

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
SEPTEMBER 15, 2010 - 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, Susan Palmer, Jerry Schmitt, Randy Volkmuth & Duane Willenbring. Absent: John Koerber

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen & Engineer Scott Hedlund

Others present were: Tудie Hermanutz, Dave Volkmuth, Aaron Cheeley, Lt. Jon Lentz, George & Kate Bechtold, Paul Betz, & Betsy Goebel.

ADDITIONS TO THE AGENDA: *Motion by Member Volkmuth, second by Member Palmer, to approve the additions to the agenda for discussion purposes.*

***AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

OPEN FORUM

No one appeared.

CONSENT AGENDA

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

- a) *Approve minutes of 08/18/10*
- b) *Approve Treasurer’s Report of 09/15/10*
- c) *Approve List of Bills and Additions of 09/15/10*

<i>Accounts Payable CK # 012360 – 012421</i>	<i>\$147,439.53</i>
<i>Payroll CK# 003812 – 003833</i>	<i>10,777.27</i>
<i>EFT #000353 – 000360</i>	<i>5,790.05</i>
- d) *Mary of Immaculate Conception fund raising event 11/21/10*

***AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

BOARD/STAFF REPORT

POLICE – Lt. Jon Lentz was present to report on two months of service. In July there were 36 contract hours with 6 DUI’S being issued. The speed trailer was here 9 times during the month. In August 33 contract hours were clocked and the speed trailer was here 6 times.

PUBLIC WORKS

BIDS FOR SHINGLING THE MAINTENANCE BUILDING – Rick Hansen reported that the City Maintenance garage is in need of shingling. He received proposals from two contactors that live in the City of Rockville. Both are long time contactors in the City.

The proposals received are as follows:

- Froehling Brothers Construction, LLC- \$10,929.04
- Mike Schlangen Construction Co. Inc. - \$10,320.00

His recommendation is to approve Mike Schlangen the contract.

The funds for this project will come from designated fund 101-43100-590 balance \$ 43,800.00

Mayor Hagen voiced concern that the Finance Committee asked for more bids than just two and it did not have to be local.

Member Schmitz feels it is better to not do it in the fall as the shingles don’t seal well.

Rick Hansen reported the roof does not leak that he is aware of.

Motion by Member Volkmuth, second by Member Willenbring, to deny the request to shingle the Maintenance Building and re-bid in spring.

AYES: Hagen, Palmer, Schmitt, Volkmuth & Willenbring

NAYS: Becker Motion passed on a 5 to 1 vote.

GRAND LAKE ROAD REPAIR – Rick Hansen reported that Grand Lake Road has one additional spot that is 120' x 20' wide and could be included when the road is paved. Maine Prairie Township approved \$2500 last night. City share would be \$2500 also.

Motion by Member Becker, second by Member Volkmuth, to approve the \$2500 expense to repair Grand Lake Road as presented.

AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

Scott Hedlund reported that paving is scheduled for the end of next week and then mailboxes will be going back up.

SEWER BACKUPS – Rena Weber & Rick Hansen reported that there were two sewer backups this past week. Clean up is occurring and the Public Works Committee will be asked to meet when we know the outcome of why they occurred.

PARK & RECREATION – Scott Stenseth was present to request the following:

AG-LIME FOR LION'S PARK - approve the use of Fund 101-45122-537 to pay \$950.00 for Ag-lime for the ball field at Pleasant Lake Lion's Park. Currently there is \$1000 in the fund.

Motion by Member Volkmuth, second by Member Willenbring, to approve the request to expend up to \$950.00 for Ag-lime as requested.

AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

FIRE DEPARTMENT– Rick Hansen requested approval on:

EQUIPMENT REPAIR - Please approve the use of designated fund to pay for the repairs on Units 2, 3, and 5. Total cost: \$3788.42

The funds will come from designated fund E101-42200-540 (machinery and equipment) currently \$16300 in the fund

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

AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

PLANNING COMMISSION – Rena Weber reported on the following:

BECHTOLD FAMILY CUP – A public hearing was held on Tuesday, September 14, 2010 to consider the request of Jerome and Eulalia Bechtold, Roger Bechtold and Mark Bechtold for a Conditional Use Permit from Feedlot Regulations. The address of the property is: 24353 125th Avenue, St. Cloud, MN 56301.

Notice of Application for Livestock Feedlot Permit

Notice is hereby given per Minnesota Statutes §116.07, subd. 7(a), that Kipland Vale Inc., will be applying to the Minnesota Pollution Control Agency or the County of Stearns for a permit to construct a building at a feedlot with the capacity of 500 animal units or more. The feedlot is owned by Kipland Vale Inc., Jerome and Eulalia Bechtold, Roger Bechtold and Mark Bechtold.

The proposed feedlot expansion is located in the SE1/4 of Section 7 of the City of Rockville, T123N, R29W, of Stearns County, Minnesota. The existing facility consists of 350 dairy cows, 200 dairy heifers and 80 dairy calves (646 animal units); total and partial confinement barns and open lots; and liquid manure storage areas and short-term manure stockpiling. The proposed facility will consist of 400 head of dairy cows, 300 head of dairy heifers and 100 of dairy calves (790 animal units); total and partial confinement barns and open lots with a new total confinement barn for calves 50' x 80'; and liquid manure storage areas and short-term manure stockpiling. The total animal unit capacity will be 790 animal units.

This publication shall constitute as notice to each resident and each owner of real property within 5,000 feet of the perimeter of the expanding feedlot as required by Minnesota State Law. Published at the request of Kipland Vale Inc.

STAFF REPORT: Submitted by:
Becky Schlorf Von Holdt
Acting Agriculture and Water Resources Division Supervisor
Stearns County Environmental Services Department

Re: Conditional Use Permit Request #10-03
76.41610.0500
Owners: Kipland Vale Inc (Jerome and Lemay Bechtold, Roger Bechtold,
Mark Bechtold)
Property Address: 24353 125th Ave - 56301

Conditional Use Permit Requested:

1. Increase animal units and construct a new calf barn.
2. A Conditional Use Permit is required for feedlots proposing modifications or expansions exceeding 500 animal units in an A-40 zoning district. Rockville Ordinance Section 25 refers to Stearns County Ordinance #439 Section 6.7 (Section 6.7.3 C).

Construction Requests:

1. Increase animal units at a feedlot from 646 to 790 animal units and construct a new 50' x 80' calf barn.

Relevant Information:

1. This property is located within the A-40 District and the Special Protection – Ag District Overlay. Adjacent property is zoned the same.
2. Access to the property is by 125th Ave or Glacier Rd.
3. Property contains 240 acres.
4. The proposed total confinement 50' x 80' calf barn will meet all required setbacks including the well setback of 50 feet.
5. Upon inspection and re-registration of the feedlot by Stearns County Environmental Services Department staff in March 2010, it was discovered the facility had expanded in animal units without a State feedlot permit or City Conditional Use Permit. The inspection included a review of the manure land application records (including transferred manure records). Other than the need for a permit for animal unit expansion, the facility was found to be compliant.
6. The owners are transferring 20-100% of the manure generated at the facility. Annually, 3 million gallons of liquid manure and 3600 tons of solid manure may be generated. A plan has been completed for transfer of manure ownership, and a manure management plan was prepared by Rick Fischbach. It includes 461 acres for manure application. No winter application is planned.
7. Waste enclosures / screening. New waste facilities are not proposed with this application. Existing waste facilities include dead animal disposal and manure storage areas. The manure storage areas are contained in earthen structures surrounded by chain link fencing, short-term stockpiles in cropped fields and permanent stockpiles on concrete. The dead animal compost building is attached to the northeast barn (barn #2) on the northeast corner and is enclosed with a roof and three sides.
8. The soil types on the property include Estherville (41A), Regal (566), and Seelyeville (540).
9. A drainage and grading plan is not required.
10. A public notice regarding this application, as required by the State, was published in the Cold Spring Record on August 31, 2010.

Recommendations:

Approval is recommended with the following conditions:

1. The manure management plan shall be updated annually as needed according to Minnesota Rules, Chapter 7020, or successor rules.
2. The owner shall maintain records of manure land application as required by Minnesota Rules, Chapter 7020, or successor rules.
3. The owner shall construct the project according to the plans submitted with the application.

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

**RESOLUTION 2010-21
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT.**

WHEREAS, The City Council of the City of Rockville, Stearns County, Minnesota has received a request for a conditional/Interim use permit from Kipland Vale Inc (Jerome and Lemay Bechtold, Roger Bechtold & Mark Bechtold) to increase the number of farm animals in the Ag-40 District, and;

WHEREAS, this request would not affect the wetland, 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 allow the increase of farm animals units in the Ag-40 District with conditions:**
 - a) **The manure management plan shall be updated annually as needed according to Minnesota Rules, Chapter 7020, or successor rules.**
 - b) **The owner shall maintain records of manure land application as required by Minnesota Rules, Chapter 7020, or successor rules.**
 - c) **The owner shall construct the project according to the plans submitted with the application.**
2. **Said approval is not a burden on public facilities, is compatible with existing and planned adjacent uses, has no adverse affect on adjacent properties, the use is related to the needs of the city, is consistent with the Comprehensive Plan, is not a traffic hazard, there is adequate parking and loading, and;**
3. **The granting of the conditional use permit will not be detrimental to the public health, safety and general welfare of the City.**

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

**AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.**

SCHEDULE MEETING – Rena Weber reported that Cold Spring Granite/Joyce Hansen would like to request and pay for a special meeting of the Planning Commission and City Council on 9/28/10 to consider their IUP request.

Motion by Member Palmer, second by Member Becker, to schedule the special meeting on 9/28/10 as presented.

**AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.**

NEW BUSINESS

STONEY'S & BIG DADDYS' OUTDOOR BASH – Betsy Goebel and Paul Betz, representing Stoney's Bar and Big Daddy's Bar & Grill were present to request approval to close off County Road 82 on October 9th for an outdoor bash.

Motion by Member Volkmuth, second by Member Willenbring, to approve the request pending the following is done/provided:

- a) *Certificates of Insurance listing the city as additionally insured*
- b) *Approval from Stearns County Sheriff & Highway Dept.*
- c) *Notify affected Neighbors*

AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

GRAND LAKE ROAD/FOWLER ROAD ASSESSMENT HEARING – Rena Weber and Scott Hedlund reported that the council would need to schedule a public hearing to approve assessments for the Grand Lake Road project and submit them to the county by 11/15/10. Rena Weber suggested the canvassing of election ballots occur on the same evening - 11/10/10 6 p.m.

FRANCHISE AGREEMENTS – Rena Weber presented copies of the Xcel Electric Franchise ordinance as the first reading citing the changes as highlighted by the city attorney. The next order of business would be to schedule a public hearing on 10/20 6:30 p.m. for approval as amended.

Motion by Member Volkmuth, second by Member Palmer, schedule a public hearing on 10/20/10 – 6:30 p.m. to consider approval of the proposed franchise agreement/ Ordinance.

AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

2011 BUDGET & TAX LEVY – Rena Weber presented copies of the updated tax levy, revenue and expenditure budgets and asked to schedule a public meeting for 12/15/10 at 6:30 to consider final approval.

