

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY
FEBRUARY 15, 2012 - 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 and Duane Willenbring. Absent: None

Staff members present were: Administrator/Clerk Rena Weber & Lt. Jon Lentz

Others Present were: Tудie Hermanutz, Aaron Cheeley, Kimberly Thielen-Cremers, Ed & Brenda Molitor, & Lee Gladitsch.

ADDITION TO THE AGENDA – Motion by Member Volkmuth, second by Member Becker, to approve the additions to the agenda for discussion purposes.

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

OPEN FORUM – Tудie Hermanutz, 211 1st St W asked what is the city doing about the foreclosed property that was mentioned in the St. Cloud Times. Rena Weber reported that the Finance Committee would be meeting 2/22 to review the properties in question.

CONSENT AGENDA –

- a) **Approve minutes of 01/18/12**
- b) **Approve Treasurer’s Report of 02/15/2012**
- c) **Approve List of Bills and Additions of 02/15/2012**

Accounts Payable Check # 013481 to 013541	\$44,443.05
Payroll Check # 004174 to 004183	9,922.53
EFT # 000600 to 000607	6,035.33
- d) **Approve Rockville Sportsman Club Raffle 7/7/12 – Rock Fest**

Motion by Member Howe, second by Member Willenbring, to approve the consent agenda as presented.

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

STAFF/ REPORT

POLICE – Lt. Lentz reported there were 36 contract hours with 18 parking citations.

FIRE DEPARTMENT – Member Volkmuth reported that the Personnel Committee reviewed the request and recommends approval to advertise and hire up to three fire fighters pending the funding.

Motion by Member Volkmuth, second by Member Becker, to authorize advertising to hire up to three fire fighters pending funding.

AYES: Becker, Hagen, Howe, Schmitt, Volkmuth and Willenbring
ABSTAIN: Simon
Motion passed on a 6 to 0 vote.

PLANNING COMMISSION

EDWIN & BRENDA MOLITOR – 11290 GRAND LAKE ROAD

Rena Weber reported that the Planning Commission held a public hearing regarding the request of Ed & Brenda Molitor to construct an addition to their home at 11290 Grand Lake Road with a legal description of: All that part of Government Lot 5, Section 28 and that part of government Lot 1, Section 33, all in Township 123 North, Range 29 West, Stearns County, Minnesota described as follows: Beginning at the Northwest corner of said Section 33; thence South 00 degrees 59 minutes 00 seconds East, assumed bearing, along the west line of said section 33, a distance of 34.47 feet to the centerline of a Township road thence South 89 degrees 19 minutes 00 seconds East, along said centerline 100.04 feet; thence North 00 degrees 59 minutes 00 seconds West,

parallel to the West line of said Sections 28 and 33, a distance of 322 feet, more or less, to the shoreline of Grand Lake; thence Westerly, along said shoreline, to a point of intersection with the West line of said Section 28, said West line bearing North 00 degrees 59 minutes 00 seconds West from the point of beginning; thence South 00 degrees 59 minutes 00 seconds East, along said West line, 287 feet, more or less, to the point of beginning and there terminating. Containing 0.74 acres, more or less, and being subject to an existing road right of way over and across the southerly boundary thereof.

The request is to construct a 16' x 30' addition to the lakeside of the home in the R-1 – Shoreland District.

Variance from impervious surface will be discussed.

STAFF REPORT:

Variance(s) Requested:

1. Variance to construct a 16' x 30' addition and to locate it on property abutting Grand Lake – General Development Lake.
2. Impervious Surface – Total lot area is 30,900 sf of which 24.6% would be covered including the deck. With the addition impervious surface exceeds the 20% by 1407.94 sf.

Construction Requests:

1. Construct attached addition to the lake side of the house.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 30,900 square feet more or less.
3. 9 notices of public hearing were sent out.

Recommendations:

1. This requires 1 variance on a conforming lot that was in place before the ordinance was adopted.
2. Edwin works in the construction field and has provided an underground drainage system (StormTech) that should work to collect and disseminate the storm water from this property.
3. Approve this drainage system concept and monitor for how successful it is.

The Planning Commission recommends approval with the condition that the system be approved by Greg Berg and/or city engineer.

Ed Molitor showed the council a sample of what he would like to install for the drainage system. It is something new and may be a showcase for other projects in the future.

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

RESOLUTION NO. 2012-05

A RESOLUTION APPROVING VARIANCES IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Edwin & Brenda Molitor for variance from impervious surface to add a Variance to construct a 16' x 30' addition and to locate it on property abutting Grand Lake – General Development Lake, and;

WHEREAS, Impervious Surface – Total lot area is 30,900 sf of which 24.6% would be covered including the deck. With the addition impervious surface exceeds the 20% by 1407.94 sf, 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 16' x 30' addition to the home.**
2. **An underground storm drainage system will be constructed and maintained according to approval of plans by Greg Berg and the city engineer.**
3. **Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
4. **That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.**
5. **The siding and shingles shall match structures.**

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

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

WILLIAM WERLINGER VARIANCE – Rena Weber reported that action was tabled on the request of William A. Werlinger for a variance from Shoreland Requirements. The address of the property is 25983 80th Avenue with a legal description of: Lots Twenty-Two (22) and Twenty-three (23) in Block One (1) of Schmitt's Pleasant View, according to the plat and survey thereof on file and of record in the Office of the County Recorder, in and for Stearns County, Minnesota.

The request is to construct a 12' x 15' sun room to their home and a 32' x 32' unattached garage to their property.

Variances from the ordinary high water level and impervious surface were discussed.

STAFF REPORT:

Variance(s) Requested:

1. Variance to construct a 12' x 15' sun room and 32' x 32' unattached garage and to locate it on property abutting Pleasant Lake – Recreational Development Lake.
2. Said request is to also locate sun room within the 50' shore impact zone

Construction Requests:

1. Construct sun room and unattached shed and match the structures.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 40,560 square feet more or less.
3. 20 notices of public hearing were sent out.
4. A revised drainage plan was submitted on 2/10/12 – 4 p.m.
5. This plan would now require review by Stearns County Environmental Services as they review any shoreline alteration and wetlands.
6. Sauk River Watershed District was also afforded the opportunity to review this proposal as they have not approved the city Shoreland management and storm water management ordinances.
7. Anne Nelson – comments regarding the wetlands state that a determination should be done in the spring. Refer to e-mails of 2/14/12
8. There have been water issues with this property in the past.
9. SRWD has not commented as of yet.
10. The sun room construction was reviewed by the building official – no concerns were raised.

Recommendations:

1. This requires 2 variances on a lot that was in place before the ordinance was adopted.

2. Anne Nelson requests the following be added.

“All I was asking for was that prior to adding fill (whether it’s a garage or sand or boulders or gravel, etc.) a wetland determination should be done first. It could be that the entire area is not wetland or it could be that it is wetland. I don’t know this. But, if the variances are granted, I am asking that a condition is placed on approval, that prior to installing any fill for the garage or for the 51-foot opening in the buffer that a wetland determination is completed. If it is determined there is wetland, then there is an application process to go through before wetland can be filled.”

THE CITY ENGINEER COMMENTS TO THE REQUEST:

Email dated February 13th @ 11:18 a.m. from Scott Hedlund.

I've reviewed the site plan dated 2/10/12 by KLD submitted on 2/10/12 and offer the following comments:

1. Verify if a Sauk River Watershed District Permit is required.
2. Verify if any approvals are necessary from Stearns County Environmental for the proposed shoreline alterations.
3. Construction of a shoreline buffer as proposed in the site plan meets the general intent of the City's Stormwater Management ordinance for water quality. However, it doesn't appear that storm water runoff from the north half of the existing house/garage and existing driveway is being treated. It is also unclear if runoff from the entire proposed garage is being treated. It appears there is area available west of the house and north of the driveway to implement additional storm water BMP's.
4. The proposed sunroom is in the shore impact zone. Verify if a variance is required.

Action was tabled at the Planning Commission in order to view the property in spring to determine if the site where the shed would be located is in fact a wetlands.

No action needed at this point.

