

Mayor Beyer called the August 9, 2011 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 6031 Main Street, Rockford, MN.

ROLL CALL

Roll call was taken and the following council members were present: Beyer, Graner, Hafften, Martinson and Wenz. Absent: none. Also in attendance were: Attorney Couri, Engineer Statz, Administrator Carswell and Public Works Supervisor Dennis Peterson.

The Pledge of Allegiance to the Flag was given.

***SET AGENDA/CONSENT AGENDA**

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

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

***Approve Regular Council Minutes/July 26, 2011**

Motion was made by Graner seconded by Hafften to approve the minutes of the July 26, 2011, Regular Council Meeting.

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

***Approve Special HRA Minutes/July 26, 2011**

Motion was made by Graner seconded by Hafften to approve the minutes of the July 26, 2011 Special HRA Meeting.

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

***Approve Payment of Claims**

Motion was made by Graner seconded by Hafften to approve the payment of claims #19404 to #19463 in the amount of \$108,317.38.

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

***Approve Building Permits**

Motion was made by Graner seconded by Hafften to approve the building permits #11-61 to #11-80.

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

***Resolution #11-35 Approve Investments**

Motion was made by Graner seconded by Hafften to approve Resolution #11-35 to approve investments.

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

***Resolution #11-36/Schedule Truth & Taxation Hearing**

Motion was made by Graner seconded by Hafften to approve Resolution #11-36 to schedule the Truth & Taxation Hearing for Tuesday, December 13, 2011 at 7:00 pm and the continuation hearing shall be scheduled for December 27, 2011 at 7:00 pm if needed.

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

***Approve Contract for 2011-2013 Audit Services/Abdo, Eick & Meyers**

Motion was made by Graner seconded by Hafften to approve a three year contract for Audit Services with Abdo, Eick and Meyers from 2011 to 2013 as presented and authorizes the Mayor and Administrator to sign the agreement on behalf of the City.

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

***Review 2011 Complaints/Zoning Violations**

Motion was made by Graner seconded by Hafften to accept the January – June 2011 complaints/zoning violations.

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

OPEN FORUM

Heart Safe Community Presentation – Kim Bemenderfer from Allina Hospital along with Katie Kensey and Brian from Allina Ambulance. In the past few years they have installed 15000 AED in cities though this program. Awareness, training and placing AED in public places based on these and a point system communities Rockford Fire Dept, Rockford Lions, Community Ed have all worked hard needed 300 heart beats, 1500 people trained and over 150 trained in the past year and 14 AED's in the city. We have accumulated more than 300 heart beats and is now considered a Heart Safe Community.

Mayor Beyer called for open forum; no one was present to address council.

Swimming Pool Ordinance Compliance

In early July staff made their annual on-site inspections for conditional use permits (CUP) of home sites with swimming pools. The inspection is to make sure the property owners are in compliance with the CUP. While driving around, staff noted several homes without CUPs for pools that appeared to meet the requirements: 2,000 gallons or a depth of over 3 ½ feet.

Staff sent letters and information to the property owners regarding the requirements on how to apply for a conditional use permit or to remove the pool. Since this time most residents have called City Hall stating they did not know a CUP was required. Some plan to apply for a CUP while others thought the requirements were too strong and requested council review the ordinance.

Resident's concerns: already have fence in place (may not be 5' in height and/or may be considered climbable), the fence requirement in general, the gallon size should be higher and the location of pool being at least 6' from the structure.

The MN State code states ANY pool over 5,000 gallons and over 24' require a permit, but the Building Official stated most cities only require a building permit for any in-ground or permanent pool. Also, the State of Minnesota does not require a fence.

Council was provided information from the City of Delano and the City of Independence on how they regulate pools. Also a full copy of Ordinance #1001.09, Subd. 8 and Subd. 9.

Bruce Rund 8765 Autumn Oaks Drive has a pool and addressed the city council his pool has a safety cover and his backyard is fenced. He thinks that the city ordinance is over doing it, thinks the city should change the regulations to a 5,000 gallon pool. Now the pool that has a height of 3.5" requires a CUP. He

doesn't care about the CUP but feels the ordinance is too restrictive. Martinson said his concern is the fence with a locked gate not the gallons of the pool to ensure safety.

Bruce says that there are many pools in the city without a permit and all should be treated evenly.

Bruce suggests the requirements be changed to only require a CUP with 3,000 gallons. Maybe just say if the pool is 3.5' and/or 5,000 gallons.

