

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, MAY 14, 2013 – 6:35 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Jerry Bechtold, Jerry Tippelt, and Duane Willenbring – Liaison.

Absent were: Member Dale Borgmann

Staff members present were: Zoning Administrator Rena Weber & Administrative Assistant Mandy Lais.

Others present: Mr. Larson

APPROVAL OF AGENDA/AMENDMENTS – *Motion by Member Bechtold, second by Member Tippelt to approve the agenda with amendments. Motion carried unanimously.*

APPROVAL OF MINUTES 3/12/13 – *Motion by Member Bechtold, second by Member Tippelt, to approve the minutes of 3/12/13 as presented. Motion carried unanimously.*

NEW BUSINESS

Noise Issue

Zoning Administrator Rena Weber stated that this issue is between two neighbors and it was discussed at the last Planning Commission Meeting. Since then emails were submitted by Ms. Barros, with additional information. In Ms. Barros' emails she is asking that Mr. Lindbloom pay half the cost of a fence, she would like an 8 foot fence, (the ordinance says 6 foot height) and she would like the \$200 variance fee waived to increase the fence height to 8' and she would be the one to pick out the fence.

Zoning Administrator Rena Weber would like to go back to Mr. Lindbloom to see if he is open to Ms. Barros' proposal. The concern is that this is a noise issue, and fence is not going to solve the issue.

Chair Honer stated the noise issue is under Stearns County's jurisdiction and has to be enforced by Stearns County. The sheriff has been out several times and there were no violations. Then the second topic would be the fence ordinance and Ms. Barros is asking for an 8 foot fence which is not harmonious with the rest of the neighborhood. No one in the neighborhood has an 8 foot fence.

Zoning Administrator Rena Weber stated that it is not a common practice to grant taller fences, a request for a taller fence was only granted one other time out in the country.

Member Tippelt asked if Mr. Lindbloom was in violation of the storage ordinance.

Zoning Administrator Rena Weber stated initially he was in violation, and after being told, he moved some equipment and now he is not in violation. She also stated that he did violate the ordinance of running the snowmobile after April 1st. He had a snowmobile up on a stand and let it run.

Member Tippelt asked if Mr. Lindbloom was pushing the limits?

Chair Honer spoke as a past neighbor and as a citizen, and stated she lived by Mr. Lindbloom, and he did some work on snowmobiles on occasion, but it was never annoying. And she stated she had a young family and would hear his "toys" on evenings and weekends. He wasn't making any more noise than anyone else in the neighborhood and more than half of the people in the neighborhood run those types of toys. He has been there for around 13 years and the sheriff used to live next door.

Zoning Administrator Rena Weber asked if we should be requiring Mr. Lindbloom to put up a 6 foot fence?

Member Tippelt stated that if Mr. Lindbloom was meeting the ordinance, he should not have to put up a fence.

Zoning Administrator Rena Weber stated that the ordinance states that you can have up to 4 things in your yard. And he has two on a trailer which counts for one. However it is supposed to be out of sight, landscaped or hidden.

Member Tippelt stated that there are a number of people violating this ordinance, and if you are going to make him do this we will have to make everyone do this. There is a long list.

Zoning Administrator Rena Weber asked if the Planning Commission wanted to amend the ordinance if they are not willing to enforce it for everyone.

Liaison Willenbring stated last month Planning Commission asked Zoning Administrator Rena Weber to send a letter to Ms. Barros, and that there was not a breach of the ordinance at that point. If there is a noise issue, that is a civil issue, and the sheriff should be called. His opinion was that we have spent enough time and staff time and to let them know staff can start charging \$50/hour for staff time. Both parties should be made aware from this point forward any time spent will be charged.

Zoning Administrator Rena Weber stated the attorney did not find any violation. Member Tippelt stated that we should invite them to the council meeting to state their case, and there will be an accounting on the minutes that they were able to state their case.

Member Bechtold suggested that they should consult a mediator and be discussing this between themselves and this is a private issue.

Member Willenbring stated the city administrator has authority to start charging a fee at her discretion, sending a letter to both informing our policy of charging the fee. Maybe that would make them solve this on their own.

Motion by Member Tippelt, second by Member Bechtold, to do what we stated in the last meeting and that this resolves this as a city and going forward any more time or correspondence spent will be charged. Also the city is not going to allow an 8 foot fence.

AYES: Tippelt, Bechtold, Honer.

ABSTAIN:

Motion passed on a 3 to 0 vote.

PUD –

Mr. Jay Larson, representing his wife Becky and her brother and his wife, Steven & Porche Huntsinger. They own lots A, B, & C. The Larsons live on lot C and the Huntsingers own (they do not live there) lots A or B, then they own the third lot together.

They want to sell either lot A and B or both and they want to make the lot more saleable. There is a concern about the feed lot setback. Zoning Administrator Rena Weber is checking on that.

Chair Honer stated that he just needs to inform prospective buyers that there is a feedlot set back.

The concern regarding the feedlot might limit where you can build.

Zoning Administrator Rena Weber stated Becky Schlorf will help him at the county.

Mr. Larson would like to lift the restrictions of the PUD to make it more saleable. The requirement was to have a shared well and septic.

Zoning Administrator Rena Weber stated that it is a private road, and Mr. Larson maintains it.

Mr. Larson in lower left corner on out lot A doesn't think it is necessary to have lot A to run their drainfield.

Zoning Administrator Rena Weber asked if it was 20 feet for the road, needs to be 20 feet for the fire truck to go through.

Chair Honer stated she has concerns with the width of the driveway with fire trucks being able to get through.

Chair Honer stated it would make sense that the drainfield would run downhill. We would want to know where the potential buyer would like to put their house and which way the house is facing etc. When you get to that point then we could approve where the drainfield could go.

Mr Larson stated his realtor stated the more restrictions there are, the less saleable it is.

Member Tippelt asked how big the lots are?

Mr. Larson stated 2 acres and they have to share the costs together, the well cost, electricity cost, and road costs.

Mr. Larson wants to reduce the restriction on the feed lot.

Chair Honer stated that the feed lot is out of our control, the only thing we can help you is the drain field and well.

No Action Taken

Hunting in the city limits - Rockville County Park

Zoning Administrator Rena Weber read the ordinance:

City of Rockville – Ordinance on Hunting in City Limits

(E) Exceptions. This section shall not prohibit the firing of a military salute or the firing of weapons by persons of the nation's armed forces acting under military authority, and shall not apply to law enforcement officials in the property enforcement of the law, or to any person in the proper exercise of the right of self-defense, or to any person otherwise lawfully permitted by proper federal, state or local authorities to discharge a firearm in a manner contrary to the provisions of this section.

County of Stearns –Ordinance No. 353 5. PUBLIC SAFETY

5.2 This section shall not apply to those in possession of a permit under the terms of an authorized controlled hunt.

Motion by Chair Honer, second by Member Tippelt, to not amend our ordinance regarding the specialized hunt.

AYES: Tippelt, Bechtold, Honer.

ABSTAIN:

Motion passed on a 3 to 0 vote.

DISCUSS THE VACANCY:

Statement was made that we need to find someone who wants to be on the Planning Commission. It is important to invite someone who is qualified. No one at this time. Let's keep looking.

Zoning Administrator Rena Weber stated the camper issue is surfacing again. She will write them a letter and a date to remove the camper, if they do not then law enforcement will be called.

PLANNING COMMISSION MEMBER/STAFF REPORT –

ADJOURNMENT – Motion by Chair Honer, second by Member Bechtold, to adjourn the meeting at 7:32 PM. Motion carried unanimously.

**MANDY LAIS
ADMINISTRATIVE ASST**

**TONI HONER
CHAIR**