CITY OF ROCKVILLE

P.O. BOX 93 ROCKVILLE, MN 56369

AGENDA
AUGUST 21, 2013
ROCKVILLE CITY HALL
6:00 P.M.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**
   a) Approve Additions to the Agenda (if any)

3. **OPEN FORUM (4) FOUR MINUTE LIMIT**

4. **CONSENT AGENDA:**
   a) Approve minutes of 7/17/13
   b) Approve Treasurer's Report of 08/21/13
   c) Approve List of Bills and Additions of 08/21/13
   d) Mary of Immaculate Conception Church raffle – 11/24/13

5. **BOARD/STAFF REPORT**
   a) Police
   b) Planning Commission
      - David & Mary Driver – Variance
      - Ronald Reitmeier - Variance
   c) Park & Recreation – request regarding trees in Eagle Park
   d) Fire Department – approve rates per hour for use of equipment

6. **OLD BUSINESS/NEW BUSINESS**
   a) Stearns County Attorney – contract renewal 2014 – no change
   b) Garbage Haulers – discuss rescinding resolution on intent to organize

7. **COMMITTEE REPORTS**
   a) Mayor's Report
   b) RTCB –
   c) Finance
      - Claw back cause – Arcon
   d) Human Resources

8. **ADMINISTRATOR'S CORRESPONDENCE**
   a) 2014 proposed budget, tax levy

9. **OPEN FORUM**

10. **ADJOURN**

08/21/2013 agenda.wd
*This agenda has been prepared to provide information regarding an upcoming meeting of the City of Rockville. This document does not claim to be complete and is subject to change.

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JULY 17, 2013 – 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 Susan Palmer, Don Simon & Duane Willenbring. Absent: Randy Volkmuth.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen & Engineer Dave Blommel.

Others present were: Mike Hofmann, Ev Balko, Gary Koska, Bill Becker, Adrian Miller, Todd Wahnschaffe, Jeff Bertram, Don Williamson, Tudie Hermanutz & Rick Tallman.

OPEN FORUM

Gary Koska – 21032 County Road 8 asked with the city growing, are we going to get our police contract hours back.

Mayor Hagen indicated the council does not see the need to increase the hours at this time.

Hours that are spent here are not really the right ones. It is weird times that we are checked. Morning commuters feel they are safe. Something has to be done besides the signs – maybe in the evening.

Sgt. Jon Lentz asked can you positively identify the speeder(s).

Member Simon asked how about sitting out there more?

Sgt. Jon Lentz stated that will start again and he will email Rena with the times. They are getting another speed trailer next year that they will be using.

CONSENT AGENDA – ***Motion by Member Willenbring, second by Member Simon, to approve the consent agenda as presented:***

a) ***Approve minutes of 6/12/13***
b) ***Approve Treasurer's Report of 7/17/13***
c) ***Approve List of Bills and Additions***

Accounts Payable CK #014549 to 014614	***$727,758.87***
Payroll CK #004485 to 004507	***14,126.33***
EFT #000738 to 000744	***7,816.06***

AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

BOARD/STAFF REPORT

POLICE DEPARTMENT – Sgt. Jon Lentz reported the June 2013 report showed 35 contract hours. There were 10 citations given.

PLANNING COMMISSION – Rena Weber reported on the following:
TODD WAHNSCHAFFE – VARIANCE – The Planning Commission held a public hearing on these requests and recommends approving with conditions as stated.
Variance(s) Requested:

1. Variance to construct a 42' x 28' attached garage and to locate it in the front yard of property abutting Pleasant Lake – Recreational Development Lake.
2. Said request is to also locate said structure 37 feet from the centerline of the roadway – (should be 63') Lake Road
3. Structure would be 8' 6" from side yard lot line (should be 10').
4. Impervious Surface – Total lot area is 11,808.75 sf of which 15% is 1771.35 allowed Proposed 3045 sf plus the driveway.
5. Rebuild deck to lake side of house within the 50' shore impact zone.

Construction Requests:

1. Construct new attached garage and match the existing residential structure.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 11,808.75 square feet more or less.
3. 13 notices of public hearing were sent out.
4. The shed in the NW corner of the lot is proposed to be removed.
5. Current class 2 driveway will be returned to grass.
6. The roadway is not necessarily in the correct place and as a result these people own Property on the west side of the tarred roadway.

Recommendations:

1. This requires four variances on a non-conforming lot that was in place before the ordinance was adopted.
2. Staff has worked with the owners on possible ways to reduce the number of variances.
3. Require mitigation
    - Remove 2 sheds
    - Turn class 2 parking back into grass
    - Gutters on the garage with rain barrels to capture run-off
    - Buffer at lakeshore or rain garden
    - 1 yr to complete

Member Willenbring who was present for the site visit asked if the 8'6" setback was verified that this is actual. Yes according to the certificate of survey.

Member Palmer asked if there were pavers under the proposed deck. No.

Mitigation – 1771 Vs 3447 proposed

Member Willenbring stated that a buffer at the shoreline to the lake would probably work best. Mr. Wahnschaffe is open to this.

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

RESOLUTION NO. 2013-21

A RESOLUTION APPROVING VARIANCES IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Todd Wahnschaffe for variances from: Side Yard Setback, Impervious Surface, Shore Impact Zone and also Roadway Setback requirements to construct a 28' x 42' attached garage and 14' x 32'6" attached deck in the Shore Impact Zone in the R-1 District, and;

WHEREAS, said structure will be placed 37' from center of the roadway, locate said structure 8'6" from side yard setback, exceeds impervious surface at 26%, and locate attached deck 38'6" from the OHWL, 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 construct the 28' x 42" attached garage and 14' x 32' 6" attached deck with conditions that mitigation action be done as stated in the recommendation.***
2. ***Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.***
3. ***That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.***
4. ***The siding and shingles shall match the main structure.***

Member Palmer stated she would like to see all requirements with gutters on the house all the way around. More discussion was held. No gutters are required.

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

AYES: Hagen, Palmer, Simon & Willenbring

Motion passed on a 4 to 0 vote.

PLANNING COMMISSION VACANCIES – Rena Weber reported that the Planning Commission currently has two vacancies and the question came up as to whether or not the council liaison can vote.

Motion by Mayor Hagen, second by Member Palmer, to authorize the council liaison to the Planning Commission to vote in the event there is not a quorum present.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

RICK TALLMAN – Rena Weber reported that an application was received from Rick Tallman to become a Planning Commission member.

Motion by Member Willenbring, second by Mayor Hagen, to appoint Rick Tallman to the Planning Commission.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

PUBLIC HEARING – CAPITAL IMPROVEMENT PLAN ADOPTION – Rena Weber reported that she inadvertently forgot to list the public hearing on the agenda, but that proper notification had been done.

Motion by Member Palmer, second by Member Willenbring, to approve adding the public hearing discussion to the agenda.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

Mayor Hagen opened the public hearing to review the capital improvement plan as presented by David Drown, financial consultant. No questions were raised.

Motion by Member Palmer, second by Member Willenbring, to closed the public hearing at 6:31 p.m.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

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

RESOLUTION 2013-20
RESOLUTION GIVING PRELIMINARY APPROVAL FOR THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS IN AN AMOUNT NOT TO EXCEED $2,175,000 AND ADOPTING THE CITY OF ROCKVILLE CAPITAL IMPROVEMENT PLAN 2013-2017

A. WHEREAS, the City Council of the City of Rockville, Minnesota (the "City") proposes to issue its general obligation capital improvement plan bonds (the "Bonds") and adopt the Rockville Capital Improvement Plan 2013-2017 therefore (the "Plan"); and

B. WHEREAS, the City Council has caused notice of the public hearing on the intention to issue the Bonds and on the proposed adoption of the Plan to be published pursuant to and in accordance with Minnesota Statutes; and

C. WHEREAS, a public hearing on the intention to issue the Bonds and on the proposed Plan has been held on this date, following published notice of the hearing as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City of the City of Rockville, Minnesota as follows:

1. Preliminary Approval for the Issuance of the Bonds and the Adoption of the Plan. The City hereby gives preliminary approval for the issuance of up to $2,150,000 aggregate principal amount of the Bonds. The $2,150,000 is not in excess of the amount in the Plan. The Plan is hereby adopted, the same being before the City Council and made a part of these proceedings by reference.

The motion for the foregoing resolution was duly seconded by Member Simon, with the following vote being taken:
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

EMS STORM DAMAGE – EMS Director Mike Hofmann was present to report on the 6/21/13 storm went through the city. The city lost over 1000 trees and with the power being lost due to the downed trees he and the Fire Chief closed the town down.

The FEMA meeting was attended by Rena Weber and Mike Hofmann where the potential costs were compiled. A report was given to Gov. Dayton for his decision on whether or not to declare an emergency.

Mike thanked Rick Hansen for his exceptional service as well as the fire department and numerous volunteers.

OLD BUSINESS/NEW BUSINESS

GRAND LAKE ASSOCIATION – SPEED SIGN REQUEST – Rena Weber reported that the Grand Lake association has ordered and paid for 2 speed signs on CR 8. They received the necessary approval from Stearns County. The cost for the signs was $6,000. They would like to know if the offer is still there from the city to pay up to $600 for the installation.

Motion by Mayor Hagen, second by Member Simon, to approve payment of up to $600 towards the installation of the signs on County Road 8
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

GRANDVIEW REQUEST FOR MALT LIQUOR LICENSE AT ED ZAPPS BARN – Rena Weber reported that on 8/24 Ed Valentine would like to sell 3.2 beer at Ed Zapp's barn. The State of MN said his license is not valid off-site. He would need a catering license ($300 for the year), or team up with a non-profit and get a temporary liquor license –has to be a non-profit.

Member Palmer indicated the event is sponsored by the Grand Lake Association.

Motion by Member Palmer, second by Member Willenbring, to grant approval of the malt liquor license on 8/24/13 conditioned on this being done one of the two above listed ways.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

BRUCE ABBE – REQUEST TO HOST WEDDING AT THEIR HOUSE – Mr. Abbe has talked to his neighbors about the event. He will have people park their cars somewhere off to the side of the road. Approval for the DJ playing past 10 pm is needed.

Motion by Member Simon, second by Member Palmer, to approve the request to host a wedding as requested 25916 Holly Road on August 10, 2013.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

MARY KRITZEK/CARL WEBER – When the sewer went in around Pleasant Lake Carl & Florence Weber asked for a deferment of the assessment. They have both passed away and their daughter is purchasing the house. She is now responsible for the assessment and is requesting that it be placed on the tax rolls as opposed to her paying for it in full now.

Mayor Hagen introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2013-22

A RESOLUTION DECLARING A DEFERRED ASSESSMENT NO LONGER DEFERRED AND TRANSFERRING THE BALANCE TO A FAMILY MEMBER TO BE PAID OFF IN CONJUCTION WITH THE ASSESSMENT POLICY

WHEREAS, The entire amount of the deferred special assessments shall be due within sixty days after loss of eligibility by the applicant. Interest shall accrue on the deferred assessments at the same interest rate as was applied to the other assessments certified for that improvement project. Interest shall be calculated from the date that the assessments were adopted through December 31st of the year that eligibility for deferral is lost; interest charges shall also be deferred until eligibility is lost. The total amount of principal and interest shall be certified to the County Auditor for collection with taxes the following year. In cases where eligibility for the deferral is lost prior to the expiration of the original term of the special assessments, should the

property owner plead and prove to the satisfaction of the City Council that full repayment of the deferred special assessment would cause the property owner particular undue financial hardship, the City Council may order that the property owner pay within sixty days a sum equal to the total amount of the deferred special assessments outstanding and unpaid to date (including principal and interest) with the balance thereafter paid according to the terms and conditions of the original special assessments.

WHEREAS, the homeowner has pleaded an undue financial hardship and would like to pay the special assessments in installments through taxes, and;

WHEREAS, the interest rate of 4.34% is hereby used in determining the amount of interest, and;

WHEREAS, said assessment began in the year 2005 and continues for 20 years.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Rockville, Stearns County Minnesota:

1. The initial assessment of $14,387.90 plus interest to 12/31/2013 is to be spread over the tax rolls until 2025 at 4.34% interest.

The motion for the foregoing resolution was duly seconded by Member Willenbring with the following vote being taken.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

COMMITTEE REPORTS

MAYOR – Mayor Hagen had nothing to report.

RTCB - Member Willenbring reported there was nothing new.

FINANCE - Chair Sue Palmer reported she and Randy met with Rick Tallman, Duane Willenbring, and members of CFUR. It appears that people just need information as to how their bill is calculated and she has agreed to put an article in the next newsletter to better explain this. Rick Tallman has asked that the council consider having the water base rate include the first 1000 gallons, raising the usage to $4.51 per thousand gallons. This is a large increase and is <u>not</u> a recommendation of the Finance Committee.

Member Willenbring questioned if it would instill a desire to be more conservative and this needs to be addressed.

Member Palmer added that everybody pays for the fixed cost and everybody pays for what they use. This is the system the city has chosen to operate the enterprise fund.

Rena Weber explained why we don't want to change our billing system back to a paper copy in that it would be more expensive and the John Clark Senior Housing has their bill broke down already.

Motion by Member Willenbring to approve inclusion of the first 1000 gallons in the water base rate, therefore changing the rate from $3.55 to $4.51 per thousand gallons. The motion died for a lack of a second.

CLAW BACK – ARCON – Member Volkmuth asked that this be on the agenda tonight, but he was not present to discuss the issue. (put on the next agenda)

ADMINISTRATOR'S CORRESPONDENCE

SEH CONTRACT – Rena Weber reported that we need approval to actually do the construction engineering portion. It was attached to the bid breakdown. Approve on an hourly basis not to exceed $37,000.

Motion by Mayor Hagen, second by Member Palmer, to approve the engineering contract with SEH as stated.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

POTENTIAL BUSINESS – Rena Weber reported that she and staff are working with a potential business who wants to purchase two of the forfeited properties in Prairie Industrial Park. They would like to move a dairy processing plant here. I need you to approve the land use in the I-1 standards under Sub. 2 permitted uses either #17 or #18. The council has determined that they would be open to development and this could be considered. There is no site plan at present other than a large warehouse with storage bins in the rear of the lot.

Mayor Hagen questioned the land use approval of dairy processing on which lots and further has the Planning Commission been informed of this.

Rena Weber explained that it is the 2 corner lots facing Highway 23 and the Planning Commission is aware of the potential business. It is not their authority to approve the use however.

Motion by Member Simon, second by Member Willenbring, to approve the land use request under "Uses the City Council considers to be of a commercial nature and not detrimental to the City's general health and welfare." Further that the owner be aware that there may be more restrictions placed upon final review.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

VOIGT FAMILY LETTER – Rena Weber reported that James Voigt had requested an accounting of what has been paid, what is owed for their development. Rena had taken the initial letter sent to the family in 2005 and updated it with the most current figures. A few things to note:

A) The balances do not include any interest or penalty.
B) Stearns County applied payments to assessments – not Jim Vogt's taxes.

Motion by Mayor Hagen, second by Member Palmer, to approve the letter as presented, inform the Voigt's of the interest/penalty balance and approximate per diem going forward.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

HIRING RECOMMENDATIONS - 3 POSITIONS – Rena Weber reported on the following:
FIRE DEPARTMENT – A fire fighter from Cold Spring has applied so he is completely trained so there would be no cost to the city. I did contact both the Administrator and Fire Chief from Cold Spring and we know that he cannot work for both departments. We also do not want to be responsible for the time he spent in Cold Spring and pay that out in relief association. Chief Rod Schaefer is meeting with the individual to determine his status. No action was taken.

PART-TIME TEMPORARY SEASONAL EMPLOYEE – Rick and I interviewed a few of the candidates and hired Paul Lucken at $10.00 per hour. No approval is needed.

PART-TIME PERMANENT MAINTENANCE EMPLOYEE – This position was processed more in depth as two council members applied. A training and experience rating was done with the 7 applicants. The minimum requirements are reviewed and graded.
Rick & I interviewed 4 of the 7 applicants and scored them. The top two applicants were Aaron Dingmann and Don Simon. Staff recommends hiring Mr. Dingmann at the entry level wage $10.84 per hour. Mr. Dingmann had taken two classes at the technical college on diesel mechanics, as well as training on air brakes, transmissions, and electrical components of equipment.

Motion by Member Palmer, second by Member Willenbring, to approve hiring Aaron Dingmann at $10.84 per hour for up to 20 hours per week.
AYES: Hagen, Palmer, Simon & Willenbring
Motion passed on a 4 to 0 vote.

GARBAGE HAULING – Mayor Hagen announced that a meeting with the area garbage haulers was done on 7/16. Two of the firms are present tonight to speak about the process.
Jeff Bertram and Don Williams – West Central Sanitation
Republic Services – Adrian Miller

Jeff Bertram reported that Rockville is unique and they found out they are $30 cheaper than other companies. The wear in the roads was more about the condition that you received them in. Weather is a bigger factor on the roads, other trucks, busses do more harm.
If you want us to limit the number of trucks, number of days of service they will. What is it you want to accomplish? Family owned local company

Republic is in the city for commercial not residential.

Member Willenbring indicated that he commented in a bold statement that this was a knee jerk reaction because of the conditions of roads were in when we consolidated.

OPEN FORUM

Tudie Hermanutz – 211 3rd St West wished to commend the city and all who helped in the clean up.

Tudie also wanted commend the Sportsman Club who was in charge of the Rock Fest as it was a great event.

ADJOURNMENT – ***Motion by Member Simon, second by Member Willenbring, to adjourn the meeting at 7:48 p.m. Motion carried.***

VERENA M. WEBER-CMC	**JEFF HAGEN**
ADMINISTRATOR/CLERK	**MAYOR**