

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
JANUARY 18, 2006 – 7:00 P.M. – JOHN CLARK ELEMENTARY SCHOOL**

The meeting was called to order by Mayor Brian Herberg. Roll Call was taken and the following members were found to be present: Mayor Herberg, Council members Vern Ahles, Jeff Hagen, Ed Karls, Lloyd Lommel, Don Simon, & Greg Simones. Absent: None

Staff Members present were: Administrator/Clerk Rena Weber, Attorney Jim Mogen and Engineer Scott Hedlund.

Planning Commission members present were: Jerry Bechtold, Toni Honer, Dan Hansen, Dale Borgmann, & Linda Peck.

Others present were: Cheryl Lommel, Tудie Hermanutz, DeLane Ruegemer, Aaron Cheeley, Clarence Bloch, Harold Rosenow, Scott Stenseth, Duane Koepp, Don Adams, Dave Volkmuth, Scott & Sue Palmer, & John Koerber.

CONSENT AGENDA: Member Lommel questioned the vote on the motion approving the engineer stating that Member Hagen was opposed.

Member Simon questioned CK #7607 and if this was for work done in 2005. Rena Weber reported this is a pre-pay with a 10% discount for 2006.

Motion by Member Ahles, second by Member Karls, to approve the consent agenda as amended:

- a) ***Approve minutes of 01/04/06 & 01/11/06 (amended)***
- b) ***Treasurer's Report of 01/18/06***
- c) ***List of Bills and Additions:***

Accounts Payable CK #007577 to 007631 \$238,061.76

Payroll CK 002227 to 002268 17,154.91

***AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.***

DEPARTMENT REPORTS

POLICE DEPARTMENT – Rena Weber reported there were 69 contract hours in December.

FIRE DEPARTMENT – There was no report.

MAINTENANCE DEPARTMENT – There was no report.

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

STEVE HEYING – Scott thanked Steve Heying for his years of services as the Park & Recreation Board Chair. Scott reported that Steve Heying is staying on as a member.

SUMMER BALL PROGRAM – Scott reported that sign up for the summer ball program is scheduled for 3/11/06 (9 a.m. until 12:00 noon). Scott reported that prices will stay the same.

Brenda Hoffke will return as the Summer Rec Coordinator.

REQUEST FOR ACTION – Scott Stenseth requested council approval to authorize \$1200 from the trails fund (E 202-49122-511) to be used towards the cost of a feasibility study for the Rocori Trail option using the BN Railroad corridor.

Motion by Mayor Herberg, second by Member Lommel, to approve the request to spend \$1200 on a feasibility report for the Rocori Trail.

***AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.***

PLANNING COMMISSION – Chair Jerry Bechtold reported on the following:

DUANE KOEPP VARIANCE – Jerry Bechtold reported the Planning Commission reviewed this request and recommends approval. Rena Weber further reported that this request involves the

Boundary Commission and that the moving of this property line is included in the preliminary report.

Duane & Kim Koepp have purchased the two adjacent westerly lots from Charles Thomey and wish to create two bigger lots. Tract A contains 14,645 square feet and Tract B contains 12,065 square feet.

The address of the property is: 11011 Hubert Lane with a legal description of: Lot 6 GRAND LAKE PARK, according to the recorded plat thereof as in on file in the office of the County Recorder in and for Stearns County, Minnesota TOGETHER WITH the East 45 feet of Lot 7, said GRAND LAKE PARK in the City of Rockville.

The request is to administratively move the lot line between Lots 7 & 8, Grand Lake Park, by attaching an additional 20' to Lot 6. By doing so the westerly property line of Lot 7 moves to within 2' (two feet) of the accessory structure currently in place.

**Member Ahles introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2006-05**

**RESOLUTION APPROVING A VARIANCE FROM SIDE YARD REQUIREMENTS.
WHEREAS, A request has been received from Duane & Kim Koepp for a variance from Side Yard Setback requirements in the Shore Impact Zone in the R-1 District, and;
WHEREAS, said structure is placed 2' from the side yard lot lines, 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 locate a structure 2' 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 for the foregoing resolution was duly seconded by Member Simon with the following vote being taken:

**AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.**

DELANE RUEGEMER – Jerry Bechtold reported the Planning Commission recommends approval of the Administrative Plat to reduce three lots into two lots. DeLane Ruegemer questioned whether the council would consider deleting one of his sewer stubs.

Attorney Jim Mogen stated the council has the option of doing a corrective assessment if they wished to grant the request.

Rena Weber reported that she did not get the cost breakdown from Keith Yapp for the sewer stub alone.

Motion by Mayor Herberg, second by Member Lommel, to deny the request to delete the sewer assessment for the third lot for DeLane Ruegemer.

**AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.**

DeLane Ruegemer further requested council consideration in deleting the trail along the southern portion of Tract A or reduce his park land dedication since the number of lots has been decreased. If that trail never goes through does he pay the \$1200 dollars or the \$2400?

Scott Stenseth reported that the Park & Recreation Board is still working on that.

Motion by Member Lommel, second by Member Simones to approve an amended agreement with DeLane & Joey Ruegemer to reflect that if the trail is not completed and whatever lots are in place in ten years is what the parkland dedication fee would be assessed at.

**AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.**

SIGN ORDINANCE – Jerry Bechtold reported that the Planning Commission recommends the Council place a moratorium on signs and also a moratorium on Shoreland development.

Attorney Jim Mogen reported that the sign ordinance moratorium and Shoreland Development moratorium is needed until the city adopts a new Shoreland ordinance and updates the sign ordinance. An amended ordinance regarding the moratorium on development is being drafted and Jim Mogen will submit it to the Planning Commission.

SUB-COMMITTEE REPORT – Jerry Bechtold reported that a sub-committee had met on a number of occasions to review the proposed Backes development and had offered a counter proposal. A report on the proposal was provided to the Council.

NEW MEMBER APPOINTMENT – Rena Weber reported that Jerry Tippelt applied by the 1/6/06 deadline, and since then two other people responded (Susan Palmer and Jim Phlipsen).

Member Lommel indicated that we should stick to the deadline.

Member Hagen indicated he was under the impression that the Administrator wanted Council members to look for new members and that is what he did not knowing there was a deadline. Member Hagen suggested that we ask Jerry Tippelt if he would be open to being considered with other people.

Motion by Member Simon, second by Member Lommel, to appoint Jerry Tippelt to the Planning Commission for a five year term to 12/31/11.

***AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.***

Rena Weber to clarify the number of years Roger Schmidt was appointed for. *(It should be noted that this was five years as well, according to the ordinance 12/31/10).*

OLD BUSINESS – There was none.

NEW BUSINESS

GLACIAL LAKES TRAIL SUPPORT – Rena Weber reported that Stearns County is seeking state bonding for the Glacial Lakes Trail that would connect to the Rocori Trail. A letter of support would benefit their cause as well as ours.

***Member Simones introduced the following Resolution and moved for its adoption:
RESOLUTION NO. 2006-04***

***RESOLUTION SUPPORTING STATE BONDING FUNDS FOR IMPROVEMENTS OF THE
“GLACIAL LAKES STATE TRAIL” FROM THE KANDIYOHI/STEARNS COUNTY LINE TO
THE CITY OF COLD SPRING***

WHEREAS, the State of Minnesota Legislature bonds for capital outlay projects;

WHEREAS, the State of Minnesota has owned trail right-of-way from Willmar to Cold Spring for many years;

WHEREAS, the 16-mile segment from the Kandiyohi/Stearns County line to Cold Spring has not been improved to allow year-round recreational use on the trail corridor;

WHEREAS, local residents are eager to use the trail for recreation on a year-round basis;

WHEREAS, improvements are needed to make the trail available to the public for outdoor recreation and to attract tourists;

WHEREAS, opening the trail will connect three commercial recreation areas of the State of Minnesota – Willmar, Paynesville and Richmond;

BE IT THEREFORE RESOLVED, THAT Stearns County supports inclusion of this segment of trail in the upcoming State Bonding bill for \$1 million to improve the trail and get it open to the public.

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

***AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.***

CONTRACT FOR SERVICES – Rena Weber reported that she and Jerry Bechtold had met with Don Adams – Stearns County Environmental Services Director to discuss renewal of the contract for services. A copy of the renewal contract was made available to the council. The price per hour increased from \$40 per hour to \$45 per hour.

Don Adams was present at the meeting and reported that ISTS (individual septic systems), storm water permitting, wetland permitting and feedlots have been delegated to the County for administering.

Don Adams suggested that Dan Lais- MN DNR review the requests where Shoreland is involved.

Member Hagen questioned if we need to send everything to the county and suggested the Planning Commission and City Council learn the ordinance and manage to do that ourselves.

Motion by Mayor Herberg, second by Member Ahles to approve renewal of the Contract for Specified Land Use and Zoning Services with Stearns County Environmental Services.

***AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.***

ENGINEERS REPORT

PAY APP #4 – KHC CONSTRUCTION INC – Scott Hedlund reported the pay application is for the Well house construction in the amount of \$57,505. The cost is primarily for the chemical feed equipment and we are at 90% completion with 5% retainage. The contractor plans to start testing the pump house next Tuesday. Electrical and site work will be done in the spring.

Scott Hedlund further reported that testing of the complete system will start the first week of February, weather permitting.

Motion by Mayor Herberg, second by Member Lommel, to approve Pay Application #4 to KHC Construction, Inc. as presented.

***AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.***

CHANGE ORDER #4 – Mayor Herberg reported that this change order was presented previously for Hydro Logical Systems mobilization that occurred last spring (for the well installation on Hubert Lane) and also for resetting Sand's grinder station on Grand Lake Road which was 18" too high. Mayor Herberg recommended payment and then we will deal with BWK on the final payment.

Motion by Mayor Herberg, second by Member Simones, to approve Change Order #4 as presented and further to withhold such payment of (\$2,738.73) for the 10978 Grand Lake Road grinder station from BWK Engineers.

***AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.***

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Herberg reported on the Stearns County Municipal League meeting held last night in Melrose. Jeff Howe was the guest speaker and his speech was quite moving. Rockville will be hosting the May meeting.

STEARNS COUNTY SHERIFF'S DEPT. LETTER – Mayor Herberg reported that there will be a brainstorming meeting on what we can do or how we can educate people on the problems of Meth. CMIF is funding this training session and they will be held at:

1/24/06 – Sauk Rapids High – 6:30 p.m. to 8:45 p.m.

1/31/06 – Melrose High - 6:30 to 8:45 p.m.

STREET COMMITTEE – Chair Don Simon reported on the following:

- a) Willenbring claim – in process
- b) Pleasant Lake water system – will start to test next month
- c) 400 Club sewer odor – proposal to take care of problem using a scrubber and Sweetvent
- d) Schlangen road closing – this is a minimum maintenance road and we need to put some signs that indicate this is a minimum maintenance road.

- e) Tom Van Lith – sewer bill deletion – There is no service provided so there should be no billing.
- f) Cedar Street – (next to old Post Office) should be parallel parking and we should make sure the vehicles are moved for snow removal.
- g) Klocker update on ditch – The issue is there is a ditch that is behind their property and that by changing the direction of the storm water outlet may cause problems for the neighboring property.
- h) 123rd Avenue request for turn around – The committee would like to make this area bigger without engineering fees.
- i) 205th Street sign always disappears – The committee will have the sheriff talk to residents.
- j) Maintenance Truck purchase – The committee discussed looking for a one ton truck, but they will keep looking.

ADMINISTRATOR REPORT

PURCHASE OF SHIRTS – Rena Weber reported that in the past employees have purchased shirts for city events. We would like approval to purchase wind shirts (to be worn on Fridays). The cost is \$34.50 each with a \$90.00 one-time set up charge. EMS would like to purchase a waterproof jacket at a cost of \$80.00. Maintenance Department would like to purchase a work jacket as well.

Motion by Member Simones, second by Member Lommel, to approve payment of the logo set up cost and 50% of the cost of the shirts/jackets, but no more than one time per year.

AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones

NAYS: Hagen

Motion passed on a 6 to 1 vote.

SALE OF CITY HALL – Rena Weber reported that there is an interest regarding the sale of the present city hall and asked for council input on the idea.

Motion by Mayor Herberg, second by Member Ahles, to refer this request to the Finance Committee to explore the pros and cons and report back to the Council.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones

Motion passed on a 7 to 0 vote.

ATTORNEY INTERVIEWS – Rena Weber reported that she talked to the attorney firms who indicated they did not know about the first interview date, but were still interested. One firm is interested in doing criminal prosecution only, but that she did talk to Janelle Kendall-Stearns County Attorney about receiving a bid from them for such service.

Motion by Member Lommel, second by Member Ahles, to schedule interviews for the two firms wishing to provide general counsel for 2/1/06 at 6:00p.m. & 6:30p.m. and further to obtain an estimate from the Stearns County Attorney for criminal prosecution.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones

Motion passed on a 7 to 0 vote.

REQUEST FOR TRANSFER OF LAND – Rena Weber reported that Jeff Lahr (Jeff's Freedom Auto) is interested in obtaining the land (Description B) that was left over as a result of the street vacation (Prairie Drive). It is 34.56 wide (County Road 140) and needs to be maintained by the City should we keep it.

Attorney Jim Mogen advised the Council that it is not technically a road so we would have to sell it for the best offer. Mayor Herberg suggested we sell it for what we paid for it. No action was taken.

RECESS AND MEET WITH PLANNING COMMISSION – Mayor Herberg reported that the council would now recess the regular council meeting to meet with the Planning Commission at 8:07 p.m.

Rena Weber explained the need to have this discussion came up when Member Hagen questioned how the Brentwood Hills development got approved without following the Shoreland management regulations. There was confusion as to whether or not the city had actually adopted the Stearns County Shoreland Management ordinance by reference.

Attorney Jim Mogen indicated that whatever ordinance that was in effect at the time of consolidation stayed in place until the city adopted its own ordinance.

Don Adams – Stearns County Environmental Services Director was present to discuss the difference between the Shoreland Management ordinance and the Alternative Shoreland Management ordinance. Don explained that counties up around Brainerd formed a pilot project to discuss Shoreland requirements and the primary difference allows: PUDS, expansion to resorts, Shoreland alteration, and the difference in size of riparian lots. Don Adams estimates the alternative Shoreland ordinance is somewhat more restrictive. The alternative rules have not been adopted.

Jerry Bechtold indicated these are pragmatic tools for selective use by local governments. Basically it relaxes the standards and gives the local government more leverage. This was brought to the Governor's attention by the tourism industry and they are pushing for the standards.

Don Adams reported that a lot of the resorts have been changed into PUD'S and have divided into smaller lots to maximize their financial interest. There are some trade offs that they have to do in order to increase their density.

Discussion was held regarding a report on the difference between the alternate ordinance and the Stearns County ordinance.

Linda Peck reported that a DNR roundtable was held in St. Cloud recently and this issue came up. One of the biggest threats is that people with a lot of money have enough money to buy land around another lake up north. Resorts are trying to stay in business and the desire is to keep them viable. She would appreciate it if Don Adams could do more research on this.

Member Lommel indicated he had the same concern as the same thing is happening with land around here. Member Lommel asked if we adopt Stearns County Ordinance by reference does the City need to hold a public hearing. It was reported that we would not have to hold a public hearing.

Member Hagen stated that we have this alternative Shoreland proposal and Stearns County's ordinance and he would like to see a sub-committee set up to take a look at both. The sub-committee could combine elements of both. A representative from each lake association should be on the sub-committee as well as someone living near the Sauk River, the Planning Commission and Stearns County. Dan Lais should review the ordinance before it is approved.

Member Hagen also asked if it is a problem to have portions of both. Don Adams stated it is better to have a seamless ordinance or as close to the same as possible.

Jerry Bechtold reported on the history of how we have been using the Stearns County ordinance citing that this was reported in the Planning Commission minutes a number of times.

Don Adams stated that we are better off adopting an ordinance and then form a sub-committee to make some alterations.

Member Hagen asked if we were challenged should we have some ordinance on the books. Attorney Jim Mogen the city has been covered and had three different ordinances in place.

Discussion was held regarding the adoption of Stearns County Ordinance 209 (Section 10) instead of approving a moratorium. It was determined that the zoning ordinance amendment would be occurring soon and Section 10 could be done at that time.

Vince Schaefer stated he does not believe the city would adopt the entire zoning ordinance, just Section 10. Vince added that in fact if you go by the old ordinance that the three entities had then you still would have the problem with the 300' along either side of the Sauk River as there was nothing in the old city ordinance to cover the river. Vince Schaefer recommends that the city adopt the Stearns County Ordinance Section 10. He doesn't see anything unique in Rockville from any city in the County.

Linda Peck stated that if you tweak anything, you strengthen it, not weaken it.

Don Adams stated the city could adopt what they want.

Jim Mogen stated the city ordinance would still have to meet state requirements.

Jerry Bechtold indicated that the alternate standards ordinance is a 12/12 draft that has been changing constantly. The state commission has not approved the ordinance in its entirety.

Member Simones indicated that at this point the state hasn't even adopted them, but we can look at them.

Member Hagen recommended that we legally adopt the Stearns County ordinance now.

Jerry Bechtold reminded the council that the alternate is the final draft and they are awaiting the commissioner's response.

Motion by Member Lommel, second by Member Simones, to close the special joint meeting and to reconvene the regular meeting.

***AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.***

Motion by Member Hagen, second by Member Lommel, to start the process and schedule a public hearing for 2/22/06 to adopt Stearns County Ordinance Section 10 by reference.

***AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.***

Motion by Member Hagen, second by Mayor Herberg, to recommend the Planning Commission form a sub-committee to look at the Stearns County Shoreland Management ordinance and the Alternative Shoreland ordinance, invite participation from areas of the city where they see appropriate, and come back with a recommendation that they see fit.

***AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.***

OPEN FORUM

Scott Palmer- President of the Grand Lake Assn., thanked the council for their consideration in looking at the alternative ordinance. Scott indicated that he has a comparison of MN SS 6120 against the Alternative ordinance. Examples of where there are differences include:

- It talks about vegetation – create buffer zones
- Things that are important to Grand Lake people are non – riparian piers
- Mercury poisoning and water quality issues
- Larger lot sizes
- Impervious surface – 6120 allows a maximum of 25% whereas the alternate allows 15%

Toni Honer – questioned when the light on the new water tower would be turned on. Scott Hedlund is to check on the availability of electric. Scott stated that the light is for aesthetics and is not required for structures under 200 feet in height.

John Koerber asked what Shoreland ordinance was used when the Arcon development occurred. John also asked if anybody has driven 230th Street. John stated that he drove it and from the pit on down the road is bad.

Mayor Herberg indicated the road is not any worse than it was before. The road rises in the winter as the frost pushes the black dirt up. The Street Committee is looking at this street project.

ADJOURNMENT – Motion by Member Ahles, second by Member Simon, to adjourn the meeting at 8:55 p.m. Motion carried unanimously.

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

**BRIAN HERBERG
MAYOR**

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