear in a conspicuous place on all Short-Term Rental advertising materials.
- IV. If the Short-Term Rental is not served by a municipal or community sewer system the Dwelling must have an onsite wastewater system recognized and approved by the County Environmental Health Department according to their applicable regulations. Existing systems do not need to be repaired or replaced unless required by the County Environmental Health Department.
- V. Occupancy is limited to two persons per bedroom or sleeping room unless the unit is on central sewer or additional occupancy has been incorporated into the capacity of the onsite wastewater system. In this case, the occupancy shall be limited to the number of people for which a County approved onsite wastewater system has been designed but in no case shall the occupancy exceed ten people. Additional persons may be authorized through a specific Administrative Review process where it is determined that the OWS or ISDS is adequate for the proposed use.
- VI. The rental residence will be inspected by the Building Department for surface type safety concerns such as emergency escape windows in bedrooms, smoke and CO detectors, and ingress/egress paths of travel for a fee determined by the current Building Code as adopted by the Board of County Commissioners on the initiation of an application for a Short-Term Rental Permit. Subsequent renewals at two year intervals will only require an affidavit signed by the applicant that the unit complies with all safety standards as listed in this Section.

- VII. Dwellings shall be equipped with operable smoke alarms and carbon monoxide alarms pursuant to State Statute (HB 091091) and the current County's current adopted building code. Dwellings must contain an operable fire extinguisher in proximity to the kitchen.
- VIII. Parking Requirement: One space per bedroom located on the subject property.
- IX. Dwellings shall have adequate trash containers sufficient to serve the guests. All trash containers must be in a bear proof enclosed structure such as a garage, barn, or shed or a waste management metal container with a bear proof latch.
- X. The property owner/manager shall provide each rental guest with a copy of "Being a Good Neighbor" and shall provide the County and the guest with the name, address and contact information, including a 24-hour contact telephone number of a current local contact person.
- XI. The property owner shall notify each adjacent property owner in writing of the name and contact information for the 24-hour local contact and shall do the same notification when local contact information changes.
- XII. It is the property owner's responsibility to determine whether there are private declarations and covenants within their subdivision that prohibits or further restricts the Short-Term Rental of residences.
- XIII. The County Permit authorizes Short-Term Rental of a Primary Residence but the County is not responsible for the Short-Term Rental. Any concerns a renter has should be addressed to the local contact person or property owner.

5-3001 C. Revocation of County Permit

Any short term rental permit that the county issues pursuant to LUC Section 5-3001 B. shall constitute a Development Permit for purposes of LUC Section 1-301 and shall be subject to revocation in accordance with LUC Section 3-101 for a permittee's failure to comply with any of the terms and/or conditions of the permit's approval, as well as any applicable LUC provisions, including, but not limited to LUC Section 5-3001 B. Standards.



**SHORT-TERM RENTAL  
BUILDING AND ENVIRONMENT HEALTH DEPARTMENT  
INSPECTIONS**

**INSPECTION FEE: \$60.00** (payable to the County Building Department)

Pursuant to Land Use Code Section 5-3001 B. VI. this fee is upon initiation of an application for a Short-Term Rental Permit. Approved Permits require subsequent renewals at two year intervals and will only require an affidavit signed by the applicant that the unit complies with all safety standards as listed in Section 5-30.

Permitted Short-Term Rental Residences shall meet the conditions and standards as provided in Land Use Code Section 5-30 SHORT-TERM RENTAL. (A copy of these standards is available for review on the front page of the Planning Department webpage.)

Section 5-3001 B. IV. states that Dwellings must have an onsite wastewater treatment system recognized and approved by the County Environmental Health Department. The County Environmental Health Director will review submitted applications for compliance.

Section 5-3001 B. VI. states the rental residence will be inspected by the County Building Department for surface type safety concerns. Note: Building Department inspections are performed Monday – Thursday – 8:00am to 5:00pm. A 24 hour notice is required, please call 970-728-3923.

Court of Appeals No. 14CA1086  
San Miguel County District Court No. 13CV30034  
Honorable Mary E. Deganhart, Judge

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David Houston, Trustee of the David Houston 1997 Trust dated October 6,  
1997,

Plaintiff-Appellee,

v.

Wilson Mesa Ranch Homeowners Association, Inc., a Colorado nonprofit  
corporation,

Defendant-Appellant.

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JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE VOGT\*  
Lichtenstein and Fox, JJ., concur

Announced August 13, 2015

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Solomon Law Firm, P.C., Joseph A. Solomon, Telluride, Colorado, for Plaintiff-  
Appellee

Dewhirst & Dolven, LLC, Miles M. Dewhirst, Jeffery D. Bursell, Denver,  
Colorado; Garfield & Hecht, PC, Mary Elizabeth Geiger, Glenwood Springs,  
Colorado, for Defendant-Appellant

\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art.  
VI, § 5(3), and § 24-51-1105, C.R.S. 2014.

¶ 1 In this dispute regarding the scope of restrictive covenants, defendant, Wilson Mesa Ranch Homeowners Association, Inc., appeals the district court's judgment on the pleadings in favor of plaintiff, David Houston, Trustee of the David Houston 1997 Trust dated October 6, 1997. We affirm.

### I. Background

¶ 2 Wilson Mesa Ranch is a subdivision in San Miguel County. The subdivision is subject to protective covenants that are enforced by the Association's board of trustees. The covenants provide, as relevant here, that "the lands within Wilson Mesa Ranch [are intended to] be developed and maintained as a highly desirable scenic and secluded residential area;" that all tracts designated on the recorded plats by number "shall be residential tracts;" and that "[n]o lands within Wilson Mesa Ranch shall ever be occupied or used for any commercial or business purpose nor for any noxious activity and nothing shall be done . . . on any of said lands which is a nuisance or might become a nuisance to the . . . owners of any of said lands."

¶ 3 Houston owns a single-family residence in the subdivision. Beginning in December 2012, Houston began renting out the

property for short-term vacation rentals. He advertised the residence on the website of VRBO, a company that facilitates the booking of such rentals. When the board learned that Houston had been renting out the residence, it adopted an amendment ("Section 11") to its administrative procedures that prohibited Association members from renting out their properties for periods of less than thirty days without prior board approval. Section 11 also provided for a \$500 fine for each violation of this prohibition.

¶ 4 The board notified Houston of its adoption of Section 11 and ordered him to comply with it. Houston objected to Section 11 as an unlawful attempt to amend the covenants. The board responded that short-term rentals were a commercial use that was already prohibited under the covenants, and that Section 11 was simply adopted to clarify the board's position and set forth procedures for seeking an exception to the prohibition.

¶ 5 After the board denied Houston's request to continue leasing the property on a short-term basis, he took two additional rental reservations through VRBO. The board treated these reservations as anticipatory breaches of the covenants and Section 11 and fined Houston \$500 for each reservation.

¶ 6 Houston then filed this action, seeking a declaration that the Association could not bar the short-term rental of his property based on the commercial use prohibition in the covenants. The Association counterclaimed for a declaration that the covenants barred rentals of less than thirty days; that Section 11 was enforceable against Houston; and that Houston was in violation of the covenants and Section 11 by advertising, and taking reservations for, short-term rentals of his property. The Association also sought a permanent injunction requiring Houston to comply with the covenants and Section 11.

¶ 7 Both parties moved for judgment on the pleadings pursuant to C.R.C.P. 12(c). In a detailed written order, the district court entered judgment in favor of Houston and dismissed the Association's counterclaims. It reviewed the covenant language, found no Colorado case law that was "dispositive on the issue of whether a prohibition on commercial use bars short term rentals or conversely whether the requirement of residential use is somehow inconsistent with short term rentals," and reviewed cases from other jurisdictions that the parties had cited. The court concluded that nothing in the covenants prohibited short-term rentals, either

expressly or by implication; that the covenant language was ambiguous regarding the permissibility of short-term rentals; and that, because such ambiguity required that all doubts be resolved in favor of the free and unrestricted use of property, the covenants did not prohibit or limit Houston's short-term vacation rentals. It also found that Section 11's "differentiation between forbidden 'short term' rentals and permitted 'long term' rentals [was] arbitrary and . . . not plainly within the confines of the [c]ovenants;" thus, the fines imposed against Houston were not enforceable.

## II. Discussion

### A. Standards of Review and Applicable Law

¶ 8 Our review is de novo, both because the district court's judgment was a judgment on the pleadings, see *Melat, Pressman & Higbie, L.L.P. v. Hannon Law Firm, L.L.C.*, 2012 CO 61, ¶ 17, and because the court construed a written instrument. See *In re Estate of Foiles*, 2014 COA 104, ¶ 20.

¶ 9 We construe restrictive covenants according to their plain language, interpreting them as a whole and keeping in mind their underlying purpose. See *Evergreen Highlands Ass'n v. West*, 73 P.3d 1, 3 (Colo. 2003); *Good v. Bear Canyon Ranch Ass'n*, 160 P.3d

251, 253 (Colo. App. 2007). A covenant will be enforced as written if it is clear on its face. *Good*, 160 P.3d at 253. However, if there is any ambiguity or doubt as to the meaning of a covenant, we must adopt the construction that favors the unrestricted use of property. *Id.* at 253-54; see also *Double D Manor, Inc. v. Evergreen Meadows Homeowners' Ass'n*, 773 P.2d 1046, 1048 (Colo. 1989).

#### B. Scope of the Covenants

¶ 10 It is undisputed that the covenants do not expressly prohibit short-term rentals of residences within Wilson Mesa Ranch. The issue is whether such rentals are prohibited by necessary implication based on covenant language that (1) Wilson Mesa Ranch is to “be developed and maintained as a . . . residential area,” with all subdivision tracts to be “residential tracts,” and that (2) “[n]o lands within Wilson Mesa Ranch shall ever be occupied or used for any commercial or business purpose.” The Association contends that the district court erred in failing to construe the “commercial use” prohibition as precluding unapproved rentals of less than thirty days, and in failing to recognize that such short-term rentals are inconsistent with the covenants’ “residential use” requirement. We disagree.

¶ 11 We are aware of no Colorado case that has addressed the meaning of prohibitions against “commercial use” or requirements of “residential use” in the context of short-term rentals of residences. With the exception of Double D Manor, discussed below, Colorado case law discussing these terms in other contexts affords little guidance in resolving the issue before us.

¶ 12 Like the district court, we find the two Colorado cases on which the Association relies — Jackson & Co. (USA), Inc. v. Town of Avon, 166 P.3d 297, 298-300 (Colo. App. 2007), and E.R. Southtech, Ltd. v. Arapahoe County Board of Equalization, 972 P.2d 1057, 1059-60 (Colo. App. 1998) — to be distinguishable. The Jackson division concluded that a duplex with six individual bedroom-bathroom suites, used for short-term vacation rentals, qualified as a “lodge” under the definition of that term in a municipal ordinance; thus, such short-term rentals were impermissible under the ordinance and a subdivision plat that explicitly prohibited the use of property within the residential subdivision as a lodge. There is no such explicit prohibition in the covenants here.

¶ 13 In Southtech, the division held that, for property tax purposes, rentals of space in a large housing complex for less than thirty days

should be taxed as a “hotel-type commercial use,” while longer rentals should be taxed as “apartment-type residential” use. The division relied on constitutional and statutory provisions that excluded “hotels and motels” from the definition of “residential real property” for property tax purposes but included “apartments” in that definition. Again, the covenants at issue here do not contain similar definitional language.

¶ 14 We therefore look to the plain meaning of the covenant language, and we find guidance in cases from other jurisdictions that have applied this language in situations involving short-term rentals of residential property.

#### 1. Requirement That Subdivision Tracts Be “Residential”

¶ 15 “Residential” is defined as “used, serving, or designed as a residence or for occupation by residents.” Webster’s Third New International Dictionary 1931 (2002). “Residence” means “the act or fact of abiding or dwelling in a place for some time; an act of making one’s home in a place.” *Id.*; see also The American Heritage Dictionary of the English Language 1483 (4th ed. 2000) (defining “residential” as “[o]f, relating to, or having residence,” or “[o]f, suitable for, or limited to residences,” and defining “residence” as

“[t]he place in which one lives; a dwelling,” or “[t]he act or a period of residing in a place”).

¶ 16 “Residential use,’ without more, has been consistently interpreted as meaning that the use of the property is for living purposes, or a dwelling, or a place of abode.” *Lowden v. Bosley*, 909 A.2d 261, 267 (Md. 2006); see also *Mullin v. Silvercreek Condo. Owner’s Ass’n*, 195 S.W.3d 484, 490 (Mo. Ct. App. 2006) (A place used for “residential purposes” is, according to its plain and ordinary meaning, “one in which people reside or dwell, or which they make their homes, as distinguished from one which is used for commercial or business purposes.” (quoting *Blevins v. Barry-Lawrence Cnty. Ass’n for Retarded Citizens*, 707 S.W.2d 407, 408 (Mo. 1986))).

¶ 17 Although “residential” unambiguously refers to use for living purposes, courts have recognized ambiguity in the term in cases involving short-term rentals or other situations where those residing in the property are living there only temporarily, not permanently. See *Yogman v. Parrott*, 937 P.2d 1019, 1021 (Or. 1997) (“The ordinary meaning of ‘residential’ does not resolve the issue between the parties. That is so because a ‘residence’ can refer

simply to a building used as a dwelling place, or it can refer to a place where one intends to live for a long time.”); *Scott v. Walker*, 645 S.E.2d 278, 283 (Va. 2007) (Restrictive covenant’s requirement that lots be used for “residential purposes” was “ambiguous both as to whether a residential purpose requires an intention to be physically present in a home for more than a transient stay and as to whether the focus of the inquiry is on the owner’s use of the property or the renter’s use. . . . Moreover, if the phrase ‘residential purposes’ carries with it a ‘duration of use’ component, it is ambiguous as to when a rental of the property moves from short-term to long-term.”); see also *Dunn v. Aamodt*, 695 F.3d 797, 800 (8th Cir. 2012) (phrase “residential purposes” in restrictive covenant was ambiguous as to short-term rental of property). These courts concluded that, because ambiguities in restrictive covenants were to be construed in favor of the free use of property, short-term rentals were not precluded as inconsistent with residential use.

¶ 18 Other courts have found no ambiguity, reasoning that, as long as the property is used for living purposes, it does not cease being “residential” simply because such use is transitory rather than permanent. In *Lowden*, 909 A.2d at 267, the court summarized

cases applying the term “residential” to a variety of structures used for habitation purposes and recognizing that the transitory or temporary nature of such use did not defeat the residential status. It concluded that “[w]hen the owner of a permanent home rents the home to a family, and that family, as tenant, resides in the home, there obviously is no violation of the [d]eclaration. While the owner may be receiving rental income, the use of the property is unquestionably ‘residential.’” *Id.* In *Pinehaven Planning Board v. Brooks*, 70 P.3d 664, 667-68 (Idaho 2003), the covenants at issue restricted the use of residential property to the construction of a single-family residence, which could not be used for commercial, industrial, or business purposes. The Idaho Supreme Court held that renting a property to people who used it for residential purposes, whether short or long term, did not violate the covenants. *Id.* at 668-69; see also *Slaby v. Mountain River Estates Residential Ass’n*, 100 So. 3d 569, 579 (Ala. Civ. App. 2012) (“[P]roperty is used for ‘residential purposes’ when those occupying it do so for ordinary living purposes. Thus, so long as the renters continue to relax, eat, sleep, bathe, and engage in other incidental activities . . . they are using the [property] for residential purposes.”); *Ross v. Bennett*, 203

P.3d 383, 388 (Wash. Ct. App. 2008) (rejecting argument that short-term vacation rentals were distinguishable from permitted long-term rentals and concluding that: “Renting the . . . home to people who use it for the purposes of eating, sleeping, and other residential purposes is consistent with the plain language of the . . . [c]ovenant. The transitory or temporary nature of such use by vacation renters does not defeat the residential status.”).

¶ 19 In this case, the pleadings and attached documents do not suggest that renters used Houston’s residence for anything other than ordinary living purposes, and the Association does not so argue.<sup>1</sup> In these circumstances, we agree with the courts that have

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<sup>1</sup> In a letter to the Association (which, because it was attached to Houston’s verified complaint, could be considered by the district court in ruling on cross-motions under C.R.C.P. 12(c), see *Van Schaak v. Phipps*, 38 Colo. App. 140, 143, 558 P.2d 581, 584 (1976); see also C.R.C.P. 10(c)), Houston’s counsel explained the use of the property as follows:

The HOA also argues that the current use is a commercial use. It is not. Mr. Houston has owned his Wilson Mesa home for over twenty years. At one point, he used the home for long-term rental. After that time, he made the decision he did not want the wear and tear on the house that permanent tenants bring. As a consequence he stopped renting it and hoped to use it more.

held that mere temporary or short-term use of a residence does not preclude that use from being "residential." Moreover, even if we were to find the covenants ambiguous in this regard, we would be required to adopt the construction of "residential" that favors the free and unrestricted use of Houston's property. See Good, 160 P.3d at 253-54.

## 2. Prohibition Against Commercial Use

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However, it became apparent without people in the house and the accompanying maintenance, the house actually suffered. Mr. Houston decided the best solution for the property was to have it used to some extent, and thus he has been leasing it out for some vacation rental use.

The home is very small. Occupancy is limited to a maximum of four guests. It is typically used by a couple, or a single adult. Mr. Houston also has a local caretaker handling maintenance and other related home needs.

The amount of people staying in the residence with one vehicle certainly presents less road traffic than if Mr. Houston had a permanent tenant with two vehicles. Also, Wilson Mesa is usually quite vacant. Most properties are rarely occupied second homes. Very few homes are occupied on a full time basis. Also, these are seven acre parcels and do not have neighbors wall to wall.

¶ 20 “Commercial” means “occupied with or engaged in commerce . . . related to or dealing with commerce . . . [or] having profit as the primary aim.” Webster’s Third New International Dictionary 456 (2002). “Commerce,” in turn, means “the exchange or buying and selling of commodities esp. on a large scale,” but it can also mean “dealings of any kind.” *Id.* A “commercial use” is one “that is connected with or furthers an ongoing profit-making activity.” Black’s Law Dictionary 1775 (10th ed. 2014).

¶ 21 As with the requirement of “residential use,” the dictionary definitions of “commercial” and “commercial use” do not by themselves resolve the question of whether short-term vacation rentals are prohibited under the covenants at issue here; and the covenants do not further define those terms.

¶ 22 As in cases construing “residential use,” some courts have recognized an ambiguity in the term “commercial use” when deciding whether prohibitions against commercial use apply to short-term rentals of residential property. See *Yogman*, 937 P.2d at 1021 (“commercial” use encompasses a broad range of meanings, from merely using the property in a way that generates revenue up to operating a business, such as a bed and breakfast, with profit as

its primary aim); see also *Russell v. Donaldson*, 731 S.E.2d 535, 538-39 (N.C. Ct. App. 2012) (where covenants did not define “business or commercial purpose,” they were ambiguous as to whether short-term residential vacation rentals came within the prohibition against use of lots for such purpose; however, upon review of cases from other states, and given requirement that ambiguities be construed in favor of unrestricted use of property, court held that prohibition did not bar short-term residential vacation rentals).

¶ 23 Other courts have held that prohibitions against commercial or business uses unambiguously do not bar short-term vacation rentals of residences where a renter uses the premises for residential activities such as eating and sleeping and not for commercial activities such as running a business. In *Slaby*, a residential association claimed that property owners’ short-term rentals of their cabin violated restrictive covenants prohibiting commercial use. 100 So. 3d at 571. However, the court reviewed case law from other states and agreed with “the majority of other jurisdictions” that rental of the cabin for eating, sleeping, and other residential purposes did not amount to commercial use. *Id.* at 580-

82; see also Pinehaven Planning Bd., 70 P.3d at 668 (“[R]enting [defendants’] dwelling to people who use it for the purposes of eating, sleeping, and other residential purposes does not violate the prohibition on commercial and business activity as such terms are commonly understood.”); Lowden, 909 A.2d at 267 (“The owners’ receipt of rental income in no way detracts from the use of the properties as residences by the tenants.”); Mason Family Trust v. DeVaney, 207 P.3d 1176, 1178 (N.M. Ct. App. 2009) (“While [the owner’s] renting of the property as a dwelling on a short-term basis may have constituted an economic endeavor on [his] part, to construe that activity as one forbidden by the language of the deed restrictions [prohibiting use for business or commercial purposes] is unreasonable and strained. Strictly and reasonably construed, the deed restrictions do not forbid short-term rental for dwelling purposes.”).

¶ 24 We agree with the cases discussed above and conclude that short-term vacation rentals such as Houston’s are not barred by the commercial use prohibition in the covenants. Our conclusion is consistent with the Colorado Supreme Court’s holding, in a different context, that receipt of income does not transform

residential use of property into commercial use. In *Double D Manor*, the court addressed a homeowners association's challenge to use of property in the subdivision as a home for developmentally disabled children. 773 P.2d at 1046. In rejecting the association's argument that such use was not a permissible "residential use" because Double D used the property to earn money to pay wages and cover costs, the court stated: "Double D's receipt of funding and payment to its staff to supervise and care for the children do not transform the use of the facilities from residential to commercial." Id. at 1051.

¶ 25 Finally, we are not persuaded to reach a contrary conclusion based on the cases on which the Association relies.

¶ 26 *Ewing v. City of Carmel-By-The-Sea*, 286 Cal. Rptr. 382, 388 (Cal. Ct. App. 1991), cited by the Association for the proposition that short-term vacation rentals are inconsistent with the residential character of a neighborhood, was addressing the validity of a municipal ordinance explicitly prohibiting rentals under thirty days in an area zoned for single-family residential use; it was not interpreting a covenant lacking any such explicit prohibition. In *Mission Shores Ass'n v. Pheil*, 83 Cal. Rptr. 3d 108, 110-13 (Cal. Ct. App. 2008), the amended covenants — unlike the covenants here —

expressly prohibited rentals of under thirty days. Similarly, in *Munson v. Milton*, 948 S.W.2d 813, 817 (Tex. App. 1997), the court relied on specific language in the covenants that defined “business use” to include “transient-type housing” as supporting a conclusion that short-term rentals were prohibited.

¶ 27 Finally, in concluding that short-term rentals were prohibited under the covenants at issue in *Benard v. Humble*, 990 S.W.2d 929, 930 (Tex. App. 1999), the court applied a Texas statute requiring that covenant language be “liberally construe[d].” Noting the tension between the statutory requirement and the common law, the court observed:

The present case is a prime example of the dilemma: The deed restrictions in question do not explicitly contain language covering temporary renting of property. Were we to give construction against the drafter of the covenant [instead of liberally construing it], we would be required to reverse the trial court’s judgment [finding that short-term rentals are prohibited].

*Id.* at 931.

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The present case is a prime example of the dilemma: The deed restrictions in question do not explicitly contain language covering temporary renting of property. Were we to give construction against the drafter of the covenant [instead of liberally construing it], we would be required to reverse the trial court’s judgment [finding that short-term rentals are prohibited].

*Id.* at 931.

¶ 28 Unlike Texas, Colorado adheres to the common law principle that ambiguities in covenants are construed in favor of the unrestricted use of property.<sup>2</sup>

¶ 29 In sum, we conclude that Houston's short-term vacation rentals are not barred under the covenants.

### C. Validity of Section 11

¶ 30 The Association further contends that the district court erred in concluding that Section 11, the amendment to the board's administrative procedures that precludes unapproved short-term rentals and imposes fines for violations of that prohibition, was arbitrary and thus unenforceable. We agree with the district court that Section 11 is unenforceable, although we reach that conclusion for reasons other than those stated by the district court. See *Meister v. Stout*, 2015 COA 60, ¶ 8 (where district court reaches correct result, its judgment may be affirmed on different grounds that are supported by the record).

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<sup>2</sup> In its reply brief, the Association also cites unpublished cases from three other jurisdictions. Because these unpublished opinions are not to be used as precedent under the rules of those jurisdictions, we do not consider them.

¶ 31 The Association argues that Section 11 was adopted at a “duly called and duly conducted board meeting” to “clarif[y] that the [covenants] prohibition on commercial and business uses of property . . . prohibits the unapproved short-term rental” of lots within the subdivision. However, as set forth above, the covenants do not prohibit such rentals.

¶ 32 Thus, while the Association has the authority to enforce the covenants, it cannot rely on that authority to enforce a nonexistent covenant provision. For short-term vacation rentals to be prohibited, the covenants themselves must be amended. It is undisputed that the amendment procedure set forth in the covenants — which, among other things, requires a vote of three-fourths of the Association members and permits such vote only at ten-year intervals — was not followed here. The board’s attempt to accomplish such amendment through its administrative procedures was unenforceable. *See Mauldin v. Panella*, 17 P.3d 837, 838-39 (Colo. App. 2000) (purported amendments to restrictive covenants that would have precluded the plaintiff’s proposed use of his property were invalid because they were not promulgated in compliance with covenant provisions regarding amendment

procedures); *Johnson v. Howells*, 682 P.2d 504, 505 (Colo. App. 1984) (same); *cf. Good*, 160 P.3d at 253-55 (where covenants allowed amendment and amendment procedures were followed, amendment prohibiting construction of guest houses and caretaker residences was valid).

#### D. Attorney Fees

¶ 33 Given our resolution of the issues raised in this appeal, we deny the Association's request for attorney fees under section 38-33.3-123(1)(c), C.R.S. 2014.

#### III. Conclusion

¶ 34 The judgment is affirmed.

JUDGE LICHTENSTEIN and JUDGE FOX concur.

Date: March 28, 2018

To: Mr. Martin Bode, Rockville City Administrator  
229 Broadway St. E.  
P.O. Box 93  
Rockville, MN 56392  
[mbode@rockvillecity.org](mailto:mbode@rockvillecity.org)

From: Drs. Lawrence and Judith Litterst  
9330 Ahles Rd.  
St. Cloud, MN 56301

Re: Public Hearing on The Oak Creek Cottage on Grand Lake [to be held on April 3, 2018]

We would like to speak in strong support of Alex and Korla Molitor related to their operation of The Oak Creek Cottage on Grand Lake. We speak as long-term Rockville Township residents (since 1979) who have known both Alex and Korla and their families for a considerable length of time. Our children have been close friends of theirs through school years and have maintained strong bonds through their adult lives. They are both highly energetic, hard-working, ethical and caring individuals who respect others and who always work cooperatively and above board.

We have followed their careers during the time they lived in Minneapolis and operated a very successful vacation rental out of their duplex. We were incredibly excited to learn of their desire to purchase the cabin on Grand Lake and followed with great interest as they put time, care, and energy into making it into this beautiful cottage for individuals wanting a quiet and well-run vacation rental in the area. With our family members living out of state, we have considered this to be an opportunity for our own guests.

Alex and Korla asked if we would be willing to speak on their behalf, and they provided us with excellently-prepared materials not just on their property, but including information on their background, their mission, their guests (and reviews of stays at both their Minneapolis vacation rental and The Oak Creek Cottage), their rationale for using platforms such as VRBO and Airbnb, and the extreme care in setting clear rules and in vetting short-term renters. We have used VRBO and Airbnb in the past, and I have never seen materials as carefully constructed as these.

We think it is very important to realize what they are offering to short-term renters and what they are not. Allow us to start with what they are NOT. They are not what would be classified as "bed and breakfast". It is NOT their intent to rent rooms on a nightly basis for, say, a week stay. This is still THEIR property for their own personal use, which they maintain and improve. They are graciously offering their lake home to family, friends, friends-of-friends, carefully-vetted guests who discover them through their VRBO and Airbnb platforms, and families seeking medical treatment in St. Cloud. They are also NOT intending this as a motel or hotel. There is a big difference between what they are offering as a private and personal VACATION RENTAL. We think it is vital to understand the difference in classifications.

Speaking from experience with these differences in accommodations, renters who use vacation rentals respect rules and the personal property of their hosts. When we have used similar accommodations, we have interacted with our hosts as if they were family members or personal friends entertaining us in their personal surroundings. We note that in the Molitors' flyer they are careful to note "No parties or events," "Not suitable for pets," and "No smoking."

We think that sometimes local people may worry that there is a lack of control over renter behavior. With accommodations other than vacation rentals, you may not know who your guests are. This is not the case with vacation rentals, and we have personally experienced the extreme vetting before being approved for our stay. Please understand that the Molitors are in no way out to make a huge business venture out of The Oak Creek Cottage. They are local long-time residents who respect their neighbors, who want others to have the opportunity for peaceful and enjoyable cabin experiences on a beautiful Minnesota lake, and who want to provide a quality vacation rental for the City of Rockville.

Both Alex and Korla are steadfast and responsible community members. We understand that they were inspected and received a rental license in the summer of 2017 and again for 2018-2022. The four-year rental implied a trust in their venture. We are frankly confused over the fact that this month the City requested that they now pay a substantial fee of \$246 and apply for a conditional use permit (CUP). So, we did some research on the CUP.

According to the JUX Law Firm in Plymouth, MN, "In a municipality the governing body may choose to issue a conditional use permit for certain types of developments (Minn. Stat 462.3595)." The materials from this source note that the CUP arises "from the challenge of balancing the need to accommodate the public with the need to preserve the purpose of zoning and local ordinances, primarily in serving the public health, safety, and general welfare." They go on to note that the most common properties requiring a CUP are gas stations, electric substations, hospitals, schools, churches, country clubs, and the like. (We do not see relevance for small, private vacation rentals.)

The JUX Law Firm goes on to indicate that businesses—such as the classifications noted above—"are businesses and operations that are in high demand with the public, but may have safety repercussions, including increased heavy traffic congestion, increased population density, heightened noise levels, and other considerations that affect the public health, safety, and general welfare."

We ask directly why the Molitors are being required to obtain a conditional use permit. Is there any evidence of infractions that fall into the categories above? If you read the reviews from renters of the Oak Creek Cottage and if you read the materials that explain the Molitors' mission, rules, etc., you will see that this is not a pathway to motels, hotels, resorts, condos, and more. This is a VACATION RENTAL described in their flier as "perfect for a QUIET GETAWAY for individuals, couples, or a whole family."

Please understand that this young couple sees The Oak Creek Cottage as a gift they can share with their community. They state directly, "We are not trying to make a profit, we are just trying to help pay our expenses." It breaks our hearts to read in their materials, "If we are not able to continue to offer [The Oak Creek Cottage] as a part time rental, unfortunately, we will be forced to sell."

Is this fair? Are these the people we want to turn away from making our community great? Please view this venture as an opportunity for Rockville and not as a threat.

Thank you for considering our support for Alex and Korla Molitor and for The Oak Creek Cottage on Grand Lake.

Sincerely,

Lawrence and Judith Litterst

**From:** Alison Noah <alisonlynnnoah@gmail.com>  
**Sent:** Thursday, March 22, 2018 2:42 PM  
**To:** mbode@rockvillecity.org  
**Subject:** Support for Alex and Korla Molitor's Airbnb on Grand Lake

Dear Mr. Bode,

My name is Alison Noah and I am writing to let you know about my family's experience living next to Alex and Korla Molitors Airbnb in Minneapolis as support for their cabin on Grand Lake.

We have lived next door for over six years and three of those years Alex and Korla have been running in Airbnb from the upper half of their duplex. Living in Minneapolis our homes are quite close. Maybe 20 feet separate the walls of our homes. I understand how neighbors could feel unsure about having strangers coming and going from next door. So I'd like to let you know about our experience with just that.

Every guest who has visited their Airbnb has been so respectful and quiet. There has never been a party or even loud music for that matter. Even with access to a fire ring in the backyard we still have never been disturbed by Airbnb guests.

Alex and Korla's Airbnb has enriched our neighborhood. I look forward to seeing their guests in the front yard and making small talk. We love to recommend restaurants and tell them about events that they could check out. It has been an opportunity for us to show off our great city and encourage neighborhood dining and shopping. We enjoy being part of the reason guests enjoy their stay not only in Minneapolis but in Minnesota.

Alex and Korla have continued to impress us with how they care for their property. They have quite the green thumb which makes their yard and gardens the envy of the neighborhood. They have much pride in how their place and our neighborhood is presented to others. Having Airbnb guests has encouraged many in the neighborhood to be more timely with shoveling in the winter and mowing in the summer. It has been a positive impact in more ways than one.

I truly hope you consider the benefit this sort of resource has for your community as well. I am certain you will not regret allowing Alex and Korla to continue to entertain guests from around the state and out of the country. To allow them to show off how wonderful our Minnesota lakes and people can be.

Thank you for taking the time to read my support of Alex and Korla and their Airbnb.

Alison Noah

Re: Oak Creek Cottage  
March 26, 2018

To whom it may concern:

I encourage the City of Rockville to permit the ongoing rental of the Oak Creek Cottage on Grand Lake owned by Alex Molitor and Korla Luckerth Molitor. I'm a friend of Alex and Korla's and have been lucky to spend time at their cabin. It's a special place and Korla and Alex know that. It's clear that the cabin means a lot to them. They've committed tons of time, effort, and money to making that dream happen. Nothing about it has been easy, and not many people in their position would go for it, but because of their extraordinary work ethic, deepfelt connection to the area, optimism, and confidence in short term renting, they went for it and it worked. They've made huge improvements to the property, they've been able to spend way more time with their family, and they've had a lot of success with renting. So far, everything is so good; I'm sure it will stay that way if they're allowed to continue to invite guests to rent their cabin on a short-term basis. I am just as confident as Korla and Alex (and likely the majority of Minnesota cabin owners) in the merit of the Airbnb and Vacation Rentals By Owner (VRBO) systems. Both companies have invested substantial resources into ensuring that the rental experience is good for the host, the guest, and the neighbors. Furthermore, Alex and Korla are committed to fostering positive experiences for everyone and take every imaginable precaution to prevent problems with renting. No one is more interested in the protection of the character of Oak Creek Cottage and Grand Lake in general than Korla and Alex. Korla and Alex are a major asset to the City of Rockville; keeping them around is a good idea. Please feel free to contact me for more information. Thanks for your time.

Sincerely,

Jake Nielsen  
[jacob.paul.nielsen@gmail.com](mailto:jacob.paul.nielsen@gmail.com)  
952-297-6120

Dear City

Alex and Korla have made a lifelong commitment to Rockville. Family, friends and community have been very supportive of their well planned vision. Alex and Korla have been diligent in discussing, inspections, and up front communications with everyone. Rockville issued them a Rental License. Housing Inspector gave them a go ahead.

I believe as they do that as landlords have complied with all hurdles.

Going forward I also believe current Rental Ordinance is in need of updating to fit the needs of the community. Hoping to make a higher rate of compliance across the board.

Thanks Jack Rozycck

((No Spell Check Included))

From: Liz Tracy <lizzytracy@gmail.com>  
Sent: Tuesday, March 27, 2018 8:48 PM  
To: mbode@rockvillecity.org  
Subject: Save the Oak Creek Cottage on Grand Lake

Hello Mr. Bode,

Thank you for taking the time to read this. I am writing this in support of Alex & Korla in their wish to continue operating their cottage as part AirB&B/part for their own use. I am a friend of theirs, but have also had the pleasure of staying at Oak Creek as a renter. I also used to be a resident of Cold Spring, and my husband has a business in St. Joe.

I have known Alex & Korla for 10+ years. They are wonderful, honest, and hardworking people, and I know how good their intentions are in investing in this place. They are also savvy rental operators. As someone that had first hand experience working with them, I could write a million reasons how they show respect for their property, high expectation of how it is treated, and are very communicative if there are questions in regards to the property. I rented the cottage with 5 other women, Apart from a jaunt to St. Johns to go cross country skiing (it was so lovely!!), we stayed in the cabin I honestly do not think the neighbors would have known we were there.  
>From what I understand from sites like AirB&B and VRBO, there is high degree of vetting. Basically a renter could have notes from other places expressing whether or not they would rent to this person(party) again. Those reviews stay with the person and before they are able to rent another space, the owners can accept or decline their request.

I used to travel a lot and AirB&B's/VRBO rentals were my preferred choice for accommodations. Often the hosts take great pride in their rentals and provide recommendations to the best spots in town. This is so beneficial for the local community and economy. I know Alex & Korla have a list of businesses that they recommend and the renters take them up on the recommendations.

My family lived in Cold Spring for three years when my husband worked for Third Street and I worked at Stearns County as a Public Health Nurse. Whilst my husband's family is from Stearns County, mine is not. I would have loved to have had an AIRB&B option for them to stay at the time as our house was too small to accomodate them. They would have felt comfortable, relaxed and most of all, I would have been able to see a side of the region that my house could not provide.

Thank you for your time,  
Elizabeth Theis

**From:** Karen.Tobler <Karen.Tobler@target.com>  
**Sent:** Wednesday, March 28, 2018 4:54 PM  
**To:** mbode@rockvillecity.org  
**Subject:** Letter of Support for Korla & Alex Molitor - Oak Creek Cottage on Grand Lake

Dear Mr. Bode,

My husband, Aaron Klocker, and I operate an AirBnB/VRBO unit in Minneapolis and I am writing to you in support of Korla and Alex Molitor and their cottage on Grand Lake.

To give you more context about AirBnB/VRBO, I'd like to give you a little background on the platforms, a few reasons why we selected this option and why it is of benefit to owners like ourselves, the Molitors, and communities overall.

Both AirBnB and VRBO platforms provide a simple way for hosts and guests to connect, reserve and pay for a space for a short term rental. Similar to Korla and Alex, we host verified, well-reviewed guests who are part of the online system. These platforms have given my husband and I an opportunity to have rental property that is flexible in nature. We only provide space much like a furnished apartment rental and our guests must follow basic rules to ensure a peaceful stay. With this short term rental, we are able to offset some of our cost of remodeling and mortgage; we have constant access to the property to ensure its upkeep and maintenance; and, we add value to the community by properly licensing, paying taxes, and increase the value of the property (and surrounding environment) through improvements. Each of these factors not only help us as property owners but help build a community where people feel welcome, safe and see the pride that goes into the area.

In the three years we have been hosts, our guests have come from all over the world. They have been respectful of the home as well as our neighbors. Because we review them and they review us, it is in every parties' best interest to put their best foot forward. We provide a lovely home for them to use for a set amount of time and they reciprocate with respect and consideration. We have hosted over 100 families, business people, teachers, retirees and have not once had any issues in our neighborhood. We also use the space to host our own family and friends.

I sincerely encourage you to see what fantastic assets Korla and Alex are to your community. They, like us with our property, know they are merely stewards of their cottage on Grand Lake. They have long been a part of the community and know the importance of ensuring it will be around for a long time to come for others to enjoy. Their efforts in creating a quaint, family-oriented lakeside sanctuary is commendable. Oak Creek Cottage should be allowed to continue bringing joy to its visitors and owners alike.

Sincerely yours,

**Karen Tobler**

**AirBnB Host, 651-261-0970**

*Before printing, please think about the environment*

Rockville City Administrator/ Clerk / Planning commission/City Council

March 23, 2018

P.O. Box 93

Rockville, MN

Dear City of Rockville:

I'm contacting you regarding a rental license that Korla and Alex Molitor received from City of Rockville to rent out their cabin on a part time basis. I live on Pleasant Lake and I am a City of Rockville community member. I am also Korla's mother and Alex is my son in law. We are a very close family. We spend lots of time together and keep in contact daily. We were excited and happy that Korla and Alex came across the opportunity to purchase this cabin. It has been so nice for them to be in the area part time for now and eventually permanently.

Our family have been residents of Pleasant Lake for 35 years. I have worked at the VA hospital in long term care for 28 years. My kids were raised here and they all feel very connected to the area. We have lifelong neighbors and friends that are as close to us as family.

We have instilled trust, respect, and honesty into our children. They trusted the city of Rockville officials. They have shown nothing but respect to the community and the city. They have been honest with you from the very start.

Korla gave up her teaching position at Concordia University in St. Paul to be able to have the time to maintain their cabin. They budgeted out their finances and decided that they could afford the cabin if they rented it out part time and used it the rest of the time for their own use. Renting a cabin on a lake is not a new concept. I know there are cabins and homes that have been rented out on Grand Lake and Pleasant Lake on a part time basis for many years without any license at all.

Korla and Alex contacted the City before the purchase of their cabin to make sure they would be able to rent it out on a part time basis. They were told there was no rules against it. The cabin was inspected and issued a license for a year. Then Rockville changed the law to require inspections every 5 years. Their cabin was inspected again and received a license for 5 years, until 2022.

Korla and Alex may be using a new venue that some of you might not be familiar with, VRBO or AIRBNB. These platforms are used for diverse types of rentals. They are very secure sites and they watch over both sides; the renters and the landlords. The time commitment is enormous. Korla communicates with everyone that may be interested in renting. She is right on top of things. Her written and verbal communication skills are very strong. She does not leave people hanging without an answer and expects the same in return. Korla finds out why they are coming to the area- be it for a vacation, returning to the area to visit family or friends, or seeking medical treatment in St. Cloud, etc. Many of the people that have been staying there are our family and close friends. She greets as many of them as possible to make sure they are well acquainted with the space, answers any questions, and runs them through the guidebook. She is always within reach by phone or computer. We are minutes away and Alex's family is as well, if we are needed in any way.

I know there are other apartments and rental homes or cabins that use Craigslist, newspapers, friends, family or co-workers to find their renters and some even post signs on community boards. Apparently, that is deemed as acceptable. VRBO started in 1995 and Airbnb began in 2008. In comparison to other methods, they are relatively latest ways of acquiring and booking renters, but that does not mean the websites are bad. It is important to understand how they are useful, before condemning them. These platforms are a much more thorough way of vetting renters. All renters must submit their personal information and Airbnb goes a step further by performing their own background checks on all guests and hosts. With each site, no one with bad reviews is allowed to book. This is much more thorough process than all the other methods out there for finding and confirming renters. Nowhere in the rental ordinance does it state which method a landlord must use to attain their renters.

**The lot:** The property is plotted out as 4 lots and it is a very spacious piece of land for one cabin. Their cabin is 100 feet from the closest neighbor. This ensures privacy for both the guests and the neighbors. It has 325' feet of lake frontage and 3.47 acres of property. It is a park like setting with mature oak trees and at least an acre of flat land surrounding the cabin. The back and side lot area are wooded and a gorgeous creak runs through it with a walking bridge. It is one of the pieces of natural paradise still left on the lake. It is a gem with wild life all around and it gives a feel of peaceful serenity, and they want to keep it that way. They feel that it would be selfish to keep this property to themselves. They are the last property on a dead-end road with plenty of parking space.

**The cottage/cabin:** It is very humble but charming. It is less than 1000 square feet. With 3 small bedrooms, 1 bath, and a combined living room/ dining room. The cabin is not conducive for large gatherings. It is however, clean, has new beds, bedding, towels, etc. It also has a fully equipped kitchen for cooking, toys for children, and games for families and friends to play. It is a place for people to relax and enjoy the simple things in life.

**Long Term Rentals:** I have been a landlord for over 30 years and I have had multiple rental properties. Many times, when you have a long-term renter, you do not have frequent access to the property to see how they are taking care of it. When they leave, they often leave things behind that they do not want and there can be an enormous amount of cleanup and damage. Often turnovers between tenants can be stressful. People do not always pay rent and many times are late or skip out completely. This can be one of the most frustrating parts of being a landlord.

**Short Term Rentals:** Completely different. I have gone to the cabin with Korla to clean after someone has left and they often leave it spotless. The dishes are either in the dishwasher or already put away, everything is orderly and in place. Korla still goes over everything with a checklist and each time makes sure the interior and exterior are brought up to her detailed standards. The renters often leave a note saying thank you and mention how relaxing their stay was. One guest accidentally broke a dish and they left \$20.00 with a note saying, "let us know if that is not enough." You see, with these websites, everyone is held accountable and as a result, they guests are very respectful. Renters rate their stay at a place- if it was what they expected, how clean it was, they rate the landlord as well. The landlord rates the renters and indicates how clean they left the place, they rate how they observe the property rules, and if they were respectful. The information follows you so there is a natural check and balance. Korla

does not collect the rent it goes through the website. This ensure guests can pay ahead of time so no one is able to skip out on rent. VRBO and Airbnb are wonderfully organized, secure, and trusted sites. The calendar and message tracking methods they use are very efficient. Everything is laid out ahead of time so there is no miscommunication.

In closing, I just want to say that Korla and Alex trusted you in applying for this conditional use permit as a cabin rental. Unfortunately, due to labeling them on the hearing notice as a Bed and Breakfast and or Motel business, we feel they have been led down a path that has now misguided the community. By also adding a rezoning ordinance for the same day, the City is showing that the actions were premeditated with the intent to upset the community. They were the only cabin rental given a notice to abate and as a result, they are being targeted unfairly.

Korla and Alex are NOT applying for a building permit to build a Bed and Breakfast or a motel. They are not a Bed and Breakfast or a motel and they have no intention of being either of those things.

“BED AND BEAKFAST”: means an owner occupied single family dwelling unit in which rooms are rented on a nightly basis for a period of seven (7) or less consecutive days by the same person. Meals may or may not be provided to residents or overnight guest.

“MOTEL/HOTEL”: Is a business comprising a series of attached, semi-detached or detached rental units with or without eating facilities for overnight accommodation of transient guest and travelers.

“VACATION RENTAL”: Renting out a furnished apartment, house, or cabin on a temporary basis to guests.

“ABODE”: the place where one lives: home; a temporary stay

They have a small humble cabin that they want to rent out part time to family, friends, and vetted guests.

There are no specifics in Korla and Alex’s rental license for the length of time a renter must stay or what means of advertising a landlord must use.

By forcing them to abate renting their cabin, you are inflicting undue hardship and pain. They have renters set up already throughout the summer. They have a mortgage, insurance and taxes, maintenance and utilities. They are in the process of making their lifelong dream a reality. They did nothing wrong, they went through all the proper channels. They do not deserve this.

Korla and Alex are just trying to rent out their cabin on a part time basis. This is a basic concept that has been going on for generation. They have showed you nothing but trust, respect, and honesty and now I hope you can do the same to them.

Vicky Rozycki

**mbode@rockvillecity.org**

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**From:** Walt Jones <tfkjones@yahoo.com>  
**Sent:** Wednesday, March 28, 2018 2:45 PM  
**To:** mbode@rockvillecity.org  
**Subject:** Support for the Molitor conditional use permit

Dear Mr. Bode,

I am delighted to know that the Molitors are using their cottage in such a productive way. Their business model has a positive impact on the Rockville community, so I ask that the City of Rockville support their efforts to responsibly share the Grand Lake experience.

Thank you,

Walt Jones  
11125 Hubert Lane, since 1968

**IRENE T. SCHNEIDER TRUST and JONATHAN M. SCHNEIDER STAFF REPORT  
APRIL 3, 2018**

RE: PROPERTY SUBDIVISION/PRELIMINARY PLAT, VARIANCE AND REZONE  
Parcel I.D.No. 76.42170.0051 and 76.42170.0050 - Section 25, Township 123, Range 029

Owner: Irene Schneider Trust and Jonathan Schneider  
Property Address: 7788 County Road 41  
Plat know as: Schneider Farm

REQUEST

1. Preliminary Plat application of eleven (11) new lots and one (1) existing.
2. Rezone lots from Ag-40 to R-R and Amend the City's Future Land Use Map

RELEVANT INFORMATION

1. Property is zoned Ag-40.
2. Total Plat area is 94.65 +/- acres
3. There are eleven (11),new lots and one(1) existing lot being proposed to be sub-divided.
4. Purpose is residential development.
5. Not conducive to long-term agriculture use; wooded area, rock outcroppings and marginal soils.
6. 16 Public Hearing notices were mailed out
7. Developers Agreement will be drafted prior to Final Plat

RECOMMENDATION

Consider Approval of:

1. Preliminary Plat
2. Rezone lots from Ag-40 to R-R

Submitted by:  
Martin M. Bode  
Zoning Administrator

# CITY OF ROCKVILLE

## REQUEST TO CHANGE ZONING DISTRICT

The information on this form must be typed or printed legibly. State law requires that a public hearing must be held to rezone property. The applicant **must** attend the public hearing to discuss the request, which will be held before the Planning Commission. The Planning Commission shall make a report to the City Council upon any application for rezoning and shall recommend to the City Council (<sup>3</sup>/<sub>4</sub> vote required) whatever action it deems advisable. The Planning Commission meeting is held the 2nd Tuesday of each month at 6:00 p.m. The City Council meetings at which zoning issues will be considered are held on the 3<sup>rd</sup> Wednesday of each month at 6:00 p.m.

Owner's Name: IRENE T. SCHNEIDER TRUST  
 Applicant's Name: MIKE SCHNEIDER  
 Property Address: \_\_\_\_\_  
 Phone: 2167-4292  
 Presently Zoned: Ag-40 Requested Zoning: RR

The Applicant must provide a legal description (from abstract/deed) for the property. The City will not be responsible for utilizing an incorrect legal description. This information is required to make sure that maps are properly updated, and that the project that follows the rezoning conforms to the Zoning Ordinance. Please write the legal description here; if it is lengthy, you may attach on a separate sheet (in this case write "see attached sheet").

on file

**Do not check the boxes on this form; the section listed below must be completed by the Zoning Administrator.** The Zoning Administrator will check "yes" if the applicant has met that specific requirement or there is an unusual reason that the requirement does not apply (in which case the reason must be noted in the space provided).

- | YES                                     | NO   | #                                       | Item   |  |  |                                  |                                 |                                    |   |   |  |                                |                                |  |                                    |
|---|--|---|--|--|--|----------------------------------|---------------------------------|------------------------------------|---|---|--|--------------------------------|--------------------------------|--|------------------------------------|
| <input checked="" type="checkbox"/>     | <input type="checkbox"/>                           | 1.                                      | <b>Fee Paid.</b> The Applicant must submit payment for the rezoning application fee of \$200.00 prior to processing this application. Once the notice has been sent to the <i>Cold Spring Record</i> , the fee is non-refundable.  |  |  |                                  |                                 |                                    |   |   |  |                                |                                |  |                                    |
| <input checked="" type="checkbox"/>     | <input type="checkbox"/>                           | 2.                                      | <b>Site Plan.</b> A site plan of the <i>proposed</i> use of the property <i>after</i> the property has been rezoned must be submitted with this application. The site plan must be neatly drawn <u>to scale</u> ; grid paper is available at City Hall if needed. Be sure to draw, label and show dimensions for: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> All Buildings</td> <td><input type="checkbox"/> North Directional Arrow</td> <td><input type="checkbox"/> Streets</td> </tr> <tr> <td><input type="checkbox"/> Alleys</td> <td><input type="checkbox"/> Sidewalks</td> <td><input type="checkbox"/> Property Lines</td> </tr> <tr> <td><input type="checkbox"/> Lot Dimensions</td> <td><input type="checkbox"/> Driveways &amp; all Curb Cuts</td> <td><input type="checkbox"/> Decks</td> </tr> <tr> <td><input type="checkbox"/> Wells</td> <td><input type="checkbox"/> Utility Sheds</td> <td><input type="checkbox"/> Easements</td> </tr> </table> | <input type="checkbox"/> All Buildings | <input type="checkbox"/> North Directional Arrow | <input type="checkbox"/> Streets | <input type="checkbox"/> Alleys | <input type="checkbox"/> Sidewalks | <input type="checkbox"/> Property Lines | <input type="checkbox"/> Lot Dimensions | <input type="checkbox"/> Driveways & all Curb Cuts | <input type="checkbox"/> Decks | <input type="checkbox"/> Wells | <input type="checkbox"/> Utility Sheds | <input type="checkbox"/> Easements |
| <input type="checkbox"/> All Buildings  | <input type="checkbox"/> North Directional Arrow   | <input type="checkbox"/> Streets        |  |  |  |                                  |                                 |                                    |   |   |  |                                |                                |  |                                    |
| <input type="checkbox"/> Alleys         | <input type="checkbox"/> Sidewalks                 | <input type="checkbox"/> Property Lines |  |  |  |                                  |                                 |                                    |   |   |  |                                |                                |  |                                    |
| <input type="checkbox"/> Lot Dimensions | <input type="checkbox"/> Driveways & all Curb Cuts | <input type="checkbox"/> Decks          |  |  |  |                                  |                                 |                                    |   |   |  |                                |                                |  |                                    |
| <input type="checkbox"/> Wells          | <input type="checkbox"/> Utility Sheds             | <input type="checkbox"/> Easements      |  |  |  |                                  |                                 |                                    |   |   |  |                                |                                |  |                                    |
| <input type="checkbox"/>                | <input type="checkbox"/>                           | 3.                                      | <b>Floodplain or Shoreland District.</b> The Zoning Ordinance requires that staff shall determine whether or not the property is located within either the Floodplain or Shoreland District. If so, there are likely additional restrictions that apply. Indicate below whether the property lies within either of these districts after you've consulted with City staff. If so, a copy of the notice of public hearing must be sent to the Commissioner of Natural Resources. <p><input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    Is the property located within a Floodplain District?</p>   |  |  |                                  |                                 |                                    |   |   |  |                                |                                |  |                                    |

# CITY OF ROCKVILLE

## REQUEST TO CHANGE ZONING DISTRICT

The information on this form must be typed or printed legibly. State law requires that a public hearing must be held to rezone property. The applicant **must** attend the public hearing to discuss the request, which will be held before the Planning Commission. The Planning Commission shall make a report to the City Council upon any application for rezoning and shall recommend to the City Council ( $\frac{3}{4}$  vote required) whatever action it deems advisable. The Planning Commission meeting is held the 2nd Tuesday of each month at 6:00 p.m. The City Council meetings at which zoning issues will be considered are held on the 3<sup>rd</sup> Wednesday of each month at 6:00 p.m.

Owner's Name: Jonathan Schneider

Applicant's Name: \_\_\_\_\_

Property Address: 7788 Cantz Road 141

Phone: 291-2525

Presently Zoned: Ag-40 Requested Zoning: RR

The Applicant must provide a legal description (from abstract/deed) for the property. The City will not be responsible for utilizing an incorrect legal description. This information is required to make sure that maps are properly updated, and that the project that follows the rezoning conforms to the Zoning Ordinance. Please write the legal description here; if it is lengthy, you may attach on a separate sheet (in this case write "see attached sheet").

**Do not check the boxes on this form; the section listed below must be completed by the Zoning Administrator.** The Zoning Administrator will check "yes" if the applicant has met that specific requirement or there is an unusual reason that the requirement does not apply (in which case the reason must be noted in the space provided).

YES	NO	#	Item
-----	----	---	------

<input checked="" type="checkbox"/>	<input type="checkbox"/>	1.	<b>Fee Paid.</b> The Applicant must submit payment for the rezoning application fee of \$200.00 prior to processing this application. Once the notice has been sent to the <i>Cold Spring Record</i> , the fee is non-refundable.
-------------------------------------	--------------------------	----	---

<input checked="" type="checkbox"/>	<input type="checkbox"/>	2.	<b>Site Plan.</b> A site plan of the <i>proposed</i> use of the property <i>after</i> the property has been rezoned must be submitted with this application. The site plan must be neatly drawn <u>to scale</u> ; grid paper is available at City Hall if needed. Be sure to draw, label and show dimensions for:
-------------------------------------	--------------------------	----	---

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> All Buildings  | <input type="checkbox"/> North Directional Arrow   | <input type="checkbox"/> Streets        |
| <input type="checkbox"/> Alleys         | <input type="checkbox"/> Sidewalks                 | <input type="checkbox"/> Property Lines |
| <input type="checkbox"/> Lot Dimensions | <input type="checkbox"/> Driveways & all Curb Cuts | <input type="checkbox"/> Decks          |
| <input type="checkbox"/> Wells          | <input type="checkbox"/> Utility Sheds             | <input type="checkbox"/> Easements      |

<input type="checkbox"/>	<input type="checkbox"/>	3.	<b>Floodplain or Shoreland District.</b> The Zoning Ordinance requires that staff shall determine whether or not the property is located within either the Floodplain or Shoreland District. If so, there are likely additional restrictions that apply. Indicate below whether the property lies within either of these districts after you've consulted with City staff. If so, a copy of the notice of public hearing must be sent to the Commissioner of Natural Resources.
--------------------------	--------------------------	----	---

Yes     No    Is the property located within a Floodplain District?

**CITY OF ROCKVILLE**  
**APPLICATION FOR PRELIMINARY PLAT**  
**PLATTING FEE: 1-3 Lots \$300      4-10 Lots \$500**  
**X 11-40 Lots \$1500      Over 40 Lots \$5000**

**PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER**

Date of Pre-Application Meeting: \_\_\_\_\_

Date Application Submitted: 3-16-18 Parcel # 76.42170, 0051  
76.42170, 0050

Name of Plat SCHNEIDER FARM Plat File # \_\_\_\_\_

Plat Location: Section 25 Township 123 Range 29

Legal Description LOTS 1 & 2 BLOCK 1 SCHNEIDER TERRACE

Land is presently zoned A-40 Zone Requested RR Total Amount of land involved: Acres 94.65 +/-

Owners Name IRENET.SCHNEIDER TRUST Phone (320) 267-4292  
First Name Middle Initial Last Name

Address 4502 150th st. WATKINS MN Email: \_\_\_\_\_  
55389

Developers Name MIKE SCHNEIDER Phone (320) 267-4292

Address 453-135th AVE, POLEY MN. 56329

Surveyors Name O'MALLEY & KRON Phone 685-5905 Fax 685-3056

Address 370 CHAPEL HILL RD Email: \_\_\_\_\_

**The following must be submitted with the preliminary plat:**

- Septic System Site Evaluations
- Wetland Delineation & Report
- Grading plan for streets located within the plat boundary
- Proof of ownership (copy of tax statement or deed)
- Required fee as noted above

**Required Information**

Five (5) 24"x 36" and (15) 11"x17" copies of the preliminary plat, plus any additional copies deemed necessary.

Mike Schneider Date 3/14/18  
 Signature of person submitting plat

Complete Application date 3-26-18

R# \_\_\_\_\_ Preliminary Plat Fee Check # \_\_\_\_\_ Date \_\_\_\_\_ 101.41000.34103 \$ \_\_\_\_\_ Permit # \_\_\_\_\_

Preliminary Plat Application forms.wp

# CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620



Duane Willenbring, Mayor  
Vince Schaefer, Councilor  
Don Simon, Councilor  
Richard Tallman, Councilor  
Jerry Tippelt, Councilor

Martin M. Bode, City Administrator  
Judy Neu, Finance/Billing Clerk/Admin Asst  
Nick Waldbillig, Public Works Director  
Gene Van Havermaet Maintenance/Mechanic  
Debbie Weber, Administrative Assistant

*Rockville City is an equal opportunity provider and employer*

## NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, April 3, 2018 at approximately 6:00 p.m. at: Rockville City Hall, 229 Broadway Street East** to consider the request of Irene T. Schneider Trust and Jonathan M. Schneider to rezone and subdivide their property. The legal description is Lots 1 and 2 of Block 1, Schneider Terrace, Parcel No. 76.42170.0051 & 76.42170.0050 Stearns County, Minnesota.

The request is rezone from A-40 to RR and Preliminary Plat to subdivide.

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN, 56369 prior to the hearing, or be present at the public hearing.

Martin M. Bode  
Administrator/Clerk

Publish 03/20/18  
*Cold Spring Record*

In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)  
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, room 326-w, Whitten Building, 1400 Independence Ave, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice & tdd). USDA is an equal opportunity provider and employer.

- Legend**
-  City Limits
  -  Parcels
  -  PWI Watercourse
  -  PWI Basin

Schneider



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and it is to be used for reference purposes only. The City of Rockville is not responsible for any inaccuracies herein contained.



 **BOLTON & MENK**  
Real People. Real Solutions.

0 933 Feet

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STATE OF MINNESOTA )  
 )ss.  
COUNTY OF STEARNS )

**AFFIDAVIT OF SERVICE**

**Debbie Weber**, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **16th** day of **March, 2018**, he/she served the annexed Notice on **see attachment**, the person therein named, personally, by then and there handing to and leaving with him/her a true and correct copy of said Notice.

  
\_\_\_\_\_  
Signature

Subscribed and sworn to before me this 16<sup>th</sup> day of March, 2018.

  
\_\_\_\_\_  
Notary Public Signature



Notary Public Stamp

OWNER	OWNER_ADDR	OWNER_CITYSTATEZIP
CYRIL F MASSMANN REV TRUST	995 HAMLET DR N	AVON MN 56310
GARY A & LOUISE M MOHS	7676 COUNTY ROAD 141	KIMBALL MN 55353
GORDON MASSMANN	19627 COUNTY ROAD 8	KIMBALL MN 55353
IRENE T SCHNEIDER TRUST	15302 150TH ST	WATKINS MN 55389
JONATHAN M SCHNEIDER	7788 COUNTY ROAD 141	KIMBALL MN 55353
KEVIN L & ROBBIN J VOIGT	7819 COUNTY RD 141	KIMBALL MN 55353-9717
KEVIN M & CYNTIA LOMMEL	7632 COUNTY ROAD 141	KIMBALL MN 55353
LLOYD D & CHERYL A LOMMEL	7682 COUNTY ROAD 141	KIMBALL MN 55353
NATHAN & SARA LOMMEL	7783 COUNTY RD 141	KIMBALL MN 55353
PAUL & SUE MASSMANN	7468 COUNTY ROAD 141	KIMBALL MN 55353-9716
RANDY ROY LOMMEL	8282 COUNTY ROAD 141	KIMBALL MN 55353-9717
ROBERT L & JULIE SCHMELZER	7725 COUNTY ROAD 141	KIMBALL MN 55353
STEARNS COUNTY HIGHWAY	PO BOX 246	ST CLOUD MN 56302
STEPHEN J & SHARON A TORBORG	BOX 344	ST CLOUD MN 56302-0344
STUART T REIF	7674 COUNTY ROAD 141	KIMBALL MN 55353
WILLIAM J YACKLEY	8286 COUNTY ROAD 141	KIMBALL MN 55353

## 16 Notices

# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>Stearns County Environmental Services</b>	Address: <b>Administration Center          Room 343, 705 Courthouse Square          St. Cloud, MN 56303-4701</b>
---	--

### 1. PROJECT INFORMATION

Applicant Name: <b>Mike Schneider/Irene T Schneider Trust Mike Schneider/Irene T Schneider Trust</b>	Project Name: <b>Preliminary Plat of Schneider Farm (Schneider Terrace Replat)</b>	Date of Application <b>1/22/2018</b>	Application Number <b>W-001275</b>
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>2-16-2018</b>		
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

Pursuant to MN Statutes, chapter 15.99, we are extending the 60-day time limit for making a final decision on this application for an additional 60 days to May 21, 2018. This is to allow sufficient time for a 30-day appeal application period and, if an appeal is filed, scheduling, noticing and conducting of a public hearing before the Stearns County Wetland Appeals Panel. This decision is the final LGU Decision unless an appeal is received within the 30-day appeal window (March 20, 2018). (WCA says an appeal must be made within 30-days of the date of the notice of decision, and the LGU must make a decision on an appeal within 30-days of the date of appeal; therefore, April 17, 2018 is most likely the last day that a final decision can be made.)

This project is located in the SW4 of Section 25, T123N, R29W, City of Rockville, Stearns County. (PID # 76.42170.0050, & 76.42170.0051) 7788 County Road 141, Kimball, MN 55353-2767

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area 7	County Stearns	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
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**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name <b>Greg Bechtold</b>	Title <b>Senior Environmental Specialist</b>	
Signature 	Date <b>2-20-2018</b>	Phone Number and E-mail <b>320-656-3613</b> <b>greg.bechtold@co.stearns.mn.us</b>

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for five years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input checked="" type="checkbox"/> <b>Appeal</b> of an LGU staff decision. Send petition and <b>\$1500.00</b> fee to: Wetland Appeal Panel c/o Stearns County Environmental Services Administration Center, Room 343 705 Courthouse Square St. Cloud, MN 56303-4701	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
--	---

#### 4. LIST OF ADDRESSEES

SWCD TEP member: **Wayne Cymbaluk, Stearns County SWCD, 110 S 2<sup>nd</sup> St., Suite 128, Waite Park MN 56387-1367**

BWSR TEP member: **Cade Steffenson, MN Board of Water and Soil Resources, 110 2<sup>ND</sup> ST S STE 307, Waite Park, MN 56387**

LGU TEP member (if different than LGU Contact): **Jennifer Kaminskie, Stearns County Environmental Services, 705 Courthouse Square, Rm 343, St. Cloud, MN 56303-4701**

DNR TEP member: **Nicki Blake-Bradley, DNR Hydrologist, 1035 S Benton DR, Sauk Rapids MN 56379-1209**

Corps of Engineers Project Manager: **LeeAnn Glomski, US Army Corps of Engineers, 180 FIFTH ST E., STE 700, St. Paul MN 55101-1638**

**Beverly Meyer, US Fish & Wildlife Service, 22274 615<sup>TH</sup> AVE, Litchfield, MN 55355-5818**

WD or WMO (if applicable): **Sauk River Watershed District, 524 4<sup>TH</sup> ST S, Sauk Centre, MN 56378-1210**

Applicant (notice only) and Landowner (if different): **Mike Schneider/Irene T Schneider Trust, 453 135<sup>TH</sup> AVE SE, Foley, MN 56329-9705, applicant/landowner**

Members of the public who requested notice (notice only): **BCC**

**Jim Brist, MPCA, 520 Lafayette Road North, St Paul, MN 55155-4194**

**Tim Smith, BWSR Wetland Bank Coordinator (wetland bank plan applications only), Board of Water & Soil Resources, 520 Lafayette Road North, St Paul, MN 55155-4102**

**Rick Berscheid, NRCS, 110 S 2<sup>ND</sup> ST Suite 128, WAITE PARK MN 56387-1367**

Agent: **Clint Jordahl, Granite City Environmental, PO Box 1382, Saint Cloud, MN 56302**

**, DNR WREO, MN**

**Martin Bode, Clerk, City of Rockville, 229 Broadway ST E, PO Box 93, Rockville MN 56369**

#### 5. MAILING INFORMATION

- For a list of BWSR TEP representatives, see: [www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf)
- For a list of DNR TEP representatives, see: [www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)
- Department of Natural Resources Regional Offices:

<u>NW Region:</u>	<u>NE Region:</u>	<u>Central Region:</u>	<u>Southern Region:</u>
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

- For a list of Corps of Project Managers, see: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687)  
or send to: Dept. of the Army, Corps of Engineers, St. Paul District  
ATTN: CO-R, 190 Fifth Street East  
St. Paul, MN 55101-1638
- For Wetland Bank Plan applications, also send a copy of the application to:  
Minnesota Board of Water and Soil Resources  
Wetland Bank Coordinator  
520 Lafayette Road North  
St. Paul, MN 55155

#### 6. ATTACHMENTS

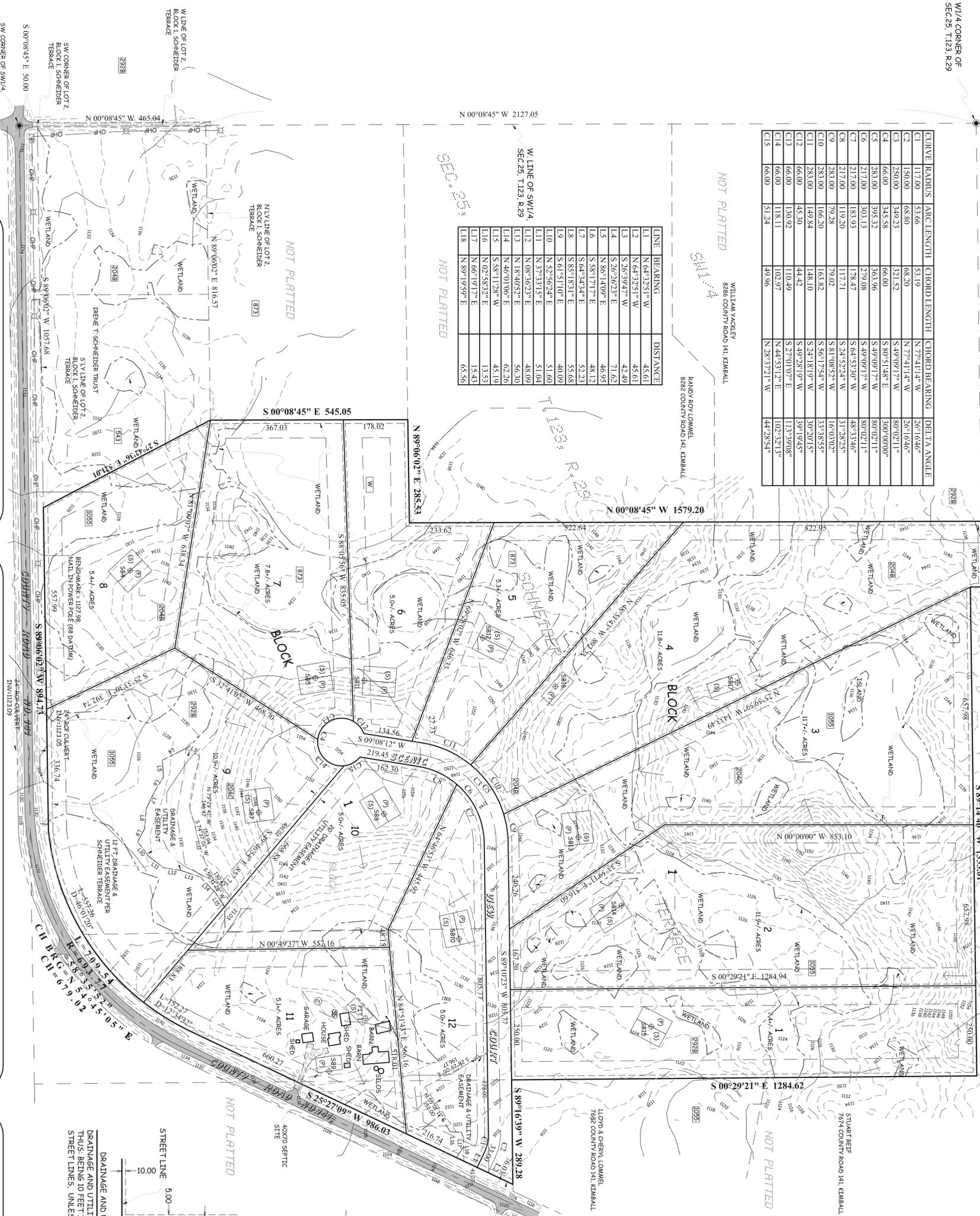
In addition to the site locator map, list any other attachments:

# PRELIMINARY PLAT OF: SCHNEIDER FARM

W/4 CORNER OF  
SEC.25, T.123, R.29

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	117.00	53.66	53.19	N 77°41'14" W	26°16'46"
C2	150.00	68.80	68.20	N 77°41'14" W	26°16'46"
C3	250.00	149.23	142.52	S 49°09'17" W	80°02'11"
C4	666.00	345.58	321.52	S 80°51'48" E	300°00'00"
C5	283.00	395.52	363.96	S 49°09'17" W	80°02'11"
C6	217.00	305.13	279.08	S 49°09'17" W	80°02'11"
C7	217.00	183.95	178.47	S 64°53'30" W	48°33'46"
C8	217.00	119.20	117.71	S 24°52'24" W	31°28'25"
C9	283.00	79.28	79.02	S 81°08'52" W	16°03'02"
C10	283.00	166.20	163.82	S 56°17'54" W	33°38'55"
C11	283.00	149.84	148.10	S 24°18'19" W	30°20'15"
C12	666.00	435.30	444.2	S 49°23'19" W	39°19'45"
C13	666.00	130.92	110.49	S 27°01'07" E	113°39'08"
C14	666.00	118.11	102.97	N 44°53'12" E	102°32'13"
C15	666.00	51.24	49.96	N 28°37'21" W	14°28'54"

LINE	BEARING	DISTANCE
L1	N 64°32'51" W	45.61
L2	N 64°32'51" W	45.61
L3	S 26°39'47" W	42.49
L4	S 26°32'3" E	71.62
L5	N 86°14'09" E	46.95
L6	S 58°17'17" E	48.12
L7	S 64°34'34" E	52.23
L8	S 83°18'31" E	55.68
L9	S 61°51'10" E	40.09
L10	N 52°56'24" E	51.60
L11	N 37°33'15" E	51.04
L12	N 08°36'23" E	48.09
L13	N 18°40'25" E	56.30
L14	N 46°01'06" E	62.26
L15	S 58°11'23" W	45.10
L16	N 02°58'52" E	13.53
L17	N 66°19'17" E	15.43
L18	N 89°19'59" E	65.56



## LEGAL DESCRIPTION

Lots 1 and 2, Block 1, SCHNEIDER TERRACE, according to the recorded plat thereof, Stearns County, Minnesota.  
LESS AND EXCEPT  
That part of Lot 2, Block 1, SCHNEIDER TERRACE, according to the plat thereof, Stearns County, Minnesota, beginning at the southwest corner of said Lot 2; thence North 00 degrees 08 minutes 45 seconds West, on an assumed bearing, along a westerly line of said Lot 2, a distance of 465.04 feet, to a northerly line of said Lot 2; thence North 89 degrees 06 minutes 02 seconds East, along said northerly line, a distance of 816.57 feet; thence South 27 degrees 42 minutes 36 seconds East, a distance of 521.01 feet, to a southerly line of said Lot 2; thence South 89 degrees 06 minutes 02 seconds West, along said southerly line, a distance of 1057.69 feet, to point of beginning.

**SETBACKS:**  
(Per City of Rockville)  
From = 30' from Right of Way (City Road)  
= 30' from Right of Way (C.R. No. 141)  
Side = 50' from property line  
Rear = 50' from property line  
Accessory Building = 5'

**TOTAL PLATE AREA = 94.65+/- ACRES**  
-Existing zoning is R4R District  
-Proposed zoning is residential, single family  
-Proposed use is single family residence  
-Existing vegetation is 35% wetlands, 35% grassland and 30% wooded  
-Indicates surface drainage arrow =

**NOTE:** All wetlands shown on subject property have been delineated by Granite City Environmental (320) 2535411.  
-Septic Sites located per Granite City Environmental LLC (320) 253-5411  
(P) = 40X30 Primary Septic Site  
(S) = 40X30 Secondary Septic Site  
⊕ = Soil Boring  
S81  
NOTE: Lot 12, Block 1 shows a 40X70 Primary and Secondary Septic Site.  
The secondary septic site was done by Ward Inc. on 7-11-07.



**Legend**

- INDICATES IRON MONUMENT PLACED
- INDICATES IRON MONUMENT FOUND
- INDICATES STEARNS COUNTY CAST IRON MONUMENT
- INDICATES OVERHEAD POWER LINE
- INDICATES DELINEATED WETLAND
- INDICATES SEPTIC MANHOLE
- INDICATES SEPTIC CLEANOUT
- INDICATES CABLE PEDESTAL
- INDICATES POWER POLE
- INDICATES SOIL BORING
- INDICATES GRAVEL SURFACE
- INDICATES BITUMINOUS SURFACE

**STREET LINE 5.00'**

**LOT LINE 10.00'**

**DRAINAGE AND UTILITY EASEMENTS**  
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS, BEING 10 FEET IN WIDTH AND ADJOINING STREET LINES, UNLESS OTHERWISE SHOWN.

**NOTE:** THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

370 CHAPEL HILL RD., SUITE 105  
COLD SPRING MN 56320  
PH. 320-685-5905  
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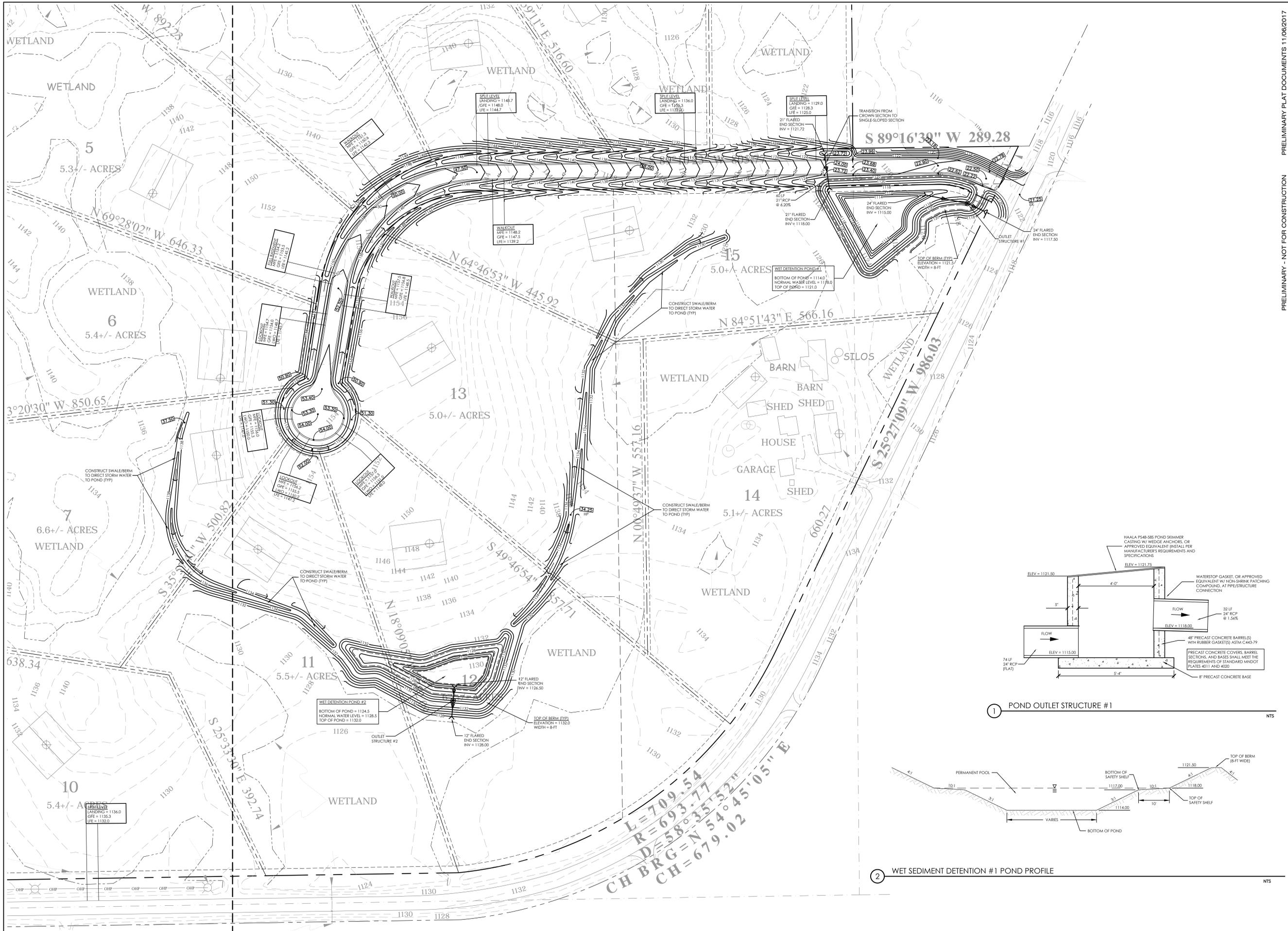
CERTIFICATE OF SURVEY PREPARED BY:  
**O'MALLEY & KRON**  
LAND SURVEYORS, INC.  
1004 2nd ST. SE  
WILLMAR MN 56201  
PH. 320-235-4012  
FAX 320-685-3056

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
DATE: 03-15-2018  
DANIEL M. KRON  
MINNESOTA REGISTRATION NO. 42621

SHEET 1 OF 1

JOB NO:2017-70  
FILE NAME:2017-70PP.DWG  
LOCATION:25-123-29

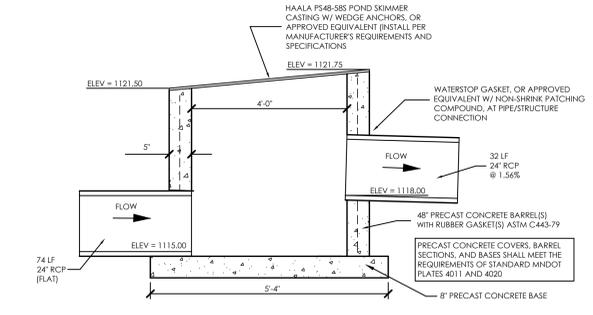
CERTIFICATE OF SURVEY PREPARED FOR:  
**MIKE SCHNEIDER**



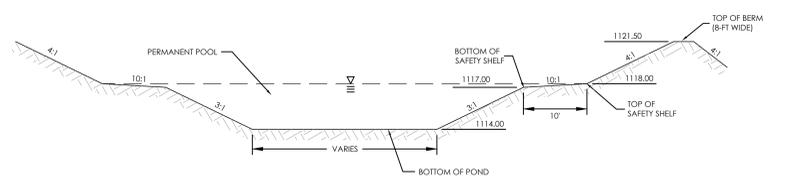
NOTE: LOCATIONS OF HOMES AND DRIVEWAYS SHOWN ON THIS PLAN ARE CONCEPTUAL. ACTUAL LOCATIONS AND ELEVATIONS OF STRUCTURES AND DRIVEWAYS SHALL BE DETERMINED AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED BY THE HOMEOWNER.

NOTE: PROPOSED LOW FLOOR ELEVATIONS OF HOMES TO BE CONSTRUCTED ON LOTS 1 - 3, AND 8 - 10, HAVE BEEN DETERMINED BASED ON POSSIBLE EXPOSURE TO GROUNDWATER FROM NEARBY WETLANDS. INDIVIDUAL HOME OWNERS AND/OR BUILDERS SHALL PERFORM THOROUGH SOIL AND GROUNDWATER INVESTIGATIONS IN THE VICINITY OF PROPOSED STRUCTURES TO JUSTIFY ANY PROPOSED LOWER FLOOR ELEVATIONS.

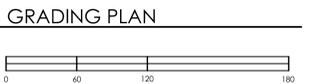
NOTE: PROPOSED CONTOURS SHOWN ON THIS PLAN REFLECT THE PROPOSED DEVELOPMENT OF THE SITE FOR LOT PLATING PURPOSES AND IN ADVANCE OF HOME CONSTRUCTION. CONSTRUCTION OF INDIVIDUAL HOMES MAY ALTER SOME OF THE PROPOSED CONTOURS ON THIS PLAN, WHILE MAINTAINING THE PROPOSED DRAINAGE PATTERNS AND STORM WATER BMPs.



1 POND OUTLET STRUCTURE #1 NTS



2 WET SEDIMENT DETENTION #1 POND PROFILE NTS



PRELIMINARY PLAT DOCUMENTS 11/06/2017  
 I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Engineer under the laws of the state of Minnesota.  
 Brian J. Schultz, P.E.  
 Date: 11/06/2017  
 License No.: 43129

PRELIMINARY - NOT FOR CONSTRUCTION  
**SCHULTZ ENGINEERING & SITE DESIGN**  
 Ph: (920) 338-0669  
 Fax: (856) 633-1830  
 schultzeng@ve.com  
 www.schultzengineeringdesign.com  
 18 South Riverside Avenue  
 Suite 230  
 Sunbelt, MN 56377

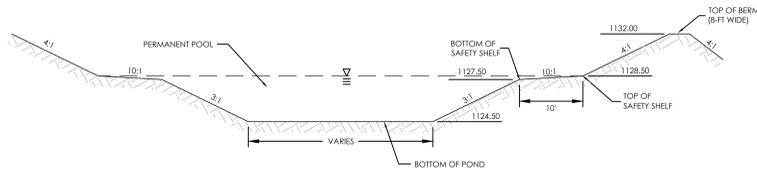
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SCHNEIDER FARM  
 ROCKVILLE, MN

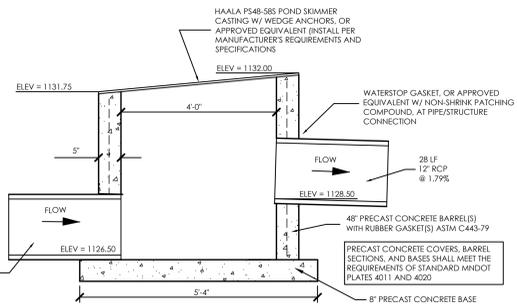
PROJECT NUMBER:  
 17054  
 SCALE:  
 1"=60'  
 C1 OF 5

N 00°08'45" W 2127.05

3 WET SEDIMENT DETENTION #2 POND PROFILE



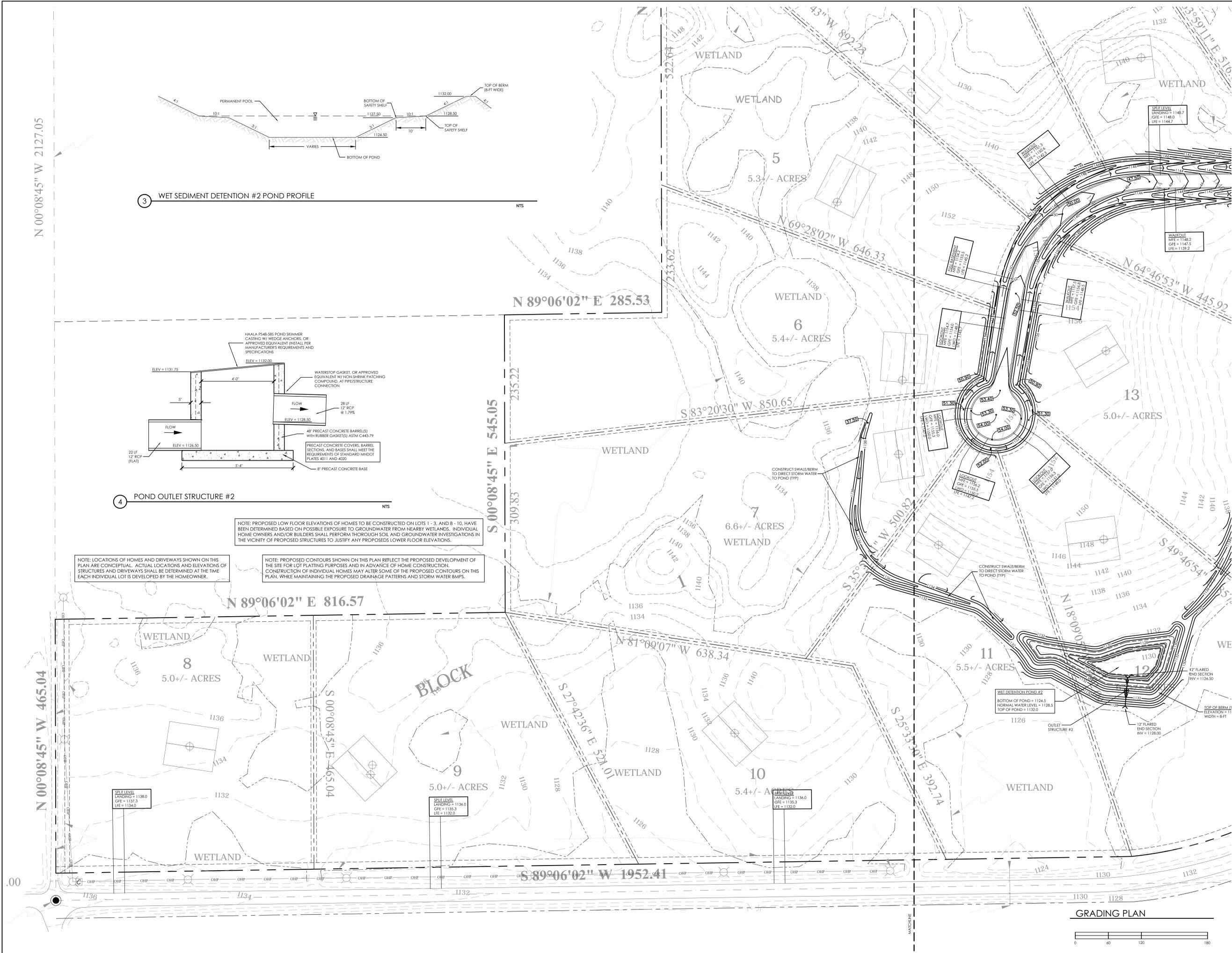
4 POND OUTLET STRUCTURE #2



NOTE: PROPOSED LOW FLOOR ELEVATIONS OF HOMES TO BE CONSTRUCTED ON LOTS 1 - 3, AND 8 - 10, HAVE BEEN DETERMINED BASED ON POSSIBLE EXPOSURE TO GROUNDWATER FROM NEARBY WETLANDS. INDIVIDUAL HOME OWNERS AND/OR BUILDERS SHALL PERFORM THOROUGH SOIL AND GROUNDWATER INVESTIGATIONS IN THE VICINITY OF PROPOSED STRUCTURES TO JUSTIFY ANY PROPOSED LOWER FLOOR ELEVATIONS.

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NOTE: PROPOSED CONTOURS SHOWN ON THIS PLAN REFLECT THE PROPOSED DEVELOPMENT OF THE SITE FOR LOT PLATTING PURPOSES AND IN ADVANCE OF HOME CONSTRUCTION. CONSTRUCTION OF INDIVIDUAL HOMES MAY ALTER SOME OF THE PROPOSED CONTOURS ON THIS PLAN, WHILE MAINTAINING THE PROPOSED DRAINAGE PATTERNS AND STORM WATER BMPs.



GRADING PLAN



PRELIMINARY - NOT FOR CONSTRUCTION

PRELIMINARY PLAT DOCUMENTS 11/06/2017

17054.dwg

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I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

Blair J. Schultz, PE  
Date: 11/06/2017  
License No.: 43129

**SCHULTZ ENGINEERING & SITE DESIGN**

18 South Riverside Avenue  
Suite 230  
Sunbelt, MN 56377  
www.schultzengineeringdesign.com

Ph: (320) 338-0669  
Fx: (855) 633-1830  
schultzeng@ve.com

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**SCHNEIDER FARM**

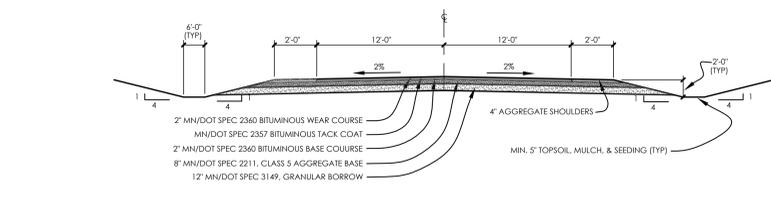
ROCKVILLE, MN

PROJECT NUMBER: 17054

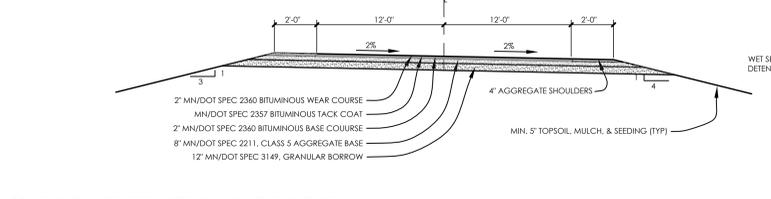
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C2 OF 5

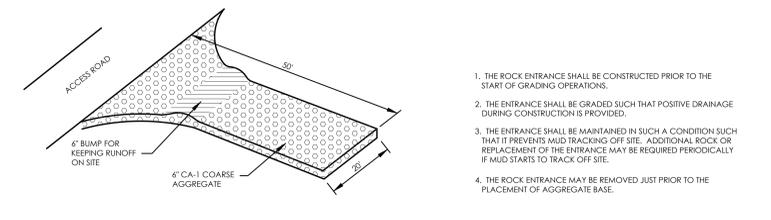
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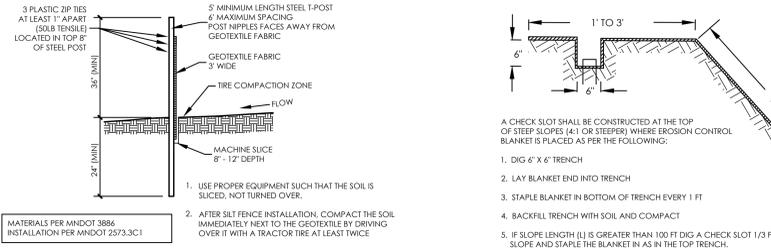
1 TYPICAL STREET SECTION (CROWN)



2 TYPICAL STREET SECTION (SINGLE-SLOPE)



3 TEMPORARY ROCK CONSTRUCTION ENTRANCE



4 SILT FENCE (MACHINE SLICED)

**PROJECT INFORMATION**

**Project Description**  
 This project will consist of the construction of a new residential subdivision, which will include fifteen (15) single family home lots, as well as a public road with an approximate total length of 1,500 LF. Storm water management for this project will consist of two (2) wet sediment detention ponds.

**Impervious Surface Tabulation**

Item	Area (sq. ft.)	Notes
Anticipated Disturbed Area	7.2 acres**	* Includes anticipated disturbed area of both public improvements and individual home lots. It is assumed that the yards of the individual lots will eventually be developed so as to establish grass lawn areas, as each lot is developed. It is unlikely that all yard areas will be disturbed at the same time.
Existing Impervious Area	0.0 acres	
Proposed Impervious Area	2.5 acres**	** The fifteen (15) undeveloped lots were assumed to have an average of 5,000 SF of new impervious surface (each) upon completion of ultimate development. This includes the principal home, driveway, and accessory building(s).
Net Impervious Area Increase	2.5 acres	

**Permanent Site Drainage**  
 Soil borings completed at the site indicate site subsols consist of clayey sands and clays, which are not considered conducive to infiltration per the MN wet sediment detention ponds. For this reason, site drainage will be routed to one of two wet sediment detention ponds via surface drainage and ditch flow to be constructed on-site. The ponds will be provided with a permanent volume (dead storage) equal to or exceeding 1,800 cubic feet per acre draining to the pond, and a water quality volume equal to 1" of the impervious area draining to the pond. The outlets will be sized such that the discharge of the water quality volume will not exceed 5.6 cfs per acre of pond surface area. Skimmer structures to control floatables have been included as well.

The ponds have also been designed such that the overall proposed site runoff and pond discharge rates do not exceed pre-developed runoff rates for the 2, 10, and 100-year storm events. See storm water calculation report for associated calculations.

**Receiving Surface Waters**

The following surface waters could receive storm water runoff from this project, and are within 1 mile of the project site:

Surface Water	Type of Surface Water	Impaired Water?	Special Water?	USEPA Approved TMDL for Impaired Water?	Comments
Downstream wetlands	Wetland	No	No		
Luxemburg Creek	Creek	No	Yes		Trout Stream

**SEDIMENT AND OTHER POLLUTANTS**

This SWPPP has been designed mainly to provide erosion and sediment control of naturally occurring soils of this site (ie: sands, loams, and clays). Although this SWPPP does address pollution prevention of other man-made materials, it is assumed that these materials will consist of debris from existing structures and pavements to be demolished, or debris and chemicals (ie: fuels, new paints, etc.) resulting from new construction.

There are no known solid wastes or hazardous materials buried below grade at this site. If such wastes or hazard materials are discovered during construction, the SWPPP Coordinator (described below) will be responsible for notifying the Engineer. This SWPPP will then be revised to address the presence and disposal of these additional pollutants.

**EROSION PREVENTION AND SEDIMENT CONTROL RESPONSIBILITIES**

**SWPPP Design Engineer and Qualifications**

Design Engineer	Brian J. Schultz, PE
Training Course	Design of SWPPP Report
Training Entity	University of Minnesota
Instructor	John Chapman
Dates of Training Course	Feb 15, 2017
Total Training Hours	5.5

\* Design of SWPPP is a recertification course offered by the University of Minnesota. The Engineer's certification for Design of SWPPP is current and will expire May 31, 2020. Certification documentation is on file at the Engineer's office and a copy can be provided upon request.

**SWPPP Coordinator and Qualifications**

The Contractor shall provide an individual who shall serve as the SWPPP Coordinator for this project. The SWPPP coordinator shall oversee the implementation of this SWPPP, as well as the necessary inspections (described below) of erosion prevention and sediment control BMPs. The SWPPP Coordinator shall also oversee the installation, maintenance, and repair of the BMPs that are completed in accordance with this SWPPP. The SWPPP Coordinator shall be responsible for the items listed above during the period from the start of the project to the establishment of final stabilization. During this period, the SWPPP Coordinator, or their assigned, qualified (see below) representative shall be available for an on-site inspection within 72 hours upon request by the MPCA.

It shall be the Contractor's responsibility to complete the table below, which will identify the SWPPP Coordinator and that person's qualifications. This person shall acknowledge that he/she has been assigned to serve as SWPPP Coordinator and will be overseeing the items listed in this section, by providing their signature in the space below. Please note that this SWPPP will not be considered complete if the table below is not filled in.

\* Typically, the identity of the SWPPP Coordinator is unknown until the project is awarded. The SWPPP Coordinator may be identified at the project's Preconstruction Conference.

SWPPP Coordinator		I, _____ hereby
Company Name		(Printed Name)
Office Phone #		acknowledge that I will be serving as SWPPP
Cell Phone #		Coordinator for this project and will be
Training Course		responsible for overseeing the items identified in
Training Entity		this section.
Dates of Training Course		(Signature)
Total Training Hours		(Date)

The SWPPP Coordinator may assign other personnel to supervise or perform the duties listed above. However, in completing the duties listed above, at least one person shall be trained in erosion prevention and sediment control as related to that particular part of the SWPPP.

If the SWPPP Coordinator chooses to delegate some of the duties and responsibilities listed above to other personnel, a list of the personnel, as well as their qualifications, shall be kept with and shall become part of this SWPPP. The qualifications shall be documented in a manner similar to the table shown above. A copy of this list shall be provided to the Engineer.

Once the project has been completed and accepted by the Owner, and Final Stabilization has been established and "Notice of Termination" submitted to the MPCA, the Owner assumes responsibility for the long term maintenance of the storm water management system.

The SWPPP Coordinator shall be responsible for ensuring that the Contractor properly disposes of the temporary erosion and sediment control measures within 30 days after site stabilization is achieved or after the temporary measures are no longer needed.

**Record Retention**

The SWPPP and associated records shall be stored and maintained by an employee or representative of the Owner for 3 years after the submission of the Notice of Termination (NOT). Responsibility for overseeing the records will be transferred to another employee or representative should the current personnel become uninvolved with the project or Owner. These records shall include the following:

1. The final SWPPP
2. Any other stormwater related permits required for the project
3. Records of all inspection and maintenance conducted during construction
4. All permanent operation and maintenance agreements that have been implemented, including all right-of-way, contracts, covenants and other binding requirements regarding perpetual maintenance
5. All required qualifications for design of the temporary and permanent Stormwater Management Systems.

**BMP INSPECTIONS**

**Inspection Frequency**  
 The SWPPP Coordinator shall inspect, or designate someone else who is qualified to inspect (see above), the construction site erosion prevention and sediment control BMPs per the following time frames:

1. Once every 7 days
2. Within 24 hours of a rain event (1/2" or greater over 24 hours)

Inspections shall be conducted per the time frames listed above with the following exceptions:

1. Where parts of the construction site have permanent cover, but work remains on other parts of the site, inspections of areas with permanent cover may be reduced to once per month
2. Where construction sites have permanent cover on all exposed soil areas and no construction activity is occurring anywhere on the site, the site must be inspected for a period of 12 months (inspections may be suspended during frozen ground conditions). Following the 12th month of permanent cover with no construction activity, inspections may be terminated until construction activity is once again initiated or sooner if notified in writing by the MPCA.
3. Where work has been suspended due to frozen ground conditions, the required inspections and maintenance schedule must begin within 24 hours after runoff occurs at the site or prior to resuming construction, whichever occurs first.

**Inspection Records**

The SWPPP Coordinator shall maintain inspection records during construction. These must be recorded in writing within 24 hours of the inspection and/or maintenance activity. The inspection records shall include the following:

1. Date and time of inspections
2. Name of person(s) conducting inspection
3. Findings of inspections, including recommendations for corrective actions
4. Corrective actions taken (including dates, times, and party completing maintenance activities)
5. Date and amount of any rainfall events greater than 1/2" in 24 hours
6. If the SWPPP coordinator observes that a BMP fails on a regular basis and believes that it shall be his/her responsibility to notify the Engineer of such deficiencies. The Engineer may then amend the SWPPP (see "Amending the SWPPP")
7. Documentation of any changes to the SWPPP made during construction
  - a. If the SWPPP coordinator observes that a BMP fails on a regular basis and believes that it shall be his/her responsibility to notify the Engineer of such deficiencies. The Engineer may then amend the SWPPP (see "Amending the SWPPP")

Note: Copies of all inspection records shall be submitted to the Engineer.

**AMENDING THE SWPPP**

During the construction of this project it may become necessary to amend this SWPPP. Should the responsibility of installing, inspecting and maintaining the erosion and sediment control devices and techniques described in this SWPPP be transferred from the current Contractor to another Contractor, or from the current Contractor to the Owner, this SWPPP shall be updated accordingly. The Owner will also be required to complete an "Permit Modification Form".

Should it be determined, during construction, by the SWPPP Coordinator, Engineer, or Regulatory Officials that deficiencies in this SWPPP exist, or if significant changes are made to the design/scope of this project that impact erosion prevention and sediment control, the Engineer shall be immediately notified. The Engineer will then review potential deficiencies and/or significant changes to project design/scope, and make necessary changes to this SWPPP.

After changes are made to the SWPPP, the Engineer will issue the necessary documentation, reflecting the changes, to the owner and to the SWPPP Coordinator. The SWPPP Coordinator shall be responsible to make sure that this documentation is added to the on-site SWPPP copy and that the changes described in the documentation is implemented on-site.

**EROSION PREVENTION AND SEDIMENT CONTROL BMPs**

**Standards and References**

Materials and construction methods of the BMPs included in this SWPPP shall be as per the Minnesota Department of Transportation (MNDOT) Standard Specifications for Construction, latest edition. The Contractor and SWPPP Coordinator shall obtain a current copy of MNDOT's Standard Specifications for Construction and familiarize themselves with the specification sections applicable to this SWPPP, as there are several BMPs that specifically reference these sections.

The Contractor and SWPPP Coordinator shall be expected to be familiar with the applicable MNDOT specification sections during construction. No additional compensation will be paid to the Contractor for additional work due to unfamiliarity with these specification sections.

**Undisturbed Areas**

If shown on the plan, the Contractor shall delineate areas that are not to be disturbed on the site. This may be done with flags, stakes, signs, all fence, etc., and shall be completed prior to the start of any grading operations. Regardless of the delineation method the Contractor chooses to use, the Contractor must communicate to higher personnel and subcontractors that these areas are not to be disturbed and construction equipment (including trucks and personal vehicles) shall not be allowed in these areas.

The Contractor shall minimize compaction and preserve topsoil as much as possible of the site. In previous ("green") areas that are not essential to the construction of the project, the Contractor shall avoid construction traffic and maintain the existing condition of these areas.

**Temporary and Permanent Stabilization**

All exposed soil areas (including stockpiles) shall be provided with temporary or permanent cover within 7 days of construction activity, temporary or permanent casing in that portion of the site. Temporary or permanent drainage ditches or swales, which drain off-site or to a surface water body, shall be provided within 24 hours of construction. Temporary or permanent cover shall be initiated immediately upon suspension or completion of excavation operations.

**Temporary Cover:**

If the Contractor chooses to halt grading operations in a portion of the site (or the whole site) for a period exceeding 7 days, and grading operations (rough or finish grading) in the affected areas has not yet been completed, temporary cover shall be placed. Affected areas consisting of drainage ditches or swales connected to, and within, 200 lineal feet of a property line or surface water shall be provided with temporary cover within 24 hours of connection. Depending on the Contractor's schedule, the temporary cover shall consist of one of the following BMPs:

1. Discontinued Mulch
  - a. Discontinued mulch may be used in an area of the site (or the whole site) if the Contractor is halting grading operations for a period that is relatively short, but exceeds 7 days.
  - b. The mulch shall be Type 3 per MNDOT Spec. 3882
  - c. An adequate quantity of mulch shall be evenly distributed to achieve 90% coverage of the exposed soil.
  - d. Mulch shall be placed as per MNDOT 2573.3C.
  - e. All mulch shall be dis-anchored as per MNDOT 2573.3D. Prior to the placement and disanchoring of the mulch, the soil shall be loosened and the area smooth-rough graded per MNDOT 2574.
  - f. Any areas that are exposed as a result of wind action after the initial mulch placement shall be covered with additional mulch to maintain 90% coverage.
2. Temporary Seeding with Mulch
  - a. Temporary seeding with mulch may be used in areas of the site (or the whole site) if the Contractor is halting grading operations for a period that is relatively long. Although mulch still needs to be applied as described above, once the temporary seeding/urf is established, the mulch will no longer need to be maintained. The temporary seeding/urf will require very little maintenance.
  - b. Prior to the sowing of temporary seed, the soils shall be loosened and the area smooth-rough graded per MNDOT 2574.
  - c. Contractor shall utilize Seed Mixes 21-11, 21-12, or 21-13 per MNDOT Spec. 3876 for permanent seeding.
  - d. Temporary seeding shall be sown per MNDOT Spec. 2573.3B.
  - e. Once temporary seeding has been sown, mulch shall be placed over the area as described above.

**Permanent Cover:**

Upon completion of finish grading and/or placement of topsoil, initiation of the placement of permanent cover shall begin immediately over all exposed areas. This includes areas designated for permanent surfacing (ie: buildings, pavements/gravel bases, sidewalks, etc.). Where the application schedule will not allow for the placement of the permanent impervious surfacing within 7 days of the completion of finish grading, temporary cover shall be provided in these areas, as described above, until the permanent impervious surfacing can be constructed. Affected areas consisting of drainage ditches or swales connected to, and within, 200 lineal feet of a property line or surface water, shall be provided with permanent cover within 24 hours of connection.

Areas designated for permanent turf establishment shall be provided with one or more of the following BMPs (see plan):

1. Permanent Seeding with Mulch
  - a. Unless otherwise noted on the plans, or areas designated for turf establishment shall be provided with permanent seeding.
  - b. In addition to the plan included as part of this SWPPP, the Contractor shall verify if a Landscaping Plan has been included in the plans by the Architect. If a Landscaping Plan has been included, the Contractor shall verify if the permanent seeding (ie: sod, hydroseeding, etc.) the Contractor shall provide this permanent cover in lieu of the permanent seeding specified in this SWPPP.
2. Erosion Control Blanket
  - a. Erosion control blanket shall be placed in areas as shown on the plan included in this SWPPP. These areas shall still be provided with permanent seeding, as described above, beneath the erosion control blanket.
  - b. Erosion control blanket shall meet the requirements indicated in MNDOT Spec. 3885. See plan for category(s) of erosion control blanket.
  - c. Erosion control blanket shall be installed as per MNDOT Spec. 2573.3C2.
  - d. Erosion control blanket specified in drainage ditches and swales connected to, and within 200 lineal feet, of a property line or surface water shall be installed within 24 hours of the completion of finish grading (including permanent seeding).
3. Riprap
  - a. Riprap shall be placed in areas as shown on the plan included in this SWPPP.
  - b. All riprap shall be underlain with Type 4 geotextile fabric. The fabric shall meet the requirements of MNDOT Spec. 3733 and shall be installed as per MNDOT Spec. 2511.3B2.
  - c. Riprap materials shall meet the requirements of MNDOT Spec. 3601, and shall be Class 3, unless noted otherwise on the plans.
  - d. Riprap shall be considered "Random Riprap" and shall be placed as per MNDOT Spec. 2511.
  - e. Although it is permitted for the riprap to be placed with machinery, it will be necessary for the Contractor to hand place some of the riprap in order to provide a dense, well-keyed layer of stones with the least practical quantity of void space.
  - f. The minimum thickness of the riprap shall be 18 inches, unless otherwise noted on the plans.
  - g. Riprap designated at the end of pipe outlets shall be placed within 24 hours of installation of the pipe outlet end section.
  - h. Riprap specified in drainage ditches and swales connected to, and within 200 lineal feet, of a property line or surface water shall be installed within 24 hours of the completion of finish grading.

**Sediment Control**

The following sediment control BMPs shall be implemented as part of this project:

1. Silt Fence
  - a. Silt fence shall be installed at the locations shown on the plan included in this SWPPP.
  - b. Silt fence shall be machine sliced and materials shall meet the requirements of MNDOT Spec. 3886.
  - c. Silt fence shall be installed as per MNDOT Spec. 2573.3B2.
  - d. Silt fence shall be installed prior to any upgradient grading operations, and shall remain in place and maintained adequately until upgradient areas achieve Final Stabilization (see below)
  - e. Silt fence shall be repaired or replaced if damaged during, or after, rain events, or if accumulated sediment on the upstream side of the fence reaches 1/3 of the height of the fence. Repair or replacement of silt fence shall be completed within 24 hours of discovery.
  - f. Portions of all fence may be removed to accommodate short-term activities, such as vehicle passage. Short-term activities shall be completed as quickly as possible, and new silt fence installed immediately after completion of the short-term activity. If rainfall is imminent or forecasted in the near future, new silt shall be installed regardless of if the short-term activity has been completed or not. The Contractor is advised to schedule short-term activities during dry weather as much as practicable. No additional compensation will be paid due to additional silt fence associated with short-term activities.
  - g. Temporary soil stockpiles shall be placed on the site in areas upgradient from silt fence. Where the Contractor chooses to place temporary soil stockpiles outside designated all fenced areas, the stockpiles shall be surrounded by additional silt fence. Under no circumstances shall temporary soil stockpiles be placed over surface waters, curb and gutter, catch basin, culvert inlets or outlets, or ditches.
2. Catch Basin Protection
  - a. WIMCO Road Drain protection devices, as manufactured by WIMCO, shall be used for catch basin protection on this project. WIMCO can be contacted at (952) 233-3055, and their web page is www.roadrain.com.
  - b. "Road Drain Top Stab" devices shall be installed at all catch basin locations immediately after placement of the catch basin structures. "Road Drain Top Stab" devices shall remain in place and be adequately maintained until permanent surfacing is constructed (ie: curb and gutter, pavements, and/or gravel surfacing). In areas designated for turf establishment, "Road Drain Top Stab" devices shall remain in place until Final Stabilization of all upgradient areas is established.
  - c. Upon construction of the permanent surfacing, the "Road Drain Top Stab" devices shall be replaced with the WIMCO product specified on the plans. The WIMCO devices shall remain in place until Final Stabilization of all upgradient areas has been established.
  - d. The contractor shall install and maintain the catch basin protection devices as per the manufacturer's instructions and specifications.

**Culvert Inlet Protection**

Culvert inlet protection shall be provided at all culvert inlet locations immediately after construction of the culvert. See plan included in this SWPPP for culvert inlet locations.

- a. Culvert inlet protection shall be provided at all culvert inlet locations immediately after construction of the culvert. See plan included in this SWPPP for culvert inlet locations.
- b. Culvert inlet protection shall consist of geotextile fabric wrapped around, and completely covering the inlet end section. The geotextile fabric shall be the same fabric used in silt fence applications and meet the requirements of MNDOT Spec. 3886.
- c. The culvert inlet protection shall remain in place and adequately maintained until Final Stabilization of all upgradient areas has been established.
- d. Culvert inlet protection shall be repaired or replaced if damaged during, or after, rain events, or if accumulated sediment reaches 1/2 of the diameter of the culvert pipe. Repair or replacement of culvert inlet protection shall be completed within 24 hours of discovery.

**Temporary Rock Construction Entrance**

Temporary rock construction entrances shall be installed at the locations shown on the plan included in this SWPPP. See detail for temporary rock entrance design.

- a. If the Contractor chooses to access the site from locations other than where temporary rock entrances are specified on the plans, additional temporary rock entrances shall be placed at those locations, as well.
- c. Temporary rock entrance shall be constructed prior to the start of grading operations, and shall remain in place and be adequately maintained until Final Stabilization has been established.
- d. Temporary rock entrances shall be maintained in such a manner that the entrances prevent sediment tracking onto adjacent streets. If a temporary rock entrance is found to be ineffective, it shall be replaced or improved within 24 hours of discovery.
- e. The Contractor has the option to place Type 4 geotextile fabric beneath the temporary rock entrance. The fabric may extend the life of the entrance as it will reduce rock "springs" into the underlying soils. If the Contractor chooses to use fabric, it should meet the requirements of MNDOT Spec. 3733 and shall be installed as per MNDOT Spec. 2511.3B2.
- f. If sediment tracking from the site is discovered on adjacent streets, the sediment shall be removed with a street sweeper or other approved method within 24 hours of discovery. This shall be done throughout construction of the project. This sediment may be returned and graded over the property line or surface water shall be provided with temporary or permanent cover within 24 hours of connection. Depending on the Contractor's schedule, the temporary cover shall consist of one of the following BMPs:

The City may order street sweeping to be performed at the Contractor's or Owner's expense if City staff find that construction activities are resulting in sediment or debris being tracked onto City streets.

**Filter Logs**

- a. Filter logs shall be installed at the locations shown on the plan included in this SWPPP.
- b. Filter logs shall consist of Type Wood Fiber bionals and meet the requirements of MNDOT Spec. 387F.
- c. Filter logs shall be installed as per MNDOT Spec. 2573.3F.
- d. Filter logs shall be installed immediately after placement of erosion control blanket.
- e. Filter logs shall remain in place for the life of the project, and shall be allowed to degrade naturally.

**Dewatering**

If dewatering of sandy subsols is required for this project, the sump discharge shall be treated prior to discharge off-site or into a surface water. Treatment of discharge shall be achieved with the use of a "Dandy Dewatering Bag" (or approved equivalent), as manufactured by Dandy Products, Inc. Dandy Products, Inc. can be contacted at (877) 307-0141, and their web page is www.dandyproducts.com. The "Dandy Dewatering Bag" shall be installed, utilized, and maintained per the manufacturer's instructions and specifications.

Once dewatering water has been treated, it may be discharged off-site or to a surface water. The discharge shall be visually checked to ensure that it is relatively clean and not visibly different from any receiving waters. If discharge is noticeably "gray", the Engineer shall be contacted as additional treatment methods may be necessary.

Adequate erosion control shall be provided at the point of discharge if it is located in an area with exposed soils or established turf. The erosion control may consist of temporary placed rip rap, or other approved energy dissipation measures. The type of erosion control measures shall be at the Contractor's discretion, depending on the location of the receiving discharge area, and the site characteristics. The erosion control measures shall be effective and shall be maintained adequately such that no erosion occurs at the point of discharge.

**Pollution Prevention Management**

Solid waste accumulated during construction, including collected sediment, construction materials, floating debris, construction debris, paper, plastics, and other solid wastes shall be disposed of in accordance with MPCA disposal requirements:

1. Building products that have the potential to leach pollutants shall be maintained under cover (ie.g., plastic sheeting or temporary roofs) to prevent the discharge of pollutants or protected by a similarly effective means designed to minimize contact with storm water.
  2. Pesticides, herbicides, insecticides, fertilizers, treatment chemicals, and landscape materials shall be maintained under cover (ie.g., plastic sheeting or temporary roofs) to prevent the discharge of pollutants or protected by similarly effective means designed to minimize contact with stormwater.
  3. Hazardous materials, toxic wastes, (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) shall be properly stored in sealed containers to prevent spills, leaks or other discharge. Restricted access storage areas shall be provided to prevent vandalism. Storage and disposal of hazardous waste or hazardous materials shall be in compliance with Minn. St. ch. 70A5 including secondary containment as applicable.
  4. Solid waste shall be stored, collected and disposed of properly in compliance with Minn. R. ch. 7035.
  5. Portable toilets shall be positioned so that they are secure and will not be tipped or knocked over. Sanitary waste must be disposed of properly in accordance with Minn. R. ch. 70A1.
- The Contractor shall take steps to prevent the discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible. The Contractor shall conduct fueling in a contained area unless infeasible. The Contractor shall ensure adequate supplies are available at all times to clean up discharged materials and that an appropriate disposal method is available for recovered spilled materials. The Contractor shall report and clean up spills immediately as required by Minn. Stat. § 115.561, using dry clean up measures where possible.
- The Contractor washes the exterior of vehicles or equipment on the project site, washing shall be limited to a defined area of the site. Runoff from the washing area shall be contained in a sediment basin or other similar effective controls and waste from the washing activity shall be properly disposed of. The Contractor shall properly use and store solvents, detergents, or solvents. No engine degreasing shall be allowed on site.
- The Contractor shall provide effective containment for all liquid and solid wastes generated by without operations (concrete, shrapnel, paint, form release oils, curing compounds and other construction materials) related to the construction activity. The liquid and solid waste shall not contact the ground, and the containment shall be designed so that it does not result in runoff from the washout operations or areas. Liquid and solid wastes shall be disposed of properly and in compliance with MPCA rules. A sign must be installed adjacent to each washout facility that requires site personnel to utilize the proper facilities for disposal of concrete and other washout wastes.

**FINAL STABILIZATION**

Final Stabilization shall be considered established once the following requirements have been achieved:

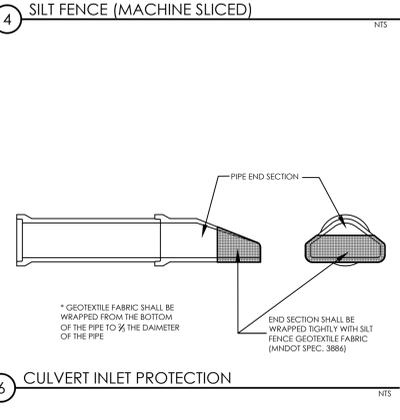
1. All soil disturbing activities at the site have been completed and all soils are stabilized by a uniform perennial vegetation cover with a density of 70 percent of its expected final growth density over the entire disturbed surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.
2. The permanent storm water management system is constructed, and is operating as designed. Temporary or permanent sedimentation basins that are to be used as permanent water quality management basins have been cleaned of any accumulated sediment. All sediment has been removed from conveyance systems and ditches are stabilized with permanent cover.
3. All temporary synthetic and structural erosion prevention and sediment control BMPs have been removed from the project site. BMPs designed to decompose on site may be left in place.

**ADDITIONAL COMMENTS**

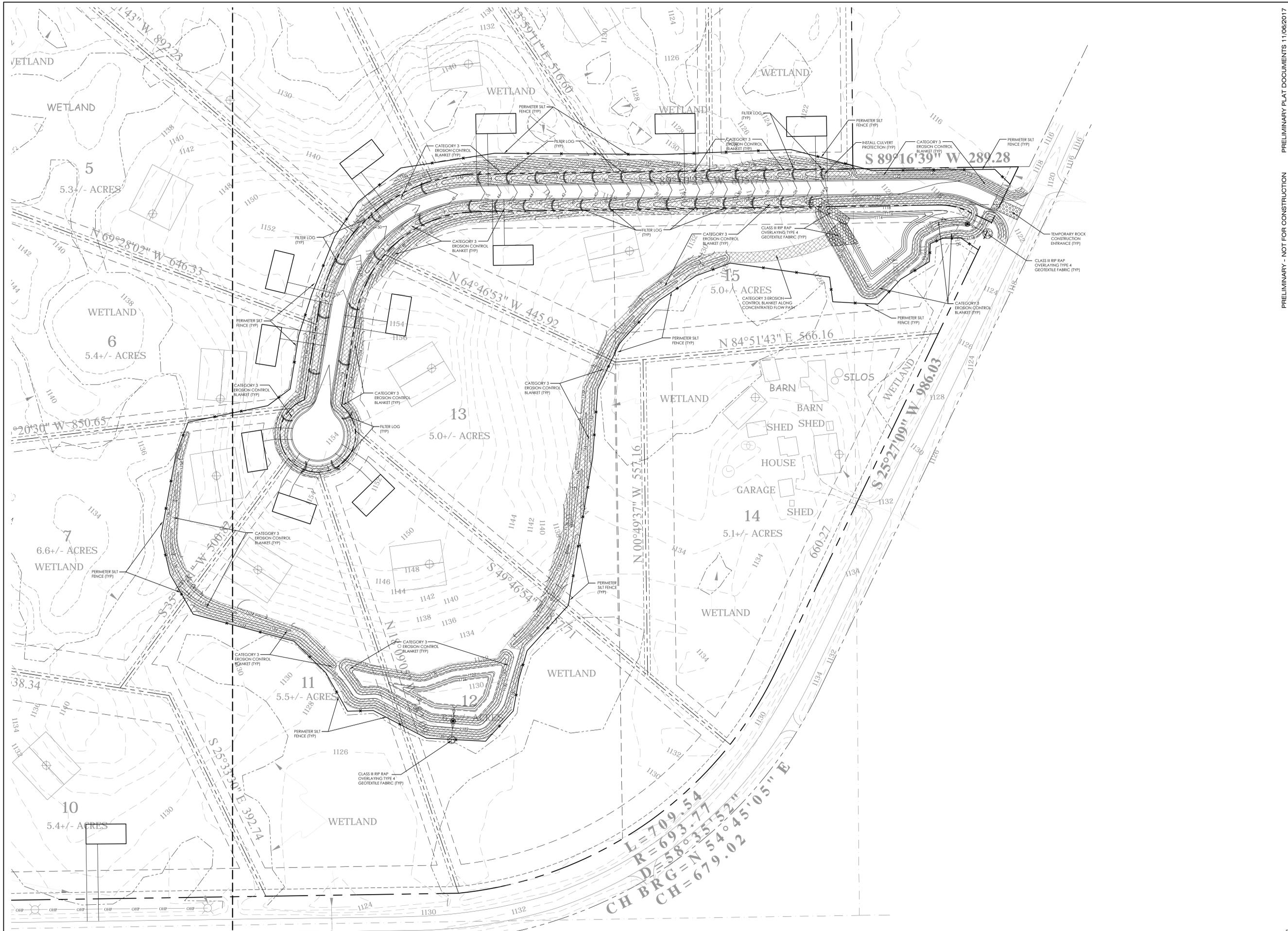
The Contractor is solely responsible for the cleanup of any wetlands, rivers, streams, lakes, reservoirs, other waters of the State (as defined by the MPCA's General Storm Water Permit), or road or roadway surface or other property damaged by construction activity related to this project.

Besides the MPCA permit (MPCA General Storm Water Permit), the Contractor shall also obtain all other necessary local government permits related to erosion and sediment control, if applicable (ie: Watershed District, County Soil and Water Conservation District, MNDOT, etc.).

This SWPPP is intended to provide a plan for addressing the erosion prevention and storm water management issues associated with this project. It is to be used in conjunction with the project plans, specifications, and the MPCA General Storm Water Permit. In addition to the SWPPP, the Owner, Contractor, and SWPPP Coordinator shall familiarize themselves with the actual requirements indicated in the MPCA General Storm Water Permit itself and are responsible for compliance with the permit's terms, requirements, and conditions. The Engineer can provide a copy of the permit upon request.



6 CULVERT INLET PROTECTION



PRELIMINARY PLAT DOCUMENTS 11/06/2017  
 I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Engineer under the laws of the state of Minnesota.  
 Brian J. Schultz, P.E.  
 Date: 11/06/2017  
 License No.: 43129

PRELIMINARY - NOT FOR CONSTRUCTION  
**SCHULTZ ENGINEERING & SITE DESIGN**  
 18 South Riverside Avenue  
 Suite 230  
 Sunbelt, MN 56377  
 www.schultzengineeringdesign.com  
 PH: (320) 338-0669  
 FX: (855) 633-1830  
 schultzeng@ve.com

REVISIONS	
NO.	DESCRIPTION
1	
2	
3	
4	

**SCHNEIDER FARM**  
 PROJECT NUMBER:  
 17054  
 SCALE:  
 1"=60'  
 ROCKVILLE, MN



The siren has been ordered and delivered. The weather has delayed installation.  
Hoping to be installed by May.  
This week is Severe Weather Awareness Week April 9th thru 13th.  
We will have information each day on the Rockville City Web site.  
The siren will sound Thursday April 12th at 1:45pm and 6:45pm for a tornado drill.  
We ask residents of Rockville to practice where they would seek shelter, and practice to go there.  
Please see the Web site for more information.

Sent from my iPad

## Council update for 4-11-18 meeting

### Upcoming work

- Trim trees
- Plow roads and sidewalks. Apply salt/sand as needed
- Chestnut street sign corrections
- Repair equipment as it fails

### Street department

- Snow removal and apply salt/sand to road
- Patch pot holes
- Mark & measure out patch work and get it to Bolton & Menk

### Sewer department

- Mark locates as needed
- Grinder station alarms and repairs
- Pleasant lake lift station repair with Nelson repair

### Parks department

- Check grounds and buildings regularly
- Order portable toilets

### Equipment repair

- 1 ton oil leaks and cold start issues. Estimate is attached, we will get other estimates
- Loader tires-needs 2 front tires, used tires have been located
- #5 repair and reprogram sander unit

### Water department

- Water tests on a weekly basis
- Rounds/heat checks in water towers
- Complete month end paperwork for MDH
- Mark locates as needed
- Dump water to prevent and deice Pleasant lake water tower
- Found a water leak on the Pleasant Lake water system using SCADA. A hydrant needs to be repaired

### Miscellaneous

- Staff meetings
- Code bills
- Organize plow routes, and look for additions and subtractions to Snow Removal & Mail Box policies
- Pick up trash from Pleasant Road ditches and haul away
- Pull tarp from salt pile and clean up

If these reports look similar it is because they are. The public works field is very repetitive from season to season.

Nick Waldbillig, Rockville public works director

## ORDINANCE NO. 2018-

**INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES SECTION 462.355, SUBDIVISION 4, TO ESTABLISH A MORATORIUM PROHIBITING THE GRANTING OF PRELIMINARY SUBDIVISION APPROVAL, ZONING (CUP/VARIANCE) APPROVAL, REZONING, OR PUD APPROVAL WITHIN THE MORATORIUM AREA AS DEFINED HEREIN.**

**The Rockville City Council does hereby ordain as follows:**

The Municipal Code of the City of Rockville amended by adding Ordinance No. \_\_\_\_.

**SECTION 1. Statement of Policy.** The City Council finds that the City is presently faced with the potential of applications for subdivision, rezoning, zoning (CUP/Variance), or PUD approvals for property within the Moratorium Area as defined in Section 2.

It appears to the Council that the consequences of allowing such applications to be approved may be undesirable because the current ordinances may not be consistent with the City's zoning and development goals. The Council, therefore, finds that it is necessary to study the impact of development under current ordinances to determine whether they fulfill the underlying purposes of the City's land use and zoning provisions.

The Council further finds that if, as a result of this study, the land use controls and zoning provisions contained in the City Code need to be revised, such revision is a process that cannot be accomplished until a study has been completed and a hearing held. During this period, it is desirable that the Council establish guidelines for the benefit of those who wish to develop property in order to bring about savings of public and private expenditures and to provide the public guides to future City action. Since enactment of an amendment to the code would undoubtedly modify existing regulations concerning permitted land use and zoning performance standards, the granting of preliminary approval of subdivision applications, zoning (CUP/Variance) applications, rezoning applications, or PUD for property within the Moratorium Area would be contrary to the purpose of the zoning enabling act, Minnesota Statutes Section 462.351, et seq. The Council further finds that it would be unwise, improper and unjust to allow individual development to occur during this study.

**SECTION 2. Moratorium Area.** As used in this Ordinance, Moratorium Area shall be defined as all real property zoned or used for Residential or Agricultural use in the City of Rockville. **Exempt** from this moratorium are Administrative Subdivisions as well as any subdivisions relating to the Brentwood and Voigt Developments at or near Pleasant Lake.

**SECTION 3. Study.** A committee consisting of Citizens and Councilors are currently in the process of reviewing the current City zoning ordinances and provisions, and the implications of the potential need for amendments to the City code to implement the results of that study.

**SECTION 4. Restrictions on the Granting of Preliminary Subdivision Approval, Zoning (CUP/Variance Approval, Rezoning, or PUD approvals.** No preliminary subdivision approval, Zoning (CUP/Variance) approval, Rezoning, or PUD approval, shall be given by the Council for any property with in the Moratorium Area.

**SECTION 5. Duration.** This Ordinance shall expire within six (6) months of the passage of this Ordinance by the City Council, without Council action, or it may be repealed earlier if the Council determines that the requisite studies have been completed and adopted and that appropriate

evaluation and action, including any necessary revisions of the zoning code, have been finalized. The duration of this Ordinance may be extended by adoption of a subsequent Ordinance for a total time period not to exceed the statutory limits in Minn. Stat. 462.355, subdivision 4.

**SECTION 6. Variances.** The Council may grant a variance to this Ordinance if the Council finds after careful review of all the facts that a proposal is not contrary to the intent of the City's Comprehensive Plan, that it is compatible with the zoning and official control amendments being considered by the City, that it does not adversely impact the health, safety or welfare of the citizens and that it otherwise meets the requirements of the Rockville City Code and state law.

**SECTION 7. Separability.** Every section, provision, or part of this Ordinance is declared separable from every other section, provision or part; and if any section, provision, or part thereof or action taken hereunder shall be held invalid, it shall not affect any other section, provision, or part.

**SECTION 8. Publication.** This Ordinance shall be published in the Cold Spring Record and shall be effective immediately.

Adopted by this City Council of the City of Rockville on this 2<sup>nd</sup> day of April, 2018 by a vote of Three ayes and Two nays.

ATTEST:

\_\_\_\_\_  
Martin M. Bode, City Administrator

\_\_\_\_\_  
Duane P. Willenbring, Mayor

Publish the week of April 17, 2018 in the Cold Spring Record newspaper.

**City of Rockville, Minnesota  
Resolution 2018-**

**Acceptance of Resignation of Public Works Director Nick Waldbillig and appointment of Gene VanHavermaet**

It is hereby resolved by the City of Rockville, Minnesota that:

WHEREAS; In September of 2014 the Rockville City Council approved of hiring Nick Waldbillig as the City's Public Works Director; and

WHEREAS; On April 4, 2018 Nick Waldbillig submitted his written resignation of said position effective April 18, 2018; and

WHEREAS; In December of 2014 the Rockville City Council approved of hiring Gene VanHavermaet as the City's Maintenance Mechanic Person; and

WHEREAS; VanHavermaet since his employment with the City has demonstrated competent, responsible, reliable and continued growth in the knowledge and understanding of dealing with the aspects of the public works department; and

THEREFORE; The City Council accepts Public Works Director Waldbillig letter of resignation and thanks him for his years of service to the City of Rockville.

FURTHERMORE; The City Council with a desire to appoint from within, employees that have demonstrated the abilities and knowledge required and needed to fill said position hereby appoint Gene VanHavermaet as the City's Public Works Director effective April 19, 2018 at the City Compensation Step Rate of Step 8, Group XIV

Adoption by the City Council of the City of Rockville on this 11<sup>th</sup> day of April, 2018

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Duane Willenbring, Mayor

ATTEST:

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Martin M. Bode, City Administrator

MAINTENANCE MECHANIC PERSON – The City of Rockville is currently accepting applications for the position of a full-time Maintenance Mechanic person. Under the supervision of the Public Works Director, this position will be responsible for general maintenance duties for equipment, streets, buildings & grounds, and a general understanding of water & sewer operations. Must have a valid Commercial Driver’s Class B License, one year of maintenance experience and be able to obtain Class D Water license and Class D Collection system license within one year of employment. Wage range: \$17.46 –\$24.43 per hour DOQ.

Other minimum qualifications are outlined in the job description.

Applications may be obtained by contacting Rockville City Hall – 229 Broadway Street East – Rockville, MN 56369 at (320) 251-5836 Monday through Friday 8 a.m. to 4 p.m. or on the city web-site at [www.rockvillecity.org](http://www.rockvillecity.org). Applications will be accepted until April 26, 2018 – 12:00 p.m. (Noon).

Publish 04/10/18

04/17/18

04/24/18

*Cold Spring Record*

In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, room 326-w, Whitten Building, 1400 Independence Ave, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice & tdd). USDA is an equal opportunity provider and employer.  
Maintenance Mechanic. 2013.wd.doc

The City of Rockville is an equal opportunity employer.

**From:** Scott Henderson <scott@srwdmn.org>  
**Sent:** Friday, March 30, 2018 11:18 AM  
**To:** mbode@rockvillecity.org  
**Subject:** Sauk River Road - Erosion Stabilization

Marty,

I believe you were involved in the email chain earlier this year and we have a new design and the modeling shows a no rise in the flood stage downstream. The Board, last week, moved forward with the project. I will be exploring ways to fund this project with the cost probably being around \$55,000 - \$60,000.

The Board as asked me to look at utilizing our water management districts and giving the City between a 25% - 50% cost share. So, the City's cost could be anywhere from \$13,750 - \$30,000.

Let me know if you want to address the Board (can be a memo) concerning the cost a proposal.

## **Scott Henderson**

District Administrator  
524 4<sup>th</sup> Street South  
Sauk Centre, MN 56378

Phone: 320.352.2231  
Fax: 320.352.6455

