

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
JANUARY 21, 2009 - 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, Susan Palmer, Jerry Schmitt & Randy Volkmuth. Absent: Duane Willenbring.

Staff member present were: Administrator/Clerk Rena Weber

Others present were: Mike Nistler, Audrey Schaefer, Toni Honer, Aaron Cheeley, Tудie Hermanutz, Joe Sponheim, Dave Volkmuth, Brian Hatten, Don Simon & George Bechtold.

OPEN FORUM

Tудie Hermanutz – 211 1st St S, complained that the railroad crossing at the barber shop is horrible.

Member Schmitt – voiced concern regarding the \$14,500 to LID stating there is no accountability. He asked if the Board can come and talk to the council about what they are proposing to spend. Some people are not aware of what the LID is.

Member Becker stated it is the responsibility of the Board to inform its members of what is going on. Would it be good to give a presentation?

Member Schmitt asked for copies of minutes of the LID Board meeting.

Mayor Hagen requested that a copy of the minutes and budget be made available.

Rena Weber reminded all that there are two areas of the resolution that are in conflict with the by-laws and this does need to be addressed.

Joe Sponheim – 21556 County Road 8, stated:

- The by laws say they were supposed to pick two new directors 12/31/08. This was not done.
- Letter from DNR should have been read into the minutes at the hearing. (*According to city attorney-James Mogen, this is not a requirement*)
- The whole Grand Lake watershed area encompasses land not abutting the lake and should have been included. He brought this up and was told that we are going do it this way.

Member Schmitt voiced concern of weed spraying and the fact that this is getting into the lake.

Member Koerber stated that if you don't get the entire watershed to Pearl Lake you don't get at the problem.

ADDITIONS TO THE AGENDA – There were none.

Member Becker asked to strike item 10A (the letter from Duane Willenbring) from the agenda or read into the minutes. He talks about a lot of politicking.

Member Volkmuth indicated the town hall meetings are okay.

Rena Weber reported the town hall meeting that Member Willenbring is proposing is ½ hour before the town hall meeting that Rep. Steve Gottwalt is sponsoring on 1/31/09 – 10:00 a.m.

Motion by Member Becker, second by Member Koerber, to deny reading of the letter into the minutes as there are a lot of other avenues to take.

AYES: Becker, Koerber, Palmer, Schmitt & Volkmuth

NAYS: Hagen

Motion passed on a 5 to 1 vote.

CONSENT AGENDA – Member Volkmuth questioned the \$500 deductible auto damage from plow truck claim. Rena Weber explained that during a recent rain event the parking lot was covered in ice and when the snow plow driver was going through the parking lot at city hall he accidentally hit the rear bumper of the finance director's vehicle.

Motion by Member Palmer, second by Member Becker, to approve the consent agenda as presented:

- a) **Approve the minutes of 1/7/09**
- b) **Approve the Treasurer's Report of 01/21/09**
- c) **Approve the list of bills and additions of 01/21/09**

Accounts Payable CK # 010911 to 010952	\$51,873.14
Payroll CK #003355 to 003362	5,870.86
EFT CK #000177 to 000181	3,925.51

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

BOARD/STAFF REPORT

PLANNING COMMISSION – MIKE NISTLER CONDITIONAL USE PERMIT

Toni Honer – Planning Commission Chair stated the Planning Commission looked at the application for the Mike Nistler CUP for the event center. The Planning Commission recommends approval with the condition that Scott Hedlund's request for a storm water management plan be done. Mr. Nistler has agreed to do this. The address of the property is: 25417 County Road 2, St. Cloud, MN 56301 with a legal description of: The Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼) northerly of Road, Section Six (6), Township One hundred Twenty-three (123) North, Range Twenty-nine (20) West. Stearns County, Minnesota.

SECTION 24 Subdivision 3: SP-1 Conditional Uses reads:

1. Event Centers, as provided in Section 16, Subd. 4

MIKE NISTLER STAFF REPORT 12/23/08

RE: CONDITIONAL USE PERMIT REQUEST
 REQUEST

Approval to establish an event center in the A-40 SP-1 District by conditional use permit.

