

Mayor Beyer called the August 14, 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, Hafften, Martinson and Wenz. Absent: Graner. Also in attendance were: Attorney Bob Ruppe, Administrator Carswell, Engineer Statz, and Public Works Supervisor D. Peterson.

The Pledge of Allegiance to the Flag was given.

***Approve Consent Agenda/Set Agenda**

Motion was made by Martinson seconded by Wenz to approve all the items listed on the consent agenda.

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

***Approve Regular Council Minutes/July 24, 2012**

Motion was made by Martinson seconded by Wenz to approve the minutes of the July 24, 2012, Regular Council Meeting.

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

***Approve Payment of Claims**

Motion was made by Martinson seconded by Wenz to approve the payment of claims #20761 to #20832 in the amount of \$87,323.45.

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

***Approve Building Permits**

Motion was made by Martinson seconded by Wenz to approve the July 2012 Building Permits #12-74 to #12-89.

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

***Resolution #12-39 Schedule Truth and Taxation Hearing**

Motion was made by Martinson seconded by Wenz to approve Resolution #12-39 to schedule the Truth and Taxation Hearing for December 11, 2012 at 7pm in the Council Chambers of City Hall, 6031 Main Street, Rockford, MN and the continuation hearing shall be scheduled for December 26, 2012 at 7pm if needed.

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

***Resolution 12-40 Certifying the 2012/2013 Levy for the Fire Relief Association**

Motion was made by Martinson seconded by Wenz to approve Resolution 12-40 to accept the financial report as presented and levy a financial contribution to the Fire Relief Association Special Fund for the year 2012 in the amount of \$212.00.

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

Resolution #12-41/Conditional Use Permit-8870 Elm Street- Antenna's Tower

Administrator Carswell noted that Sprint has requested permission to upgrade the antennas on the tower at 8870 Elm street which requires a (CUP) Conditional Use Permit. The planning commission held a public hearing for the CUP

and recommends approval with the conditions listed in the resolution. Engineer Statz reported that they reviewed the plans for the upgrades.

Motion was made by Hafften, seconded by Martinson to approve Resolution 12-41 approving a conditional use permit for 8870 Elm Street to allow Sprint antenna's and ground cabinets on the Tower at 8870 elm Street.

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

Resolution #12-42/Convey Tax Forfeited Land to City/Lot 28 Marsh Run Development

Administrator Carswell noted that Wright County tax forfeit committee met and discussed the sale price for tax forfeit land in the county including the lot in Rockford PID #113-043-001280 and recommended that the lot be sold to the City of Rockford for \$1 plus fees. The city was forced to pay special assessments on this lot that totaled up to \$90,000. Once the city acquires the land they will sell it to a developer for affordable housing and get the property back on the tax roll. This parcel which is approximately 1.5 acres is adjacent to the Marsh Run town homes.

Motion was made by Hafften, seconded by Wenz to approve Resolution 12-42 Acquisition of Tax Forfeited Land, Lot 28 Marsh Run Development.

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

Review Costs of Channel Restoration/Hurst Woods

Carswell stated that at the July 10th council meeting the city council directed staff to send a letter of default to Shelard Capital regarding the Hurst Woods development. After giving 5 days notice staff was authorized to draw down on the letter of credit to pay for the channel restoration and acquire the land necessary for the wetland mitigation.

Attorney Bob Ruppe stated that since that time Attorney Couri negotiated with Shelard Investment and they have reported that they have no assets and the letter of credit is worthless. Shelard Investment did offer to contribute \$35,000 towards the channel restoration project, with the conditions that they would not be financially responsible for anything in the Hurst Woods subdivision.

Attorney Ruppe noted that if the city tries to draw on the letter of credit and there is no money the city would have to sue the developer which could be costly. At the minimum the attorney suggested that the city negotiate as it will be less costly.

Now the discussion went on to decide whether the city should restore the entire channel or only the portion which is listed as the "base bid" where there has been extreme erosion. The costs for constructing the entire channel project are \$42,000 which was the low bid from Sunram.

Mark Statz stated that the engineering inspection costs include inspections on the full time basis at the cost of \$12,000 for the base bid area and \$4,000 for the alternate bid. Beyer said the cost of the project has grown too much and he expressed his concerns about the amount of engineering fees. Statz stated that the engineering costs are for a full time inspector to be on site during the construction of the project to ensure it is built as designed. Hafften discussed having an inspector onsite 2 or 3 days per week at 4 hours per day. Statz said that since the developer is going to walk away from this project without any further financial responsibility was the reason Stantec built in the additional inspection. There was a lengthy discussion about the number of hours necessary for an engineer on site to inspect this project.

Mr. Fantauzza property owner of 4061 Maple Hurst Drive in Hurst Woods subdivision addressed the city council and stated that he is familiar with construction and he has reviewed the plans and would prefer Wenk Engineers inspect the

project. Mr. Fantauzza talked with Sunram the contractor and they noted that the job will take about 10 days total. If Wenk will inspect this project since they designed it Mr. Fantauzza offered to pay \$4,000 cash towards the project.

Mr. Fantauzza spoke with Sunram Construction and they are a 30 years history as a family owned business. Statz said Sunram has done work for the city before and constructed the canoe launch. Statz said that it may be a good idea to ask Wenk to inspect the project since they are a third party and they designed the project. Mr. Fantauzza agreed to contribute \$4,000 towards the construction of the channel restoration.

Staff will contact Wenk Engineers to find out if they are willing to inspect the construction of the project and the cost.

In conclusion the council discussed the \$35,000 offer from Shelard and the mayor said he is above where they were the last time we met on July 10th. Ruppe noted that the city council should be aware that the PCA may still have some input on the mitigation plans.

The council discussed the current engineering invoices that the city has incurred from the Hurst Woods development and that these should be paid by the developer along with the \$35,000. Before the motion was voted on it was noted that the city administrator has the authority to approve expenses up to \$5,000.

Motion was made by Hafften, seconded Wenz to accept the \$35,000 financial contribution from Shelard Investment, plus any past invoices incurred from Stantec Engineers, authorized Administrator to contact Wenk Engineers to contract for the inspection of the project including at key mile stones as per the design not to exceed \$6,000, however, the city administrator has the authority to approve a higher amount as authorized by the council.

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

Review Fence Proposal/5512 Sunset Circle-Unsafe Excavation Site

Carswell introduced the status of the unsafe excavation at 5512 Sunset Circle due to a fire that destroyed the house over two years ago. The property owner is asking that the city council allow them to put up a black metal fence around the site. The city will also move the trailer that is parked on the site if we have to contract the work to be done and will notify the property owner of this after the 15 days has lapsed.

Motion was made by Martinson, seconded by Hafften to send the certified letter giving them 15 days to fill the unsafe excavation however, it is not completed the city will contract to have the excavation filled and assess any costs incurred to the property.

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

Open Forum

Mayor Beyer called open forum. Nancy Carswell was awarded the Aquatennial Honorary Commodore's medal at the River Days celebration for her community involvement and volunteer work.

Administrator's Report

Carswell presented the administrators report. The sewer backup on Main Street was discussed Dennis and Couri are traveling to review the materials that the contractor said they found in the sewer pipe prior to the backup. The electric Speed sign on County road 33 was discussed and is outdated. D. Peterson will submit costs to repair the sign at the next regular meeting.

Council Reports

Martinson – river days was a success

Hafften – had nothing to report

Wenz –thanked the public works crew for how nice the city looked for the river days celebration

Beyer – thanked every one for voting for him for the 4th district Wright County commissioner

ADJOURNMENT

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

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

Mayor Beyer adjourned the meeting at 9: 53 p.m.

Michael Beyer, Mayor

Nancy Carswell, Administrator