

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, MAY 14, 2014 –
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 Sue Palmer, Don Simon, Randy Volkmuth and Duane Willenbring. Absent: None

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

Others present were: Tudie Hermanutz, Rick Tallman, Diane Willenbring, Tom Smedstad, Bill Becker, Vince Schaefer, Carol Dietman, Tom Maselter, George & Kate Bechtold, Judy Neu, Ev Balko, Butch Voigt, Rick Hansen, Paul Hoeschen & Cheryl Miller,

ADDITION TO THE AGENDA – Motion by Member Volkmuth, second by Member Simon, to approve the addition to the agenda for discussion purposes.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

OPEN FORUM

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

- a) Approve minutes of 03/12/14
- b) Approve Treasurer's Report of 04/16/14
- c) Approve List of Bills and Additions

Accounts Payable CK #015207 to 015266	\$56,337.76
Payroll CK #004690 to 004701	10,286.16
EFT #000821 to 000830	257,545.94

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

BOARD/STAFF REPORT

PLANNING COMMISSION- Chair Toni Honer reported on the following:

DARWIN VOIGT – REQUEST TO CREATE A PARKING LOT FOR ONE YEAR

Mr. Voigt was approached about an opportunity that would entail having a lot available to park 100 cars/day and his bus company would shuttle the clients to their work area. Not storing equipment.

Re: Parking Lot Permit Request

76.42146.0807: Owners: Darwin Voigt

Property Address: 875 Prairie Court

Legal Description: Section 17, Township 123, Range 029

Lot 7, Block 2, Prairie Business Park

Permit Requested:

1. Approval to use a vacant lot as a parking lot for one year (August 2014 to July 2015)

Relevant Information:

1. This property is located in the I-1 District.
2. Property contains 1.01 acres more or less.
3. Ordinance interpretation: I-1

Subdivision 3: PERMITTED ACCESSORY USES

1. Open and outdoor storage when fully enclosed by fencing and screening.
2. Offices accessory to a principal use.
3. Fences as regulated by this Ordinance.
4. Off street parking and loading regulated by this Ordinance.

At first Darwin was talking about storing equipment then an IUP would be needed:

AN INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:

SECTION 9 GENERAL REQUIREMENTS SUBDIVISION 3 (2) COMMERCIAL/INDUSTRIAL USES

Commercial/Industrial Uses. Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall require an **interim use permit subject** to the provisions of this Ordinance and all non-residential outside storage shall conform to the following conditions:

SECTION 22 LIGHT INDUSTRIAL SUBDIVISION 6 (3) OPEN STORAGE

Review and Approval Required for Exception to Apply. The above exempt outdoor storage will only be permitted if approved by the City Council after review and recommendation by the Planning Commission. In any case, the area used for such storage must be screened from view from outside the premises by a fence of one hundred percent (100%) opacity, of a minimum height of eight (8) feet, with the maximum height to be determined by the City. Under no circumstances will open or outside storage be allowed within the setback areas. Storage shall not be allowed in a truck, trailer, or similar container

Recommendations:

1. Maintain existing drainage patterns over, under, and across their property.

Ask for plan on snow storage/removal.

Engineer's request – Cannot modify drainage swale between the lots

2. No additional driveways will be allowed. Access to & from this lot will be done through the bus shed lot. There is a drainage easement between the two lots that cannot be disturbed. Engineer request need to replace any disturbed soil/turf.

3. Approve with these conditions.

The Planning Commission reviewed and recommends approval with conditions as suggested by staff and engineer.

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

RESOLUTION NO. 2014-07

A RESOLUTION GRANTING APPROVAL TO CREATE A PARKING LOT FOR ONE YEAR.

WHEREAS, Darwin Voigt (Voigt Bus Company) has received a request to use a vacant lot as a parking lot for a one year period and to have Voigt Bus Company transport the employees to their place of work in Waite Park, and;

WHEREAS, it has been determined that this use (while temporary) can be allowed with conditions.

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

1. Such use will be permitted from August 2014 to July 2015 on Lot 7, Block 2, Prairie Business Park between the hours of 7 a.m. and 5 p.m. each work day.

2. Parking will be allowed on the grass, however, there will be no new driveway put in. Ingress/Egress shall occur through the bus shed lot.

3. Snow removal/storage shall occur on the lot owned by the Voigt's directly behind this lot.

4. Drainage easement cannot be modified and any disturbed turf/soil will need to be repaired upon termination of the use or not later than 8/1/2015.

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

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

VERN SALZL –INTERIM USE PERMIT FOR BILLBOARD - Zoning Administrator Rena Weber stated that the 10 year conditional use permit is up and we should make a decision on the sign and continue the conditional use permit. Do we have an issue with the sign on Vern Salz's property? That's our billboard area; we have only three in the whole area.

Chair Honer stated the Planning Commission had no problem with it renewing it for another 10 years.

Motion by Member Volkmuth, second by Member Willenbring, to approve allowance of the billboards for another 10 years as permitted under the original permit.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

JOHN VOGT – AMEND RR ORDINANCE TO ALLOW MORE STRUCTURES

Zoning Administrator Rena Weber stated Mr. John Vogt, came in last year and wanted to keep his 2 corn cribs and use them for bird cages. At one time this property was agricultural, and it was then rezoned residential when we became a city.

The Planning Commission reviewed the Rural Residential ordinance that was put in place 2012. They recommend no change to RR ordinance as they gave John Vogt a variance for 2 accessory structures already. Further the Planning Commission suggests that John Vogt actually have it rezoned to RR. No action was taken.

RICK TALLMAN'S RESIGNATION – Toni reported that the Planning Commission accepted Rick Tallman's resignation.

Motion by Member Volkmuth, second by Member Simon, to accept the resignation and to authorize posting for the open position.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

REPLACEMENT OPTION - Toni Honer reported that she has a person to fill the position for the remaining year of Rick Tallman's term – Bill Becker.

Motion by Member Simon, second by Member Palmer, to appoint Bill Becker to fill the remaining term of Rick Tallman on the Planning Commission.

AYES: Hagen, Palmer, Simon & Volkmuth.

NO: Willenbring

Motion passed on a 4 to 1 vote.

RUTH BROWN – 25452 LAKE ROAD – Toni Honer reported that a site visit was done with Ruth Brown -25452 Lake Road and the Planning Commission would like a letter from Rena giving them 45 days to clean up the areas of concern.

Motion by Member Volkmuth, second by Member Willenbring, to authorize the Administrator/Clerk to send a letter to the resident as requested.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

PLANNING COMMISSION MEETING START TIME – Chair Honer reported that the Planning Commission discussed changing the meeting start time to 6 p.m. and requests approval to do so. Approval given.

WEED & GRASS CONTROL – Chair Honer reported that the Planning Commission also discussed the weed & grass control issue with forfeited properties. They would like Rena to send a letter to Randy Schreifels asking them to mow them down along Highway 23.

RECREATIONAL VEHICLES – Chair Honer indicated that there still is an issue with RV's parking along County Road 8 and other areas of the city. The Planning Commission feels we need to do something about this.

POLICE – While no officer was present the written report showed 35 contract hours. There were no questions.

Motion by Mayor Hagen, second by Member Willenbring, to approve the report as presented.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

PARK BOARD – REQUEST FOR ACTION -

RFA – PITCHING MACHINE Request for purchasing a Pitching Machine for Summer Youth Ball Program. Cost of \$600

\$200 will come out of Park and Rec. Budget

\$400 will come from donations. *(This did not happen)*

Scott Stenseth

Rockville Park and Rec. Chair.

Funding:

E 101-45120-580 Equipment – budget has \$2,000 in it.

Motion by Member Volkmuth, second by Member Willenbring, to approve the purchase of a pitching machine.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

LIONS CLUB REQUEST – The Lion’s Club is in the process of repairing their lawn mower and the estimate is approximately \$2,000. They would like to run this through the city as we do for other repairs. Because it is over \$500 they need to get council approval. They will reimburse the city for whatever the cost is.

Funding:

E 101-45122-220

Budget Amendment: 101-45122-220 +\$2,000

101-45122-36240 + \$2000

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

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

NEW BUSINESS

SCHEDULE PUBLIC HEARING RE-ASSESSMENT –Rena Weber requested the council to schedule a public hearing for 6/18/14 – 6:30 p.m. to re-assess parcel # 76.41720.0443 – \$838.48 – this is a forfeiture lot that was purchased by Kenn Tamm.

Motion by Member Volkmuth, second by Member Willenbring, to schedule a public hearing to consider adoption of a supplemental assessment for 06/18/14 - 6:30 p.m. Parcel #76.41720.0443

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

FIRE DEPARTMENT MEALS – Member Willenbring had volunteered to follow up on the discussion regarding the city paying for Fire Department Relief Association annual meeting meal, but was unprepared to answer at this meeting.

SITCKNEY HILLS - PAUL HOESCHEN & CHERYL MILLER – Paul Hoeschen (Cold Spring Public Works Superintendent) stated they were not totally prepared for this meeting as they have only completed a second round of testing and the results were available today. While the results were better Paul feels that additional testing needs to be done to determine if we need to develop a pre-treatment agreement. MPCA will have to be notified as this amount of effluent will affect not only Stickney Hills, but Cold Spring and Rockville’s plant capacity. Other questions are:

- How will we test Stickney Hills on a regular basis? With food or beverage loadings the organic loading changes.
- Capacity can be deceiving – we have a lot of gallons per day, but if you add the strength it changes what you are loading.

Paul explained what the graphs indicate in the report and urged people to look at people equivalency

- Need to do more testing

Member Willenbring disclosed that Cheryl Miller is his niece. He also feels that pre-treatment is the way to go.

Cheryl Miller indicated that their time frame is to be fully operational in 12 months, but this is based on how these things fall into place.

Member Palmer voiced concern as to how much the capacity is going to cost should we have to construct an addition to the Cold Spring plant.

Member Volkmuth asked what is the proper protocol in regards to pre-treatment. Paul Hoeschen stated that yes if they use up your capacity then you could require them to have a pre-treatment plant. The Cold Spring Brewery plant was \$1.5 million.

PUBLIC HEARING – 2012-80 AMENDING CABLE TV FRANCHISE – Mayor Hagen announced that a public hearing would now be held to consider adoption of Ordinance No. 2014-80 renewing the cable TV franchise agreement.

Rena Weber reported the Tri-City Cable Commission has approved the agreement and it is up to each city to approve. Cold Spring approved this already. I asked Roger Schmidt (one of our reps) to review the proposed rate change MidContinent is asking to see if it is in line with what they have talked about. No issues were raised at the Cable TV Commission level.

No person appeared at the public hearing portion.

Motion by Member Volkmuth, second by Member Willenbring, to close the public hearing at 6:48 p.m.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

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

ORDINANCE NO. 2014-80

**AN ORDINANCE AMENDING THE CABLE COMMUNICATIONS
FRANCHISE ORDINANCE**

WHEREAS, MIDCONTINENT COMMUNICATIONS (“Company”) holds a cable communications franchise (“Franchise”) for the construction and operation of a cable communications system within the Cities of Rockville, Cold Spring, and Richmond, and the Township of Wakefield, MN, (“Grantor”); and

WHEREAS, Grantor and Company have mutually agreed to extend the term of the Franchise by adopting this Ordinance Amendment (“Amendment”) and to make such other changes as are mutually agreed upon herein.

NOW, THEREFORE, the City hereby ordains:

1. The term of the Franchise is hereby amended to expire July 7, 2014, unless Grantor and Company have executed and adopted a new cable communications franchise prior to that date, in which case the Franchise shall expire and terminate concurrently with the effective date of said new franchise.

2. Except as expressly modified herein, all other terms and conditions of the Franchise shall remain in full force and effect. Neither party waives any rights it may have pursuant to applicable law.

3. This Amendment shall be effective upon its passage and publication in accordance with applicable law.

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

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

COMMITTEE REPORTS

MAYOR REPORT – Mayor Hagen presented his comments regarding the recent working session and what he took away from the session.

Mayor Hagen suggested that staff keep a daily log of the nuisance issues. If there is an obvious pattern staff needs to report it to the council who should make every effort to stop it.

Member Simon indicated that we need to involve citizens in maintaining the rain gardens. This will make it easier for public works. This will also open the lines of communications.

Member Palmer wished to add one thing. We hired a Public Works Director. Give him an opportunity to do his job. If he wants volunteers – okay. Otherwise stop trying to offer direction. She approved keeping the log

Member Volkmuth agreed to have staff keep a log.

Motion by Mayor Hagen, second by Member Volkmuth, to have staff keep a daily log of issues encountered until further notice.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

Member Willenbring thanked staff for being allowed to chime in at the working session and his follow up meeting.

RTCB – There were no updates other than Rena Weber reporting that she contacted John Peck and asked him to serve on the committee to which he accepted.

Motion by Mayor Hagen, second by Member Willenbring, to appoint John Peck to the RTCB replacing Rick Tallman.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

PUBLIC WORKS – Chair Simon read from the notes of the 5/13/14 meeting where the following items were discussed:

- Chestnut Street soil borings results
- Proposed projects
- Seal Coating/Crack Filling
- Salt Shed
- Calcium Chloride Vs Base 1
- Request to have 131st Dust Control paid by city
- Reclaim gravel roads
- Promotional Ideas to increase tax base

ADMINISTRATOR'S REPORT

WORKING SESSION FOLLOW UP – Rena Weber provided information regarding area cities water and sewer billing.

Rena Weber reported that ordinance enforcement came up during the Working Session and she was wondering if the council wished to enforce the separate water meter per unit requirement.

Member Volkmuth stated that if it is an ordinance it should be enforced.

Mayor Hagen asked if there was an agreement some time ago that did not require separate meter, but in exchange the multiple units would pay the required number of base fees.

Member Palmer indicated that does not change the fact that it is required; in fact they may have gotten a break previously in not paying the base fees.

Member Simon stated we would have to go back to previous 2002.

Member Willenbring questioned why this is coming up under working session. He also questioned why the report on city's paying for water and sewer for all city buildings is being brought up again. Member Volkmuth stated he requested this information.

No action was taken.

OPEN FORUM

Vince Schaefer – 541 Caroline Lane stated:

- He would like to thank Mayor and Council for getting the microphones fixed.
- Thanked staff for explaining in the minutes the water rentals and how things have changed in recent times
- Thanked public for speaking up at open forum
- Comment on Mayor's report for the special meeting – he will still call his elected officials

Tudie 211 1st West asked when will the burning ban come off.

The more you let people know what is going on the less confusion. You need to let people know what you are reading and voting on.

Carol Dietman – agreed 100% with what Tudie said and also requested information on the RV's on Pleasant Lake.

Rick Tallman –25594 Lake Road wished to remind the council of the notice of the recent working session.

- 2013 MN Statutes notice of special meetings requirements
- Posted on the principal building bulletin board or on the door
- At the meeting you said it was posted on Tuesday
- All printed materials shall be available while governing body considers
- The responsible Authority is City Administrator
- Government Data rules from city Data Practice Policy

Council should review their own data practice policy.

Bill Becker – 25844 Lake Road stated you got some unhappy people.

- Positive side – staff did a great job on plowing
- To Councilor Willenbring asked why he voted differently on the two openings
Voted nay on the Planning Commission appointment
Voted yes for the RTCB appointment – why did you 2nd the motion
Member Willenbring sensed it was for the full duration of the Planning Commission position.

Member Simon asked the council to appoint Andy Struffert as Secretary of the Fire Department. Rena Weber wished to remind Don and the council that there is no job description approved in order to appoint a secretary nor is there a pay rate established. This needs to be discussed with the Chief and officers at a Human Resources meeting first.

Member Simon also asked can the fire dept. look for a truck since they have fire suppression equipment that has been donated.

Rena Weber indicated that there is a process to be followed and part of that includes getting approval from Maine Prairie Township. There is money in a truck fund, but this would have to be released.

ADJOURNMENT – Motion by Member Volkmuth, second by Member Willenbring, to adjourn the meeting at 7:38 p.m. Motion carried.

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

**JEFF HAGEN
MAYOR**

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