RELEVANT INFORMATION

1. Property is zoned A-40 with an SP-1 overlay.
2. Property is 6.45 acres approximately.
3. Michael Nistler and his wife would like to convert their barn into an event center to hold "barn dances" for weddings. The structure has capacity for greater than 100 people; however, Mr. Nistler would like to keep it to 100.
4. 40 parking spaces are required which Mr. Nistler proposes to provide in the rear of the building(s). The parking lot, access road will be constructed of Class V gravel. Ordinance calls for the road to be a dust free surface maintained or paved.
5. There are no neighbors within 150' of the structure – headlights shining on structures should not be an issue.
6. No residential building is within 200 feet of the access road unless the day care center is considered residential. The commercial use was allowed by CUP before consolidation.
7. Mr. Nistler has agreed to the time restrictions and will be requesting beer/wine licenses.
8. No service or operation is being allowed outside of the enclosed premises after sunset. At some time Mr. Nistler would like to add a deck to the west side of the barn (main entrance), but not right now.
9. No sound should be discernible at the property boundary.
10. No light is to be directed off the property, no flashing or blinking lights are visible from any property line, and no light is greater than 0.1 foot-candles at the property boundary.
11. The facility has to comply with existing building, zoning and health code regulations. Stearns County Environmental Services issues the septic system permit and Mr. Nistler has contacted them regarding such. Mr. Nistler to provide the information received from Stearns County.
12. Setbacks from neighboring property, residential structures and road right-of-way are in compliance.
13. There is no existing event center within one mile of the boundary of the property. It should be noted that Jacob's Prairie Church is located within a mile.

Mayor Hagen stated it seems odd that the ordinance is mixed with the conditions.

Member Volkmuth voiced concern that the application states the capacity is 100, but Mike Nistler could extend it more.

Member Koerber asked that we define what the event center will be, what is permissible, What is the fee, liability issues, will there be background checks, and the need for law enforcement.

Mayor Hagen asked what liquor license is being requested. Mike Nistler replied that beer and wine will be served and they will be not open in winter. This is not an open place so there will be no bar hopping. It will be for small weddings, reunion, etc.

Mayor Hagen asked what the days of operation would be.

Member Palmer felt that would not be a concern of hers.

Member Volkmuth stated this should be limited to an event center and can't be a bar.

Member Koerber stated this can't turn into another Eden Valley.

Member Volkmuth asked what limits that it is an event center.

- Limit to capacity of 100 then 40 parking spots are needed
- Capacity of 200 then more parking spots are needed

Rena Weber read the definition as being proposed in the definitions:

“EVENT CENTER” is a fixed facility or establishment meant solely for private banquets, receptions, recitals and social functions. Food and beverage must be brought on site or prepared in an approved kitchen on site. No retail sale of food and beverage may occur, except as accessory activity to the reserved event. Use shall be by reservation only, and no reserved event may be held open to the public. Entertainment scheduled in conjunction with the reserved events may be permitted as an accessory activity of the use. A reception facility shall not be operated as a restaurant or liquor establishment, and may not be used as such.

Member Willenbring had submitted his letter of support for the council packets. (*This is hereby attached and marked Exhibit A*).

Mike Nistler stated that he had the support of his neighbors.

Member Schmitt voiced concern that if he sold the place would the CUP stay in place.

Rena Weber reported the CUP stays with the property.

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

RESOLUTION NO. 2009-02

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT.

WHEREAS, The City Council of the City of Rockville, Stearns County, Minnesota has received a request for a conditional use permit from Mike Nistler to convert a barn into an event center in the A-40 District, and;

WHEREAS, this request would not affect the 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 use of a barn for an event center (by invitation only) in the A-40 District.

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 ordinance was duly seconded by Member Becker with the following vote being taken:

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

Motion passed on a 6 to 0 vote.

ORDINANCE AMENDMENTS – Chair Toni Honer indicated that in regards to the public hearing for next council meeting and to reduce the number of Planning Commission members she asked the Council to consider having a joint meeting with the Planning Commission. They need to learn what they do. The Council should also have someone from the League facilitate the meeting.

Member Becker stated he would be open to it.

Member Palmer stated she would be open too.

Mayor Hagen asked why you think more members is better.

Toni Honer stated that with our land mass size we are represented across the whole city.

Member Volkmuth asked that nobody is getting paid for that meeting.

Member Palmer suggested we move the public hearing back so we can have a good conversation on these matters. It was determined that since it is published it would remain the same. A joint meeting was then scheduled for Monday, January 26th at 7 p.m. and the Administrator/Clerk should try to get someone from the League to facilitate the meeting.

POLICE REPORT – There was no one present at the meeting, however, the written report for December indicated 46.5 contract hours.

FIRE DEPARTMENT – REQUEST FOR COUNCIL ACTION – Rena Weber reported that the Fire Department is seeking approval for a grant request.

A Grant was received by Central MN Emergency Equipment Services for \$700.00 to put toward the purchase of the Pulse Oximeter.

Total Cost \$1,403.68

Grant \$700.00

101-11500

Accounts Receivable – \$700.00

Cost to City \$703.68

101-42200-219

Fire Rescue Supplies – 2009 Budget Available

\$3000.00

Motion by Member Volkmuth, second by Member Koerber, to approve the request for action as presented.

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

Motion passed on a 6 to 0 vote.

OLD BUSINESS – There was none.

NEW BUSINESS – There was none.

ENGINEER REPORT – Scott Hedlund presented a written report regarding the design costs for the rain garden project at Pleasant Lake Park. Rena Weber reviewed the report indicating a design estimate of \$4500 with the total cost being \$10,500. There is grant money available for the construction of the rain gardens. This is in addition to the work being done to re-route the outlet from the storm sceptors (located by the north corner of the 400 Club) to the DNR access.

Member Palmer stated she would like to have Scott Hedlund here to explain this as he does not charge the city for attendance at meetings.

Member Koerber stated he would like to be involved with this because since the sewer project was done the ditch was changed and there is no depth.

Rena Weber reported that Mike Hofmann, EMS Director, learned of Hazardous Mitigation grants (75%/25%) that may be available for such a project.

Member Volkmuth indicated that he thinks doing something to the ditch would be better than rain gardens. If we can get 75% of the \$4500 and it works – okay, but he does not see that.

Dave Volkmuth 25754 Lake Road, stated just so you know we did have Scott Hedlund out to Pleasant Lake. He still believes if we dig the ditch deeper, use the culvert and dig a hole in the center of the park, this will take care of any of the water problems in the Lake Road area. Look at two things dig the ditch deeper and why did we put the culvert in two years ago.

Mayor Hagen asked if the Maintenance Department can dump the snow in the park from the ditch.

Motion by Member Volkmuth, second by Member Becker, to table action again and discuss this with Scott Hedlund at the next meeting.

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

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Hagen stated there is nothing other than road signs to identify the downtown area. He has been asked to look into this.

George Bechtold suggested the sign say: Rockville City Hall or Rockville next four exits

- Food/gas next exit
Member Volkmuth indicated that people have been struggling and this may be a way to help them.

Mayor Hagen purchased a blue highway sign and his sign cost was \$300 to \$400.

Tudie Hermanutz suggested just a sign that says Rockville business or business district.

- Downtown Rockville – with an arrow or next four exits.

Motion by Member Volkmuth, second Member Palmer, to purchase signs for the Downtown Rockville with an arrow.

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

PUBLIC WORKS COMMITTEE – It was determined that a Public Works Committee meeting would be scheduled for 1/28/09 – 6:00 p.m. The following will be on the agenda:

Jim Vogt – Request for deferred assessment and lot subdivision

Fees – all to be reviewed

EMS position – status

Water rates – increase

Maps of detached area for this meeting

PERSONNEL - Chair Randy Volkmuth reported on the following:

DON SIMON CONTRACT FOR SERVICES – Chair Volkmuth reported that Don Simon reads the water meters on the weekends for the city. This is needed to meet MDH requirements and it avoids paying a staff person on-call pay. There is no increase in pay.