Member Palmer introduced the following resolution and asked for its approval:
RESOLUTION NO. 2010-20

RESOLUTION ADOPTING PROPOSED TAX LEVY

RESOLUTION APPROVING 2010 TAX LEVY, COLLECTIBLE IN 2011

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 2011, 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	517,332
Fire Protection-Fund 101-42200	81,650
Economic Development- Fund 209	1,000
Road & Bridge Maintenance-Fund 215	97,345
Special Levies Outside of Levy Limits:	
Certificate of Indebtedness Pumper Truck Fund 101-42200	21,650

Certificate of Indebtedness One Ton Truck Fund 101-43100	3,845
Lake Improvement District Fund 221-41000	14,500
2009A/1998 G.O. Utility Revenue Bond Disposal Portion-Fund 310	16,424
2004 Prairie Ind. Park Imp. Bond-Fund 305	6,000
City Facilities-City Hall/Fire Hall-Fund 304	217,850
City Facilities-City Hall/Fire Hall-Fund 304 Detachment	8,228
CR 82 Imp (& SJ Louis) Bond Fund 308	19,900
TOTAL NET TAX CAPACITY BASED LEVIES	
TOTAL CERTIFIED LEVY	\$1,005,724

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

Be it further approved that a public hearing has been scheduled for 12/15/10 at approximately 6:30 p.m. to consider approval of the above.

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

***AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

COMMITTEE REPORTS

MAYOR –Mayor Hagen had nothing to report.

FINANCE COMMITTEE – Chair Palmer reported on the following:

2011 BUDGETS – The Committee met with department heads regarding their budgets and have made changes which are reported in the notes from the 8/31 meeting.

QUARTER REPORT – The 2nd quarter report was received from Tom Olinger. The committee accepted the report and wishes to approve payment for two quarters.

Motion by Member Volkmuth, second by Mayor Hagen to approve the expenditure of \$2500 for two quarter reports.

***AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

ROCORI TRAIL CONSTRUCTION BOARD – Member Willenbring reported that the Board of Land Management signed off on owning any interest in the rail road so BNSF is moving forward with abandonment plans. Next month the discussion will be in regards to who will own and maintain the trail.

EDA –

BUSINESS SUBSIDY AGREEMENT – Member Becker reported the group considered the request of C Chanthakhammy for \$70,000 in assistance to construct the auto salvage buildings. The request was denied as they did not meet the criteria for granting a subsidy.

Member Willenbring reported that they asked for only a small amount if tax abatement which would not go very far.

Motion by Member Volkmuth, second by Member Palmer, to deny the request for assistance in support of the EDA recommendation citing the fact that the request did not meet the criteria for granting a subsidy. (Refer to EDA Minutes of 9/13/10)

***AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

ADMINISTRATOR REPORT

WARRIOR TO CITIZEN AWARD – Rena Weber reported that Rockville along with 8 other cities would be receiving an award for our efforts as a Yellow Ribbon Community. A representative is needed to attend and accept the award on behalf of the city. Bill Becker and Randy Volkmuth to attend.

REQUEST FOR COUNCIL ACTION – LID ACCOUNT

Last year Amy decided to add the LID monies with the General fund and would have kept track of the account in its own spreadsheet. Staff would like to put this money back into its own fund so that we don't have to pull numbers from different areas and compile them under one fund. We just want to simplify the process.

Request approval to transfer the 2009 balance of \$6,441.19 from 101-cash account and put into fund 221-cash.

The budget will be amended to reflect the revenues (taxes and/or donations) and expenditures (professional services, stamps, paper, etc.)

Motion by Member Volkmuth, second by Member Becker, to approve the request to re-establish the LIB account.

AYES: Becker, Hagen, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

ADDITIONS TO THE AGENDA

GEORGE BECHTOLD – 244 Broadway Street West was present to voice concern in the letter he received regarding an increase in sewer fees. There are over two hundred dollars in new fees. B's will remove the one toilet to eliminate one of the units.

Discussion was held on being fair to all. The senior housing building has one meter for 12 units. A copy of the ordinance will be provided to Mr. Bechtold.

Member Palmer indicated that charging has to be applied consistently in the city. No action taken.

OPEN FORUM – No one appeared.

ADJOURNMENT – ***Motion by Member Willenbring, second by Member Volkmuth, to adjourn the meeting at 6:40 p.m. Motion carried unanimously.***

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR

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