

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JULY 18, 2007 – 6:00 P.M. – ROCKVILLE CITY HALL.

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

Staff Members present were: Administrator/Clerk Rena Weber, Fire Chief Randy Dingmann, Rock Fest Coordinator Kathleen Stanger, Engineer Scott Hedlund and Attorney Jim Mogen.

Others present were: Aaron Cheeley, Mary Ann Hermanutz, Ev Balko, Brian Hatten, Ron Lehmeier, Bill Becker, Paul Wirth, D McGovern, Mike Kosloski, Dan Hansen, Carol Dietman, Adeline Boucher, Mike Hofmann, Scott Palmer, George Bechtold, and Bruce Conrad.

ADDITIONS TO THE AGENDA – There were no additions; however, scheduling the public hearing for SJ Louis assessment was pulled from the agenda.

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

- a) *Approve minutes of 6/20/07, 6/26/07 and 7/9/07*
 - b) *Treasurer's Report of 7/18/07*
 - c) *List of Bills and Additions of 7/18/07*
- | | |
|--|---------------------|
| <i>Accounts Payable CK #009220 to 009331</i> | <i>\$179,034.98</i> |
| <i>Payroll CK #002742 to 002786</i> | <i>18,807.76</i> |

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

BOARD/STAFF REPORTS

POLICE REPORT – The written report indicated 65 contract hours.

Member Simon voiced concern on how fast people drive on County Road 8 and suggested the city apply some pressure with the Sheriff's Department.

Member Pflapsen also voiced concern and suggested the speed trailer as a deterrent. Rena Weber is to call Sheriff John Sanner about the concerns.

FIRE DEPARTMENT – Fire Chief Randy Dingmann reported on the following:

PAGER REPLACEMENT – Chief Dingmann requested approval to purchase five new pagers at a cost of \$2875.00. They received \$1200.00 from the DNR 50-50 matching grant. The remaining \$1675 will come from the \$3500 budgeted for radios and communications.

Motion by Mayor Herberg, second by Member Ahles, to approve the request as presented.

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

RESCUE VAN -Fire Chief Dingmann reported that they are in need of replacing the Rescue Van motor and the cost is \$6700. This will be reviewed further.

PLANNING COMMISSION –

RON LEHMEIER – VARIANCE - Jeff Hagen presented information regarding the variance request of Ron and Terri Lehmeier:

76.41629.010: Owner: Ron/Terri Lehmeier
 Property Address: 11784 State Highway 23

Variance(s) Requested:

1. Variance to allow addition at 87' from OHWL of Sauk River, where setback requires 100'.

Construction Requests:

1. Remove existing 10' by 16' porch on east side of home and replace it with 30' by 38' addition.
2. Remove existing deck on Sauk River side (north side) of home and constructed 13'8" by 6' deck on the west side of the home.
3. Move an existing 24' by 27' detached garage to the south (further from Sauk River than exists), to allow for the 30' by 38' addition on the east side of the home. This garage would be located south of existing septic system.

Relevant Information:

1. R-1 Single Family District. Existing home, deck, porch, etc. are non-conforming due to existing 87' set back.
2. Additions to the home would add to existing non-conformance; therefore requiring this variance.
3. Existing detached garage has standing seam metal siding, metal roof; siding currently does not meet our ordinance, but existed prior to ordinance adoption.
4. Elevation certificate is required, has been provided; and floor of addition must be constructed at least 3' above the OHWL.
5. No confirming information at this time, but if the existing septic system is older than 5 years; Stearns County would require a certification.
6. The impervious area is not an issue.

Recommendations:

1. Stearns County: Appears to have no concerns other than noting that a variance is needed for the 87' setback, and that possibly a septic certification would be needed if the existing system is older than 5 years. Best Management Practices during construction recommended-which is obvious to any construction.
2. Rockville City Staff: I believe they recommend approval.
3. Jeff Hagen's thoughts: The membership may want to discuss requiring matching siding on the detached garage when it's been moved to bring into conformance with existing zoning. With respect to septic; if it has been installed during the past 10-15 years and is working, I would not require certification.

It was determined at the Planning Commission that matching the house would not be necessary.

Member Hagen reported that the Planning Commission recommended approval.

Member Palmer added that the Planning Commission recommends the Lehmeier's follow the engineer recommendations and best management practices. Member Palmer further read the Findings of Fact for the record.

Member Pflapsen asked if any of the Planning Commission members visited the site.

Member Hagen stated he was not sure, but he had provided a written report and pictures which is in the council packets.

Member Simon stated that he visited the site and recommends the siding on garage should be left as is.

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

RESOLUTION NO. 2007-18

RESOLUTION APPROVING A VARIANCE FROM FRONT YARD REQUIREMENTS.

WHEREAS, A request has been received from Ron and Terri Lehmeier for a variance from Front Yard Setback requirements to construct an 30' x 40' addition to their' home in the Shore Impact Zone in the A-40 District, and;

WHEREAS, said structure will be placed 87' from the front yard lot lines (lakeside), 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 30' x 40' structure and to locate it 87' from the front yard lot line.***
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 was duly seconded by Mayor Herberg with the following vote being taken:

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

Motion passed on a 6 to 0 vote.

ORDINANCE AMENDMENTS – Member Palmer reported that the Planning Commission looked at a proposed ordinance regarding accessory structures (exteriors) and will bring back a revised ordinance at a later date.

APPOINTMENT OF OFFICER – Member Palmer reported that the Planning Commission recommends approval to appoint Toni Honer as Chair of the Planning Commission with the stipulation that Jerry Bechtold stays on for as long as he wants. Discussion was held regarding the need for a change in the ordinance to allow a member to stay on without term limits.

Motion by Member Ahles, second by Member Pfllepsen, to approve the appointment of Toni Honer as Chair of the Planning Commission.

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

Motion passed on a 6 to 0 vote.

REPLACEMENT OF ROGER SCHMIDT – Discussion was held regarding the replacement of Roger Schmidt on the Planning Commission. It was determined that the seven member board would remain intact.

Motion by Mayor Herberg, second by Member Hagen to authorize the advertisement seeking a replacement of a Planning Commission member until 8/1/07.

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

Motion passed on a 6 to 0 vote.

MAINTENANCE – Rena Weber reported that Wakefield Township received bids for the overlay project on 133rd Avenue and they came in much less than budgeted. The estimate was \$23,000 and the actual bid is under \$15,000.

PARK & RECREATION – The Trails Task Force requests approval of the following:

EAGLE PARK DEVELOPMENT – The task force asked for reimbursement from CMIF for the development of Eagle Park:

1. Granite Edge \$266.25 (lunch for volunteers)
2. Michele Monson \$107.00 (printing of the Eagle Park brochure)
3. Corky's Gas & Bait \$26.34 (pop for Eagle park volunteer work day)

Motion by Mayor Herberg, second by Member Palmer, to approve the request as presented.

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

Motion passed on a 6 to 0 vote.

ROCK FEST – Rock Fest Coordinator Kathleen Stanger reported on the following:

ANNUAL EVENT – Kathleen reported that they currently have \$11,000 in paid bills plus they are \$6,000 to the good for the raffle and they are looking to break even. This is a community event run by volunteers and not the city. The city donates \$3,000 to the fireworks only so this is a self supporting event.

Member Palmer complimented Kathleen on the huge success of the event.

Member Pfllepsen wished to second that compliment, but questioned the attendance.

Kathleen reported the sales were down by 50 in buttons.

Kathleen Stanger also presented a written document addressing:

Our annual community festival review

Why a festival in Rockville

The success of the festival in Rockville

ANTICIPATED CHANGES FOR NEXT YEAR

- Beer garden during the day at the Granite Edge
- Possible date change

Mayor Herberg also thanked Kathleen and the volunteers for their work and asked about national recognition we are getting for the cow milking contest. Kathleen reported that this event was taped and will be shown on CMT.

Kathleen reported that if the Rock Fest folds the money goes back to the Sportsman's Club and that money is to go back to the community. In answer to how can we separate the money she stated that she keeps two copies of the books, one for the Sportsman Club showing the donations and one with all of the revenue and expenditures accounted for by the city.

NEW BUSINESS

RESOLUTION 2007-17 - Rena Weber explained that the Cities of Richmond and Cold Spring have already passed resolutions supporting a request for Bond Assistance from the State of MN for the Rocori Trail. A regional project of this size would need state financing and therefore we are seeking assistance in hopes to start the project in 2010 if approved. This will become a part of the Glacial Lakes trail originating in Willmar and eventually ending in St. Cloud. The MN DNR will take over maintenance of the trail once constructed.

Member Simon asked how much it would cost the citizens of Rockville. Mayor Herberg indicated that originally the three cities agreed to split up the cost which was around \$33,000.

Rena Weber reported that the group will continue to seek grants in addition to the state bonding and the trail will not occur without the additional financing. Rockville's share will be covered by the SJ Louis donation of \$84,000.

***Mayor Herberg introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2007-17***

A RESOLUTION SUPPORTING A REQUEST FOR BONDING ASSISTANCE FROM THE STATE OF MINNESOTA FOR THE ROCORI TRAIL PROJECT

WHEREAS, the cities of Richmond, Cold Spring and Rockville, in conjunction with Stearns County, have established the Rocori Trail Project that will greatly enhance alternative modes of transportation and provide recreational and health opportunities to residents and visitors; and,

WHEREAS, the project will provide a separated, off-road, paved bicycle/pedestrian trail connecting the cities of Richmond, Cold Spring and Rockville; and,

WHEREAS, the vision of the trail is to connect to the State of Minnesota Department of Natural Resources' Glacial Lakes State Trail; and,

WHEREAS, the Rocori Trail project has received a Federal SAFETEA-LU grant; and,

WHEREAS, the state bonding process provides matching funds for projects that have a statewide or regional impact and the Rocori Trail project would have such an impact.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rockville, that the City Council does hereby authorize the request for state bonding proceeds to assist in financing the Rocori Trail project.

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

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

EXTENSION OF MORATORIUMS (TRANSFER OF DEVELOPMENT RIGHTS & SHORELAND STANDARDS) - Rena Weber explained the Shoreland ordinance and the need to extend this until the end of August at least to give the committee time to finalize the document and hold public hearings.

Attorney Jim Mogen reported that Ordinance 2006-35 & 36 were incorrect in allowing an extension of the moratorium. The process in Rockville has been to pass the resolution authorizing the moratorium and then followed up with an ordinance.

***Member Hagen introduced the following resolution and moved for its adoption:
Resolution No. 2007-19***

RESOLUTION ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF THE APPLICATION FOR SUBDIVISION OF CERTAIN SHORELAND WITHIN THE CITY OF ROCKVILLE

WHEREAS, the City of Rockville has directed the City Attorney to develop and draft an interim ordinance pursuant to 2007 Minnesota Statutes, Section 462.355 providing a moratorium on the subdivision of shoreland; and

***WHEREAS, the City Attorney developed the following proposed interim ordinance;
and***

WHEREAS, it is the City procedure to provide for public hearing and comment prior to the adoption of an interim ordinance; and

WHEREAS, the City Council wishes to insure that no application contrary to the proposed interim ordinance will be submitted prior to the formal adoption of any interim ordinance; and

WHEREAS, the City Council has the authority under its police powers to direct staff to refuse applications for subdivision pending the consideration of the proposed interim ordinance at a properly noticed public hearing.

NOW, THEREFORE, the City Council of Rockville hereby directs that no application for subdivision contrary to the attached proposed interim ordinance shall be accepted until after the City Council has heard public comment at the hearing scheduled on August 1, 2007, as it may be continued by the Council. This direction shall expire upon (1) the adoption of an interim ordinance relating to the shoreland, (2) the denial of such an ordinance, (3) the revocation of this resolution by the Council, or (4) one week after the closing of the public hearing.

The motion was duly seconded by Member Palmer with the following vote being taken:

Member Pflapsen voiced concern that placing a moratorium on for one year means no development in 2008.

Mayor Herberg asked if the moratorium will affect us negatively.

AYES: Ahles, Hagen, Palmer & Pflapsen

NAYS: Herberg & Simon

Motion passed on a 4 to 2 vote.

TRANSFER OF DEVELOPMENT RIGHTS – Jim Mogen stated that he is looking to the council for direction on restriction of size of lots in A-40 district. Discussion was held on how the ordinance reads and how the Randall Arendt theory comes into play.

Member Pflapsen indicated that he wants to see subdivision occur and changes made to the ordinance by the spring of 2008.

Member Simon commented that he too would like to see subdivisions occur.

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

Resolution No. 2007-20**RESOLUTION ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF THE APPLICATION FOR SUBDIVISION OF CERTAIN A-40 ZONED LAND WITHIN THE CITY OF ROCKVILLE**

WHEREAS, the City of Rockville has directed the City Attorney to develop and draft an interim ordinance pursuant to 2007 Minnesota Statutes, Section 462.355 providing a moratorium on the transfer of residential development rights within the A-40 Zoning District; and

WHEREAS, the City Attorney developed the following proposed interim ordinance; and

WHEREAS, it is the City procedure to provide for public hearing and comment prior to the adoption of an interim ordinance; and

WHEREAS, the City Council wishes to insure that no application contrary to the proposed interim ordinance will be submitted prior to the formal adoption of any interim ordinance; and

WHEREAS, the City Council has the authority under its police powers to direct staff to refuse applications for subdivision pending the consideration of the proposed interim ordinance at a properly noticed public hearing.

NOW, THEREFORE, the City Council of Rockville hereby directs that no application for subdivision contrary to the attached proposed interim ordinance shall be accepted until after the City Council has heard public comment at the hearing scheduled on August 1, 2007, as it may be continued by the Council. This direction shall expire upon (1) the adoption of an interim ordinance relating to the transfer of development rights, (2) the denial of such an ordinance, (3) the revocation of this resolution by the Council, or (4) one week after the closing of the public hearing.

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

Mayor Herberg asked that the Planning Commission work diligently and get this done as soon as possible.

Member Hagen reported that people can still come in and seek variances which are allowed in the ordinance.

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

Member Hagen suggested the council establish a small committee to lay out some goals of the council and planning districts whereby this type of development could occur. The committee will consist of: Members Hagen, Herberg, Palmer & Pflapsen. The committee will meet on 7/25/07 right after the Lake Improvement District hearing.

POLICE DEPARTMENT – Sgt. Jon Lentz was present to report that the department booked 65 contract hours during June. 21 citations were given and Sgt. Lentz reviewed the report.

Member Pflapsen voiced concern on the amount of enforcement on the lakes being maybe a little too much. Sgt. Jon Lentz reported that the department changed the water patrol section this year as 2 deputies have been assigned to this plus the volunteers. Joe Litchy oversees the section. Sgt. Lentz reported the City does not get charged for time spent on the water as this is paid for under a special grant.

BOUNDARY COMMISSION ASSESSMENT – Rena Weber reported that the costs for the Boundary Commission have been gathered and are ready for assessing.

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

RESOLUTION NO. 2007-21

RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT

WHEREAS, by a resolution passed by the council, the Administrator/Clerk was directed to prepare a proposed assessment of the cost of THE BOUNDARY COMMISSION PLAT FOR HUBERT LANE.

AND WHEREAS, the Administrator/Clerk has notified the council that such proposed assessment has been completed and filed in her office for public inspection,

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

1. **A hearing shall be held on the 15TH day of August, 2007 in the city hall at 7:00 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.**
2. **The Administrator/Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.**
3. **The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of the payment, to the Administrator/Clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.**

The motion was duly seconded by Member Pflapsen with the following vote being taken:

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

Motion passed on a 6 to 0 vote.

ENGINEER REPORT

COUNTY ROAD 82 BIDS – Scott Hedlund reported that at the pre-construction meeting he was asked if the city wants to pull the street lighting conduit from the project. The cost is \$18,903.

Rena Weber estimated that the cost for the project with the deletion of the conduit would be around \$201,000 including soft costs.

Motion by Member Simon, second by Member Hagen, to delete the street lighting conduit from the project.

AYES: Hagen, Palmer, Pflapsen & Simon

NAYS: Ahles & Herberg

Motion passed on a 4 to 2 vote.

Scott Hedlund reported that there are 55 workings days from July 23, 2007 to get the project done. The county will provide access with one lane being open and posted detours will be up. Stearns County will not send out a newsletter and Scott urged the council/staff to give out the Highway Department phone number to residents.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Herberg had nothing to report.

STREET COMMITTEE – Chair Don Simon reported on the following:

PIP – LEAKING METER PIT – Don Simon reported that the seams in the Prairie Industrial Park lift station need to be filled to prevent water from getting into it. The cost is \$1200 to get this sealed.

Motion by Mayor Herberg, second by Member Hagen, to approve the expense of \$1200 to get the seams sealed in Prairie Industrial Park lift station as presented.

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

Motion passed on a 6 to 0 vote.

FINANCE COMMITTEE – Rena Weber asked approval to schedule a Finance Committee meeting for 8/22/07 at 6 p.m. Approval was given.

PERSONNEL COMMITTEE – Rena Weber will schedule a Personnel Committee meeting with Chair Volkmuth.

PUBLIC HEARING ON MORATORIUMS – Jim Mogen suggested the council schedule a public hearing to adopt the new moratoriums for 8/15/07 at 7:10 p.m.

Motion by Mayor Herberg, second by Member Ahles, to schedule public hearings on 8/15/07 at 7:10 p.m. and 7:20 p.m. for the moratoriums on Shoreland Development and Transfer of Development Rights respectively.

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

Motion passed on a 6 to 0 vote.

ENGINEER – Scott Hedlund reminded council members that a client feedback session had been scheduled on 7/24/07 at 6 p.m.

OPEN FORUM

Paul Massmann – 7468 County Road 141, questioned the County Road 8 assessment and what the current policy is. Rena Weber reported that the Special Assessment Policy Committee had met on 7/17/07 and voted to reduce the assessment amount for designated roadways. Mayor Herberg informed the residents that on 8/1/07 the amended assessment policy will be considered.

Bernadine Massmann - 25232 County Road 139, asked how the city can assess people when they are not receiving an improvement.

Jim Mogen addressed the question stating that if your property is located within the city and according to the assessment policy the city can assess for improvements even though there is no cost to the city. Jim Mogen offered to talk to Bernadine Massmann indicating that under state law the city is compliant.

Tudie Hermanutz – 211 1st Street West, asked whatever happened to the railroad fixing the track. Rena Weber reported that representatives met at the crossing with Tudie and they said it did not need fixing.

Math Hooser – 23106 County Road 8, asked what is wrong with the road the way it is and why is he being assessed when there is a new road in front of him from the Highway 23 project. Scott Hedlund indicated he will look into any length discrepancies.

Member Pfllepsen stated that this is a county project and they have determined it needs repair.

ADJOURNMENT – Motion by Member Ahles, second by Member Simon to adjourn the meeting at 7:36 p.m. Motion carried unanimously.

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

**BRIAN HERBERG
MAYOR**