

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, MARCH 17, 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, Sue Palmer, Jerry Schmitt, Randy Volkmuth & Duane Willenbring. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Planning Commission Chair Toni Honer & Engineer Scott Hedlund.

Others present were: Tудie Hermanutz, Janelle Kendall, Math Quinn, Vince Schaefer, Lt. Jon Lentz, Don Simon, Bruce & Dan Welle.

ADDITIONS TO THE AGENDA: *Motion by Member Volkmuth, second by Member Willenbring, to approve the addition to the agenda for discussion purposes.*
AYES: *Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring.*
Motion passed on a 7 to 0 vote.

OPEN FORUM

Vince Schaefer – reported that the Stearns County Commissioners authorized approval to put in power at the intersection of County Road 6 & Highway 23 some time ago. For some reason this never occurred. MNDOT is putting in more lights this spring using stimulus money. MNDOT has agreed to pay 100% of the installation and this would be an opportunity for a street light, but the city would have to agree to maintain the lights. It was determined to proceed with the installation. *(This request had been approved by a previous council).*

MNDOT is doing a traffic study on County Road 47 & Highway 23 due to the high number of deaths. There are a number of things they can do:

- ◆ A semaphore may not be feasible due to the cost
- ◆ At County Road 11 & Highway 169 north of Milaca they put in a warning yellow light that will flash a warning telling people to prepare to stop
- ◆ MNDOT could close it off so you would have to take a right and go down to County Road 82. This does not seem feasible because of the fire department trucks.

Member Koerber voiced concern that the turn lanes are too short. A person goes from 70 mph to 0 mph in a very short time. The Fire Department sometimes sits there 3 to 5 minutes in order to get out.

Mayor Hagen agreed that John had a good comment regarding the extended turn lanes being too short.

CONSENT AGENDA – *Motion by Member Palmer, second by Member Koerber, to approve the Consent Agenda as presented:*

- a) *Approve minutes of 02/17/2010*
 - b) *Approve Treasurer's Report of 03/17/2010*
 - c) *Approve List of Bills and Additions of 03/17/2010*
- | | |
|---|--------------------|
| <i>Accounts Payable CK # 011924 to 011941, 011943 to 011981</i> | \$48,393.99 |
| <i>Payroll CK #003702 to 003711</i> | 9,506.65 |
| <i>EFT CK #000301 to 000309</i> | 98,534.70 |

AYES: *Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring.*
Motion passed on a 7 to 0 vote.

BOARD/STAFF REPORT

COUNTY ATTORNEY –PROSECUTION REPORT - County Attorney Janelle Kendall was present at the meeting to update the council on the annual report stating that her department has been prosecuting since 2006.

Adult Diversion Program – Ms. Kendall was happy to report there were no people from Rockville in the program. There were, however, 41 hours of community service performed in Rockville

WHAT YOU GET FOR YOUR MONEY – Rockville is one of 2 communities whose bill went down for 2010. In 2009 there were 99 incidents which is less than 100 so our contract for 2010 & 2011 was reduced to \$7500. (*Refer to report attached and marked Exhibit A*)

Office summary – the volume of work that goes through her office equals 4% of total County budget.

Rena Weber asked Ms. Kendall if there were any people available to help with the annual hazardous waste pick up in May. Janelle asked Rena to e-mail information about the hazardous waste collection to her and ask for help.

POLICE DEPARTMENT – Lt. Jon Lentz reported there were 39.5 contract hours for February 2010.

PLANNING COMMISSION – Chair Toni Honer reported on the following:

DAN WELLE CONDITIONAL USE PERMIT – Chair Honer reported this particular request is located in the SP-1 District overlay so Mr. Welle would be utilizing the 1 of 4 allowed per year. Septic system with an alternate site has been approved by Stearns County.

STAFF REPORT 3/9/10

RE: SITE PLAN APPROVAL

76.41625.0400 Owners: Daniel B. Welle

Property Address: 9155 Ahles Road, St. Cloud, MN 56301

REQUEST:

The request is to construct a single family dwelling in the **SP-1 SPECIAL PROTECTION DISTRICT**

RELEVANT INFORMATION

1. Property is zoned SP-1 underlying zone is A-40
2. Property is 5.0 acres approximately.
3. The parcel was NOT A lot of record on 4/16/03.
4. This is the first request for a CUP for 2010.
5. The neighboring feedlot of the proposed structure has been deactivated.
6. No feedlot appears to be within 750' of the proposed house.
7. The site plan indicates that there is over 100' between the well and septic.

RECOMMENDATION

1. This 5 acre plot was once tillable land. It is also located in the vicinity of other homes.
2. The Welle's are aware that this is farming territory and should not object to farming practices going on in their area. (*Mr. Welle had no objections to this practice as stated at the public hearing.*)
3. Septic system approval is needed from Stearns County if granted.

