

MINUTES OF A SPECIAL CITY COUNCIL MEETING HELD WEDNESDAY, JULY 29, 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, Randy Volkmuth & Duane Willenbring. Absent: Susan Palmer & Jerry Schmitt.

Staff members present were: Administrator/Clerk Rena Weber and David Drown – Financial Consultant.

Others present: Sue Vieregge, Shannon & Bretta Wicker, Don Simon, Ev Balko & Stacy Clauson.

NEW BUSINESS

MUELLER/CENTRAL SPECIALTIES-CONDITIONAL/INTERIM USE PERMIT: Zoning Administrator Rena Weber reported the Planning Commission held a public hearing to consider the request of Gregory Mueller/Central Specialties for a Conditional/Interim Use Permit. The address of the property is: 25770 133rd Avenue, Cold Spring, MN with a legal description of: 150.34 A W2 NW 4 & W2SW 4 of Section 6, T123N, R29W in the City of Rockville, Stearns County, Minnesota.

AN CONDITIONAL/INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:
SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 13. MINING/EXTRACTIVE USES
SECTION 27: CONDITIONAL USE PERMITS
SECTION 28: INTERIM USE PERMITS

The request is to operate a temporary mining/extraction/crushing use in order to re-construct County Road 51.

Rena Weber presented the Interim Use Permit that was developed as part of the review and discussion. The Planning Commission had recommended approval pending the conditions be placed on the permit are met.

Rena Weber requested council consideration on the following changes to the IUP:

- 1) Instead of the permit expiring one year from the date executed they would like to change the wording to “end of work season or no later than 11/1/10”. Approved.
- 2) (3) calls for a letter of credit in the amount of \$5,000. The contractor would like to provide a performance bond instead of a letter of credit. Approved.
Rena Weber reported that the city required a \$75,000 letter of credit for the Dan Hansen project, but that the Hansen permit is for 5 years and they would be accessing a city road.
- 3) (7) Hours of operation allows for vehicles to warm up at 6:00 a.m. The contractor would like to include the word “equipment” with the word vehicle. Approved.
- 4) (11) Fueling, fuel storage, and storage of equipment is limited to an area outside of the mine pit “or” on an area which has secondary containment for any spill or leak. The contractor would like “or” instead of “and”. Approved.

Motion by Member Volkmuth, second by Member Willenbring, to approve the Interim Use Permit as amended and further that the \$5,000 performance bond is approved due to the fact that equipment will not be traveling on a city road for this operation.

(A copy of the IUP is hereby attached and marked Exhibit A).

AYES: Becker, Hagen, Koerber, Volkmuth & Willenbring

NAYS: None

Motion passed on a 5 to 0 vote.

WICKER VARIANCE(S) REQUEST: Zoning Administrator Rena Weber reported that the public hearing was continued for the request of Shannon & Bretta Wicker for a variance from Shoreland Requirements. The address of the property is: 21265 County Road 8 with a legal description of:

That part of Government Lot Three (3), of Section Twenty-nine (29), in Township One Hundred Twenty-three (123) North, of Range Twenty-nine (29) West, described as follows, to-wit: Commencing at a point 1305.50 feet North and 791.80 feet East of the Southwest corner of Government Lot 4 of said Section 29, Township and Range aforesaid; thence due North 100 feet; thence North 01 degrees 25 minutes West 30 feet to an Iron Monument in place, said point being the point of beginning of the tract herein described; thence continue North 01 degrees 25 minutes West 90 feet; thence Easterly and parallel with the South line of said Government Lot 3 to the shoreline of Grand Lake; thence Southerly along the shoreline of Grand Lake, a distance of 90 feet, more or less, to an Iron Monument; thence Westerly and parallel with the Southerly line of said Government Lot 3, 154.5 feet, more or less, to the point of beginning and there terminating, subject to existing highways, all being in Stearns County, Minnesota.

The request is to construct a 24' x 30' unattached garage in the R-1 – Shoreland District. Variances from the following were approved by the Planning Commission:

Add: *Setback from center line of County Road should be 100' (actual 89')*

- Setback requirements from principal structure (less than 10')
- Impervious surface (exceeds 12%)
- Height of structure (exceeds 8' sidewall)
- Total square footage of structure (exceeds 600 square feet allowance)
- Detached building to be located in rear yard (structure to be in line with house)

WICKER STAFF REPORT 7/8/09

Re: Variance Request(s)
76.41652.0000: Owners: Shannon & Bretta Wicker
Property Address: 21265 County Road 8

Variance(s) Requested:

1. Variance to construct a 24' x 30' unattached garage and to locate it in the front yard of property abutting Grand Lake – General Development Lake instead of the rear yard.
2. Said request is to also locate said structure 89 feet from the centerline of the roadway – (should be 100') County Road 8
3. Structure to be located 5' from the principal structure (should be 10').
4. Height of Structure exceeds 8' sidewall
5. Total square footage of structure exceeds 600 square feet allowance by 120 square feet
6. Impervious Surface – Total lot area is 14,289 square feet of which 47.2% is covered already not including the paving blocks or deck. This amounts to 209 square feet for the paver patio and 204 square feet for the deck or $7,159 \div 14,289 = 50.1\%$.

Construction Requests:

1. Construct new unattached garage and match the existing residential structure.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 14,289 square feet more or less.
3. 7 notices of public hearing were sent out.
4. The Wicker's have documentation from Craig Theisen of Theisen Building Supplies as to why an attached garage would not be feasible.
5. The shed in the SW corner of the lot is proposed to be removed.

Recommendations:

1. This requires six variances on a non-conforming lot that was in place before the ordinance was adopted.
2. Staff has worked with the owners on possible ways to reduce the number of variances.

3. We looked at the land on the east side of County Road 8 as a possible place for a rain garden, however, that will not work – steep incline and not much room.

Rena Weber further reported that the Wicker's provided a certificate of survey to determine the actual amount of impervious surface. In addition the Wicker's will provide two alternative ways to reduce storm water run-off (4 rain barrels & infiltration trench to treat 1,417 gal of water.

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

RESOLUTION NO. 2009-15

A RESOLUTION APPROVING VARIANCES IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Shannon & Bretta Wicker for variances from: Primary Structure Setback, Impervious Surface, Height of Structure, Total square footage, Location of Detached Building in the Rear Yard, and also Roadway Setback requirements to construct a 24' x 30' unattached garage in the Shore Impact Zone in the R-1 District, and;

WHEREAS, said structure will be placed 89' from roadway, locate said structure in the front yard, structure to exceed 8' sidewalls, exceeds 600 square foot allowance by 120 square feet, exceeds impervious surface at 50.1%, and located 5' from the primary structure, 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 24' x 30' unattached garage that will be placed 89' from roadway, locate said structure in the front yard, structure to exceed 8' sidewalls, exceeds 600 square foot allowance by 120 square feet, exceeds impervious surface at 50.1%, and located 5' from the primary structure.**
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 siding and shingles shall match the main structure.**
5. **The drainage and mitigation plan as presented will be constructed and maintained.**

The motion for the foregoing resolution was duly seconded by Mayor Hagen with the following voting in favor:

AYES: Becker, Hagen, Koerber, Volkmuth & Willenbring

NAYS: None

Motion passed on a 5 to 0 vote.

VOIGT'S MINOR SUBDIVISION REQUEST – Rena Weber reported that she prepared a letter requesting the time extension on the Voigt minor subdivision request. The city is awaiting information from the Voigt family at this point.

Motion by Mayor Hagen, second by Member Volkmuth to approve the extension of time regarding the Voigt minor subdivision until 11/9/09.

AYES: Becker, Hagen, Koerber, Volkmuth & Willenbring

NAYS: None

Motion passed on a 5 to 0 vote.

REIF FAMILY WEDDING – FIREWORKS APPROVAL 8/8/09 – Rena Weber reported that the Reif Family is requesting approval of a fireworks permit on 8/8/09 – 4 p.m. for a wedding. All the necessary paperwork has been provided.

Motion by Member Volkmuth, second by Member Willenbring, to approve the request for a fireworks permit on 8/8/09 – Reif Family Wedding.

AYES: Becker, Hagen, Koerber, Volkmuth & Willenbring

NAYS: None

Motion passed on a 5 to 0 vote.

RESOLUTION RATIFYING \$1,650,000 SERIES 2009A G.O. WATER/SEWER BOND – David Drown was present at the meeting to review the final approval of the re-financing bond. David reported there would be \$68,000 savings total or just a little over 3%.

1,593,000 in bonds will be paid off

Transaction costs – paid out of the \$1,650,000

Member Willenbring asked if this will be kept separate – YES.

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

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$1,650,000

GENERAL OBLIGATION WATER AND SEWER REFUNDING BONDS, SERIES 2009A, PLEDGING FOR THE SECURITY THEREOF NET REVENUES AND LEVYING A TAX FOR THE PAYMENT THEREOF

(A complete copy of the Resolution is hereby attached and marked Exhibit B)

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

AYES: Becker, Hagen, Koerber, Volkmuth & Willenbring

NAYS: None

Motion passed on a 5 to 0 vote.

UPDATE – WECS ORDINANCE – Rena Weber reported that she checked the minutes from the 5/20/09 council meeting whereby the motion regarding the setback from property line was stated in the motion and it is 500' from the property line.

ADJOURNMENT – Motion by Member Becker, second by Member Volkmuth, to adjourn the meeting at 6:30 p.m. Motion carried unanimously.

**VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK**

**JEFF HAGEN
MAYOR**