

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JUNE 16, 2010 - 6:00 P.M. – ROCKVILLE CITY HALL.

The meeting was called to order by Mayor Jeff Hagen. Roll Call was taken and the following members were found to be present: Mayor Hagen, Council Members: Bill Becker, John Koerber, Jerry Schmitt, Randy Volkmuth & Duane Willenbring. Absent: Sue Palmer.

Staff members present were: Administrator/Clerk Rena Weber.

Others present were: Tудie Hermanutz, Lt. Jon Lentz, Dave Volkmuth, Aaron Cheeley, Toni Honer, Ted Williams, Don Simon, Mike Hofmann, Dean Headlee, Ev Balko, Paul Betz, Jeff & Betsy Goerger

ADDITIONS TO THE AGENDA: Motion by Member Volkmuth, second by Member Koerber, to approve the additions to the agenda for discussion purposes.

AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.

OPEN FORUM – No one came forward.

CONSENT AGENDA – Motion by Member Volkmuth, second by Mayor Hagen, to approve the consent agenda as presented:

- a) **Approve minutes of 05/19/2010**
- b) **Approve Treasurer’s Report of 06/16/2010**
- c) **Approve List of Bills and Additions of 06/16/2010**

Accounts Payable CK #012114 – 012187	\$76,552.48
Payroll CK#003756 – 003769	10,203.93
- d) **Approve Pickup’n Power Sports – Malt Liquor license 7/11/10**
- e) **PLHA Fireworks Permit – 7/3/10**

AYES: Hagen, Koerber, Schmitt, Volkmuth & Willenbring

ABSTAINING: Becker

Motion passed on a 5 to 0 vote.

PLEASANT LAKE DRAINAGE UPDATE – Engineer Scott Hedlund updated the council on the status of the project stating seeding should occur tomorrow (weather permitting).

Member Becker voiced concern regarding mosquitoes nesting in the drainage area.

Member Koerber voiced concern on “the big hole” right next to the access.

Scott Hedlund further reported that the area will be planted with native grass and we do not mow it. The plan is not to have 1 foot of standing water.

Member Becker indicated that he wants the city to assist the 400 Club with removal of pipe at the lake.

Scott Hedlund the 400 Club would like the city to allow them to hook up their roof drain to the catch basin.

Member Volkmuth asked why that would be the city responsibility now.

Member Koerber stated that the City of Pleasant Lake put in the pipe originally.

Member Volkmuth indicated that the 400 Club over built their addition 15 years ago and this was done as a result of that. Member Volkmuth further voiced concern that it is on private property and the city has no easement to get on the property.

Scott Hedlund indicated that the contractor plans to start work on the city culvert on 6/28 and suggested the council meet at the site to view the problem.

Motion by Mayor Hagen, second by Member Volkmuth, to schedule a special council meeting at 5 p.m. on 6/23/10 at the 400 Club parking lot.

AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

BOARD/STAFF REPORTS

FIRE DEPARTMENT – Rena Weber reported that Dean Headlee from Centre Point Energy was present to award the fire department \$2500 to go towards the purchase of needed equipment.

Member Willenbring introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 2010-10
RESOLUTION ACCEPTING GRANT**

WHEREAS, The Rockville Fire & Rescue Department has applied to Centre Point Energy for a Grant, and;

AND WHEREAS, The Department wishes to purchase equipment with said grant.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, MINNESOTA:

1) The City of Rockville hereby accepts the \$2500 grant from Centre Pointe Energy for the purchase of an all-terrain vehicle to be used in fighting fires.

The motion for the foregoing resolution was duly seconded by Member Volkmuth with the following vote being taken:

**AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.**

POLICE DEPARTMENT – Lt. Jon Lentz was present and reported that there were 33 contract hours during the month of May. He cited the calls.

OLD BUSINESS

STONE'S & BIG DADDY'S- Paul Betz, Jeff & Betsy Goerger were present to request approval to re-locate the street dance to County Road 82. They presented a drawing of their proposal to close off County Road 82.

Paul Betz stated it would be the same as years past.

Member Becker voiced concern of no parking along the detour. Lt. Jon Lentz indicated this is something they can't enforce.

Rena Weber reported that one of the residents was not in favor of moving the dance to County Road 82.

Mayor Hagen suggested the sponsors put up fencing in front of the houses that are affected by this.

Motion by Member Volkmuth, second by Member Becker, to approve relocation of the event to County Road 82 pending:

- a. Approval from Stearns County officials**
- b. Additional fencing in front of homes affected by the event**
- c. No parking on the alternate route – have this taken care of by sponsors security people**
- d. City listed as additionally insured on the insurance certificate from each bar owner.**

**AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.**

PUBLIC WORKS – Public Works Director Rick Hansen submitted a request for council action:

SEAL COAT BID - Please approve Caldwell Asphalt to sealcoat approximately 8,331 sq yards at a price of \$0.80 per yard for a total of \$6,664.80. The Cities of Cold Spring, Richmond, and Rockville bid the seal coating together again this year.

Fund: 101-43100-317 with a balance of \$11,000.00

Motion by Member Volkmuth, second by Member Willenbring, to approve the low bid of Caldwell Asphalt as presented.

**AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.**

PLEASANT LAKE WALKING PATH - Rena Weber read the bids that were received for shouldering the newly replaced Pleasant Lake walking path:

	CLASS 2 GRANITE	CRUSHED CONCRETE
Krippner Excavating	\$9,859	\$9,100
Gene Lange Excavating	10,530	9,850
Kraemer Trucking & Excavating	12,256	10,464

The Finance Committee recommended that Public Works purchase the materials needed and spread it out. The Lion's Club could help spread the materials possibly.

Motion by Member Volkmuth, second by Mayor Hagen, to have Public Works complete the project with the use of Class 5 and help from the Lion's club as needed.

***AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

PLANNING COMMISSION – Chair Toni Honer was present to report on the following:

TED WILLIAMS VARIANCE REQUEST – 21349 COUNTY ROAD 8 –The Planning Commission considered the request of Theodore L. Williams for a variance from Shoreland Requirements. The address of the property is: 21349 County Road 8 with a legal description of: That part of Government Lot Three (3), Section Twenty-Nine (29), Township One Hundred Twenty-three (123), Range Twenty-Nine (29), to-wit: Commencing at a point 1305.50 feet North and 791.80 feet East of Southwest corner of Government Lot Four (4), of said Section 29: thence due North 100 feet being Northwest corner of tract described in DB.273, page 457; thence continue North 01 degree 25 minutes West a distance of 480 feet to Iron Mt., said point being the point of beginning of tract to be conveyed; thence continue North 01 degree 25 minutes West for a distance of 103 feet, more or less, to an Iron Mt., (being the Southwest corner of tract described in DB.300, page 442; Thence Easterly on South line of tract described in said DB 300; page 442, a distance of 166 feet more or less to shore line of Grand Lake; thence Southerly along shore line of Grand Lake, a distance of 73 ¾ feet, more or less, to Iron Mt., thence Westerly and parallel with South line of Lot Three (3), (being Northerly line of tract described in DB.305, page 106) a distance of 147 ½ feet more or less to Iron Mt. and the place of beginning and there terminating, containing 32/100 acres more or less, subject to existing highway.

The request is to construct a 12' x 16' unattached deck in the R-1 – Shoreland District. Variances from the following were discussed:

1. Setback from center line of County Road should be 100' (actual 50')
2. Impervious surface (exceeds 15%)

Zoning Administrator Rena Weber reported the following written/oral report:

STAFF REPORT

Re: Variance Request(s)
76.41651.0700: Owners: Theodore L. Williams
Property Address: 21349 County Road 8

Variance(s) Requested:

1. Variance to construct a 16' x 12' unattached deck and to locate it on property abutting Grand Lake – General Development Lake.
2. Said request is to also locate said structure 50.00 feet from the centerline of the roadway –(should be 100') County Road 8 and
3. Impervious Surface – Total lot area is 13,887 square feet of which 19% would be covered including the deck.

Construction Requests:

1. Construct unattached patio deck to the lake side of the house.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.

2. Property contains 13,887 square feet more or less.
3. 6 notices of public hearing were sent out.

Recommendations:

1. This requires 1 possibly 2 variances on a non-conforming lot that was in place before the ordinance was adopted.
2. We suggest that something be installed to catch the run off such as: i.e. rain barrel or underground trench.

The Planning Commission recommends approval of the variance pending some sort of mitigation of storm water like an 8" trench.

Member Willenbring introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2010-09a

A RESOLUTION APPROVING VARIANCES IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Theodore Williams for variances from: Impervious Surface and Roadway Setback requirements to construct a 12' x 16' unattached deck in the Shore Impact Zone in the R-1 District, and;

WHEREAS, said structure will be placed 50' from roadway, and it exceeds impervious surface at 19%, and;

WHEREAS, Proper notification and publication had been given, and;

WHEREAS, all persons were given an opportunity to be heard on said request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA:

1. **Said request is hereby approved to construct the 12' x 16' unattached deck that will be placed 50' from roadway and exceeds impervious surface at 19%.**
2. **Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
3. **That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.**
4. **The drainage and mitigation plan as discussed will be constructed and maintained.**

The motion was duly seconded by Member Volkmuth, with the following vote being taken:

**AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.**

R-10 ZONING – Chair Honer reported that the Planning Commission has been discussing the R-10 zoning concept and would like to hold a basic informational meeting on 7/13 (after the PC meeting) and invite residents to speak. Hopefully people will attend.

Motion by Member Volkmuth, second by Member Willenbring, to approve holding the informational meeting on 7/13/10 as requested.

**AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.**

NEW BUSINESS

ELECTION QUESTION – Rena Weber presented an office memorandum from Adam Ripple in regards to the reduction in size of council and more specifically how this can be achieved. Three options were presented for review and discussion was held.

Member Becker was in favor of Option 3.

Motion by Member Volkmuth, second by Member Willenbring, to go with Option 1

Option #1 (See Table Below)

The Council could choose to eliminate two of the positions effective at the end of the year 2012. This would mean that three candidates would be seated in January 2011. (Councilors A1, A2, and A3 in the table below). To correct the staggering of terms, the candidate with the third highest number of votes (Councilor A3) would have a 2-year term, while the two candidates with the most votes (Councilors A1 and A2) would have 4-year terms. In the 2012 election, five councilors would be up for re-election, but only two council positions would be open (Councilors B1 and B2). All future elections would involve two council positions with 4-year terms. This option provides two years of notice to the community and potential candidates.

Option #1 (after 2010 election)

<i>Position</i>	<i>Holder</i>	<i>Term</i>	<i>Expiration</i>
Councilor A1	TBD*	4	2014
Councilor A2	TBD*	4	2014
Councilor A3	TBD**	2	2012
Councilor B1	Becker	4	2012
Councilor B2	Schmitt	4	2012
Councilor B3	Willenbring	4	2012
Mayor	Hagen	4	2012

* two candidates with the first and second highest number of votes

**candidate with third highest number of votes

Option #1 (after 2012 election)

<i>Position</i>	<i>Holder</i>	<i>Term</i>	<i>Expiration</i>
Councilor A1	TBD	4	2014
Councilor A2	TBD	4	2014
Councilor B1	TBD	4	2016
Councilor B2	TBD	4	2016
Mayor	TBD	4	2016

The 2014 election, and all subsequent elections, would have two councilor positions on the ballot, each with four-year terms.

AYES: Hagen, Koerber, Schmitt, Volkmuth & Willenbring

NAYS: Becker

Motion passed on a 5 to 1 vote.

JPA AMENDMENT – Rena Weber reported that one additional amendment is being made to the JPA for the Rocori Trail which identifies the Chair, Vice-Chair and Secretary for 2010, 2011 & 2012.

Member Volkmuth introduced the following resolution and moved for its adoption:

CITY OF RICHMOND, MINNESOTA RESOLUTION NO. _____

CITY OF ROCKVILLE, MINNESOTA RESOLUTION NO. 2010-11

CITY OF COLD SPRING, MINNESOTA RESOLUTION NO. _____

Amendment to ROCORI Trail Construction Board Joint Powers Agreement

It is hereby resolved by the City of Richmond, City of Rockville, and City of Cold Spring (the “Cities”), that:

WHEREAS, the Cities entered into the ROCORI Trail Construction Board Joint Powers Agreement (the "Agreement") effective Jul 1, 2010;

WHEREAS, Stearns County will serve as fiscal agent for the ROCORI Trail Project and has voiced concerns about some of the language in the Agreement; and

WHEREAS, legal counsel for the ROCORI Trail Construction Board recommends amending the language of the Agreement to address Stearns County's concerns and provide clarification of the ROCORI Trail Construction Board's powers;

THEREFORE; the City Councils of the Cities hereby resolve:

A. The amendments to the Joint Powers Agreement for the ROCORI Trail Construction Board, as shown in **Exhibit A** (additions are noted by underlining, deletions are noted by ~~strikeout~~), are hereby adopted;

B. The revision to the ROCORI Trail Construction Board Joint Powers Agreement shall be effective upon the latest date all three Cities execute this Resolution.

D. For the convenience of the Cities, this Resolution may be executed in counterpart copies.

The motion for the foregoing resolution was duly seconded by Member Schmitt with the following vote being taken:

AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.

ROCORI TRAIL – MEETING WITH STEARNS COUNTY- Member Willenbring reported on the meeting and results. A copy of the meeting notes is hereby attached and marked Exhibit A.

The main idea proposed is that each city (Richmond, Rockville & Cold Spring) would contribute \$60,000 for Phase 1 (east side of the Sauk River in Cold Spring). Stearns County is considering approval of \$92,000 from their Capital Improvement plan; however, they need some ownership of the trail.

Motion by Member Volkmuth, second by Member Koerber, to commit \$60,000 from the S J Louis park dedication fund for this purpose.

AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.

ADDITIONS TO THE AGENDA

ROCKFEST UPDATE – Carol Dietman and Tудie Hermanutz were present to answer any questions regarding the event. No action was needed. Event information can be found on the city web-site at www.rockvillecity.org

GRAND LAKE FIREWORKS PERMIT - Motion by Member Becker, second by Member Koerber, to approve the fireworks permit for the Grand Lake Association on 7/4/10.

AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.

COMMITTEE REPORTS

MAYOR – Mayor Hagen had nothing to report.

PUBLIC WORKS – Mayor Hagen reported on the following:

ENGINEER CONTRACT GRAND LAKE ROAD PROJECT – Mayor Hagen reported the committee reviewed in detail the engineering contract with one area needing clarification (construction services).

Motion by Member Volkmuth, second by Member Becker, to approve the SEH Engineering contract for the Grand Lake Road/Fowler Road project in the amount of \$9,850 for Tasks 1, 2 & 3 with a breakdown of construction services.

AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

80th, 81st & HOLLY AVENUE – Mayor Hagen reported that the committee also discussed whether or not this project should be bid as an alternate to the Grand Lake Road project. The committee also discussed the possible engineering fee and felt it would be cost prohibitive. They recommend that staff compile the estimates and send out a new letter to the residents stating that in our opinion this is the worst case estimate. If we don't hear back from the residents by a certain date we will consider this a no vote.

SEWER AND ELECTRIC WORK – Rena Weber indicated that it has been some time since the type of work was bid and should be done

Motion by Mayor Hagen, second by Member Volkmuth, to authorize staff to rebid the electrical and sewer maintenance services.

AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

HUMAN RESOURCES – Chair Volkmuth indicated that with the death of Amy Goerger administrative staff took on added work and is doing a very good job. He would like to grant the administrative staff exceptional pay (1 time deal of 1% of wages) payable at the end of June and if no problems are occurring, consider another 1% at 12/31/10.

Motion by Member Willenbring, second by Mayor Hagen, to approve the 1% exceptional pay for the administrative staff from 1/1/10 to 6/30/10.

Member Becker asked if the council would entertain a 1.5% pay. No action taken on this.

AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

FINANCE MEETING —

LION'S PARK WALKING PATH - Rena Weber reported that she reviewed State Statute regarding use of park dedication funds and feels that Member Willenbring was right when he voiced concern last fall. Member Willenbring cited the MN State Statute 462.358 Relating to Use of Park Dedication fees:

(g) Cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

Rena's recommendation is to:

Hardrives Bill is: \$35,352.22

Sources of funds:

2010 Capital Outlay 5,000.00

P & R Designated funds \$30,352.22

Member Volkmuth suggested that \$15,000 of the designated funds for the community center be moved to the Park Dedication balance as this would be a new structure.

Motion by Member Volkmuth, second by Member Koerber, to recommend funding the Lion's Park Trail Payment by:

a) Using \$5000 from the 2010 Capital Outlay

b) \$30,352.22 from Park and Recreation Designated Funds

And further to transfer \$15,000 from designated funds to Park Dedication for the community center.

AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.

INVESTMENTS – Acting Chair Volkmuth reported that investments show a difference of \$9546, but this is being worked out with the Auditor.

Motion by Mayor Hagen, second by Member Willenbring, to approve the investment balance pending the correction of \$9546.00 with the auditor. (It should be noted that this was corrected with the trial balance entries for year end 2009).

AYES: Becker, Hagen, Koerber, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.

ADMINISTRATOR’S REPORT

AREA CITIES TRAINING – Rena Weber reported this is something the “6” cities to the east of us are doing. It will mean that a 4 hour training session will happen on 6/29/10. If Rockville wants to be a part of it, we are welcome to attend. This is a result of Mayor Kleis’s effort to collaborate on things like police, fire, water, and sewer. We are really not affected by most if not all of their issues.

It was determined that Rockville would not attend the training.

CYPRESS COURT – Rena reported she has all of the signatures of the property owners, but now Chase Bank (Peggy Adamson’s mortgage company) is still wanting a certificate of survey on her property (former Toni Honer) before they will sign off. She has given them plats, aerial views, and copies of the signed easement agreements. This is not good enough. Ms. Adamson does not have a survey I can send them. The cost to do one is \$750.

Mayor Hagen asked if we can we put something on it like a deed restriction to show the trail on the abstract of title. Rena Weber will ask Denny Kron if there is anything we can do. Something like a sale won’t go through unless this is shown on the deed.

OPEN FORUM

Don Simon – 600 Othmar Lane stated he has questions on spending the \$60,000 from 84,000 SJ Louis park dedication fee. He wants to know how much we are paying per mile of trail.

Mr. Simon would like to see more parking by Eagle Park. Mr. Simon was urged to contact the DNR.

Member Willenbring pointed out that this \$60,000 has nothing to do with general tax levy.

ADJOURNMENT – Motion by Member Volkmuth, second by Member Becker, to adjourn the meeting at 7:11 p.m. Motion carried unanimously.

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR