

ROCKVILLE CITY COUNCIL MEETING MINUTES

April 11, 2018

Rockville City Hall

Item 1) Call to Order

The meeting was called to order at 6:00 p.m. by Mayor Duane Willenbring.

Item 2) Pledge of Allegiance

Item 3) Roll Call

Roll call was taken and the following Council Members were present: Vince Schaefer, Don Simon, Rick Tallman, and Jerry Tippelt.

Staff members present: City Administrator, Martin Bode; Planning Commission Chair, Bill Becker; Bolton & Menk Engineer, Justin Kannas; JKA Law Firm City Attorney, Susan Kadlec; Public Works Director, Nick Waldbillig; Public Works Maintenance Mechanic, Gene VanHavermaet; Stearns County Sheriff's Department, Lt. Kellan Hemmesch; Rockville Fire Chief, Rodney Schaefer.

Others present: Various members of the public.

Item 4) Approval of Agenda

Motion by Schaefer, second by Simon, to approve the agenda as presented. Motion carried.

Item 5) Public Comment

Kevin Voigt, 7819 Co. Rd. 141, commented on subdivision rules and regulations.

Korla Molitor, 10919 Mitchell Lane, clarified their CUP request.

Vicki Rozycki, 25552 Lake Road, inquired about a letter in support of the Molitor CUP and verified the correct acreage listed on the CUP.

Item 6) Consent Agenda

- a) Acknowledge Review of the March 2018 Bills Paid and Journal Entries
- b) Approval Rockville City Council Minutes of March 14, March 27, and April 2, 2018
- c) Approval of Consumption and Display Permit – Boomerville LLC, Mike Nistler

Motion by Tallman, second by Tippelt, to approve the Consent Agenda as presented. Motion passed unanimously.

Item 7) Department Reports:

- a) Fire Department - Fire Chief Rodney Schaefer
Chief Rodney Schaefer provided Council with a review of the Fire Department recent activity. Noting the following:
 - tomorrow, April 12, tornado awareness day
 - department is still accepting applications for new members
 - applied for several grants
 - working on a large mutual aid disaster training drill in conjunction with the Fire Departments of Richmond and Cold Spring
 - Thank you to the community for their support of the Fire Departments recent Fish Fry. Great success.
- b) Planning Commission – Chairperson Bill Becker
 1. Request to Amend Allowed Conditional Uses in an R-1 Zoning District
 - Section 17, R-1, Subdivision 4, to allow as a CUP a Bed and Breakfast and Vacation Rental By Owner (VRBO), -Section 8, Definitions add VRBO

STAFF REPORT

RE: Application to Amend Rockville City Zoning and Conditional Use Permit
Parcel I.D. No. 76.42340.0005 - Section 21, Township 123, Range 029
Owner: Alex and Korla Molitor
Property Address: 10919 Mitchell Lane

Request:

- 1) To amend Rockville Zoning to allow for Vacation Rental by Owner (VRBO)
- 2) CUP application to operate a Bed and Breakfast Type/VRBO in an R-1, Shoreland District

Relevant Information:

- 1) Property is zoned R-1 Single Family Residential in a Shoreland Overlay District
- 2) Property is ~~.38~~ +/- acres (*correct acreage = 3.47*)
- 3) 10 notices of public hearing were sent out
- 4) Currently not a permitted use
- 5) Property has an approved rental license, however this license was approved without City acknowledgment that it is a Bed and Breakfast type/VRBO

Action Items to Consider:

- 1) Amend Section 8 descriptions to include VRBO
Define VRBO: Stearns County, **Vacation/Private Home Rental:**
A single family dwelling and/or related structure that is rented out on a transient basis for a charge.
A transient basis shall be any period of time less than thirty (30) consecutive days.
- 2) Amend Section 17; Subdivision 4, Conditional Use to include VRBO and Bed and Breakfast
- 3) Approve Molitor CUP application
- 4) a. Postpone any action on amending Rockville Zoning to allow further research
b. Deny Molitor CUP – currently not a permitted use
c. Stay enforcement of Molitor violation notice until 12/31/2018 per item
- 5) Deny application(s) in its entirety

Planning Commission voted to postpone amending the zoning at their April 3, 2018 meeting until further research has been completed.

Motion by Schaefer, second by Tallman, to postpone any action on amending Rockville Zoning to allow further research and stay enforcement of Molitor violation notice until December 31, 2018. Motion passed unanimously.

2. Molitor CUP Application

Staff Report

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- 2) Amend Section 17; Subd 4, Conditional Use to include VRBO and Bed and Breakfast
- 3) Approve Molitor CUP application
- 4) a. Postpone any action on amending Rockville Zoning to allow further research
 b. Deny Molitor CUP – currently not a permitted use
 c. Stay enforcement of Molitor violation notice until 12/31/2018 per item 4 a.
- 5) Deny application(s) in its entirety

Planning Commission denied the CUP at their April 3, 2018 meeting because currently the CUP use being applied for is not an approved use.

Council held further discussion on the CUP request and the 60 day rule.

Motion by Tippelt, second by Schaefer, to deny the Molitor CUP – currently not a permitted use. Motion passed unanimously.

3. Irene Schneider Trust – Preliminary Plat and Rezoning Request

Staff Report

RE: Property Subdivision/Preliminary Plat, Variance and Rezone
 Parcel I.D. No. 76.42170.0051 & 76.42170.0050 - Section 25, Township 123, Range 029
 Owner: Irene Schneider Trust and Jonathan Schneider
 Property Address: 7788 County Road 41
 Plat known as: Schneider Farm

Request

1. Preliminary Plat application of eleven (11) new lots and one (1) existing.
2. Rezone lots from Ag-40 to R-R and amend the City's Future Land Use Map

Relevant Information

1. Property is zoned Ag-40.
2. Total plat area is 94.65 +/- acres.
3. There are eleven (11) new lots and one (1) existing lot being proposed to be subdivided.
4. Purpose is residential development.
5. Not conducive to long-term agriculture use; wooded area, rock outcroppings, and marginal soils.
6. 16 Public Hearing notices were mailed out.
7. Developers Agreement will be drafted prior to Final Plat.

Recommendation

Consider Approval of:

1. Preliminary Plat
2. Rezone lots from Ag-40 to R-R

Planning Commission recommends approval.

Council held extensive discussion on the preliminary plat and rezoning request. Noting the following:

- Willenbring: pointed out that Stearns County Environmental has signed off on this application as it relates to wet land delineation. Retention ponds have been addressed. Rezoning application is an agricultural rezoning request and therefore not subject to the requirement of city sewer and water hook-up. The City's Attorney has the legal opinion that the City's moratorium action does not apply to this subdivision. City's comprehensive plan/map has been historically amended on a rezoning application.
- Tippelt: concerned that if plat is approved future property owners will have to deal with Stearns County Environmental regarding wetlands and the Minnesota DNR regarding a supposed protected pond. Also questions whether there are in fact 2 ½ acres of buildable lot area per parcel. Would prefer to see bigger lot sizes such as 10 acre parcels.
- Schaefer: concerned about location of septic systems for each of the parcels. Regarding State Statute and how it relates to the City's subdivision moratorium believes this application is not allowed.
- Tallman: concerned that City is not following the City's current ordinance and comprehensive plan. Proposed cul-de-sac is not proper. City water and sewer is not being provided.
- Simon: Noted that there are a lot of parcels not only in the City of Rockville that are very similar to this application where Rural Residential parcels have been established. Wants to see growth in the City. Extension of City Water and Sewer is not feasible. Would increase the tax base in the City.

Motion by Simon, second by Willenbring, to approve of the Schneider Rezoning and Preliminary Plat. Roll Call Vote: AYES: Simon, Willenbring. NAYS: Tallman, Tippelt, Schaefer. Motion failed on a 3 to 2 vote.

It was noted that Member Schaefer made a motion to deny the rezoning and preliminary plat presented by the Schneider family and the motion was disallowed by the Mayor. When a motion is made to approve and it gets voted down, there should be another vote to officially deny the request.

Susan Kadlec, JKA Law Firm City Attorney, stated that when you have a motion in favor of a request and the motion fails that is a denial, per State Statute. A second or separate motion to deny is not needed.