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

**RESOLUTION NO. 2010-04
RESOLUTION GRANTING A CONDITIONAL USE PERMIT**

WHEREAS, a request has been received from Daniel B. Welle for a conditional use permit to construct a single family dwelling in the SP-1 District, and;

WHEREAS, The address of the property is: 9155 Ahles Road, St. Cloud, MN with a legal description of: That part of the N 1/2 of the SW 1/4 of Section 14, Township 123, Range 29, described as follows: Commencing at the Northeast corner of said SW 1/4; thence on an assumed bearing of S 0° 00' 29" E along the East line of said SW 1/4, a distance of 616.38 feet to the centerline of Ahles Road as established in WELLE ADDITION, as of public record, Stearns County, Minnesota; thence on a bearing of S 87° 14' 31" W along said centerline, 1327.00 feet; thence on a bearing of S 01° 35' 15" W, 2.39 feet to the South line of BRUCE WELLE ADDITION, as of public record, Stearns County, Minnesota, said point being the point of beginning of the tract herein described; thence continue on a bearing of S 0° 35' 15"

W, 373.63 feet; thence on a bearing of N 87° 00' 24" E, 589.61 feet; thence on a bearing of N 00° 06' 56" E, 372.98 feet to Southwest corner of said WELLE ADDITION and the Southeast corner of said BRUCE WELLE ADDITION; thence on a bearing of S 87° 00' 24" W along the South line of said BRUCE WELLE ADDITION, 580.00 feet to the point of beginning.

Subject to easements of record.

Containing 5.00 acres more or less.

**WHEREAS, this request would not affect any wetland, 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 allow the construction of a single family home with attached garage in the SP-1 District making it the 1st single family dwelling permit granted for 2010. Said approval to construct said home is based on the fact that proper septic system permits were obtained.

2. Said approval is not a burden on public facilities, is compatible with existing and planned adjacent uses, has no adverse affect on adjacent properties, the use is related to the needs of the city, is consistent with the Comprehensive Plan, is not a traffic hazard, there is adequate parking and loading, and;

3. The granting of the conditional use permit will not be detrimental to the public health, safety and general welfare of the City.

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

Member Becker questioned the comment on tillable land being used for a house.

Toni Honer reported that a small portion of the land will be used for the house and the remaining land will continue to be farmed.

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

Motion passed on a 7 to 0 vote.

JOINT MEETING – Chair Honer stated that it was positive to see all the council present at the joint meeting regarding Green Acres and possible change in the ordinance. With that she requested council action to allow the Planning Commission to pursue drafting an ordinance for A-10 zoning.

Parameters by which Subdivision could occur:

- ◆ FUTURE DEVELOPMENT
- ◆ ROADWAYS-private in newly created
- ◆ WATER AVAILABILTY-if possible
- ◆ SEWER AVAILABILTY-if possible
- ◆ SOILS
- ◆ TILLABLE PROPERTY
- ◆ WATERSHED

Mayor Hagen wished to add consideration for steep topography and not to allow construction on a high percentage of land that is tillable. His concern was of soils washing into lakes or streams.

Toni Honer stated if it is within 1000' of the lake or 300' of the river, a committee would do a site visit and walk the land.

Member Willenbring stated the Planning Commission has an A-10 draft ordinance and this has been in for discussion for some time.

Toni Honer indicated that we will need to get input from the residents.

Member Palmer urged the Planning Commission to look at this in terms of the consolidation agreement and comp plan.

It was suggested to call this an R-10 not A-10 zoning district.

Mayor Hagen suggested that the map that shows the requests from residents should be looked at first.

Toni Honer stated that this should not be done as we are drafting an ordinance first for the entire city.

Member Palmer agreed adding that the Planning Commission should view it as what is best for the whole city.

Motion by Member Palmer, second by Member Koerber, to authorize the Planning Commission to pursue drafting an ordinance for R-10 zoning using the above listed parameters.

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

Motion passed on a 7 to 0 vote.

PUBLIC HEARING – ORDINANCE 2010-64 – AMENDING THE STORMWATER ORDINANCE

Rena Weber read the notice of public hearing and also the change to the Stormwater ordinance by increasing the impervious surface allowance to 30% without a variance provided mitigation is done.

Motion by Member Volkmuth, second by Member Willenbring, to close the public hearing at 6:45 p.m.

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

Motion passed on a 7 to 0 vote.

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

ORDINANCE NO. 2010-64

AN ORDINANCE AMENDING SECTION 1 SUBDIVISION 12(B) OF THE STORMWATER ORDINANCE 2008-51

WHEREAS, the City Council of the City of Rockville adopted official zoning controls (“Zoning Code”) pursuant to the authority granted in Minnesota Statutes, Chapter 462 in April 2003 which replaced all pre-existing official controls; and

WHEREAS, the City Council amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 2006-30, 2007-40, 2007-41, 2007-42, 2007-43, 2007-44, 2008-45, 2008-46, 2008-47, 2008-49, 2008-50, 2008-51 and 2008-53; 2009-58, 2009-61, 2009-62, 2009-63 and

WHEREAS, the City Council has the authority pursuant to Minnesota Statutes, Chapter 462 to amend the official zoning controls; and

WHEREAS, the City Council seeks to amend the lot coverage requirements in the R-1 Single Family District, and

WHEREAS, public hearing was held on March 17, 2010 in front of the City Council, and members of the public were given an opportunity to comment on the proposed amendment. Notice of the public hearing was published in the Cold Spring Record on March 2, 2010; and March 9, 2010.

NOW, THEREFORE, the City Council does ordain:

Subdivision 12(b) A. Residentially zoned property:

1. Not located in the Shoreland overlay district, 25%, except that a lot of record may contain up to 30% impervious surface, without a variance, if the parcel owner provides a plan to the City that treats surface water runoff for water quality, as provided in 13 (b).

The motion for the foregoing resolution was duly seconded by Member Volkmuth, with the following voting in favor:

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

Motion passed on a 7 to 0 vote.

NEW BUSINESS

RANDY LAHR – UPDATE ON VALUES – this was pulled from the agenda as Mr. Lahr had reported the following at the Joint meeting.

Randy Lahr explained property values: (Sales 1 Commercial, 10 seasonal & residential)
Study Period October 1st, 2008 - September 30th, 2009

- ◆ Seasonal & Residential values - going down 10-15 percent
- ◆ Commercial values - going down between 2-5 percent
- ◆ Apartment values - same maybe up 1 percent
- ◆ Agricultural values - (green acres) stayed flat this year
- ◆ Agricultural values - (non-productive land) will see 30 percent increase

ROCORI TRAIL – Rena Weber reported that the Governor signed the bonding bill including the Rocori Trail. It was determined that the Council needs more detail on the finances with a breakdown of the costs.

COMMITTEE REPORTS

MAYOR – Mayor Hagen had nothing to report.

PERSONNEL COMMITTEE – Rena Weber reported the Personnel Committee had nothing to report as the purpose for the meeting was cancelled due to a fire call.

PUBLIC WORKS COMMITTEE – Mayor Hagen reported on the following:

DAN HANSEN LOC FOR GRAVEL PIT – Mayor Hagen reported that the Public Works Committee had initially recommended the city advance \$750 to 1st National Bank to cover the cost of the LOC at \$75,000 and further to draft an agreement with Mr. Hansen citing specifics of the agreement and to keep a running tab at the agreed upon price. Since the meeting on 3/1/10 the committee learned:

- ◆ Quality of gravel in pit is in question
- ◆ Council wants the LOC to remain in place

Member Volkmuth stated that he does not want to use the gravel so he would recommend not going with the \$750 proposal.

Member Willenbring indicated he might be agreeable to an agreement if the deal were to stay at \$4.50 yard. If Mr. Hansen can get the quality of soil identified he may consider the deal.

Motion by Member Volkmuth, second by Member Palmer, to deny the recommendation to pay \$750 for the LOC unless Mr. Hansen can get the gravel up to par for use in repairing roads, further the Council also requires \$75,000 LOC being paid at his own expense.

Rena Weber will inform Mr. Hansen of this decision via letter and give him one week to renew the LOC or the city will act on the withdrawal.

Scott Hedlund reported that \$25,000 of the LOC is for reclamation of the site and \$50,000 for the road repair

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

Motion passed on a 7 to 0 vote.

TELEMETRY BID – Rena Weber reported that Rick Hansen obtained two bids for an alarm monitoring system for pump house #Well 4 & 5.

Quality Flow – is run off a cell phone \$2,575 plus there is a \$30.00 month fee

Automatic Systems – will tie into our system \$4653.00 and will tie into their computer in the future It has the capability of expanding where the Quality Flow does not. Further it monitors the water tower and there is no on-going maintenance charge. The Public Works Committee recommended awarding the bid of Automatic Systems and further use from the designated funds for Machinery & Equipment.

Motion by Mayor Hagen, second by Member Willenbring, to approve the recommendation of the Public Works Committee as presented.

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

Motion passed on a 7 to 0 vote.

INFORMATIONAL MEETING – The Public Works Committee has been reviewing 2010 road projects and would like to meet with some of the affected residents. An Informational Meeting was scheduled for March 31st at 6:00 p.m.

STREET SWEEPING BIDS – Rick Hansen had requested the following:

Please approve PLS for the 2010 Street Sweeping. The quotes we received are:

Parking Lot Sweeping \$63.00/hr

ASTECH \$83.00/hr

Parking Lot Sweeping has been doing our street sweeping for the last few years.

There is currently \$2200.00 in the 2010 budget for street sweeping. Fund # E-101.43100.316

Motion by Member Palmer, second by Member Volkmuth, to approve the low bid of Parking Lot Sweeping as presented.

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

Motion passed on a 7 to 0 vote.

SEWER JETTING – Rick Hansen had requested the following:

Please approve Pipe Services to do approx. 10,400 feet of sewer jetting. This year we have a lot of sewer lines running in backyards and this company has an easement machine instead of the normal vac truck that could result in tearing up people's yards. Please see attached map for the proposed 2010 sewer jetting. We have \$10,000.00 budgeted for sewer cleaning. I received three quotes and the prices are as follows.

Pipe Services: \$0.47/ln ft = \$4888.00 plus \$525.00 for the easement machine- \$5413.00

Johnson Jet Line Inc. \$0.69/ln ft= \$7176.00

American Environmental \$0.99/ln ft = \$10,296.00

Member Willenbring asked if there was a report generated after the sewer jetting that was done last year. Member Willenbring personally viewed this process and it seemed that not much was done. Rick Hansen is to provide a report this year on what is found.

Motion by Member Volkmuth, second by Member Koerber, to approve the low bid Pipe Services in the amount of \$5413.00 as presented.

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

Motion passed on a 7 to 0 vote.

ADMINISTRATOR'S REPORT

HAZARDOUS WASTE PICK UP VOLUNTEERS – Rena Weber asked for volunteers for this event (*to be held on Wednesday, May 5, 2010*) in addition to the help that is received from the County Attorney's programs. Volunteers are: John Koerber, Mayor Hagen, Duane Willenbring, & Randy Volkmuth.

It was determined that the newsletter would contain information on the Hazardous Waste Pick up.

FIRE HALL WATER SOFTENER SYSTEM – Rena Weber requested approval of a budget amendment of \$5500.00 for replacement of the water softener system (\$4500) and two thermostats (\$1000) at the Fire Hall. This was approved by the EDA and will be paid out of fund 209 which has a balance of \$245,780.04. Code to be charged is 209-41920-220 Repairs and Maintenance.

Motion by Member Volkmuth, second by Member Becker, to approve the request as presented.

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

Motion passed on a 7 to 0 vote.

ADDITIONS TO THE AGENDA

ELECTION EQUIPMENT MAINTENANCE CONTRACT – Rena Weber reported Stearns County is billing the city \$581.26 for maintenance of the election equipment. The budget was set at \$165.00 as this is what the amount used to be. Rena Weber asked for council input on the need for two precincts which would cut the costs in ½.

COST OF MAINTANING THE TWO PRECINCTS: Discussion was held regarding this:

Member Volkmuth indicated this was a big thing in the consolidation process.

Dave Volkmuth – 25744 Lake Road stated that voting has been very high at Pleasant Lake as compared to Rockville and he would not like to see Pleasant Lake City Hall closed.

Rena Weber cited the results from the recent survey regarding closing the hall:

Question:	Yes	%	No	%
Would you support closing old Pleasant Lake City Hall?	86	70%	13	11%
(Pleasant Lake Area response)	11	48%	10	43%

Rena Weber was instructed to come up with facts on what does it cost to have two polling places and any expenses associated with it.

Motion by Member Becker, second by Member Palmer, to table action until staff talks to the 400 Club owners about using this as a polling place. This motion was retracted.

Motion by Mayor Hagen, second by Member Volkmuth, to approve renewal of the 2010 maintenance contract with Stearns County at a cost of \$581.26.

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

Motion passed on a 7 to 0 vote.

SEWER CALLS – Rena Weber reported that this was talked about in the past, however, it was never acted on. “Should the city bills for repeat sewer calls that are not caused by the city?”

Motion by Member Willenbring, second by Member Volkmuth, to approve billing for sewer calls after the second time the city is called to a property in one year where it has been determined not caused by the city and the resident was informed, further inform the resident that they will be billed the next time for the cost of the call.

Member Becker asked if this would apply to just pressure systems. No, all

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

Motion passed on a 7 to 0 vote.

OPEN FORUM

Don Simon - 600 Othmar Lane – was present to voice concern on:

- ◆ Grass fire season is coming upon us and urged people to get their burning permit
- ◆ Rocori Trail fund received \$800,000, he wants to know what it costs per mile and urged the council to use this kind of money for roads
- ◆ 10 acres – With the green acres law changes he is in favor of allowing splits of 10 acres
- ◆ St. Augusta is waiving fees and maybe Rockville should consider doing the same

Mayor Hagen reminded people to send their census requests back.

ADJOURNMENT – Motion by Member Volkmuth, second by Member Becker, to adjourn the meeting at 7:47 p.m. Motion carried unanimously.

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR

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