John Baney 7017 Kettenacker Drive has a pool they take down every summer. His concern is with costs of the pool covers that meet safety standards. His pool is 6,800 gallons and 5' high and he doesn't see the reason why he should have to install a 5' high fence. Deputy Clerk Etzel recommended he talk with the building inspector over some of his questions. In talking with the building inspector they said other cities do not require fencing for pools. Baney noted he has a 3' high fence and suggests the city allow a 4' tall fence which is not as intrusive as a 5' fence.

The council discussed changing the ordinance to remove the 3,000 gallon and leave the 3.5' height pool to determine what pools require a CUP. There was also discussion about using the 5,000 gallon pool as the requirement for a CUP. However, in conclusion the city council asked that the planning commission research pools and best safety practices for the city zoning ordinance and to make a recommendation to council after a public hearing. Carswell noted that the soonest the planning commission could conduct the public hearing will be September 8, 2011.

MOTION was made by Martinson, seconded by Wenz recommends Planning Commission research ordinance #1001.09 in regards to the swimming pool ordinance.

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

Approve Mold Remediation/Stork House 24 Restore

A study has been completed that shows what needs to be done as far as the mold that has become evident at the Stork House. What about a warranty? How are we going to prevent mold? Put in fans and dehumidifiers as suggested by the HVAC inspector.

Staff has received two quotes; unfortunately there are no local contractors who perform this type of project. The following are the contractors and their quotes: 24 Restore \$10,056.51 and Royal Renovations \$15,964.35. Both have experience with working on historical structures.

Staff recommends the City Council approve the bid from 24 Restore and to enter into a contract for the project. The city revised the budget which included money to be transferred into the Historical Society fund to cover the cost of the mold remediation.

MOTION was made by Graner, seconded by Hafften to hire 24 Restore to remove the mold at the Stork House at a price not to exceed \$10,056.51 and authorized the Administrator to sign a contract.

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

Storm Water Complaint/3877 Haug Avenue

The property owners Nate & Sanna Kariniemi 3877 Haug Avenue SE sent an email to Administrator Carswell for the city council to review in regards to their claim that was denied by the LMCIT. The Kariniemi's feel that the city is responsible for the water damage to their basement due to heavy rains.

Kariniemi's feel that if the city would not have constructed the road to Marsh Run that this damage would not have occurred on their property.

Attorney Couri discussed the email from Kariniemi's in regards to the flooding of their basement. Since the Kariniemi's were not present this item was tabled to the September 13, 2011 meeting.

Administrator's Report

Council reviewed the administrator's report including the following items: flood control levee, August 22 open house at 7:00 pm to review two concept design plans at Riverside Park in the Lion's Building, State survey regarding consolidation, City Hall building being spruced up, AED has been installed at City Hall, staff is meeting with the insurance agent to discuss health insurance options for 2012 on August 10th, Metropolitan Mosquito Control may spray for River Days and Movie in the Park – not sure of the cost, Mark Davis will be recording the Parade (announcers will be Administrator Carswell and Denise Kesanen) and the coronation, slogan results will be sent to Council on Thursday – Administrator Carswell will invite this person to accept the \$100 check the HRA offered if their slogan was selected, staff has been trained on the new website, Administrator Carswell attend the Wright County Administrator's meeting along with the school superintendents and discussed the differences between funds to school districts, staff has not put together the financing for the sewer and water upgrades along Highway 55, Administrator Carswell and Joanne Foust are meeting with the Long Lake Coop Manager to tour their store and gather information and the city has been notified by our claims adjuster that the flood claim filed by the Kariniemi's located at 3877 Haug Avenue was denied.

Public Work's Report

Council reviewed public work's report including the following items: street maintenance, lions building maintenance and water main repair on Autumn Oaks Drive.

Engineer's Report

Council reviewed the engineer's report including the following items: Parkwood 3rd Addition, Downtown Master Plan, 2010 Street Improvements, Parkwood Park Master Plan, staff will be preparing financial information on the sewer and water improvements along TH 55 outlined at the last City Council meeting and staff is working with the Shelard Group, the Hurst Woods Developer's to repair a slope failure that occurred during a recent rain. Statz is going to contact the owners of Hurst Woods about the retaining walls. Bonestroo has been acquired by an engineering firm from Canada and they don't foresee any changes in the service they have been providing.

Council Report

Martinson noted there is a lot of storm water run off at the public works site by the new facility. Dennis Peterson the public works supervisor stated that he has already contacted the contractor to come out and repair it.

Adjournment

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

Mayor Beyer adjourned the meeting at 9:05 p.m.

Michael Beyer, Mayor

Nancy Carswell, Administrator