CITY OF ROCKVILLE

P.O. BOX 93 ROCKVILLE, MN 56369

AGENDA
JANUARY 15, 2014
ROCKVILLE CITY HALL
6:00 P.M.

1. **PLEDGE OF ALLEGIANCE**

   OATH OF OFFICE ISSUED
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 12/18/13
   b) Approve Treasurer's Report of 01/15/2014
   c) Approve List of Bills and Additions of 01/15/2014
   d) Approve the 2014 Fees & Calendar
   e) Approve Reimbursement Resolution No. 2014-01
   f) Park & Rec Concession Stand 3.2% liquor License May 1 thru Oct 30 2014
   g) St. Joe Vol. Firefighter Relief Assn. raffle at 400 Club 4/25/14

5. **BOARD/STAFF REPORT**
   a) Police
   b) Fire – Appoint interim Assistants and Secretary

6. **OLD BUSINESS**
   a)

7. **NEW BUSINESS**
   a) Annual appointments/Committee Assignments
   b) Don Simon contract approval – 2014-02
   c) Rinke Noonan – contract renewal/rate increase

8. **COMMITTEE REPORTS**
   a) Mayor's Report
   b) RTCB –
   c) Human Resources
      - Appointment of Samuel Simon – Full time Maintenance Mechanic
   d) Finance
      - Equipment purchases
9. **ADMINISTRATOR'S CORRESPONDENCE**
   a) MDH award of LaMotte Tracer grant
   b) RFA – final/final designate funds after FD review

10. **OPEN FORUM**

11. **ADJOURN**

01/15/2014 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, DECEMBER 18, 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, Randy Volkmuth & Duane Willenbring. Absent: None

Staff members present were: Administrator/Clerk Rena Weber & Public Works Director Kevin Brown, Engineer Dave Blommel, Lt. Jon Lentz & Fire Chief Rodney Schaefer.

Others present were: Tudie Hermanutz, Rick Tallman, Brian Smith, Rep. Jeff Howe, Felix Massmann & Joe Massmann.

OPEN FORUM

Brian Smith – 26194 80th Avenue was present to ask questions about the two houses that were placed on one lot at 7940 Bluebird Court. Mr. Smith presented a time line of events and also a petition signed by a number of neighbors who were asking the structures to be removed as they are in violation of protective covenants of the Brentwood Hills Subdivision. Furthermore they are requesting the Tamm's be issued permits to place a structure on their lot only after the provisions of the Architectural Control have been met. Petition is on file in the office of the Administrator/ Clerk.

CONSENT AGENDA

Motion by Member Volkmuth, second by Member Palmer, to approve the consent agenda as presented:

Member Willenbring asked to pull Item (f) Resolution regarding Fire Department Certification for discussion.

This request was accepted by Member Volkmuth and Member Palmer.

- ***a) Approve minutes of 11/20/13***
- ***b) Approve Treasurer's Report of 12/18/13***
- ***c) Approve List of Bills and Additions of 12/18/13***

Accounts Payable Ck #014886 to 014945	***$75,946.96***
Payroll CK #004580 to 004614	***34,056.23***
EFT #000777 to 000783	***9,854.17***

- ***d) 2014 Tobacco License Renewal***
- ***e) Fire Relief Assn – Fish Fry Raffle & 1 day on-sale liquor license***
- ***g) Fire Emergency Mutual Aid Agreement with Paynesville & neighboring cities***
- ***h) Annual water sanitary report - MDH***

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

Motion by Member Willenbring, second by Member Volkmuth, to table action on adoption of Resolution No. 2013-32 until March 2014 and direct this person to not do any medicals until this time. Furthermore this individual will forfeit any months towards retirement should he fail to pass the re-certification test.
AYES: Hagen, Palmer, Volkmuth & Willenbring
ABSTAINING: Simon
Motion passed on a 4 to 0 vote.

BOARD/STAFF REPORT

POLICE DEPARTMENT – Lt. Lentz reported there were 36.5 contract hours for November.
ANNUAL CONTRACT RENEWAL – Rena Weber reported there is no change in the contract for 2014.

Motion by Member Volkmuth, second by Member Willenbring, to approve the renewal of the police contract as presented.
AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

PLANNING COMMISSION – Rena Weber reported for the Planning Commission on:
Felix Massmann – After the Fact Variance
Re: Variance Request
76.42240.0054: Owner: Felix Massmann
Property Address: 201 Mill Street, Rockville, MN 56369
Variance(s) Requested:
1. After the Fact Variance from impervious surface requirements by approximately 880 SF.

Construction Requests:
1. Construct a 1208 square foot home on an existing lot, keep one storage shed, and also keep the existing driveway.

Relevant Information:
1. R-1 Single Family Dwelling District.
2. 31 notices of Public Hearing were sent out.
3. The former home was hit by a tree during the 6/21/13 storm and it took all summer of dealing with the insurance company to agree on a replacement amount. The timing was an important fact in this situation as it was only settled late October/early November. The children wished to get going on this before winter – therefore the need for the after the fact variance.
4. Entrance to the house is from Mill Street and the family would to construct a small pad at Entrance. This was not drawn in on the plans.

Recommendations:
1. Maintain existing drainage patterns over, under, and across the property.
2. If approved the owner should provide on site storm water disposal such as a rain barrel or underground trench to catch the water. A rain garden could be installed in the 3' area. There is a drainage swale along the south line of the property between the house and BNSF property line.
   If not approved it was suggested that the driveway be replaced with pavers.
3. No additional driveways will be allowed.
4. Proper temporary and permanent erosion control measurers (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.
5. The new house and existing accessory structure must match.
6. If you approve the requests do so with conditions.

Zoning Administrator Rena Weber stated they are over 880 sq. ft. on the impervious surface. It was common sense to let them build ahead of time due to insurance time restraints and seasonal timing which created the after the fact variance.

The Planning Commission motioned to approve the after the fact variance with the condition a rain garden will be put in.

Member Willenbring concurred with the installation of a rain garden.

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

RESOLUTION NO. 2013-34

A RESOLUTION GRANTING A VARIANCE IN THE R-1 DISTRICT.

WHEREAS, A request has been received from Felix Massmann for a variance from Impervious Surface requirements to construct a 1208 SF home and keep the existing storage shed in the R-1 District, and;

WHEREAS, said structure exceeds impervious surface at 38%, 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 1208 home, keep storage shed, add the 1371 SF driveway and front door pad, with conditions that mitigation action be done:***
   a. Rain garden be sized and installed to treat the overage of approximately 880 square feet.
   b. The new house and existing shed must match in appearance (homogeneous).
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 shingles shall match the main structure.***

The foregoing resolution was duly seconded by Member Volkmuth with the following vote being taken:
AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

PARK & RECREATION – Scott Stenseth was not able to attend the meeting to present the year end report.

FIRE DEPARTMENT – Chief Rodney Schaefer was present to request the following:
LIFE JACKETS – Life jackets are needed for water rescue – Dive suit needed for replacement of leaking one and add one more suit for safety.
101-42200-538 $1429.09

Motion by Member Volkmuth, second by Member Willenbring, to approve the purchase as presented:
AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

REPAIR NEEDED ON 2 PUMPERS – The annual inspection was done and additional maintenance is required:

Engine 2	$1074.80
Tanker 3	$2615.39 minus $1512.64 = $1102.75

101-42200-220

Motion by Member Volkmuth, second by Member Palmer, to approve the request as amended.
AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

SIRENS - Please approve the emergency purchase of two sirens for one of the fire trucks. Cost was $268.60 plus shipping. This is tax exempt as it is used for fire equipment.
Funding: Equipment repairs
E 101-42200-220

Motion by Member Volkmuth, second by Member Palmer, to approve the request as presented.
AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

UNIT 1 TRUCK – This failed state NFPA standards. Testing was done and it needs to be pulled out and serviced. 3 bids were received. We have a grant for $2500 that we had planned on using for something else, but now would to apply this towards a new pump. The grant also had to be used by a certain date so the work has been ordered.

Motion by Member Volkmuth, second by Member Palmer, to approve the request as presented.
AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

OLD/NEW BUSINESS

GARBAGE HAULING REPORT – Rena Weber reported that since we last discussed this issue she obtained St. Augusta's ordinance for licensing of haulers. They do not limit the number, but Cold Spring does. I believe this would be our next step – license the haulers. Depending on your thoughts we need to decide limiting the number or not.

Member Volkmuth suggested that we bring the committee back to review this and make a recommendation. He suggested that the Administrator, Rick Tallman and two council members be on the committee for sure thereby limiting it to 4 or 5 people. Mayor Hagen to appoint the other two members.

Member Willenbring volunteered to serve on the committee.

Rena Weber asked if the committee be held off until March as she and staff will be doing year end audit. Approval given.

KENN TAMM - Kenn Tamm –31365 163RD Avenue – Avon, MN was present to request approval to leave the two houses on Lot 18 Block 3, Brentwood Hills Development Parcel #76.41720.0443 by requesting variance or approval. He understands the roof pitch may have to be changed on the brown house and is drawing up plans now for a building permit. He would really like to leave the two houses there until June 1st, 2014. To date no building permits have been asked for.

Attorney Adam Ripple had e-mailed the following to the Administrator/Clerk:
"I don't see any provision in your ordinance that would allow the request—you can't grant a use variance and this is not an allowed, conditional, or even interim use. You'd have to amend your ordinance. I don't know why the City would cut someone a break that flagrantly violates, especially when there are angry neighbors.

I suggest the council authorize the issuance of a building permit for a foundation for the 'brown house' on the condition that the 'blue house' is removed immediately. I'd also suggest that the council authorize enforcement action if he doesn't comply by a specific date—sooner rather than later."

Member Willenbring indicated that Anderson in Paynesville will take the houses to display.

Motion by Member Palmer, second by Member Willenbring, to not approve the request to leave the structures there until 6/1/14 and further that they must be removed by 1/31/14 or the liquidated damages will be assessed starting on 12/9/13.
AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

PUBLIC MEETING – 6:30 P.M. APPROXIMATE START TIME

2014 Proposed Tax Levy & Budget approval Res. 2013-34 – Rena Weber reported that she had updated all the budgets with no change to the tax levy and present them for review along with the tax levy. This is a public meeting so if any resident wished to comment this is their opportunity. No one came forward. Member Willenbring thanked staff for the good work.

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

RESOLUTION NO. 2013-34

RESOLUTION APPROVING 2013 TAX LEVY, COLLECTIBLE IN 2014

Be it resolved by the council of the City of Rockville, County of Stearns, Minnesota, that the following sums of money be levied for the current year, collectible in 2014, upon taxable property in the City of Rockville, for the following purposes:

CITY OF ROCKVILLE	SUPPLEMENT TO REGULAR
2011	LEVY FORM
CERTIFIED LEVY	LEVY AMOUNT
LEVY PURPOSE	(PLEASE ROUND TO WHOLE DOLLARS)
Revenue-Fund 101-41000	410,000
Fire Protection-Fund 101-42200	161,409
Economic Development- Fund 209	1,000

Road & Bridge Maintenance-Fund 215	244,630
Special Levies Outside of Levy Limits:	
Certificate of Indebtedness Pumper Truck Fund 101-42200	20,588
Lake Improvement District Fund 221-41000	14,500
2009A/1998 G.O. Utility Revenue Bond Disposal Portion-Fund 310	14,081
2004 Prairie Ind. Park Imp. Bond-Fund 305	3,000
City Facilities-City Hall/Fire Hall-Fund 304	215,144
City Facilities-City Hall/Fire Hall-Fund 304 Detachment	8,228
CR 82 Imp (& SJ Louis) Bond Fund 308	13,875
TOTAL NET TAX CAPACITY BASED LEVIES	
TOTAL CERTIFIED LEVY	**$1,106,455**

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the county auditor of Stearns County, Minnesota.

The approval also includes the 2014 Revenue and Expenditure Budgets as amended. A copy is hereby attached and made part of the minutes as Exhibit A.
AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Hagen had nothing to report.

RTCB – Member Willenbring reported that the RTCB received $29,000 back from the original $60,000 contributed by each of the three cities for Phase 1 of the Rocori Trail thereby showing prudent spending.

HUMAN RESOURCES – Member Palmer reported Human Resources met on 11/25/13 and again this evening to discuss the three individuals that were interviewed previously. None of the applicants qualified and the committee wished to hold off on taking any action until they could meet with Don Simon and Kevin Brown. It was determined that they would meet on 12/30/13 at 9 a.m.

ADMINISTRATOR'S CORRESPONDENCE

DESIGNATED FUNDS – Rena Weber reported that she had gone through the budgets and had a request for the designations, however, with tonight's approval of Fire Department requests that would reduce the amounts being designated.

Motion by Member Palmer, second by Member Willenbring, to approve the 2014 Designated Funds subject to change in Fire Department funds.

2014 DESIGNATED FUND	Increase Amount	2014 Total
FIRE		
HEALTH SERVICE/PRE EMPLOYMENT	$ 5,000.00	**$ 2,800.00**
TRAINING	$ 4,000.00	**$ 8,500.00**
PERSONAL PROTECTIVE EQUIPMENT	$ 5,500.00	**$ 8,504.00**
TRUCK FUND	$ 12,000.00	**$23,825.00**
CIVIL DEFENSE		

SIREN	$	3,800.00	**$34,762.00**
STREETS			
CRACK FILLING	$	7,900.00	**$39,157.00**
BLADING ROADS	$	5,700.00	**$19,460.00**
GRAVELING ROAD-HAULING GRAVEL	$	8,900.00	**$ 8,900.00**
MACHINERY	$	6,200.00	**$ 9,600.00**
CRUSHING GRAVEL	$	9,800.00	**$38,680.00**
SNOW REMOVAL			
MACHINERY & EQUIPMENT	$	5,600.00	**$ 5,600.00**
PARKS & RECREATION			
TRACTOR/MOWER PURCHASE	$	1,000.00	**$ 1,000.00**
OTHER EQUIPMENT	$	1,000.00	**$ 2,000.00**
CAPITAL OUTLAY	$	1,000.00	**$ 7,900.00**

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

BUDGET AMENDMENTS – Rena Weber reported that she and Judy Neu have gone over both the revenue and expenditure budgets and are asking approval of the new document showing them side by side. The majority of the overages was due to the 6/21 storm, however, we have received reimbursement from FEMA and the State of MN so these are off-setting adjustments.

Motion by Member Volkmuth, second by Member Willenbring to approve the budget amendments as presented in Exhibit B.
AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

FUND 408 – Please approve closing out Fund 408 Annual Event to Fund 101 General Government. All we pay out of this fund was liability insurance for the event $687.50

Motion by Member Volkmuth, second by Member Palmer, to approve the request to close out Fund 408 to the general fund.
AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring
Motion passed on a 5 to 0 vote.

CAMPER ISSUE – Rena Weber reported that we are at the point that the only way the Lenzen/Skrabek's will comply with the ordinance is to get our attorney involved. For anybody who does not know where the issue is it is right at the entrance to Hubert Lane and right behind our lift station. In fact they drive over the lift station property to get to it. Approval given to engage the city attorney.

ANSWER TO JAMES & GINA WINTER'S ATTORNEY – Mayor Hagen and I wrote the attached letter – no action is needed.

OPEN FORUM
No one appeared.
ADJOURNMENT – ***Motion by Member Volkmuth, second by Member Simon, to adjourn the meeting at 7:04 p.m. Motion carried unanimously.***

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR