

**MINUTES FROM A JOINT WORKING SESSION OF THE ROCKVILLE CITY COUNCIL,  
PLANNING COMMISSION & STAFF HELD TUESDAY, MARCH 11, 2008 – 7:30 P.M. –  
ROCKVILLE CITY HALL**

The meeting was called to order by Mayor Brian Herberg. Attending the meeting were: City Council: Brian Herberg, Vern Ahles, Jim PflEPSen & Don Simon. Absent: Susan Palmer, Randy Volkmuth, and Jeff Hagen.

Planning Commission: Toni Honer, Jerry Bechtold, Dan Hansen, Jerry Tippelt & Steve Dietman  
Staff Members present: Rena Weber, Judy Neu & Attorney Jim Mogen.

Also present: Shoreland Ordinance task force members present were: Scott Palmer, Bill Becker, & Paul Wirth.

Mayor Herberg announced that the Special Meeting had been called for the purpose of reviewing the proposed Shoreland Ordinance as well as Transfer of Development Rights and A-10 Ordinances.

**MIKE NISTLER USE OF BARN FOR BARN DANCES/WEDDING RECEPTIONS** – Mike Nistler was present to inform the group of what he would like to do with his barn. The options as Attorney Jim Mogen indicated were: amend the ordinance to allow for such use or a conditional use permit under the agricultural oriented business.

Concern was voiced for: ample parking, water, sewer, building code.  
Doug Rhuland, attorney for Mike Nistler was present to request the council to expand the uses under the agricultural uses or to rezone, or to just get some direction.

Dan Hansen – was okay with the use for barn dances, but concerned that not all barns be allowed to do this. Attorney Mogen indicated that you would have to restrict this with conditions.

Member PflEPSen offered that a study of the facility be done first. We have a business already in the city that offers this service and is in the right zoning district. Member PflEPSen suggested that the fire department and building official review it.

Attorney Mogen indicated the Nistler's should be filling out an application first and then have the building official or fire chief give a report.

Jerry Bechtold suggested that a sub-committee go out to the site and review it first.

Task Force is – Brian Herberg, Dan Hansen, Toni Honer, Vern Ahles, Don Simon.  
6:30 – 3/18/08 meet at the Nistler site.

**SHORELAND ORDINANCE** – Chair Honer asked if there was any concern: Don Simon voiced concern that lot sizes are quite large – we have sewer around the lakes. He also voiced concern about access lots and that they can't do very much. The issue on vegetation is also a concern and he cited an article in Outdoor News where in North Dakota they spray herbicide in the cattails along ponds to curb the black birds populating. Here we have just the opposite.

Jerry Bechtold indicated that here we are talking about deep water lakes and in North Dakota they have shallow ponds. They also want to have grasses so that the birds do not nest. We are looking at Shoreland to keep sediment out of the lakes.

Scott Palmer referred to Stearns County ordinance that we were functioning under until the sewer was placed. They do make a distinction between sewerred and unsewerred lakes. The Alternative Shoreland recommends doing away with the sewerred distinction due to the fact that there is significant damage to lakes where you allow more density.

Bill Becker reported that they now have the water results from Pleasant Lake and feel that there may be more fertilizing going on. It is now 14.8 and was 6.7 in 2007.

Mayor Herberg suggested a permitting process for fertilizing.

Jerry Tippelt suggested we do more educating in the newsletter. He also suggested soil testing be done.

Jim Pflapsen voiced concern that 45% of the city of Rockville is at threat for groundwater contamination.

Jim Pflapsen questioned page 10 – subdivision 16. Natural vegetation and topography shall be regulated and maintained to prevent erosion into public waters, fix nutrients, infiltrations rainwater runoff, preserve Shoreland aesthetics and historic values, prevent bank slumping, limit direct and indirect impacts on water quality, and protect fish and wildlife habitat. Will this apply to structures that are rebuilt?

Scott Palmer indicated that the task force did not think something too strict would work so this is a modified version and what is more realistic. A storm water ordinance is forthcoming that will address these issues.

Don Simon questioned the 6' wide allowance for single access path. His wife is handicapped and this could be an issue.

Discussion was held regarding this issue and Toni Honer indicated that we would require replacement of vegetation in another area of the lot.

Bill Becker asked that we go back and review this area and come back with something that more reflects the suggested alternative ordinance, but not as strict.

Mayor Herberg suggested that if they are tearing down the cabin they should be planning on doing the right thing, but adding on – maybe not.

Scott Palmer brought up discussion again on Susan Palmer's concern of using the line test when a new house is built.

Mayor Herberg voiced concern that nothing occur in the 50' impact zone.

Chair Toni Honer suggested something that uses a percentage of 20% - if you exceed this, then you have to do more to preserve the shore impact zone.

Attorney Mogen indicated that some of this is being included in the storm water ordinance.

Don Simon voiced concern about the public accesses and the problem that is occurring there.

#### **SHORELAND MEETING – 3/20/08 – 8:00 a.m.**

Jim Mogen to draft changes on:

- 1) Strengthen up 50' boundary is more strict
- 2) Full tear downs require vegetation and come up with some other improvement where larger additions require vegetation

Jerry Tippelt questioned access lots not being allowed for non-riparian lots. He suggested the language be changed to lighten up.

The group determined that this needs to be hard and we don't want anybody to get around it.

Jim Mogen presented updated information on proposed ordinance amendments to the A-40 and transfer of development rights and also park land dedication. No action was taken.

MEETING ADJOURNED 9:15 P.M.

Submitted by Rena Weber-Administrator/Clerk

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