

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY  
AUGUST 17, 2011 - 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: Jeff Howe, Jerry Schmitt, Don Simon, & Duane Willenbring. Absent: Bill Becker & Randy Volkmuth.

Staff members present were: Administrator/Clerk Rena Weber & Engineer Scott Hedlund.

Other's present were: Aaron Cheeley, Tудie Hermanutz, Tom Griffin, Vince Schaefer, Betsy Goebel, Mark Schneider & Lt. Jon Lentz.

**ADDITIONS TO THE AGENDA – Motion by Member Simon, second by Member Willenbring, to approve the additions to the agenda for discussion purposes.**

**AYES: Hagen, Howe, Schmitt, Simon, & Willenbring**

**Motion passed on a 5 to 0 vote.**

**OPEN FORUM**

No one appeared.

**CONSENT AGENDA**

**Motion by Member Willenbring, second by Member Schmitt, to approve the consent agenda as presented:**

- a) **Approve minutes of 07/20/2011**
- b) **Approve Treasurer's Report of 08/17/2011**
- c) **Approve List of Bills and Additions of 08/17/2011**

<b>Accounts Payable Check # 013072 to 013138</b>	<b>\$100,761.95</b>
<b>Payroll Check #004049 to 004062</b>	<b>11,169.40</b>
<b>EFT #000446 to 000449 &amp; 000550 to 000552</b>	<b>5,881.16</b>

**AYES: Hagen, Howe, Schmitt, Simon, & Willenbring**

**Motion passed on a 5 to 0 vote.**

**BOARD/STAFF REPORT**

**POLICE DEPARTMENT** – Lt. Jon Lentz reported there were 34 contract hours for the month of July and cited the types of calls. Lt. Lentz also reported there will be no change in the contract fee for 2012.

**PLANNING COMMISSION** – Rena Weber reported on the following:

**MARK SCHNEIDER @ 23749 LAKE ROAD CONDITIONAL USE PERMIT** – The Rockville Planning Commission held a public hearing to consider the request of Mark H. Schneider for a **Conditional Use Permit** for Home Extended Business.

SECTION 16 Subdivision 4: Conditional Uses reads:

The following uses may be allowed as conditional uses following the procedures set forth in this Ordinance and further subject to the performance and general development standards contained in this Ordinance.

- 16. Home Extended Business

The request is to use property to construct kitchen facilities for business purposes.

**STAFF REPORT:**

Re: Conditional Use Permit Request  
76.41626.0100: Owners: Mark H. Schneider  
Property Address: 23749 Lake Road, St. Cloud, MN 56301

The request is to use property to construct kitchen facilities for business purposes.

Relevant Information:

1. This property is located in the Ag-40 District.
2. Property contains 75.67 acres more or less.
3. 13 notices of public hearing were sent out.

Recommendations:

1. Mr. Schneider has been in the business of making barbecue sauce out of his kitchen and he would like to expand the business.
2. To do that he would like remove a pole shed, move a 12' x 16' shed and add on a 10' x 12' kitchen.
3. The Planning Commission did a site visit to the property on 6/28/11.
4. If the neighbors are fine with this – it could be allowed as a CUP.

The Planning Commission recommends approval of the request without any conditions.

***Mayer Hagen introduced the following resolution and moved for its adoption:***

**RESOLUTION NO. 2011-16**

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT**

***WHEREAS, a request has been received from Mark H. Schneider for a conditional use permit to operate a home extended business in the A-40 District, and;***

***WHEREAS, The address of the property is: 23749 Lake Road, St. Cloud, MN 56301 with a legal description of: The East One-half of the Northwest Quarter (E ½ NW ¼) of Section Fifteen (15). ALSO, all that part of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section Fifteen (15) bounded by a line described as follows, to-wit: commencing at the northeast corner of said SW ¼ of NW ¼ of said Section 15, thence running West 16 rods, thence southerly in a straight line 30 rods to a point four (4) rods west of the quarter quarter section line, thence East four (4) rods, thence North on said quarter quarter section line to the place of beginning, all being in Township One Hundred Twenty-three (123) North of Range Twenty-nine (29) west in Stearns County, Minnesota, subject to all easements and restrictions of record.***

***Less: Lot One (1), Block One (1), Little Oak Valley, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.***

***WHEREAS, this request would not affect any 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 home extended business in the A-40 District without any conditions.***
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 Willenbring with the following vote being taken:***

***AYES: Hagen, Howe, Schmitt, Simon, & Willenbring  
Motion passed on a 5 to 0 vote.***

**OLD BUSINESS**

There was none.

### NEW BUSINESS

**CRIMINAL ATTORNEY CONTRACT FOR 2012** – Rena Weber reported that the Criminal Attorney contract shows an increase of \$5000 which makes the total \$12,500.

Council members voiced concern that the number of cases went down so a request for the breakdown of the last five years was made. A summary of what the county attorney handles would be helpful.

**CENTRAL MN INITIATIVE FOUNDATION** – Rena Weber reported that the Central MN Initiative Foundation is asking for a \$550 donation which is up \$50 from previous years. The city has benefitted by being a part of the foundation.

***Motion by Member Howe, second by Member Willenbring, to approve the \$550 donation to the Central MN Initiative Foundation as requested.***

***AYES: Hagen, Howe, Schmitt, Simon, & Willenbring***

***Motion passed on a 5 to 0 vote.***

**XCEL ENERGY GAS FRANCHISE ORDINANCE** – Rena Weber reported that Xcel Energy would also like approval of a gas franchise ordinance. This has been reviewed by the City Attorney and a public hearing needs to be scheduled.

Rena Weber also asked the council to consider moving the September meeting date up one week to accommodate the 9/15 due date for tax levy adoption.

***Motion by Member Willenbring, second by Member Howe, to approve moving the September meeting to 9/14/11 and further to schedule a public hearing to consider adoption of Ordinance 2011-72 Xcel Energy Gas Franchise at 6:30 p.m.***

***AYES: Hagen, Howe, Schmitt, Simon, & Willenbring***

***Motion passed on a 5 to 0 vote.***

### COMMITTEE REPORTS

**MAYOR'S REPORT** – There was no report.

**FINANCE COMMITTEE** – Rena Weber reported that the Finance Committee has met with department heads and at this point there is proposed 6% increase in the tax levy. Certain departments were asked to reduce their budgets and bring back for the next meeting on 8/30/11.

**RENTAL ORDINANCE SUB-COMMITTEE** - Member Howe reported the Rental Ordinance sub-committee just met with Ron Wasmund who will be giving us some verbiage to give good landlords a break such as (no inspection cycle and/or no fee), but those that have problems will stay on the current schedule.

Another area being looked at is the adoption of the 2007 International Property Maintenance Code.

**EDA** – Rena Weber reported the EDA met 8/8/11 to consider a change in the escrow account for business subsidy requests. They also met with Tom Griffin of Total Lawn Care who has purchased the Bruce Conrad lot. He would like to build a bigger building on Bruce Conrad's old lot, bring over all of his current employees and hire 2 full-time and 2 part-time employees within two years. Requested Action is to consider a 10 year tax abatement not to exceed \$2700/yr (City portion only.)

In addition the EDA recommends that the extension of water/sewer to this area be waived due to the fact of the cost and also because of the past history with the other property owners. The requested action is to waive this requirement.

***Motion by Member Simon, second by Member Willenbring, to schedule a public hearing on 9/14/11 at 6:45 p.m. to consider the tax abatement business subsidy and further waive the requirement to hook up to water/sewer.***

Mayor Hagen indicated that he would like the whole council to vote on this.

Member Simon pulled the waiving of the Water/Sewer hook up from the motion, Member Willenbring was in agreement.

**AYES: Hagen, Howe, Schmitt, Simon, & Willenbring**  
**Motion passed on a 5 to 0 vote.**

**RTCB** – Member Willenbring reported the RTCB is plugging ahead and are awaiting an appraiser's report at the September meeting. Fund raising activities are also being talked about.

**PUBLIC WORKS** – Chair Simon reported on the following:

**Spoden Road Update** – Rick reported that when Spoden Road was repaired it was due to an emergency and was only a temporary fix. The estimate to fix it right is \$6,117.00 and needs to be done. The city was billed \$4,121.60 for the emergency fix.

**Motion by Member Simon, second by Mayor Hagen, to approve the bigger culvert as bid - \$6117.00.**

**AYES: Hagen, Howe, Schmitt, Simon, & Willenbring**  
**Motion passed on a 5 to 0 vote.**

**Seal Coating Project is done** – Rick Hansen indicated that he and Nick only hauled three loads of crushed rock off. It was a very good job.

**400 Supper Club to view drainage problem** – It was determined that members had gone out to the site, elevations were shot and a record is available at city hall. The drainage was not changed so no action will be taken.

**Salt Sand storage** – Rick reported that he will need a place to store salt sand. Rick is to get drawings.

**Shut offs – how strict do we want to be?** Rena and Rick reported on the process of shutting off habitual non-payment water users citing that this is not what we like to do. A few years ago we eliminated one letter, but still do send one notice out and make a courtesy call. This is costing other users money.

The committee discussed raising the 10% late fee to 15% and the \$50 turn on fee to \$100. Rena will research the options.

#### **ADMINISTRATOR'S CORRESPONDENCE**

**LMC – REGIONAL MEETINGS** – Rena Weber reported that the nearest meetings are New Ulm and Royalton.

**ELECTRICAL INSPECTIONS** – Rena Weber reported that the city could take over all of the electrical inspections instead of the State of MN; however, the cost effectiveness at this time would not warrant switching.

**5<sup>TH</sup> MONDAY MEETING** – August 29 in Cold Spring

**RESPONSE TO ROGER HERMANUTZ** – Rena Weber provided a written response to a letter to the editor of the St. Cloud Times regarding water quality issues. Mayor Hagen would like to add his response in addition to the Administrator's response. It was determined that this response would be sent to Mr. Hermanutz with copies to the three agencies that he cited in the letter.

#### **ADDITIONS TO THE AGENDA**

**MARY OF IMMACULATE CONCEPTION RAFFLE** – **Motion by Member Willenbring, second by Member Schmitt, to approve the church raffle on 11/20/11.**

**AYES: Hagen, Howe, Schmitt, Simon, & Willenbring**  
**Motion passed on a 5 to 0 vote.**

**CLARENCE BLOCH SPECIAL ASSESSMENT REMAINING BALANCE** – Rena Weber reported the filing of final plat for Clarence Bloch Addition resulted in a question on special assessments. There are special assessments on Parcel ID # 76-41638-0810 which the Outlot F is being platted out of. It is our understanding the city has agreed that these assessments in the estimated remaining balance amount of \$224,622.16 (after 2011 taxes are paid in full), are not required to be paid, and will remain on the metes and bounds legal that the Clarence Bloch Trust is retaining.

Rena Weber reported that it was her understanding and having reviewed this with Adam Ripple the balance would remain with Clarence's remaining property. The portion that is being platted is considered unbuildable and therefore would not be required to pay an additional sewer assessment.

***Motion by Member Howe, second by Member Schmitt, to agree with this statement as suggested by the City Administrator/Clerk which is to keep the remaining assessment balance with Parcel #76.41638.0810.***

***AYES: Hagen, Howe, Schmitt, Simon, & Willenbring***

***Motion passed on a 5 to 0 vote.***

**PAYMENT APPLICATION #1 – HARDRIVES, INC.** – Scott Hedlund was present to request approval to pay Hardrives \$100,459.80 for pay app #1 citing the work has been done and that Hardrives would like to get paid. Rena Weber indicated this request came in this day at 3:45 p.m. and at this point money would need to be transferred to cover the check. She would like some time to do this as it was not in the proper time frame agreed upon with the contract. The next meeting of the Council will be 9/14/11.

***Motion by Member Howe, second by Member Simon, to approve payment of application #1 within 30 days in the amount of \$100,459.80.***

***AYES: Hagen, Howe, Schmitt, Simon, & Willenbring***

***Motion passed on a 5 to 0 vote.***

**BIG DADDY'S REQUEST FOR ON-SALE NON-INTOXICATING LIQUOR LICENSE** - Betsy Goebel was present to request approval for a temporary on-sale non-intoxicating liquor license 9/10/11 from 6 p.m. to mid-night. They would like to have a barbecue from 4 p.m. to 6 p.m. and also an outside band. The area will be fenced in and the proper certificate of insurance will be provided. Betsy did talk to the neighbors and there were no objections.

***Motion by Member Howe, second by Member Simon, to approve the request per the proper certificates of insurance being provided.***

***AYES: Hagen, Howe, Schmitt, Simon, & Willenbring***

***Motion passed on a 5 to 0 vote.***

#### OPEN FORUM

No one came forward.

**ADJOURNMENT** – ***Motion by Member Howe, second Member Willenbring, to adjourn the meeting at 6:51 p.m. Motion carried unanimously.***

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

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**JEFF HAGEN  
MAYOR**

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