

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
FEBRUARY 20, 2008 - 6:00 P.M. – ROCKVILLE CITY HALL.**

The meeting was called to order by Mayor Brian Herberg. Roll Call was taken and the following members were found to be present: Mayor Brian Herberg, Council members Vern Ahles, Jeff Hagen, Susan Palmer, Jim Pflapsen, & Don Simon. Absent: Randy Volkmuth.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen, Park & Recreation Chair Scott Stenseth, & Engineer Scott Hedlund.

Planning Commission members present: Jerry Bechtold.

Others present were: Tудie Hermanutz, Jeff Howe, Nathan & Sara Lommel, Aaron Cheeley, Deputy Mark Mix, Greg Simones, Joe Sponheim, Duane Willenbring, Gene Merten, Jerry Schmitt, Clarence Bloch, Randy Lahr, Ralph Walz, Mike Hofmann & George Bechtold.

ADDITIONS TO THE AGENDA – There were none.

CONSENT AGENDA - Motion by Member Palmer, second by Member Ahles, to approve the consent agenda as presented:

Member Simon questioned Check # 009962 to SEH for EDA service in January. Rena Weber reported that this comes under the city now that the check book has been combined with the city funds (with its own separate account). The bill is for work performed by Heidi Peper and other staff.

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|---|--------------------|
| a) Approve minutes of 2/6/08 | |
| b) Approve Treasurer's Report of 02/20/08 | |
| c) Approve List of Bills and Additions of 02/20/08 | |
| Accounts Payable CK #009937 to 009975 | \$66,085.02 |
| Payroll CK #002999 to 003006 | 5,649.73 |
| EFT #000132 | 351.74 |

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen & Simon
Motion passed on a 6 to 0 vote.

BOARD/STAFF REPORT

POLICE DEPARTMENT– Deputy Mark Mix reported there were 47 contract hours in January with 10 citations and 3 speeding tickets were issued on County Road 8.

Member Simon questioned the citation for inattentive driving. Deputy Mix indicated it was in regards to talking with cell phone.

MAINTENANCE DEPARTMENT – Rick Hansen reported that he actually had nothing tonight, but would speak on behalf of the Fire Department request for approval to purchase a trailer for the rescue boat in order to store the boat. In the old facility the boat used to hang from the ceiling. The cost is \$690.00 with tax and they are requesting this be paid out of designated funds. Rick explained the original purchase was for \$225.00 and once they determined that the trailer would not work they traded it in for one that would work.

Motion by Member Palmer, second by Member Ahles, to approve the request and further that it be paid from the designated fund E-101-42200-540 Project code 2004-02.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen & Simon
Motion passed on a 6 to 0 vote.

PLANNING COMMISSION – Rena Weber reported on the following:

GREG SIMONES REZONING REQUEST FROM A-40 TO R-1 AND ALSO APPROVAL OF MINOR QUALIFIED SUBDIVISION.

RE: SITE PLAN APPROVAL

76.41604.600 Owners: Gregory and Joyce Simones

Property Address: 9379 County Road 6, St. Cloud, MN 56301

REQUEST:

Approval to rezone 10 acres in A-40 District to R-1 Single Family Dwelling
Approval to sub-divide into two parcels to facilitate the sale of the property

RELEVANT INFORMATION

1. Property is zoned A-40
2. Property is 10.0 acres approximately.
3. The owner is proposing to grant easements along the north and east sides of the lot to facilitate drainage/utility and also roadway access for newly created lot.

RECOMMENDATION

1. Dedicate 50' of Right of Way along CR 6
2. Dedicate 33' of ROW along the east line of the existing parcel for future extension of 93rd Ave.
3. Dedicate 12' drainage and utility easement adjacent to ROW along CR 6 and future 93rd Ave.
4. Dedicate 6' drainage and utility easement along all lot/parcel lines not adjacent to CR6 and future 93rd Ave.
5. Access to new 7 AC +/- tract should be via a temporary road (driveway within the 33' on new ROW along the east line of the existing parcel. Access to a dwelling or further subdivided lots should be off said temporary road (driveway) at least 150' south of CR 6.
6. Approve with these conditions.

Rena Weber presented information that the land abutting the east side of the Simones property (Pleasant Lake Heights) has 33' dedicated for a future roadway (93rd Avenue connecting Lake Road to County Road 6). The easements will be recorded upon approval of the qualified minor subdivision. The Planning Commission has reviewed both requests and recommends approval with the condition that all easements are provided.

Member Hagen asked what the zoning of Pleasant Lake Heights was (R-1) and what is the zoning of the Simones property for the future land use. Rena Weber reported that it was transitional (more dense R-1).

Member Hagen questioned the primary objective to split and keep a small parcel. Greg Simones explained the need to move to a single floor home and also the need to split the parcel into smaller lots.

Member Hagen questioned how this fits into what the Planning Commission is looking at for larger lots i.e. A-10. Rena Weber reported the Planning Commission just received a proposed ordinance at their last meeting and will be reviewing this with the Council on 2/26/08.

Member Hagen questioned if the Planning Commission has identified areas where such A-10 development could occur. He was also wondering if this could be an area that the Planning Commission would like to see 10, 200 square foot lots and are there going to be issues with the larger adjoining 2 ½ acre lots. This type of zoning is what people objected to with the Brentwood Hills Development.

Member Hagen was okay with allowing the split, but not the rezoning. Rena Weber reported that a lot split to 10, 200 square feet would require water/sewer.

Greg Simones reported that the balance of the 7.5 acres was mostly in wetlands.

Mayor Herberg reported that parcels not serviced with sewer would need to provide two sites for a septic system and more than likely would not have enough room.

Mayor Herberg introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2008-05

RESOLUTION APPROVING A REZONING FROM A-40 TO R-1

WHEREAS, a request has been received from Gregory & Joyce Simones to rezone certain property from A-40 to R-1 Single Family Dwelling, and;

WHEREAS, a public hearing to consider the request was held before the Rockville Planning Commission on 2/12/08, and;

WHEREAS, proper notification was given and published notice was published in the Cold Spring Record, and;

WHEREAS, all persons attending the hearing were given an opportunity to address the Planning Commission.

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

1. **The request to rezone parcel #76/41604.600 from A-40 to R-12 Single Family Dwelling is hereby approved.**
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.**

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

AYES: Ahles, Herberg, Palmer, Pflapsen, and Simon

ABSTAINING: Hagen

Motion passed on a 5 to 0 vote.

Motion by Mayor Herberg, second by Member Ahles, to approve the Qualified Minor Subdivision request of Gregory and Joyce Simonas as presented.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen & Simon

Motion passed on a 6 to 0 vote.

NATHAN LOMMEL CONDITIONAL USE PERMIT – Rena Weber reported the Planning Commission also held a public hearing to consider the request of Nathan Lommel for a conditional use permit to construct a single family dwelling on 10 acres of land recently purchased from Ray and Irene Schneider. The Planning Commission has concerns regarding the feedlot on the Schneider farm and whether it is within 750' of the proposed house. It was reported that the feedlot is no longer used and the Schneider's need to file certain documents with Stearns County testifying to this.

The address of the property is: 7783 County Road 141, Kimball, MN 55353 with a legal description of: That part of the SW 1/4 of the SE 1/4 and the SE 1/4 of the SW 1/4 of Section 25, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the South Quarter corner of said Section 25; thence on an assumed bearing of S 89°51'24" E along the South line of said SW 1/4 of the SE 1/4, 739.70 feet to the point of beginning of the tract herein described; thence on a bearing of N 00°08'36" E, 430.00 feet; thence on a bearing of N 89°51'24" W, 825.83 feet to the centerline of County Road No. 141; thence on a bearing of N 26°17'12" E along last said centerline, 532.27 feet; thence on a bearing of S 64°25'19" E, 1067.47 feet; thence on a bearing of S 11°31'28" W, 458.37 feet to the South line of said SW 1/4 of the SE 1/4; thence on a bearing of N 89°51'24" W along last said line, 282.25 feet to the point of beginning. Subject to easements of record. Containing 10.00 acres more or less.

SECTION 24 Subdivision 3: Conditional Uses (17) reads:

1. New Single Family Dwellings as provided for below:
 - a. New single family dwellings on platted lots of record as of April 16, 2003 and which meet the requirements of Subdivision 6 of this Section 24.
 - b. New single family dwellings at a maximum density of one per Forty (40) acres on platted lots recorded after April 16, 2003 and that meet minimum lot size requirements in this Ordinance as well as the requirements of Subdivision 6 of this Section 24.
 - c. With the exception of construction upon platted lots of record existing as of April 16, 2003, no more than four (4) conditional use permits for single family dwellings will be issued in any calendar year.

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

Zoning Administrator Rena Weber reported that there were 11 notices that were sent out. Rena reported that she spoke to Irene Schneider on the phone and Irene is in favor of it. Nobody spoke from the public.

**Member Ahles introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2008-06**

WHEREAS, The City Council of the City of Rockville, Stearns County, Minnesota has received a request for a conditional use permit from Nathan Lommel to construct a single family dwelling, 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 construction of a home in the SP-1 District making it the 1st single family dwelling permit granted for 2008. Said approval to construct said home is subject to proper septic system permits being obtained and further that said structure is not within 750' of a feedlot.

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 Hagen with the following vote being taken:

AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen & Simon

Motion passed on a 6 to 0 vote.

TRANSFER OF DEVELOPMENT RIGHTS AND A-10 ORDINANCES – Rena Weber reported that both of the proposed ordinances were presented to the Planning Commission at the 2/12/08 meeting and will be discussed with the full council on 2/26/08. The thought process should be in line with the conservation design theme as proposed by Randal Arendt.

PARK & RECREATION – Chair Scott Stenseth reported on the following:

- Summer ball registration will be on 3/29/08 at City Hall
- 2 Concession Stand workers are needed to work from May until August
- 1 Summer Recreation Coordinator is needed to run the ball program
- Annual Easter Egg Hunt will be held on 3/22/08 - 10 a.m. at Lion's Park
- Thanks Steve Heying for icing the rink this year
- Next Meeting will be on 3/6/08 at 7 p.m. – City Hall

Member Simon asked about the Stearns County park plans in that he would like to see a sledding hill.

OLD BUSINESS

10% WATER RATE INCREASE - Rena Weber reported that David Drown had reviewed the request to reduce the proposed water rate increase to 10% over four years and what the outcome would be. David Drown indicated that in his review a negative cash flow would occur in each of the next four years as the 40% is implemented. Discussion was held regarding the negative effect. *(A copy of the report is hereby attached and marked Exhibit A).*

NEW BUSINESS

AREA SALES – Stearns County Assessor Randy Lahr was present at the meeting to review the area sales of property from October of 2006 to September of 2007 and are for taxes payable in 2009. Some areas are going down in value, there are more homes on the market, and this is mainly in larger cities where a large number of homes are for sale. 24 of the sales that occurred were considered arms-length transactions or market sales. The 24 sales indicated a median ratio of 89.5%, which means approximately a 6% overall increase is needed. The Assessor has to be

between 90% & 105% for median sales and they shoot for 95%. Lakeshore values still need to be brought up significantly to fall in line with what they are selling for. We had 7 sales on Grand Lake in the study period and they have a median ratio of 77.44% which indicates the values are 15% to 20% below what the properties are selling. The other area of the city that will have some increase this year will be the former downtown Rockville area. There were 12 sales that occurred in this study which indicated a ratio of 91.79%, this area will see a 2% to 5% increase. The non lake former township area will be seeing little or no increase in values and even some reduction in value. Agricultural values will only be seeing minor increases in market value. Green Acre values will be seeing significant increases for those farmers that are enrolled. Proposed changes are:

Residential/Seasonal	+6%
Grand Lake	+10% to 15%
Pleasant Lake	+5%
Vacant Lake Lots	+15% to 20%
Off Lake properties	+0%
Former City Limits	+2% to 5%
Agricultural – Market	+0 to 5%
Agricultural – Green Acre	+10% to 15%
Commercial/Industrial	+3% to 6%
Apartments	+0% to 2%

Member Palmer questioned the time adjustment factor. Randy Lahr reported that time adjustment factor refers to how the market has changed during a certain time frame. That is why they shoot for 95% as it is never more than a 3% difference.

TRANSPORTATION RESOLUTION – Rena Weber reported that the Transportation Resolution that is being presented is from the League of MN Cities as a result of review of another resolution as proposed by Representative Marty Seifert. This resolution is similar to the resolution that was passed last year by the council.

Motion by Mayor Herberg to approve the resolution 2008-04 as presented.

Member Hagen questioned the LMC Resolution and:

- 40% dedication for transit
- Indexing of the gas tax
- Sales tax increase to fund transportation needs

Discussion was held regarding the three items and the time frame by which this would be needed. Street Improvement District as a local funding tool is not law at this time and discussion was held regarding how that would work being somewhat the same as what the township did with the Road & Bridge Funds.

Member Palmer asked for a friendly amendment to indicate that the Indexing of the gas tax include a statement “provided that outstate cities get their fair share”. Mayor Herberg agreed to the friendly amendment.

The amended resolution was then seconded by Member Palmer.

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

AYES: Ahles, Herberg, Palmer, Simon

NAYS: Hagen, Pflapsen

Motion passed on a 4 to 2 vote.

BOUNDARY COMMISSION FINAL REPORT – Jerry Bechtold was present to give a final report on the Boundary Commission citing the fact that this is the first time a boundary adjustment of this size has been accomplished in the State of Minnesota. It is receiving a lot of inquiries. On 4/21/05 the City Council passed a Resolution approving the establishment of a Boundary Commission. On 6/21/05 the first meeting was held with Sam DeLeo, surveyor hire by the Council. Work progressed and it is time to dismiss the commission. Jerry Bechtold reported that the Stearns County Historical Society would like to have all property owners sign the plat and place it on file at the History Museum in St. Cloud.

Mayor thanked all members and staff for their work in accomplishing this project.

Motion by Member Hagen, second by Mayor Herberg, to accept the final report and dismiss the Boundary Commission.

***AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen & Simon
Motion passed on a 6 to 0 vote.***

COMMITTEE REPORTS

MAYOR REPORT – Mayor Herberg reported on the following:

ROCORI TRAIL – Mayor Herberg reported that he and Administrator/Clerk Weber testified at the Legislature regarding funding for the Rocori trail. Rena Weber for the Senate side and Mayor Herberg for the House side.

LGA – Mayor Herberg reported that he is also working on securing LGA increase for the city, but has not been informed as to when we have to testify.

JEANNE BURTZEL – OUTSTANDING EDUCATOR – Mayor Herberg thanked Ms. Jeanne Burtzel – 6th Grade teacher at John Clark Elementary for being awarded the 2007 Outstanding Educator of the year. She was recognized for her creation and implementation of a program called “Family Groups”.

SPECIAL ASSESSMENT POLICY – Mayor Herberg reported that the task force did not meet, but will meet on February 27th at 7:30 p.m.

ADMINISTRATOR REPORT

PLATTING FEES – Rena Weber reported that platting fees need to be approved by ordinance amendment therefore she has advertised the public hearing for 3/5/08 – 6:45 p.m.

Member Hagen questioned if we could hold one public hearing at the beginning of each year to consider amending all fees. Rena Weber will check on that option.

JOBZ – Member Hagen had forwarded information about JOBZ for council and EDA review and Rena also provided information from the LMC for information purposes only.

BUSINESS SUBSIDY REQUEST – STONECRAFTER’S – Rena Weber reported that a summary report was to be made available to the public regarding the request for subsidy. That is now available at City Hall for viewing.

DISRUPTIVE OR THREATENING BEHAVIOR AT PUBLIC MEETINGS – Rena Weber reported that in light of the killings in Missouri the LMC issued a statement regarding disruptive or threatening behavior as public meetings.

DETACHMENT LETTER OF STATE OF MN – Rena Weber reported that the city was notified that an official petition has been filed with the MN Office of Administrative Hearings regarding the detachment of Sections 31 – 36. She suggested the full council meet on 2/27/08 at 6 p.m. instead of just the Finance Committee since a response is needed by 3/3/08. The council determined that this would occur.

OPEN FORUM

Duane Willenbring – 25123 County Road 139 the upcoming water rate hearing on water increase and the history regarding accountability and transparency. Julie had a pie chart available regarding the changes such as wages. Member Pflapsen suggested the David Drown charts be available too.

PERSONNEL COMMITTEE – Mayor Herberg indicated that he would like to recess the city council meeting to consider interviewing applicants for the Fire Chief position. Mayor Herberg reported that originally there were 3 applicants for Fire Chief and the Personnel Committee was to narrow down the list to 2. One applicant dropped out and the Personnel Committee has recommended one individual. Does the council want to interview both candidates or take the recommendation of the Personnel Committee of which 2 members of the Fire Department were a part of?

FIRE FIGHTER JOB DESCRIPTIONS – Mayor Herberg also reported that the Personnel Committee, with the help of Fire Department members, reviewed the Fire Fighter job description and is requesting approval of it as presented.

Motion by Mayor Herberg, second by Member Hagen, to approve the Fire Fighter Job Description as presented.

AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen & Simon

Motion passed on a 6 to 0 vote.

AUTHORIZE REPLACEMENTS – Mayor Herberg reported that in light of the recent resignations bringing the total to 18 the Fire Department would like to replace those positions back to 25.

Member Hagen voiced concern in that he would like to wait until the new Fire Chief is on and have that person come back to the council with a recommendation on how many need to be hired.

Discussion was held regarding approval to at least authorize advertisement for the position without stating a number.

Motion by Mayor Herberg, second by Member Simon, to approve the authorization of advertising for fire fighter replacements, but not indicating how many would be hired.

AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen & Simon

Motion passed on a 6 to 0 vote.

FIRE CHIEF – Mayor Herberg then asked the council about the appointment of the Fire Chief.

Member Pfllepsen indicated he would accept the committee recommendation.

Member Simon indicated he would abstain from voting due to the fact that he is a fire fighter.

Motion by Member Hagen, second by Member Pfllepsen, to approve the recommendation of the Personnel Committee and appoint Jeff Howe as the Fire Chief.

AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen

ABSTAINING: Simon

Motion passed on a 5 to 0 vote.

Mayor Herberg asked Jeff Howe if he would accept the position and he stated that he would do so.

ADJOURNMENT – ***Motion by Member Ahles, second by Member Hagen, to adjourn the meeting at 7:40 p.m. Motion carried unanimously.***

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

BRIAN HERBERG
MAYOR

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