COLD SPRING GRANITE – TO RELEASE THE BOND & THE REMOVAL OF THE INTERIM USE PERMIT: Zoning Administrator Rena Weber reported that she received a request from Cold Spring Granite to remove the Interim Use Permit and release the bond.

“Cold Spring Granite Company hereby requests discontinuance of the Interim Use Permit No. 10-01 issued by the City of Rockville on September 28th, 2010 for construction and operation of aggregate wash pond at our Rockville II Quarry.”

A \$5000.00 performance bond was provided to the City of Rockville per Condition No. 3 of the Interim Use Permit. The ponds were not constructed. Therefore, no reclamation is necessary, and request release of the bond.

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

RESOLUTION NO. 2012-06

RESOLUTION APPROVING RELEASE OF BOND AND TERMINATING IUP

WHEREAS, Cold Spring Granite was granted an interim use permit on 9/28/10, and;

WHEREAS, The time frame has run out on the permit, and;

WHEREAS, Cold Spring Granite never exercised the right to construct and operate aggregate wash ponds at their Rockville II Quarry, so no reclamation is required.

WHEREAS, Cold Spring Granite requests release of the bond for such operation.

NOW, THEREFORE BE IT RESOLVED by the Rockville City Council, Stearns

County, Minnesota:

1. **Said bond is hereby released and the interim use permit is void.**

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

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

Motion passed on a 7 to 0 vote.

ADMINISTRATIVE PLAT MARK & BRENDA HALL @ 13002 GLEN COVE ROAD: Zoning Administrator Rena Weber reported that when Russell and Kristi Huls built they had only a 2 stall garage, they pulled a building permit with Nancy Scott (building official at the time) to change the garage into living area and add a triple stall garage. The triple stall garage meets the setback but the apron on the driveway exceeds the boundary lines. The neighbor to the east (Mark & Brenda Hall) want to sell there vacant lot but the boundary line would need to be corrected first.

CERTIFICATE OF COMPLIANCE

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss
CITY OF ROCKVILLE)

RE: These descriptions are intended for the purpose of transfer of property from Mark H Hall & Brenda L Hall (husband and wife) to Russell Huls and Kristi Huls (husband and wife) in the City of Rockville.

The following described property is to be transferred from parcel #76.42188.0009 and attached to parcel #76.42188.0008.

TRACT A MARK H & BRENDA L HALL TO RUSSELL AND KRISTI HULS

That part of Lot 10, Block 1, of SPRINGWOOD ESTATES, as of public record, Stearns County, Minnesota, described as follows: Commencing at the Southwest corner of said Lot 10; thence on an assumed bearing of N 05°02'40" W, along the West line of said Lot 10, a distance of 98.71 feet to the point of beginning of the tract herein described; thence on a bearing of N 84°57'20" E, 32.00 feet; thence on a bearing of N 05°02'40" W, 91.66 feet; thence on a bearing of S 84°57'20" W, 32.00 feet to its intersection with the West line of said Lot 10; thence on a bearing of S 05°02'40" E, along last said line, 91.66 feet to the point of beginning.

Subject to easements of record.

The following described property is the new legal description for the remaining property owned by Mark H Hall and Brenda L Hall – Parcel No. 76.42188.0009

TRACT "B"

Lot 10, Block 1, of SPRINGWOOD ESTATES, as of public record, Stearns County, Minnesota, LESS AND EXCEPT the following described tract:
That part of Lot 10, Block 1, of SPRINGWOOD ESTATES, as of public record, Stearns County, Minnesota, described as follows: Commencing at the Southwest corner of said Lot 10; thence on an assumed bearing of N 05°02'40" W, along the West line of said Lot 10, a distance of 98.71 feet to the point of beginning of the tract herein described; thence on a bearing of N 84°57'20" E, 32.00 feet; thence on a bearing of N 05°02'40" W, 91.66 feet; thence on a bearing of S 84°57'20" W, 32.00 feet to its intersection with the West line of said Lot 10; thence on a bearing of S 05°02'40" E, along last said line, 91.66 feet to the point of beginning.
ALSO LESS AND EXCEPT that part of said Lot 10 lying within MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-52, as of public record, Stearns County, Minnesota.

Subject to easements of record.

This request is being made for line correction purposes only and not for building purposes. The Rockville City Planning Commission has reviewed this split and found it to be in compliance with the standards set forth in the City of Rockville.

No action needed as this is an Administrative Plat approved by the Planning Commission.

INGE SEELEN @ 156 BROADWAY STREET EAST: Rena Weber reported the Seelen family is wanting to sell their property which includes the property that has the building (bar) and the piece of property to the north of the building. In 1959 the Erpelding's had sold the property to the Seelen's but somehow the Erpelding's had included the land that was north of the railroad tracks, that wasn't theirs. The Seelen's want to sell the property to Paul Betz but he doesn't want that piece of land that is north of the railroad tracks so the Seelen's want to quick claim that portion of the property to the City.

Discussion was held regarding why the city might want this property. Rena Weber was instructed to see if anybody else wants it.

Motion by Member Volkmuth, second by Member Howe, to deny accepting the property from the Seelen family.

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

Motion passed on a 7 to 0 vote.

DEFINITIONS: Rena Weber explained that the city needs to add 2 definitions to the zoning ordinance and that we will do this as part of one ordinance updating other items.

ABANDON: The cessation of a specific use of a property for a period of 12 or more months.

EXPANSION: An increase in the floor or land area or volume of an existing building.

No action needed at this point.

NEW BUSINESS

LEE GLADITSCH – Knowledge Bowl Request – Knowledge Bowl is an extra-curricular activity consisting of 4 – 5 members per team. Anybody who would like to attend the knowledge bowl meet can help coaches on scoring. It is important to see the knowledge the kids are gaining. The meet is on March 3rd (9a.m. to 3 p.m.) and is open to the public. Entrance is by the new high school cafeteria. This is the first time in 10 years that Rocori is hosting an event.

LRIP RESOLUTION OF SUPPORT - RESOLUTION 2012-03 SUPPORT OF LRIP – This is an after the fact resolution. The City has applied for funding to tar Glacier Road connecting County Road 2 and County Road 139. Stearns County has submitted a letter of support.

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

RESOLUTION NO. 2012-03

CITY OF ROCKVILLE

A RESOLUTION SUPPORTING

LOCAL ROAD IMPROVEMENT PROGRAM

WHEREAS, all Minnesota communities benefit from a sound, efficient and adequately funded transportation system that offers diverse modes of travel; and

WHEREAS, due to budget constraints, cities are increasingly deferring maintenance on city roads; and

WHEREAS, transportation infrastructure maintenance and improvement costs significantly contribute to rising property taxes; and

WHEREAS, lack of state funding has delayed regionally significant road construction and reconstruction projects across Minnesota; and

WHEREAS, many rural roads are not built to modern safety standards and are not meeting the needs of industries that depend on the ability to transport heavy loads.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROCKVILLE that this Council requests that LRIP funds be granted for reconstruction of Glacier Road connecting County Road 2 to County Road 139 (Rockville County Park) in the City of Rockville; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ROCKVILLE that cities under 5,000 receive their fair share of transportation funds especially cities that have consolidated to be more efficient and have numerous miles of roads to maintain.

ADOPTED by the Rockville City Council on January 18, 2012.

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

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

Motion passed on a 7 to 0 vote.

SAUK RIVER ROAD VACATION REQUEST — This is a request from the Stearns County Parks Commission. It was not a part of the original master plan for the park. We won't know if anyone objects unless we go ahead and hold a public hearing.

Motion by Member Howe, second by Member Volkmuth, to not consider this request at this time as providing emergency service is an issue.

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.

RTCB – Rena Weber reported that the RTCB received an additional \$500,000 grant and the memorandum of agreement needs to reflect this.

Motion by Member Willenbring, second by Member Volkmuth, to approve the revised memorandum of agreement as presented.

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

Motion passed on a 7 to 0 vote.

PERSONNEL COMMITTEE– PARK & RECREATION JOB DESCRIPTIONS AMENDED –

The Park and Rec board has drafted three new job descriptions for the summer ball program and seeks approval. Member Volkmuth reported that the Personnel Committee met and approved all three job descriptions.

Motion by Mayor Hagen, second by Member Volkmuth, to approve the three amended job descriptions as presented for:

Summer Ball Program Coordinator - \$1,000 per season

Concession Sales I - \$9.16/hr

Concession Sales II - \$8.16/hr

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

Motion passed on a 7 to 0 vote.

FINANCE COMMITTEE – Member Volkmuth reported that the Finance Committee had met this evening and reviewed the request of Kimberly Thielen-Cremers for reimbursement of septic inspection fees - \$295.00. \$95 is for emptying the tank so that was excluded. The committee voted 2 to 1 to pay \$100 of the bill. Staff had provided copies of the e-mail discussions.

Member Becker stated he read through the e-mails and saw nothing that said the system had to be inspected and he can't agree with city tax payers picking up this tab.

Member Volkmuth read the e-mail on 10/17 where Rena had told Kim that she may need to have her system certified and that she did not want Kim to be surprised.

Member Becker said he recently got a building permit and was told he may need to contact Stearns Electric and he did.

Member Howe indicated that there was a week in between the original e-mails where that contact could have been made and that would have eliminated the follow up e-mails.

Motion by Member Becker, second by Member Howe, to deny any payment of this request.

Kimberly Thielen–Cremers asked that in the future a one page document with phone numbers on it should be provided.

AYES: Willenbring, Schmitt, Howe & Becker

NAYS: Volkmuth, Hagen, Simon

Motion passed on a 4-3 vote.

Member Hagen brought up his issue that when he added the deck to the Grandview and he had to pay for a survey that he felt was not needed.

ADMINISTRATOR'S REPORT

SCHEDULE BOARD OF REVIEW – Rena Weber asked approval to schedule the Board of Review Meeting for 5/2/12 – 6 p.m.

Motion by Member Volkmuth, second by Member Simon, to schedule the Board of Review meeting for 5/2/12.

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

Motion passed on a 7 to 0 vote.

SCHEDULE WELLHEAD PROTECTION PLAN - Rena Weber asked approval to schedule the Wellhead Protection Plan public hearing for 5/16/12 – 6:30 p.m.

Motion by Member Volkmuth, second by Member Willenbring, to schedule the Board of Review meeting for 5/16/12 as requested.

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

Motion passed on a 7 to 0 vote.

ADDITIONS TO THE AGENDA

DNR ACCESS TO LAKES – Rena Weber reported that the DNR has requested authority to access all the lakes that they do not currently have access to. The purpose is to be able to have staff access the lake and check boats of invasive aquatic species.

Discussion was held and it was determined that the city itself would not have a right to cross over private property to get to a lake.

Motion by Member Volkmuth, second by Member Howe, to deny authorizing access to private lakes as requested.

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

Motion passed on a 7 to 0 vote.

LONG TERM DEBT MANAGEMENT STUDY AND JOURNAL ENTRIES – Rena Weber asked that council approval be given to accepting the study and also the journal entries as her minutes did not specifically state these were approved when the study was accepted on 11/16/11.

Motion by Member Volkmuth, second by Mayor Hagen, to accept the Debt Management Study and the journal entries as part of the approval that was done on 11/16/11.

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

Motion passed on a 7 to 0 vote.

OPEN FORUM

Aaron Cheeley – Tri-City Cable TV reported that the podium mike is not working.

Don Simon reported that he attended the last Stearns County Park Board meeting. They received money for Rockville County Park and nothing is being done. He suggested people call Peter Theismann at Stearns County if they wish to volunteer.

Jeff Howe reported that he went to the LMC experienced officials training recently. A lot of city councils want to get into strategic planning and determine what we want our city to look like.

Member Willenbring reported that former council member Sue Palmer also had the same thought and he does too.

ADJOURNMENT – *Motion by Member Volkmuth, second by Member Willenbring, to adjourn the meeting at 7:00 p.m. Motion carried unanimously.*

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

**JEFF HAGEN
MAYOR**

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