

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
NOVEMBER 7, 2012 – 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 Bill Becker, Jeff Howe, Jerry Schmitt, Don Simon, Randy Volkmuth, and Duane Willenbring. Absent: None

Staff members present were: Administrator/Clerk Rena Weber & Engineer Dave Blommel.

Others present were: Tudie Hermanutz, Vince Schaefer, Rick Tallman, Dave Volkmuth, Sue Palmer, Rick Tallman, George Bechtold, Diane Willenbring, Mary Kay Kraemer, Fran Platzer, Melvin Ruegemer, Steven Lex & John Stommes.

ADDITION – There were none.

OPEN FORUM –

Duane Willenbring - 25139 CR 139 stated that a number of business people have worked with him in the past and they would like to have a business person involved in the water rate study.

CONSENT AGENDA:

- a) *Approve minutes of 10/17/12*
 - b) *Approve Treasurer's Report of 11/07/12*
 - c) *Approve List of Bills and Additions of 11/07/12*
- | | |
|--|--------------------|
| <i>Accounts Payable CK #014070 to 014108</i> | <i>\$15,110.34</i> |
| <i>Payroll CK #004341 to 004345</i> | <i>5,106.11</i> |
| <i>EFT #000677 to 000679</i> | <i>2,740.05</i> |

Motion by Member Volkmuth, second by Member Becker, to approve the Consent Agenda as presented.

Ayes: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

BOARD/STAFF REPORTS:

PLANNING COMMISSION – Rena Weber reported on the following

JOHN STOMMES REQUEST TO SPLIT OFF A 5 ACRE PORTION AND REZONE IT I-2

The Planning Commission approved this request.

RE: SITE PLAN APPROVAL

76.41627.0202 Owners: John H. Stommes

Property Address: 10631 Broadway Street East, St. Cloud, MN 56301

REQUEST:

Approval to rezone 31.6 acres in A-40 District to I-2 Industrial

RELEVANT INFORMATION

1. Property is zoned A-40
2. Property is 31.6 acres approximately.
3. The owner is proposing to construct two building to store and maintain gavel crushing equipment. There will be no gravel crushing, clear cutting of trees on this parcel.
4. One letter of concern (e-mail from Emilee Hoff (Symanietz) is recorded.
5. 20 Notices of Public Hearing were sent out.

RECOMMENDATION

1. Access to this tract will be from an existing ingress road to be widened and culvert installed.
2. This will only be used for inside storage and maintenance of equipment.
3. There will be no clear cutting of trees.
4. Approve with these conditions.

Mr. Stommes cannot do an Administrative Split on the five acre as he intends to build on the split portion so that is why this has become a Qualified Minor Subdivision.

Mr. Stommes is incurring additional expense in having the 5 acres surveyed.

I did not charge Mr. Stommes an additional fee for the additional work as it was at the Planning Commission's request. In the future I would not recommend making changes like this on the spur of the moment – there are repercussions such as "Declaration of Restriction". Staff reviewed this and determined that this clause should help eliminate the declaration:

1. The owners of an eligible parcel who apply for a subdivision for use as a Residential Dwelling site shall execute a Declaration of Restriction for a forty (40) acre equivalent land area which is defined as forty (40) acres less the acreage of the Residential Dwelling site that is to be conveyed. **The Declaration of Restriction shall prohibit any additional development of the equivalent land area unless rezoned.** No property conveyance shall occur unless the Declaration of Restriction is first recorded in the Office of the County Recorder.

Because they may come back and wish to build on the remaining property – it will have to be rezoned.

Member Howe questioned the elevations not being on the site plan. This will be dealt with the actual construction.

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

RESOLUTION NO. 2012-21

RESOLUTION APPROVING A REZONING FROM AG-40 TO I-2 & QUALIFIED MINOR SUBDIVISION OF 5 ACRES

WHEREAS, a request has been received from John Stommes to rezone certain property from A-40 to I-2, and;

WHEREAS, said request is to also approve the subdivision of 5 acres as part of the transaction, and;

WHEREAS, a public hearing to consider the request was held before the Rockville Planning Commission on 11/05/12, and;

WHEREAS, proper notification was given and published notice was published in the Cold Spring Record, and;

WHEREAS, all persons attending the hearing were given an opportunity to address the Planning Commission.

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

1. **The request to rezone and subdivide 5 acres of parcel #76.41627.0202 from AG-40 to I-2 is hereby approved.**
2. **Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
3. **That granting of the rezoning 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:

Ayes: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

STEVEN LEX – SUBDIVISION OF ONE LOT -

RE: QUALIFIED MINOR SUBDIVISION

Parcel I.D. No. 76-42142.0037 – Section 02, Township 123, Range 029

Owner: Lex Family Revocable Trust

Steven Lex

Property Address: 8949 County Road 6, St. Cloud, MN 56301

REQUEST

1. Steven Lex would like to subdivide 4.5 acres from the total parcel for single family dwelling purposes.

RELEVANT INFORMATION

1. Property is zoned R-1.
2. Property is 19.88 acres approximately.
3. The owner(s) are proposing to sell 4.5 acres east of the home site for building purposes.

4. The Lex Family currently lives on Tract B.
5. Wetlands delineation was done on this parcel in 2003.
6. Stearns County would request that the developer update the wetlands delineation plan.
7. Setback from the wetlands is 10'.

RECOMMENDATION

1. Without knowing where the proposed home(s) would be located staff will only comment that the split appears to be okay.
 2. The proposed buyer and seller need to work out re-setting the wetland stakes so that an accurate site plan can be drawn up of the potential buyer.
- The Planning Commission recommends approval of this as well.

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

RESOLUTION NO. 2012-22

RESOLUTION APPROVING A QUALIFIED MINOR SUBDIVISION OF 5 ACRES

WHEREAS, a request has been received from Steven Lex Family to approve the subdivision of 4.5 acres, and;

WHEREAS, a public hearing to consider the request was held before the Rockville Planning Commission on 11/05/12, and;

WHEREAS, proper notification was given and published notice was published in the Cold Spring Record, and;

WHEREAS, all persons attending the hearing were given an opportunity to address the Planning Commission.

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

1. **The request to subdivide 4.5 acres of parcel #76.42142.0037 is hereby approved.**
2. **Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
3. **That granting of the rezoning 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 Howe with the following vote being taken:

Ayes: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

PUBLIC WORKS– Request to Purchase Used Truck –

The Public works department is requesting approval to purchase of a 1994 Chevy ½ ton pickup from the City of Cold Spring. The truck has 260,000 miles on it but the motor and transmission have been rebuilt and they have about 60,000 miles on them. The purchase price of the truck is \$1500.00. This will replace the red truck the city currently owns. The red truck has a power steering fluid leak and when you drive down the road and step on the brakes the truck shakes violently and pulls hard to the left. I don't want to waste anymore taxpayer dollars on this truck. The truck I wish to purchase has been well maintained and after talking with Ron at the City of Cold Spring, he doesn't foresee any major problems with the truck.

Funding;

E101-43100-540 (machinery and equipment) \$900.00

E601-49440-540 (machinery and equipment) \$300.00

E602-49490-540 (machinery and equipment) \$300.00

This funding will all come out of the 2012 budget

Motion by Member Volkmuth, second by Member Schmitt, to approve purchase of the used truck from the City of Cold Spring at \$1500.

Ayes: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

NEW/OLD BUSINESS

CANVASS OF ELECTION BALLOTS – Rena Weber reported that this officially cannot occur until 3 days after the election when the County certifies the results to the city. Rena Weber presented a list based on the actual ballots voted at city hall which did not include the 104 absentee ballots.

SCHEDULE SPECIAL COUNCIL MEETING: The council determined that a special meeting to canvass election ballots would be held on Tuesday, November 13, 2012 at 4:30 p.m.

COMMITTEE REPORTS

MAYOR'S REPORT – None

RTCB- None

NEGOTIATING COMMITTEE - Rena Weber reported on the following:

The negotiating committee met with the Voigt family and Commissioner Jeff Mergen. We asked for their proposal in writing. Staff is doing more research into the history and breaking down the payments for the committee.

Finance Committee discussed the proposal and felt that \$10,000/acre is too much. Staff is getting info from Stearns County on the payment history – between late fees

Member Howe stated that they have to be more reasonable.

Mayor Hagen indicated that they did agree to plat the acreage into bigger lots.

Member Willenbring questioned would they have shared the wealth if things had gone right? Foreclosure is not what we want. Staff should send a notice back to Voigt's that the city is not going to respond until they come up with a better proposal.

FINANCE COMMITTEE -

WATER RATE STUDY - Sue Palmer and staff have received a quote from MRWA for a water rate study at a reduced rate that we can keep the formula and update later as needed. The cost is \$1500 as opposed to \$3800.

Discussion was held regarding the water rate study cost \$1500. It was determined that it would be paid from the water fund. Other items of concern were:

- Here is what makes up our water rate and here is why
- Has to be self sustaining
- Need scope of work

Motion by Member Becker, second by Member Volkmuth, to approve the reduced amount of \$1500 for the water rate study and formula.

Member Willenbring voiced concern that we need to run the water fund like a business, including future expansion and complete transparency. He asked if anyone remembers of why this was changed in 2004 or 2005. There should be something in the minutes.

Member Volkmuth indicated that it more than likely had something to do with the fund balance at the time.

Ayes: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

GARBAGE HAULING – Rena Weber presented information regarding the City of Cold Spring ordinance for licensing garbage haulers and limiting the number.

Discussion was held regarding garbage hauling and possible limitation on number of trucks/companies and also establishment of zones.

Susan Palmer asked if the city would be putting it out to bid and what it does to the city.

It was determined that an RFP would be needed and to begin a conversation with the garbage haulers before we make a decision to limit them. We will need a map to divide the city and business separate.

Member Willenbring indicated that if it will be less cost for the taxpayers then he would be okay with it.

RENTAL ORDINANCE – Administrator/Clerk Rena Weber reported that this has been talked about for one and one half years and nothing has happened. Staff recommends elimination of the ordinance as it appears there are no teeth in it nor is there any benefit to the city financially. In order to do this the council needs to set a public hearing to abolish the ordinance.

Motion by Member Willenbring, second by Member Volkmuth, to schedule a public hearing for 12/19/12

Discussion was held:

Member Howe stated that he was part of the committee who was to review this and asked why not amend the ordinance.

Mayor Hagen stated that he would like to see something where if you have inspections that a good one year you don't have to be inspected for 3 years.

Member Howe indicated that he does not want to see a renter at a council meeting because we don't have an ordinance.

Member Willenbring indicated that we are not policing it enough to get the really bad landlords and are penalizing the good ones.

Rick Tallman –apartment owner stated that tenants do have rights. There is a state book available, but he agrees with Member Howe about having authority to clean up the problem sites.

Member Volkmuth indicated that he is okay with charging only the complaints and putting more teeth into it.

Member Howe offered to look into the ordinance and provide an amended ordinance for the next meeting. *Since this amendment would be considered at the next meeting it was determined to cancel the public hearing.*

VERIFICATION OF A BOUNDARY MARKER – Rena Weber reported that a boundary commission lot maker may have been moved and would need to be verified. It was determined that staff should contact the property owner first and if we need to have it surveyed then do it.

ADMINISTRATOR'S REPORT

ADMINISTRATION CHARGE – Rena Weber reported that we can go back 6 years and Cold Spring agrees to that, however, they would like to get paid this year as opposed to spreading it out over two years. I agree this would make both audits somewhat odd if we both have to report the outstanding bill. \$11,465.88 is the total.

Motion by Member Becker, second by Member Simon, to approve the payment of \$11,465.88 to the City of Cold Spring as presented.

Ayes: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

OPEN FORUM – No one came forward.

ADJOURNMENT – ***Motion by Member Volkmuth, second by Member Becker, to adjourn the meeting at 6:58 p.m. Motion carried.***

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

**JEFF HAGEN
MAYOR**

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