Motion by Member Volkmuth, second by Member Palmer, to approve the contract renewal with Don Simon as presented for the year 2009.

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

FIRE DEPARTMENT ISSUES – Chair Volkmuth reported the committee met with Ralph Walz –

- a) Selection Vs. Election – process

No action was taken at this time.

COLA – The Committee recommends no increase in COLA for 2009 with the understanding that step increases will still be considered.

Motion by Member Palmer, second by Member Koerber, to deny any cost of living raises for 2009.

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

EMPLOYEE POLICY MANUAL – Chair Volkmuth reported there were no specifics and members were asked to come back with specifics for the next meeting on 1/27/09.

EDA – Member Becker reported that the committee discussed the following:

CORKY'S UPDATE – Heidi Peper had contacted Corky and gave him information on

- Initiative Foundation has a loan guarantee program, retail operations are eligible
- Small Business Development Center (SBDC) provides technical assistance to new and struggling businesses. Corky scheduled a meeting with the SBDC.

NEW MEMBER APPOINTMENT - Don Simon submitted an application to fill the vacant spot on EDA.

Motion by Member Koerber, second by Member Palmer, to appoint Don Simon to the EDA.

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

Motion passed on a 6 to 0 vote.

EDA MEETINGS – Member Becker reported the EDA will be meeting only when needed to save time and money.

FEDERAL STIMULUS PACKAGE - Heidi Peper's written report indicated that she is tracking this daily as it changes daily.

OUTSTANDING BILL AT FIRE HALL – The EDA has not heard back from Shingobee on this.

SECURITY ISSUE AT CITY HALL – Member Becker stated that in regards to the security issue at city hall it was determined to hold off because of the cost.

FIRE HALL DAMPER SYSTEM – Member Becker reported that the Fire Hall heating dampers were discussed and it appears that a change in the dampers should solve the problem and save money in energy costs. The cost is \$1500 to \$1600.

Motion by Member Volkmuth, second by Member Koerber, to approve the expense of \$1500 to \$1600 to change the damper system at the Fire Hall as presented.

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

Motion passed on a 6 to 0 vote.

OTHER BUSINESS – Member Becker reported that discussion was held regarding the “ad hoc” committee that met before they were seated on the council.

MAINE PRAIRIE TOWNSHIP – Member Palmer reported that she, Bill Becker & Randy Volkmuth met with Maine Prairie Township to discuss the fire contract for 2009. In the past the bill was figured using the average of the tax capacity and number of calls in the area. Amy Goerger put together the Allocation by Municipality:

Allocation by Municipality						
	2008 Tax		2009	2009	2009	2009
AREA	Cap %	CALLS %	Fire Hall Debt	Fire & City Hall/ Debt-Detachment	Service Amount	Total Amount
Detachment Area (13.3%)		5%		Paid thru taxes	8,538	8,538
Maine Prairie Twsp		5%	7,340	for year 2009	8,538	15,878
Total Maine Prairie & Detachment	9%	10%	7,340		17,075	24,416
City of Rockville	91%	90%	132,125		153,678	285,803
TOTALS	100%	100%	139,466		170,753	310,219
Debt for Fire Hall Payment in 2009 Budget is	146,806					
City Hall Payment	65,956					
Debt Owed by Detached Area						
City Hall Debt	49,004	2,579				
Fire Hall Debt	99,103	5,216				
Total Debt Detached Area	148,107	7,795				
19 Years left on loan						

Member Palmer reported that Maine Prairie questioned the fire contract actually being up in March and a portion of the contract extends into next year. They proposed that in the detachment area the \$8,538 divided by 50% since the date of the next contract renewal is 4/1/10.

Member Volkmuth stated that other things have to be agreed to first.

Member Palmer there still is the road agreement with some areas of concern. The next meeting they need to have some maps and talk about the maintenance of roads.

Member Volkmuth stated the reason we want the orderly annexation is to deal with the Shoreland issues.

Member Becker stated there were some hidden things about maintenance of the road to include grading and not just snow plowing.

Rena Weber read the motion from the 12/17/08 meeting regarding this issue.

- 2/10/09 is Maine Prairie Township's next meeting

Member Palmer suggested we need to work with Rena and Rick to determine this impact. Rick to provide the map.

Member Volkmuth indicated the four issues are the fire contract, boundary, maintenance and Shoreland.

Member Becker indicated that he felt there are legal areas that we will need our attorney for.

Motion by Member Volkmuth, second by Member Palmer, to approve the fire contract for 2009 and split the cost of \$8538 for the detached area through the year with the expectation of the orderly annexation.

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

Motion passed on a 6 to 0 vote.

Mayor Hagen asked what information is required for the next meeting.

Member Volkmuth indicated that we need to follow the land use and Shoreland.

Road maintenance should be discussed at the public works meeting.

ADMINISTRATOR

DUANE WILLENBRING LETTER – Rena Weber reported that Member Willenbring did want Member Koerber to report that the Conference for Newly Elected Officials. Member Koerber stated it was a great conference. Carl Neu and Desyl Peterson were both excellent speakers. Discussed was the open meeting law, elements of leadership, and further that we are looking at 4 tough years as far as any funding from the State of MN.

CENTRAL MN WATER EDUCATION ALLIANCE MEMBERSHIP – Rena Weber explained that the dues for the Central MN Water Education Alliance are \$208. A packet is available for viewing on what and where our dues go to. Rena also indicated that if the city were to provide the education on our own it would be a lot more expensive. Here we are joined by many entities.

Motion by Member Volkmuth, second by Member Palmer, to approve the membership dues of \$208 to the Central MN Water Education Alliance as well as the agreement for such membership.

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

Motion passed on a 6 to 0 vote.

APO DUES – Rena Weber reported the dues for 2009 are \$2690 and she wanted to know the councils feelings on maintaining that membership. Rena further explained that Rockville is no longer a part of Region 7W and is considered a part of the St. Cloud planning area.

Member Volkmuth voiced concern stating he does not see us getting any funds for a long, long time. The only possible thing would be for the Rocori Trail.

Member Koerber indicated he would like to visit with Scott Mareck to determine the value.

Motion by Member Becker, second by Member Palmer, to table action on the dues until Member Koerber meets with Scott Mareck of the APO.

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

Motion passed on a 6 to 0 vote.

ST. CLOUD AREA JOINT PLANNING PARTNERSHIP – Member Koerber volunteered to attend this meeting. Member Koerber indicated that every city but Rockville is listed and he would like to learn more about that.

AREA CITIES – Rena Weber reported that the next area cities meeting is scheduled for 1/27/09 at 5:30 p.m. – Waite Park City Hall. There are no dues but the cities get together to discuss area legislative issues.

SCML – Rena Weber reported she attended the Stearns County Municipal League meeting on 1/20/09. Bud Heidgerken was the guest speaker. She did ask him what the city needs to do to address the two statutes that are in conflict with each other in regards to the recent detachment. The ALJ used one statute and did not take into account the special legislation created for the consolidation. Mr. Heidgerken urged her to talk to our legislators on the state statute change.

OPEN FORUM

Don Simon – 600 Othmar Lane, urged the council to have a Public Works meeting with Rick Hansen before they meet with Maine Prairie Township in order to know where he does plow snow.

- Pleasant Lake – it is a good idea to go after grant money for the rain gardens and hazard mitigation
- Planning Commission – he questioned reducing the size
- Involve staff in your discussions
- Phone #s in newsletter

ADJOURNMENT – *Motion by Member Becker, second by Member Volkmuth, to adjourn the meeting at 7:52 p.m. Motion carried unanimously.*

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR