

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY
FEBRUARY 16, 2011 - 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 & Duane Willenbring. Absent: None
Randy Volkmuth arrived at 6:06 p.m.

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

Others present – John Koerber, Sue & Scott Palmer, Jeff & Betsy Goerger, Tудie Hermanutz, Toni Honer, Mike Nistler, Perry Pierce & Chris Schuver.

NEW BUSINESS

GRAND LAKE LID Scott Palmer – President Grand Lake LID was present to give their annual report for 2010:

- ◆ Reviewed financials - \$10,337.45 balance 12/31/10
- ◆ Board of Directors for 2011
- ◆ Plan to do curly leaf pond weed treatment
- ◆ Would like approval to do a whole lake point intercept study – Cost is \$2950.
- ◆ They need to know how effective the treatment is – pros and cons.
- ◆ 3rd project – partner with SRWD to map habitat around the lake and immediate surrounding area. They obtained a DNR grant so there is no cost to property owners

2011 projects

- ◆ Continue curly leaf pond weed treatment
- ◆ Shore restoration projects
- ◆ Education
- ◆ Ploof Creek mapping

Motion by Member Willenbring, second by Member Schmitt, to approve the request to spend \$2950 for a whole lake point intercept study.

Member Howe asked if we do this every year. Scott Palmer reported that it should be done once every 5 years.

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

Motion passed on a 7 to 0 vote.

ADDITIONS TO THE AGENDA – Motion by Member Willenbring, second by Member Simon, to approve the additions to the agenda for discussion purposes only.

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

Motion passed on a 7 to 0 vote.

GRANDVIEW BAR & GRILL – LIQUOR LICENSES - Ed Valentine was present to request approval to transfer the liquor licenses to his name for the Grandview Bar & Grill. Mr. Valentine provided the application, but the certificate of insurance and background check would need to be done.

Motion by Member Volkmuth, second by Member Howe, to approve the request for liquor licenses (on-sale, off-sale, & Sunday) to Ed Valentine pending the necessary paperwork is filed.

Member Schmitt asked what Mr. Valentine/Mayor Hagen is doing with the driveways. This is very unsafe and he wants this addressed.

AYES: Becker, Howe, Simon, Volkmuth & Willenbring

NAYS: Schmitt

ABSTAINING: Hagen

Motion passed on a 5 to 1 vote.

OPEN FORUM – No one appeared.

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

- a) *Approve minutes of 01/19/11*
- b) *Approve Treasurer's Report of 02/16/2011*
- c) *Approve List of Bills and Additions of 02/16/2011*
 - ♦ *Payroll Ck #003944 – 003953* *\$ 10,024.18*
 - ♦ *Accounts Payable Ck #012695 to 012744* *35,065.80*
 - ♦ *EFT #000396 – 000401* *5,478.28*
- d) *St. Joseph Fire Fighter's Raffle 4/29/11 – 400 Supper Club`*
- e) *Big Daddy's Burger & Booze – 2 a.m. license expired 2/8/11*
- f) *Rockville Park & Recreation – 3.2 non-intoxicating beer license*

Rena Weber reported that she did not list the Accounts Payable ending check # on the minutes and provided an amended copy for approval.

Motion by Member Willenbring, second by Member Volkmuth, to approve the consent agenda as presented with the amendment.

Member Simon questioned two of the bills: the payment to Blue Cross Blue Shield and the RTCB. Rena Weber explained the payment to BCBS is for health insurance of which the employees pay 20% and also the \$1000 RTCB will be used to bring the account back up to \$180,000 for which money was spent on liability insurance and other items.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

BOARD/STAFF REPORTS

POLICE DEPARTMENT – There was no one present from the Sheriff's Department, but the written report showed 39 contract hours for the month of January 2011.

TOBACCO COMPLIANCE CHECKS – Rena Weber reported that there were two establishments that failed the tobacco compliance checks. The County usually fines the seller \$50 and the permit holder \$75.

Motion by Member Becker, second by Member Volkmuth, to assess the fines in hope that this will not happen again.

Member Howe voiced concern that there is a difference between the two failures – if they looked at the id's they should be charged less.

Member Willenbring stated that he is a firm believer of business in this community and repeat offenders should be charged.

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

NAYS: Howe

Motion passed on a 6 to 0 vote.

PLANNING COMMISSION – Chair Toni Honer was present to report on the following:

400 SUPPER CLUB @ 25958 LAKE ROAD – VARIANCE REQUEST: The Planning Commission considered the request from Cherie Verkinnes for a variance from road setback requirements. The address of the property is: 25958 Lake Road with a legal description of:

Parcel ID# 76.41600.800/001 – 2.13 Acres Formerly in the City of Pleasant Lake now City of Rockville

The request is to construct a 6' x 7' attached extended roof in the B-2 Business District.

Variances from the following will be discussed:

1. Setback from center line of Lake Road should be 63' (actual 29')

STAFF REPORT

Re: Variance Request
 76.41600.0800/001: Owners: Cherie Verkinnes
 Property Address: 25958 Lake Road

Variance(s) Requested:

1. Variance to construct a 6' x 7' attached extended roof in the B-2 Business District and also the Shoreland Overlay of Pleasant Lake a Recreational Development Lake.
2. Said request is to also locate said structure 29.00 feet from the centerline of the roadway –(should be 63') Lake Road and
3. Impervious Surface – there will be no increase in the impervious surface

Construction Requests:

1. Construct attached extended roof

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. 12 notices of public hearing were sent out.

Recommendations:

1. This requires 1 variance on a non-conforming lot that was in place before the ordinance was adopted.
2. Applicant states the purpose of the request is for safety reasons and once constructed the attached roof will divert water, snow & ice elsewhere. This should be identified as to where the runoff will go – will it go to the lake or be mitigated?

The Planning Commission recommends approval based on the safety issues.

**Member Volkmuth introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2011-03**

A RESOLUTION APPROVING VARIANCES IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Cherie Verkinnes for a variance from Roadway Setback requirements to construct a 6' x 7' attached extended roof in the Shore Impact Zone in the B-2 District, and;

WHEREAS, said structure will be placed 29' from roadway, locate said structure 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 6' x 7' attached extended roof that will be placed 29' from roadway and is being granted for safety reasons.**
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.**
5. **The drainage plan is to drain to the street (west).**

The motion was seconded by Member Becker with the following vote being taken:

Member Howe reported that he recently attended the LMC training for newly elected officials and asked if we have a policy on record that states why we waived the fee. We should state that "at this instance when we have an issue of safety and minor variance request it can be documented as to why they waived the fee" A policy will be drafted for approval.

**AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.**

R-10, R-5 OR RURAL RESIDENTIAL – Chair Toni Honer reported that at the meeting about R5 or R-10 it was determined that a review of the comp plan and subdivision ordinance needs to be done and the Planning Commission was to request approval of the expense. Toni suggested that we leave the comp plan alone as it covers “rural residential” and sections of the city where it could occur. A sub-committee should take a look at the Randal Arendt ordinances and review them that so there is no need to spend money on a consultant.

Mayor Hagen reported that he would like to appoint a small task force consisting of 3 councilmen & one Planning Commission member. The task force will look at sub-division ordinance too. This will create a new zoning entity.

- ◆ Task Force will be: Jeff Howe, Sue Palmer, Randy Volkmuth, Jeff Hagen & Chuck Johannes
- ◆ He would like to see this done in 3 to 4 months
- ◆ Planning Commission will review the documents created

EMS – Director Mike Hofmann reported on potential spring flooding:

- ◆ He wants to be pro-active and talk to the residents
- ◆ What about sand bags – Council should have a policy
- ◆ He wants to buy 500 sand bags @ \$.31 each
- ◆ Distribute last week of March –first week in April.
- ◆ Benton County is providing free
- ◆ Stearns County is charging
- ◆ Mike has volunteers
- ◆ Plastic bags easy to store.
- ◆ He would really like to purchase 1000
- ◆ Sand - he could buy it from Dan Hansen , local easy to get

Member Volkmuth indicated that he is fine with buying the bags, but we should charge the homeowner – Mike Hofmann asked if that would be the bag and sand charge,

Mayor Hagen stated that we are the emergency end of the issue and we should let people know that they can buy the bags from the county.

Member Becker asked if we have people lined up that could help. Mike Hofmann reported that the CERT people have been notified.

OLD BUSINESS

ANNUAL APPOINTMENTS – Mayor Hagen presented his recommendations for committees:

- | | |
|-------------------------------|--|
| 1. Planning Committee Liaison | Jeff Howe |
| 2. Finance Committee: | Sue Palmer (Resident)
Randy Volkmuth
Jeff Hagen
Duane Willenbring |
| 3. Public Works Committee: | Don Simon
Jeff Hagen
Jerry Schmitt |
| 4. Personnel Committee: | Randy Volkmuth
Jeff Howe
Bill Becker |
| 5. EDA: | Bill Becker 12/31/11
Duane Willenbring 12/31/13
replaced Jeff Howe |
| 7. Negotiating Team: | Bill Becker
Jeff Howe replaced D. Willenbring
Don Simon |

8. Tri-City Cable:

Roger Schmidt
Dick Nieters

EDA - ADVERTISE FOR RESIDENT – Staff will commence with this step.

ACTING MAYOR – Mayor Hagen recommended Randy Volkmuth as Acting Mayor.

Motion by Member Becker, second by Member Volkmuth, to approve the 2011 appointments as discussed.

***AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

NEW BUSINESS

NOON OPTIMIST CLUB – GAMBLING SITE PERMIT –Rena Weber reported that Big Daddy's is looking to change the gambling license at their establishment. The Noon Optimist Club is in the "area", however, of the 56 members – not one lives in Rockville and they are asking for a variance from this.

Chris Schuver was present along with Jeff & Betsy Goerger request approval to permit gambling in Big Daddy's.

Rena Weber read Kevin Erken's (Lion's Club) e-mail regarding notice of the change. Rena also reported that to her knowledge you don't give variances to regular ordinances and the only thing to do would be to amend the ordinance. She further pointed out that in 2006 the ordinance was amended to take out "the Rockville Trade area".

Motion by Member Volkmuth, second by Member Howe, to table action on the request until next council meeting and further schedule a public hearing to amend the ordinance to include the Rockville trade area.

***AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

JOINT RESOLUTION – AREA CITIES LEGISLATORS – Rena Weber reported this resolution does not include the things we discussed regarding Mayor Hagen's suggestions.

Mayor Hagen suggested that we don't sign on to the joint resolution. We could invite Representative Gottwalt to a future meeting instead.

Motion by Member Willenbring, second by Mayor Jeff Hagen, to decline signing the joint resolution with area cities.

***AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

RENTAL ORDINANCE – Member Volkmuth asked to have this placed on the agenda as three property owners came to him and expressed their discontent for the ordinance. To have units inspected every other year is costly. Capitalism would dictate that you keep the units clean. Two of the property owners live by him.

Member Becker stated that the concern that he has is life safety, and fire code that is part of the inspection.

Member Howe indicated his concern on the number of police calls in the city. If there are too many can we pull the permit? Who is tracking this? He is reluctant to give up the ordinance and in fact would like to see us adopt a crime free multi housing ordinance. We would charge more, but if they comply, the cost is reduced down.

Member Willenbring reported on the John Clark Senior Housing and where they pay \$800 for the inspector to walk through.

There was quite a bit of discussion on this issue both for and against.

Member Volkmuth suggested that if you pass one or two years with no complaint, then you get off couple years.

Tudie Hermanutz suggested that every two years a letter be sent to the renter to see if they have concerns. She remembers the time this was an issue.

Sue Palmer stated this is a safety issue and the landlord should be held accountable. This should be done every two years. In fairness to the renters this should be in place.

Mayor Hagen suggested that a small task force look at this issue.

Rena Weber indicated the Planning Commission should review the ordinance.

It was determined that Members Willenbring, Howe & Simon meet to discuss this.

WELLHEAD PROTECTION PLAN PART 1 – Rick Hansen reported that the updated Wellhead protection plan (including Pleasant Lake water tower) is ready for approval.

Member Volkmuth questioned what happens if we don't approve the plan. Rick indicated the city would more than likely get fined and further asked that members review pages 8 & 9 of the executive summary (Recommendations).

Motion by Member Becker, second by Member Howe, to approve the Wellhead Protection Plan Part 1 as presented.

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

Motion passed on a 7 to 0 vote.

EVENT CENTER – 3.2 BEER LICENSE – Mike Nistler was present to request approval on a 3.2 Non-intoxicating beer license for the event center. He expressed interest in a wine license, however, learned that his business could not get one according to the requirement of seating 25 people and serving food prepared at the establishment.

Motion by Member Volkmuth, second by Member Becker, to approve the 3.2 Non-intoxicating beer license pending submission of proper insurance certificate.

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

Motion passed on a 7 to 0 vote.

MARY OF IMMACULATE CHURCH 100 YEAR ANNIVERSARY CELEBRATION – Ed Karls had requested approval to close Mill Street between Broadway and 4th Street on 9/18/11 from noon to 5. The Church will be celebrating 100 years and want to hold an outdoor event. The request is to also sell 3.2 beer.

Motion by Member Willenbring, second by Member Simon, to approve the request(s) as presented, pending submission of proper insurance certificate.

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

Motion passed on a 7 to 0 vote.

COMMITTEE REPORTS

MAYOR - Mayor Hagen had nothing to report.

FINANCE COMMITTEE – Sue Palmer reported the Finance Committee met earlier this evening and approved the January reconciliation & investment reports.

IMPORT MOTORS – Sue Palmer reported the Finance Committee reviewed the request to certify SAC/WAC to the tax rolls. The assessments have been assumed by C. Chanthakhammy and back taxes have been paid. The total is \$3889.62 and the Finance Committee recommends the council approve the request to place the amount on the tax rolls amortized for 4 years.

Motion by Member Willenbring, second by Member Volkmuth; grant the request to place the SAC/WAC charge on the proper tax rolls (\$3,889.62 spread over 4 years @ 4.75% interest.

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

Motion passed on a 7 to 0 vote.

FIRE FIGHTERS – Sue Palmer reported the Finance Committee also considered the request to hire fire fighters. The Finance Committee recommends staff post an advertisement pending the impact on the budget which will be discussed at the March 2nd meeting.

Rena Weber reported that a meeting with the Rock Fest Committee will also be held at this time as they are anxious to meet with the newly formed committee.

Mayor Hagen indicated the task force on rural development should meet the same evening at 6:30 p.m.

Motion by Member Volkmuth, second by Member Simon, to approve advertising for fire fighters with the number to be hired pending review of the budget at the 3/2/11 Finance Committee meeting.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

ROCORI TRAIL CONSTRUCTION BOARD – Rena Weber reported the RTCB hit another snag in the development of the trail as two Cold Spring Businesses have expressed interest in keeping the rail line active. While no one wants to adversely affect business development it is hoped that we all can work together to accomplish the project.

ADMINISTRATOR'S REPORT

FIRE CHIEF APPOINTMENT – Rena Weber reported that Rodney Schaefer was the only person to apply. Mr. Schaefer really only wants to do this for two years and reducing the number of years was discussed previously with no action being taken.

Motion by Member Volkmuth, second by Member Willenbring, to appoint Rodney Schaefer as the Fire Chief effective immediately.

AYES: Becker, Hagen, Schmitt, Volkmuth & Willenbring

ABSTAIN: Howe & Simon

Motion passed on a 5 to 0 vote.

Member Volkmuth asked staff to include on the next Personnel agenda discussion of term of fire chief.

230TH STREET COUNTY ROAD 8 TO RAUSCH LAKE ROAD – Discussion was held regarding the Email from Sgt. Andy Rose about the condition of 230th Street. It was determined that we need to discuss the issue further at the Public Works meeting.

- ◆ Traffic count – get from SEH
- ◆ Schedule – Public Works Mtg. March 7th – 5:30 p.m.

POLICY APPROVALS – Rena Weber reported that two of our policies have to be revised:

- ◆ Internal Controls – reflects who is doing what of the finance directors job
- ◆ Fund Balance – this reflects changes due to GASB 54

Motion by Member Volkmuth, second by Member Willenbring, to approve the two policies as presented and attached.

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

Motion passed on a 7 to 0 vote.

OPEN FORUM

Mike Hofmann reported that the warm weather may be a problem in regards to parking and they may not use Lion's park.

John Koerber indicated that Plan B is to use Capital Granite, Jeff's Auto Body, County Road 6 dead end, Brentwood one side only, and White Oak Road one side only

The parking lot at Lion's park could accommodate up to 360 cars but there is a concern that the park and walking path would be ruined. The committee was approval to use plan B if necessary.

Motion by Member Volkmuth, second by Member Simon, to approve Plan B for parking if necessary.

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

Motion passed on a 7 to 0 vote.

Member Schmitt asked why the 400 Club variance is more unsafe than Grandview driveway. He wants this on the next agenda for discussion.

ADJOURNMENT – Motion by Member Becker, second by Member Volkmuth, to adjourn the meeting at 8:00 p.m.

**AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.**

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

**JEFF HAGEN
MAYOR**