

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

Staff members present were: Administrator/Clerk Rena Weber, Planning Commission Chair Toni Honer & Sgt. Tim Meland.

Others present were: Tudie Hermanutz, Don Simon, Clarence Bloch, Tom & Peggy Schulz, Howard Fuchs, Lois Lenzmeier, Pat Grelson & Dan Hansen

ADDITIONS TO THE AGENDA: *Motion by Member Becker, second by Member Koerber, to approve the addition to the agenda for discussion purposes.*

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

Motion passed on a 5 to 0 vote.

OPEN FORUM

No one came forth.

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

a) ***Approve minutes of 01/20/2010***

b) ***Approve Treasurer's Report of 02/17/2010***

c) ***Approve List of Bills and Additions of 02/17/2010***

Accounts Payable CK # 011861 to 011923 \$63,792.77

Payroll CK # 003671 + 003693 to 003701 9,533.69

EFT CK #000291 to 000298 6,056.22

d) ***Approve PLHA donation booth at Easter Egg Hunt***

e) ***Schedule 05/12/2010 – Board of Review meeting***

f) ***Approve Rockville Lion's –Gambling Site license–Big Daddy's Burger & Booze***

g) ***Certify unpaid bills to tax roll \$258.71 Parcel #76.41741.0004***

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

Motion passed on a 5 to 0 vote.

BOARD/STAFF REPORT

POLICE DEPARTMENT – Sgt. Tim Meland reported there were 35.5 contract hours for January with 7 citations (1) speeding.

Mayor Hagen questioned a bill for door unlocking. Rena Weber reported that Public Works staff worked with Stearns County Sheriff to unlock a home where a large amount of water was used and there should be no one living there.

PLANNING COMMISSION – Chair Honer reported on the following:

TOM & PEGGY SCHULZ VARIANCE(S) REQUEST -21086 County Road 8 – Toni Honer reported that the Planning Commission considered the request of Thomas & Peggy Schulz for variances from Shoreland Requirements.

The address of the property is: 21086 County Road 8 with a legal description of: All that part of the Government Lot Four (4), of Section Twenty-nine (29), in Township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West, described as follows: Commencing at the Southwest corner of said Government Lot Four (4); thence East on the South line thereof 792 feet to the centerline of a Township Road; thence North 41°00' East on said centerline 542.70 feet to its intersection with the center line of Stearns C.S.A.H. No. 8, for point of beginning, thence South 51°30' East along the center line of said C.S.A.H. No. 8, for a distance of 175 feet; thence North 33°05' East 100.6 feet, more or less, to the shore of Grand Lake; thence Northwesterly on said shore to its intersection with the extended center line of said

Township Road; thence South 41°00' West on said extended centerline 85 feet more or less to the point of beginning. Subject to said C.S.A.H. No. 8

The request is to construct a 24' x 12' unattached storage structure in the R-1 – Shoreland District. Variances from the following will be discussed:

- ◆ Setback from center line of County Road should be 100' (actual 59.62')
- ◆ Setback from OHWL should be 75' (actual 33.8')
- ◆ Impervious surface (exceeds 12%)

Rena Weber reported that Tom & Peggy Schulz purchased the former Tom Reed cabin on Grand Lake. This lot is very limited in any type of expansion, therefore the need for variances. They have hired a landscaper to design water runoff on their property. Essentially it will result in less impervious surface than there is now 41.4% down to 38.5% and will slow down or stop runoff from going straight into the lake (via the driveway). I would suggest that something be added to address the runoff from the new shed.

Toni Honer reported the Planning Commission recommends approval with conditions to include Greg Berg and Engineer comments.

GREG BERG SOIL AND WATER CONSERVATION DISTRICT:

Our office is in favor of any water quality improvements that can be made within the permitting process. Unfortunately as a part of the construction process we cannot provide cost share funds. If this was something the landowner wanted to implement on their own outside of a permit situation (construction) we would be glad to look into the possibility of providing cost share funds. It looks to me that the firm providing the plans has some good concepts. I would agree that they should look at providing Stormwater treatment for the runoff generated by the proposed building.

ENGINEER REPORT

It appears what the applicant is proposing is reasonable. I would prefer the building be setback further from CR 8 but I see why they didn't (save the 24" tree); I concur that at a minimum the new building should be no closer to CR 8 than the existing cabin. I'm assuming based on the site plan that the applicant isn't intending to add another driveway; if he is: 1) need to show it on the site plan; 2) it will increase the total impervious lot coverage - more mitigation needed; 3) he will need County approval - driveway permit. If the City intends to approve the current variance request, I suggest including project timeline and final City as-built inspection/approval conditions to the approval.

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

RESOLUTION NO. 2010-04

A RESOLUTION APPROVING VARIANCES IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Tom & Peggy Schulz for variances from: Impervious Surface, Setback from OHWL, and also Roadway Setback requirements to construct a 24' x 12' unattached garage in the Shore Impact Zone in the R-1 District, and;

WHEREAS, said structure will be placed 59.62' from roadway, locate said structure 33.8' from the OHWL, and exceeds impervious surface at 38.5%, 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 12' unattached garage that will be placed 59.62' from roadway, locate said structure 33.8' from the OHWL, and exceeds impervious surface at 38.5%.**
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 including an additional plan to treat the storm water from the new structures will be constructed and maintained.**

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

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

Motion passed on a 5 to 0 vote.

FUCHS MINOR SUBDIVISION – Chair Honer reported on the following:

RE: SITE PLAN APPROVAL

Parcel I.D. No. 76-41605.0200 – Section 3, Township 123, Range 029

76-41606.0100 – Section 4, Township 123, Range 029

31-21117.0080 – Section 34, Township 124, Range 029

Owner: Howard R. Fuchs

Property Address: 25835 County Road 138, St. Cloud, MN 56301

REQUEST

Approval to split 10 acres from the approximate 40 acre site thereby establishing a new property line and further restrict that the newly created parcel is sold with the portion located in St. Joseph Township.

RELEVANT INFORMATION

1. Property is zoned R-1 and a portion is in the Shoreland (Sauk River) Overlay.
2. Property is 40.0 acres approximately.
3. The owner(s) are proposing to sell 10 acres north of the home site for building purposes.
4. Howard R. Fuchs currently lives on Tract B.
5. Denny Kron- Stearns County Surveyor has reviewed this split and gave his approval as long as it is sold with the piece in St. Joseph Township. The City will receive the taxes on any improvement in the city.

Chair Honer reported that the Planning Commission reviewed this qualified minor subdivision and approved it. No other action need be taken.

ORDINANCE AMENDMENT – IMPERVIOUS SURFACE IN RESIDENTIAL OVERLAY – Chair Honer reported that in the Stormwater ordinance under Lot Coverage Limits we allow Shoreland overlay district to contain up to 20% impervious surface without a variance. In the other districts this is not allowed.

Staffs proposal is to add:

Subdivision 12(b). Lot Coverage Limits - Standards.

No parcel may exceed the associated impervious surface coverage limits, as described below:

- 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 provides a plan to the City that treats surface water runoff for water quality, as provided in 13(b).**
 2. Located in the Shoreland overlay district, 12%, except on a General or Recreational Development lake.
 3. On a General or Recreational Development lake, 15%, except that a lot of record may contain up to 20% impervious surface, without a variance, if the parcel provides a plan to the City that treats surface water runoff for water quality, as provided in 13(b).
- B. Commercial and Industrial zoned property:
 1. Not located in the Shoreland overlay district, 50%.
 2. Located in the Shoreland overlay district, 25%.
 3. Notwithstanding, if the parcel is served by municipal storm water sewers and other infrastructure with adequate capacity, the coverage limit may be increased up to 100%, without a variance, as approved by the City Engineer. A request for such a waiver must demonstrate that the storm water is adequately treated.

The Planning Commission recommends that this change be made and schedule a public hearing to consider this. The Administrator suggested a public hearing be scheduled for 3/17/10 at 6:30 p.m.

Mayor Hagen voiced concern of the coverage limit in the Commercial/Industrial property may be increased up to 100% without a variance.

JOINT MEETING – Chair Honer also wanted the council to hold a joint meeting to bring the Council & Planning Commission together more. The Planning Commission has had requests to sub-divide property into 5 or 10 acre plats, but could not determine where that should be allowed, if the people should petition their neighbor, etc. The green acres law also comes into play. They would like to schedule a meeting with Gary Grossinger, Stearns County Assessor, to learn more about the process and effects. Rena Weber is to set this meeting up and let the Planning Commission & City Council know.

PUBLIC WORKS DEPARTMENT – Public Works Director Rick Hansen requested the council approve the use of designated Fund 101-43100-220 \$3500.00 and Fund 101-43100-338 \$1080.49 to pay for the hydraulic manifold repair on the snow plow truck.

Motion by Member Willenbring, second by Mayor Hagen, to approve the expense as requested.

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

Motion passed on a 5 to 0 vote.

FIRE DEPARTMENT – 1st Assistant Fire Chief Don Simon was present to request:

TURN OUT GEAR - Please approve the purchase of 1 set of turnout gear from Fire Equipment Specialties. We have no turnout gear that fits one of the new members and must use another members gear for training. The prices had stayed the same from last year.

(1) Janesville Isodri 32" commando Coats \$930.00 each

(1) Janesville Isodri Superpant with lumbar support \$595.00 each

(1) Janesville Suspenders \$29.00 each

(1) Servus 1467 Bunker Boots \$125.00

Shipping charges \$50.00 approx.

TOTAL \$1729.00

The funds will come from E101-42200-538 which has \$6000 in the budget.

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

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

Motion passed on a 5 to 0 vote.

NEW BUSINESS

DAN HANSEN – LETTER OF CREDIT - Dan Hansen was present to ask for a reduction of the letter of credit he has with the city for the gravel pit on 230th Street. Mr. Hansen cited the fact that road construction has come to a grinding halt. It is also in the 5th year of the expiration and he would like to drop the letter of credit entirely. Mr. Hansen also cited:

- ◆ He saved the city \$4.00/ft whenever we purchased gravel
- ◆ Knife River ran on 230th street during County Road 82 construction and they should be liable for damage to the road too
- ◆ He would like to extend the gravel pit for 20 years
- ◆ Would Rockville like to buy the land and sell wetland credits?
- ◆ He is running at a loss right now.

Mayor Hagen reported that the Public Works reviewed this request and recommended denial of both requests.

Member Becker motioned to table action until more information on the letter of credit is provided.

Mayor Hagen suggested we address the LOC when the renewal date comes up or deny the request.

Member Willenbring stated that we're doing some projects this year so we should keep the LOC in place and further do not modify the LOC.

There was no second to Member Becker's motion.

Motion by Member Willenbring, second by Member Koerber, to deny the request to dismiss the Letter of Credit for Dan Hansen and further to review when it comes due.

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

Motion passed on a 5 to 0 vote.

COMMITTEE REPORTS

MAYOR REPORT – There was nothing to report.

PERSONNEL COMMITTEE – There was no request for action.

PUBLIC WORKS COMMITTEE – Mayor Hagen reported that the Public Works Committee met with Lois Lenzmeier – 25418 Pleasant Road to discuss her issue with a bill for \$8,872.50 for sewer stub fee which mistakenly not billed at the time of issuance of building permit.

Rena Weber reported that this piece of property was one of the seven lot development that was done by James & Jackie Voigt. At the time the assessments were re-apportioned the city attorney figured in a portion of the Voigt lift station, but not the stub fee that includes the trunk main to Cold Spring or the improvement to the WWTP.

The developer (Voigt's) also wanted to sell some of the lots for garages only so they would not need a sewer stub. At a later time a low pressure stub fee was approved.

The city engineer reported that the assessment portion paid in the purchase of the property should be deducted from the total. The Public Works Committee also recommended a reduction for dewatering cost.

- \$8782.50 original sewer stub fee
- 2101.64
- 6680.86
- 1180.86 for dewatering costs
- \$5500.00 Final cost

Motion by Member Willenbring, second by Mayor Hagen, to approve sending Ms. Lenzmeier a letter with the following options:

a. "If you do not pay this bill by 11/15/2010 the full amount of the bill will be certified for payment with property taxes for taxes payable 2011. The entire amount of the billing will then be payable with your 2011 property taxes."

b. "If payment by 11/15/2010 or payment of the entire amount with your 2011 property taxes will cause you a hardship, the City is willing to allow you to pay the amount as a special assessment. Payment would be over a 10 year period. Payments would be due with your property taxes in equal annual installments. Added to each year's installment would be interest at the rate of 4.34%. If you wish to have City use this special assessment option you must, however, sign and return the enclosed assessment agreement and waiver to the City within 30 days."

AYES: Becker, Hagen, Koerber, Schmitt & Willenbring.
Motion passed on a 5 to 0 vote.

Lois Lenzmeier asked what people will be charged in the future. The full fee.
 Lois also asked if she could be relieved of installing a rain garden. No that is an ordinance requirement.

ADMINISTRATOR REPORT

Detachment legislation – Rena Weber had been contacted by the City of Breezy Point who recently went through a detachment – very similar to ours. They are wondering if the City of Rockville would unite with them to propose legislation changing the statute that allows people to detach so easily. Cities have vested interest in keeping the land they have and plan for utilities, roads, etc. This gets missed when up against the ALJ. Does our city wish to work with Breezy Point? I had asked both of our legislators (shortly after the detachment) to consider such legislation, but nothing really came of it. Now this has happened to another city.

Rena Weber suggested we unite with the League Staff, Breezy Point and Legislators in St. Cloud during the LMC annual conference.

It was determined that more information is needed such as the Findings of Fact from the Breezy Point detachment(s).

ADDITIONS TO THE AGENDA

ST. JOE FIRE DEPARTMENT RELIEF ASSOCIATION RAFFLE – 4/9/10 AT THE 400 CLUB

Motion by Member Becker, second by Member Willenbring, to approve the request for gambling license as presented.

AYES: Becker, Hagen, Koerber, Schmitt & Willenbring.
Motion passed on a 5 to 0 vote.

OPEN FORUM

Don Simon – 600 Othmar Lane stated that he listened to comments on the gravel pit. This is something the city should keep and urged the council to work something out with Dan Hansen.

A-10 – he went to several meetings on the county's proposed changes.

Public Works meeting – he urged the council to keep committees to 3 members only so there is more discussion at the council meeting.

Member Willenbring voiced concern that there were complaints that roads were blown shut. He felt that staff should be able to make the call on when they plow snow.

Toni Honer asked if she could have her cul-de-sac cleaned out so she doesn't get flooded. This will cause problems in spring.

Member Willenbring offered to have the snow dropped on his two lots next to the water tower.

Dave Volkmuth – 25754 Lake Road asked to have the Maintenance run through Lake Road and push the snow into Lions' Park.

Don Simon – asked if the Maintenance Department could open up more parking at Eagle Park.

ADJOURNMENT – Motion by Member Becker, second by Member Willenbring, to adjourn the meeting at 7:01 p.m. Motion carried unanimously.

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR