

ROCKVILLE CITY COUNCIL MEETING MINUTES
October 19, 2016
ROCKVILLE CITY HALL

Item 1) Call to Order

Item 2) Pledge of Allegiance

Item 3) Roll Call

The meeting was called to order by Mayor Jeff Hagen at 6:00 p.m. Roll call was taken and the following members were present: Council Members; Sue Palmer, Don Simon, Rick Tallman, and Duane Willenbring.

Staff members present: Finance/Billing Clerk Administrative Asst. Judy Neu, City Engineer David Blommel w/SEH, City Financial Consultant Jason Murray w/David Drown Associates, City Attorney Adam Ripple w/Rinke Noonan, Stearns County Sheriff Representative's Victor Weiss, Planning Commission Chair Bill Becker.

Others present were various members of the public.

Item 4) Approval/Additions of Agenda

Tallman requested updates on the following two items:

- 1) Update on Brian Drown @ 25683 Lake Road
- 2) Update on ROCORI Trail

Motion by Simon, second by Tallman, to approve the agenda as amended. Motion passed unanimously.

Item 5) Open Forum (4) Minute Limit (No Sharing/Allotting of Minutes)

- 1) Vince Schaefer, 541 Caroline Lane, commented on the proposed 2017 levy.
- 2) Tудie Hermanutz, 211 1st St W, also commented on the proposed 2017 budget.

Item 6) Approval Rockville City Council Minutes of September 21st, 2016

Motion by Palmer, second by Tallman, to approve the City Council minutes of September 21st, 2016. Motion passed unanimously.

Item 7) Approval of Bills Paid

Member Willenbring questioned the bill (check# 17147 Stearns County Soil and Water Conservation District) – will follow up with Public Works Department (email sent to Council explaining the bill).

Motion by Willenbring, second by Palmer, to approve the bills paid for September and October. Motion passed unanimously.

Item 8) Consent Agenda:

- a) Approve of September/October 2016 Journal Entries
- b) Acknowledge Lions Monument Committee's September 7, 21, 24 and October 12, 2016 Meeting Minutes

Council requested clarification of a journal entry. Neu provided answer.

Motion by Palmer, second by Willenbring, to approve the Consent Agenda. Motion passed unanimously.

Item 9) Public Hearing Liquor Compliance Failure

City Attorney Adam Ripple provided an explanation of the Liquor Compliance ordinance requirements and violations. For the first violation there is a mandatory fine and a mandatory suspension. The fine is for the first suspension is \$500 that can be imposed by the council and does not require a public hearing. A suspension requires a public hearing. The city's ordinance states a one-day suspension (minimum) for the first violation. The purpose of a public hearing is for chronic violators where the minimum may not be enough and also for the public and the license holder to make comments on the violation. Public Hearings should be held before the mandatory suspension is imposed.

The property owner submitted a letter to the council. Mayor Hagen read the letter to the council and those in attendance. Attorney Ripple explained that the fine is set up by the each individual city under the city's ordinance and not by state law.

- 1) Vince Schaefer @ 540 Caroline Lane, stated he had spoken to Mr. Bell and expressed his concerns about the violation and the fines imposed.
- 2) Tудie Hermanutz @ 211 1st Street West, stated that other businesses had also been suspended on previous violations.

Motion by Palmer, second by Willenbring, to close the public hearing at 6:23 p.m. Motion carried unanimously.

Item 10) Department Reports

- a) Sheriff's Report

Sheriff Deputy Victor Weiss reviewed with the Council the September 2016 written Sheriff's Report of the City of Rockville activity.

- b) Planning Commission (Chair Bill Becker)

- 1) Resolution 2016-38 Approving a Rezoning from B-2 to R-1
Re: Re-Zoning Request
76.41600.0804: Owner: Janice Meyer
Property Address: 25942 Lake Road, Rockville, MN

Re-Zoning Requested:

1. Request to re-zone 0.6 acre parcel more or less from B-2 to R-1.

Purpose of Request:

1. To facilitate the sale of the property

Relevant Information:

1. Property contains 0.6 acres more or less.
2. 15 notices of public hearing were sent out.
3. This property is currently zoned B-2
4. This property was split off from the business parcel (400 Club) in 2013
5. Adjacent property to the North East (The Water's Edge) is zoned B-2. Adjacent property to the South West is zoned R-1
6. This parcel is located in a Shoreland District

Planning Commission Recommendation

- 1) Consider approval.

Motion by Willenbring, second by Simon, to approve Resolution 2016-38 to rezone 25942 Lake Road from B-2 to R-1. Motion passed unanimously.

2) Advertising for Planning Commission 2 Members

Motion by Hagen, second by Palmer, to approve the advertising for two (2) planning commission members. Motion passed unanimously.

c) City Engineer Dave Blommel (SEH), 2017 Street Project/Feasibility Reports

1) Resolution 2016-39 Receiving Feasibility Report and Calling Hearing on Improvement

A report has been prepared by Short Elliott Hendrickson, Inc. with reference to proposed Improvement 2017 Street improvements, the improvement of:

- 82nd Ave from County Road 6 to 263rd Street
- 263rd Street from 82nd Avenue to 83rd Avenue
- 83rd Avenue from 263rd Street to the north City limits
- 245th Street from County Road 47 to County Road 137
- Ahles Road from Lake Avenue to 88th Avenue (less the portion repaired in 2010)
- Chestnut Street from Othmar Lane to 4th Street
- Othmar Lane from Ptarmigan Drive to Chestnut Street
- Grand Lake Road from County Road 8 to 1850 feet east of County Road 8
- Lake Road from County Road 47 to Lena Lane
- Sauk River Road from County Road 139 to Glacier Road

1. The council will consider the improvement of such street in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$3,244,092.50.

2. A public hearing shall be held on such proposed improvement on the 16th day of November, 2016, in the council chambers of the city hall at 6:00 p.m. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

Motion by Palmer, second by Simon, to approve Resolution 2016-39 Receiving Feasibility Report and Calling Hearing on Improvement. Motion passed unanimously.

2) Resolution 2016-40 Partial Payment Request No.1 Kuechle Underground

The Sampling Equipment project (for 2 lift stations) which involved a DEED Matching Grant of \$60,000.00 and the City's payment in the amount of \$54,685.04 (80% of the work).

Motion by Palmer, second by Willenbring, to approve Resolution 2016-40 Approval of Payment Request No. 1 to Kuechle Underground. Motion passed unanimously.

d) Financial Advisor Jason Murray w/David Drown Associates – 2017 Street and CIP Bond

Jason Murray provided recommendations to assist the City for the structure and sale of General Obligation Bonds to fund the City's 2017 projects and equipment acquisition.

e) Administration

1) 2017 Budget – FYI

Item 11) Council Action:

- a) Appropriations, Allocations and Transfers
 - 1) 401 Oak St. – Move forward with legal process.

August 17, 2016 Council Meeting Minutes - *“This is a non-conforming city lot with a storage shed/garage and no principal structure. There was a one-year Interim Use Permit granted in September of 2012, a one year additional extension was granted in September of 2013. Recently the property owner has contacted several Councilmembers and informed them that a possible sale or transfer of the property was being worked on. Motion by Willenbring, second by Tallman, to approve postponing this item for a maximum of 2 months, (October 19). Motion passed unanimously.”*

Council held discussion about this property and the city's ordinances.

Motion by Palmer, second by Willenbring, to table action until the November 16th, 2016 council meeting and request that the property owner apply for an Interim Use Permit. Motion passed unanimously.

- 2) 25814 Lake Road Nuisance Building – Adam Ripple

Property owner has requested an additional 30 days. Council held discussion on the property.

Motion by Palmer, second by Willenbring, to allow an additional 30 days on two conditions: 1) property owner apply for a demo permit and 2) submit a plan in writing. These two items need to be completed prior to the next Council meeting on November 16th. If these two items are not completed the City will proceed with legal action. Motion passed unanimously.

Item 12) Mayor/Council Reports

- 1) Update on Brian Drown @ 25683 Lake Road –

Council commented that the siding project has been completed. The property owner has unlicensed vehicles and building material left behind the house.

The City Administrator will send a letter to property owner.

- 2) Update on ROCORI Trail

Council provided an update on the removal of railroad tracks and the status of the trail work.

Item 13) Other

Item 14) Open Forum (4) Minute Limit (No Sharing/Allotting of Minutes)

- 1) Vince Schaefer, 541 Caroline Lane, spoke about using the Minnesota Basic Code as a source reference.
- 2) Wayne Laudenschlager, 25409 Pleasant Road, expressed concern about Pleasant Lake Road repairs.
- 3) Tim Byram, 25807 80th Avenue, spoke about the costs of road repairs.

Item 15) Closed Meeting

Per State Statute 13D.05, subd. 3(b) Attorney-Client Privilege, to discuss active and pending litigation.

Regular Council meeting recessed at 8:20 p.m.

Item 16) Reconvene

Regular Council meeting reconvened at 8:31 p.m.

- a) Summarize Closed Meeting

Attorney Ripple stated The Council, in closed session pursuant to Minn. Stat. 13D.05 Subd. 1(d), discussed the status and settlement options for litigation against Arcon Development Inc.

Item 17) Adjourn

Motion made by Hagen, second by Tallman, to adjourn the meeting at 8:32 p.m. Motion carried.

Judy Neu
Finance/Billing Clerk Administrative Asst.