

Mayor Beyer called the July 10, 2012 Regular Meeting of the Rockford City Council to order at 7:00 p.m. The meeting was held in the Council Chambers of City Hall at 6031 Main Street, Rockford, MN.

Roll Call

Roll call was taken. The following council members were present: Beyer, Graner, Hafften and Martinson. Absent: Wenz. Also in attendance were: Engineer Statz, Attorney Couri, Public Works Supervisor Peterson and Administrator Carswell.

The Pledge of Allegiance to the Flag was given.

Approve Consent Agenda/Set Agenda

Motion was made by Graner, seconded by Hafften to approve all the items listed on the consent agenda.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, and MARTINSON.

***Approve Regular Council Minutes/June 26, 2012**

Motion was made by Graner, seconded by Hafften to approve the minutes of the June 26, 2012, Regular Council Meeting.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, AND MARTINSON.

***Approve Payment of Claims**

Motion was made by Graner, seconded by Hafften to approve the payment of claims #20662 to #20706 in the amount of \$132,878.58.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, AND MARTINSON.

***Approve Building Permits**

Motion was made by Graner, seconded by Hafften to approve the June 2012 Building Permits #12-52 to #12-73.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, AND MARTINSON.

***Resolution #12-32 Approve Investments**

Motion was made by Graner, seconded by Hafften to approve Resolution #12-32 to approve investments.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, AND MARTINSON.

***Resolution 12-33 Establishing a Slate from Which to Choose Election Judges For the Primary Election August 14, 2012 and Establishing Fees for the Same.**

Motion was made by Graner, seconded by Hafften to adopt Resolution 12-33 establishing a slate from which to choose Election Judges for the Primary Election August 14, 2012 and establishing fees for the same.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, AND MARTINSON.

***Resolution 12-34 Performance Measures**

Motion was made by Graner, seconded by Hafften to adopt Resolution 12-34 approving the performance measures in order to receive a per capita reimbursement in 2012 and levy limit exemption from calendar year 2013.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, AND MARTINSON.

***Schedule General Fund Budget Workshop Meeting**

Motion was made by Graner, seconded by Hafften to schedule the general fund budget workshop meeting with staff for August 21, 2012 at 5:30 pm at the Public Works Facility.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, AND MARTINSON.

8870 Autumn Oaks Drive/Haberman

Mr. Haberman of 8870 Autumn Oaks Drive was present to discuss the development of his residential lot to include a new garage. Mr. Haberman owns a corner lot in which has two front yard setbacks one side yard setback and one rear yard setback. The home was built facing Autumn Oaks Drive which is the longest front yard and so the side of his house is adjacent to what is considered a rear yard instead of a side yard. The rear yard setbacks are more restrictive than side yard setbacks. The city staff has informed Mr. Haberman that the side of the lot that he wants to build his garage next to is considered his rear yard and has a setback requirement of 25' for an attached garage or 8' for a detached garage. Mr. Haberman is requesting that the city council pass a resolution or motion identifying the front, rear and side yard lot lines on his property that are identified by the way the home was built on the lot.

Mr. Haberman said his building is considered non-conforming and the city ordinance has pushed us into a corner. The house was built according to the regulations in 1996 when it was constructed. Putting a label on a property and calling it a non-conforming use is not something that Mr. Haberman is happy about and he is concerned that this will lower the value of his property.

Attorney Couri suggested that some cities allow additions on non-conforming uses if they do not increase the non conformance issue. Carswell was not sure that the city's non conforming ordinance allows expansion. Mr. Haberman was asked the size of the proposed garage which he has not yet decided.

The city council agreed that Mr. Haberman's plans should be addressed at the Board of Adjustment and Appeals or Planning and Zoning Commission. Staff will send Mr. Haberman a planning and zoning application and a check list of what needs to be submitted for a CUP or variance.

2012 Complaints January to June

The quarterly complaint log was submitted to council.

Hurst woods Erosion

The developer of the Hurst Wood Addition hired an engineer to design plans to repair the erosion of the "wetland" which is now being referred to as "channel restoration". The channel restoration project was bid with an alternate and base bid. The lowest bid for the base bid is from Sunram Construction for a cost of \$24,766 and the alternate bid is \$16,599 for a total cost of \$41,365. The developer has stated they are not willing to pay the entire amount of constructing the "channel restoration" but only are willing to pay one half of the base bid or \$12,000.

Engineer mark Statz submitted a report to council including the bids and the fact that the developer is not willing to pay for the entire improvement but will pay one-half of the area outlined in red on the plans.

Marty Champion the engineer for the developer Shelard Group gave history of the development since Shelard has taken over the development when Darrell Farr went bankrupt. Champion noted that Shelard Group has been completing punch list items since 2008 and this was never on the punch list. Shelard Group has been working on the wetlands which were not approved. The city approved the grading and utilities. Shelard Group has paid for what they feel is

their responsibility but they do not feel that this is wholly their responsibility. Shelard Group is hoping that they can keep a good relationship with the city as they have many lots left to develop that are part of Hurst Woods.

