

Mayor Beyer called the October 12, 2010 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.

The Pledge of Allegiance to the Flag was given.

ROLL CALL

Roll call was taken, the following council members were present: Beyer, Graner, Hafften, Martinson and Nichols. Absent: none. Also in attendance were: Attorney Couri, Planner Dan Licht, Administrator Carswell and Public Works Supervisor D. Peterson. Engineer Statz arrived at 7:07 p.m.

MANUFACTURER'S WEEK PROCLAMATION

Mayor Beyer proclaimed the week of October 25th, 2010 as Manufacturer's Week. The City will celebrate Manufacturer's Week on Thursday, October 28, 2010 from 7:30am-8:30am at MN Diversifoam Products, located at 6901 West Road, in Millennium Industrial Park.

***CONSENT AGENDA/SET AGENDA**

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

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

***Approve Council Minutes/September 28, 2010**

Motion was made by Nichols, seconded by Graner to approve the minutes of the September 28, 2010 regular Council Meeting.

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

***Approve Payment of Claims**

Motion was made by Nichols, seconded by Graner to approve the payment of claims #18257 to #18309 in the amount of \$89,140.82.

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

***Approve Building Permits**

Motion was made by Nichols, seconded by Graner to approve the building permits #10-97 to #10-116.

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

***Resolution #10-51 Approve Investments**

Motion was made by Nichols, seconded by Graner to adopt Resolution #10-51 approving investments.

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

***Resolution #10-52 Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment in Connection with the 2010 Street and Sidewalk Improvements**

Motion was made by Nichols, seconded by Graner to approve Resolution #10-52 to declare costs to be assessed and ordering preparation of proposed assessment in connection with the 2010 street and sidewalk improvements.

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

***Resolution #10-53 Calling Hearing on Assessments for Street & Sidewalk Improvement of 2010**

Motion was made by Nichols, seconded by Graner to approve Resolution #10-53 to call hearing assessments for street and sidewalk improvement of 2010.

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

***Pay Request #1 2010 Street Improvement**

Motion was made by Nichols, seconded by Graner to approve pay request #1 for the 2010 Street Improvement project.

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

OPEN FORUM

Mayor Beyer called for open forum and no one from the public spoke.

Parkwood Revised Preliminary Plat

The Planning Commission reviewed the application submitted by Lennar and the Wagner Family for a revised preliminary plat for the Parkwood residential subdivision. The Planning Commission held a public hearing on September 30, 2010 to review the revised preliminary plat application and recommended approval with conditions as listed in the resolution.

Planner Dan Licht went over the details of the revised preliminary plat for the residential Parkwood development. The original preliminary plat for Parkwood included 341 units including 88 town homes and 253 single family homes. A western access was required as part of the original plat stating once 180 units were constructed the west access must be built. The revised plat includes 181 lots and staff has recommended that the lots 4 and 5 Block 10 is combined which leaves a total number of 180 lots. The revised plat does not include a western access now that there are fewer lots.

The green space where more town homes were planned will be deeded to the home owners association with restrictions that will not allow any further units to be built. A landscape plan for this green space area will be submitted to staff for review and approval.

A portion of Linnea Parkway will be constructed to the west of the park land and end with a cul-de-sac. The future development of the Wagner property to the west will allow twenty four (24) R-1 Single Family zoned lots that will be approved once a developer is ready to proceed with construction. The Wagner property is currently platted as an out lot. The road will be extended to the Wagner property at that time. The city will require that a sign will be posted on the dead end of Linnea Parkway stating "future through street".

The lot requirements applicable to the revised Parkwood preliminary plat, except the Wagner out lot, remain unchanged and the minimum are as follows: Lot area 10,800 SF, lot width 80ft, lot depth 120 ft., front setbacks 20 ft., side setback 10 ft and rear setbacks 35 ft.

Transportation fee was required per lot and will still be required at an inflated cost for the future traffic signal at Autumn Oaks Drive and Highway 55.

The park dedication from the original plat included the deeding of an estimated 9.9 acres of park land. The park land is currently under the ownership of US Homes and will be deeded to the city. Some nature trails were part of the original plat that was to be constructed by the developer's. Staff has noted that maintaining the trails in the wetlands that are flooded in the spring are not feasible. Therefore, the engineer provided estimated costs of constructing these nature trails and suggests that the city receive cash in lieu of the trails or part of the trails be installed and remaining cash be dedicated to the city for the future development of the park. The park land must be graded and seeded by the developer. Joe Jablonski was present and stated that the grading equipment is on site now ready to start grading the park. Mr. Jablonski however stated that the grading of the park will not begin until the city council has approved the revised plat. Attorney Couri noted that since the developer's agreement has not been approved by all parties including the Wagner family that the city council will not approve the plat tonight.

The city council expressed their frustration with US Homes/Lennar in regards to the park land grading. The developer had told staff that the park land grading would begin after the public hearing at the planning commission on September 30, 2010 and now they are not willing to begin until the final approval by the city council. There was some discussion about holding a special meeting so that the park land could get graded sooner. However, attorney Couri noted that the Wagner family has been out of town and they still have to review the agreement with their attorney. There are issues between the town developers on who will be responsible for what costs. The next city council meeting is scheduled for October 26, 2010.

Review Ordinance #10-07 Alcohol Consumption

At the September 28, 2010 city council meeting, staff was directed to address the concern of alcohol consumption on city owned property. The city attorney suggested the city establish a policy to require renter's to provide the city proof of liability insurance coverage in the amount of \$500,000 if they choose to serve alcohol at city owned property and also agrees to indemnify and hold harmless the City of Rockford from any and all claims, demands, costs, damages, loses, action and causes of action or judgments. If a renter is going to sell alcohol a license is required.

Staff has drafted Ordinance #10-07 regarding Alcohol Consumption Section 510 along with a draft ordinance for council approval. The city council wondered about the cost of the insurance waiver and decided that they would each check with their own insurance agent to find out the cost for a waiver to cover a city building for consumption of alcohol with a limit of \$250,000 and \$500,000 and to provide that information to staff prior to the next council meeting.

Engineer's Report

Statz provide a copy of the engineers report including the following: Parkwood review, 2010 street improvement project and committee meeting for RFP for wastewater operator.

Administrator's Report

Council reviewed the administrator's report including the following items: staff has completed the online applications for insurance quotes for 2011, the 2010 Street & Sidewalk Project has proceeded smoothly, RiverWorks is trying to organize some winter holiday events, Administrator Carswell and Public Works Supervisor Peterson will be attending a "Team-Building, Mentoring and Coaching Skills" for managers and supervisors on October 29th, utility disconnect notices are available to cities beginning on October 15th, Fire Chief Kevin Reed has been sent an email inquiring as to the process for appointing the 2011 Fire Chief, and Jim Wylie the new office assistant provided by Senior Services of America, Inc. has been filling in the gaps at City Hall.

Mayor's Report

Mayor Beyer informed council that he attended the City of Greenfield council meeting to discuss the proposed Fire Charges ordinance for accidents and fires within the service district. Mayor Beyer stated that the intent of the ordinance was well accepted by the City of Greenfield.

Mayor Beyer will attend a Rockford township board meeting to discuss the proposal with them.

Close Session to Employee Evaluation

Attorney Couri reviewed the state law in regards to holding a closed session. The law allows the city council to close a meeting to discuss potential employee disciplinary action or to evaluate any employee. The attorney noted that the law does state that the employee does have the right to have the issue discussed at an open meeting. The employee has been notified and chooses not to have the evaluation discussed at the open meeting.

Mayor Beyer closed the meeting at 8:29 p.m. for an employee evaluation.

Mayor Beyer reconvened the regular meeting at 10:10 p.m.

Miscellaneous

Dennis Peterson discussed hiring a micro-biologist to study the industrial wastewater coming into the city's treatment facility. There was some discussion about using a college student through some type of grant program.

Graner asked if the city has a policy about employee's face book and noted some problems with things that are posted on face book by employees.

Adjournment

MOTION was made by Graner, seconded by Nichols to adjourn the meeting.

Mayor Beyer adjourned the meeting at 10:26p.m.

Michael Beyer, Mayor

Nancy Carswell, Administrator