- c) Emergency Management – Written Report
- d) Sheriff's Report – Lt. Kellan Hemmesch
Lt. Kellan Hemmesch reviewed with the Council the Sheriff's Written Report of the City of Rockville 1st Quarter 2018 activity. Noting that all liquor establishments have passed the recent alcohol compliance checks that had been conducted. Crime rate overall is down in the City of Rockville.
- e) Public Works - Written Report
Nick Waldbillig, Public Works Director, and Council discussed the need for repairs to the F350 one ton. Estimated engine repairs are about \$6,000.00. Still looking for someone in the area that would be willing to do those actual repairs. No action.
- f) Engineering Report
Justin Kannas, Bolton & Menk Engineer, provided Council with a brief update regarding the 2018 Street project and Sauk River Road River and Road repair project..

Item 8) Administration

- a) Ordinance 2018-90 Subdivision Moratorium
Motion by Schaefer, second by Tippelt, to approve Ordinance 2018-90 Subdivision Moratorium with the removal of Section 6. Roll Call Vote: AYES: Tallman, Tippelt, Schaefer. NAYS: Simon, Willenbring. Motion passed on a 3 to 2 vote.
- b) Resolution 2018-15 Public Works Director Resignation and Appointment

Motion by Simon, second by Tippelt, to accept Resolution 2018-15 Public Works Director Nick Waldbillig Resignation and Appointment of Gene Van Havermaet.

Member Tallman expressed his desire to advertise for the position to ensure we are hiring the best person for the job. Concerned we will be in the same position a few years down the road by not posting the job.

Motion by Simon, second by Tippelt, to call the question. Roll Call Vote: AYES: Simon, Tippelt, Schaefer. NAYS: Tallman, Willenbring. Motion failed on a 3 to 2 vote. (2/3 vote required to pass)

Motion by Tallman, second by Schaefer, to amend the motion to accept move the wording “the appointment of Gene Van Havermaet” and only address the resignation of the public works director. Motion passed unanimously.

Action on Amended main motion Resolution 2018-15 Accepting Public Works Director Nick Waldbillig. Motion carried.

Motion by Tallman to post a position for a Public Works Working Supervisor. No action.

Motion by Simon, second by Tippelt, to appoint Gene Van Havermaet as the Public Works Director/Working Supervisor at pay step 8. Roll Call Vote: AYES: Simon, Tippelt. NAYS: Tallman, Schaefer, Willenbring. Motion failed on a 3 to 2 vote.

Motion by Tallman to post the position of Public Works Working Supervisor. No action.

Motion by Tallman, second by Schaefer, to authorize the Administrator to post the Public Works Director/Working Supervisor position with Council approved pay range. Motion passed unanimously.

Motion Schaefer, second by Simon, to approve Gene Van Havermaet as the Interim Public Works Director/Working Supervisor at pay Step 10. Roll Call Vote: AYES: Simon, Tippelt, Schaefer, Tallman. NAYS: Willenbring. Motion passed on a 4 to 1 vote.

c) Water Base Fee

Tallman requested that the Water Base Fee be addressed in a future Council Workshop.

Item 9) Appropriations, Allocations and Transfers

a) Council Action – nothing to report.

Item 10) Mayor/Council Reports

- a) LMC Legislative Conference March 21-22, 2018
Willenbring and Schaefer attended.
- b) Communication Task Force – Willenbring provided a brief update.
- c) Ordinance Review Task Force – Committees continue to meet and research. Encourage all committee to have their respective recommendations submitted to City Hall as soon as possible.
- d) SRWD Sauk River Road – Willenbring provided a brief update.

Item 11) Other

Findings of Fact for denial of the Schneider Rezoning and Preliminary Plat. Tallman suggest, per former Attorney Ripple email of November 30, 2017, using the City of Rockville Subdivision 5 B and 5 D i.e. lack of drainage, waste disposal, city water and sewer, streets. Schaefer suggest referring back to a former Schneider Plat denial for a similar application. Tippelt added that he is not convinced that the parcels contain 2 ½ acres of buildable area.

Item 12) Future Agenda Items

Formal Schneider Findings of Facts.

Item 13) Adjourn

Motion made by Simon, second by Tallman, to adjourn the meeting at 9:00 p.m. Motion carried.

Respectfully Submitted,

*Martin M. Bode
City Administrator*