Martinson asked about upstream and feels that this should be part of this project. Campion stated that the significant rain events exceed the design plans but for six years prior to these rains there were no problems with erosion.

Statz stated that the city never approved or accepted the wetland area. Campion stated that the developer has been working on maintaining buffer plantings upstream and feel that this area is established and should not be an issue.

Attorney Couri was present and stated that the developer's agreement requires the developer to maintain the wetland for a period of at least 5 years which has never been done to date. The developer's agreement states that the developer shall adhere to the 1991 Wetland Act which they have not. The project needs to be done upstream and down stream to per Graner and Martinson. Statz stated that the upstream and downstream measures are rocks pushed down into the ground. Martinson said he doesn't want to see this area behind property owners continue to erode and feels that the entire project upstream and downstream should be constructed.

Graner asked why the city is involved in this when it should be the developer and the homeowner. Couri stated that the city owns the easement and since the developer has not completed the wetland monitoring the city needs to step in and enforce the conditions of the developer's agreement.

There were further questions about what impact are these changes in the middle of the channel will have upstream and down stream.

Carswell noted that the city has a letter of credit in the amount of \$82,600 for the Hurst Woods 1st addition and has the option to call a default of the developer's agreement after giving a 5 day notice and then use the letter of credit to complete the channel restoration project.

Motion was made by Martinson, seconded by Hafften to authorize the city administrator to send a letter of default to the developer and to draw on the letter of credit for the Hurst Woods channel stabilization project.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, AND MARTINSON.

Brief recess was called as Mayor Beyer had to leave. Acting Mayor Graner reconvened the meeting at 8:37 p.m.

Rockford Fire Department Compensation Policy & Bylaws

Administrator Carswell was directed by council to draft a compensation policy for the fire department that would include the details that will not be listed in the fire department bylaws. The fire department put together a policy also and submitted to council for review.

Questions council had included computer security- if the members are at a non mandatory training and a call comes in do they still get paid. Training compensation is only for two training meetings per month. Non mandatory meetings will not be compensated but paid for a call if that comes in. If a call comes in and only 4 people are needed but 10 come in they will stay at the station in the case of another call or may be needed to assist and will be paid. It was noted that City fire department employees that answer the fire calls while working for the city will not be compensated by the fire department as they will be compensated as a city employee.

Chief Ben Sanderson stated that the department wants pay to be rounded up to .5 hour increments but the city council and staff agreed the norm is to round up to .25 hour. The compensation policy will include one hour minimum for

each call. The two mandatory training meetings will be paid at 3 hours each. Chief Sanderson noted that nine months out of the year the fire department conducts three 3 meetings per month.

Cowboyz Redevelopment Project/David Fisher

David Fisher presented a conceptual plan for a new restaurant/bar to replace Cowboyz which was destroyed by fire in May. The plan also includes two volleyball courts outside seating and parking along the levee. One of the buildings that remain on the old site at 6030 Main Street is being tested by a structural engineer and the owners would like to add a second floor if it is found structurally sound. David Fisher feels that Main Street would be an ideal location for the Crow River Food Co-op and he would lease them the old Cowboyz building and noted that he has a large cooler that the Crow River Food Co-op could use. This building is about 4,000 square feet. Mr. Fisher would discuss having a band outdoors like Delano does in their downtown to bring some entertainment to Rockford. David Link an Architect from One Source is working with Mr. Fisher and will provide plans for his proposal in the near future. Mr. Fisher also stated that he has started the Cowboyz Community Fund that can provide funding for youth athletic groups, etc.

Open Forum

Acting Mayor Graner called open forum and no one was present to speak.

Deputy Clerk's Report

The Primary Elections will be held Tuesday, August 14, 2012 from 7am to 8pm. The laws stated that Council is unable to conduct business during election hours.

Motion was made by Hafften, seconded by Martinson to cancel the August 10th regular council meeting due to the primary elections.

Motion carried voting in favor: Graner, Hafften and Martinson.

Engineer's Report

The engineer presented a report on the following items: levee improvements, Parkwood 3rd addition, downtown master plan, TH 55 utility project, 2030 CIP Streets/utilities plan. Dennis Peterson stated that he was getting a bid to repair a section of Walnut Street that will be presented at a future meeting.

Council Reports

Martinson – Martinson talked about the Veterans Memorial in the center of Riverside Park between the 2 parking lots and will discuss with the Park & Recreation Department.

Hafften – had nothing to report

Graner – had nothing to report

ADJOURNMENT

Motion was made by Hafften, seconded by Martinson to adjourn the meeting.

MOTION CARRIED-VOTING IN FAVOR: Graner, Hafften and Martinson

Acting Mayor Graner adjourned the meeting at 9:30 p.m.

Michael Beyer, Mayor

Nancy Carswell, Administrator