

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY APRIL 18, 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, and Duane Willenbring. Absent: None.

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

Others Present were: Sgt. Joe Litchy, Toni Honer, Tudie Hermanutz, Lori Anderson, Jim Massmann. Scott Stenseth, Mary Kremers, Richard Tallman, John Koerber, Gwen Ballinger, Carol Dietman, Kathleen Stanger, Bill & Adeline Boucher, Denny Smith, Marie Dingmann, Rose Jacobs, Woody Sankey, Dave Heins, and Paul Wirth.

ADDITION TO THE AGENDA – Motion by Member Volkmuth, second by Member Howe, 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 – No one appeared.

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

- a) **Approve minutes of 03/21/12**
- b) **Approve Treasurer's Report of 04/18/2012**
- c) **Approve List of Bills and Additions of 04/18/2012**

Accounts Payable Check #013603 to 013651	\$28,585.31
Payroll Check # 004199 to 004221	14,059.38
EFT # 000617 to 000626	6,935.15
- d) **Simply Outdoor Experience – raffle approval 4/26 at 400 Supper Club**
- e) **Rock Fest request approval to close CR 82 – July 7th**

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

BOARD/STAFF REPORT

POLICE DEPARTMENT – Sgt. Joe Litchy reported that there was 38 contract hours during the month of March.

PLANNING COMMISSION – Chair Toni Honer reported the Planning Commission held a public hearing to consider the request of Peter & Amy Olson for a variance from Lot Coverage Requirements. The address of the property is: 402 Walnut Circle with a legal description of: Lot Four (4), Block One (1), COUNTRY SIDE ADDITION PLAT 6, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County in the City of Rockville.

The request is to construct a 90 square foot attached deck in the R-1 District. Variances are required for: Impervious surface lot coverage.

STAFF REPORT:

Legal Description: Lot 4, Block 1, Country Side Addition Plat 6
 Variance(s) Requested:

1. Variance to construct a 90 Square Foot attached deck and to vary from impervious surface lot coverage requirements – no more than **25% required**.

Relevant Information:

1. R-1 Single Family District.
2. Existing home was built with a patio door from the rear of the home knowing that some day a deck would be attached.
3. The lot to the north of the property is currently wooded/wetland.
4. 26 Notices of Public Hearing were sent out.

Recommendations:

1. Maintain existing drainage patterns over, under, and across their property.
2. Proper temporary and permanent erosion control measures (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. It appears there are wetland(s) nearby north of the property.
3. This property is over the 25% and the 30% impervious surface requirement which were done prior to the ordinance and by previous property owners.
4. Construct either a rain garden to capture the 356 SF overage, French drain, or soak away pit.
5. Approve with this condition.

A review of the finding was done (A copy of the finding of facts is hereby attached and marked Exhibit A)

1. 4 yes
2. 3 yes 1 no
3. 3 yes 1 no
4. 4 yes impervious was over when they purchased property.
5. 4 yes

The Planning Commission recommends approval of the variance as presented with a requirement for some type of mitigation.

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

RESOLUTION NO. 2012-09

A RESOLUTION APPROVING VARIANCE IN THE R-1 RESIDENTIAL DISTRICT.

WHEREAS, A request has been received from Peter & Amy Olson to construct an attached deck in the R-1 District, and;

WHEREAS, said structure will exceed the maximum impervious surface requirement, 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 90 square foot attached deck with the requirement to provide mitigation for storm water run off.***
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.***

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

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

Chair Honer reported that the Planning Commission is looking at ordinance amendments for:

- Definition of principle structure
- I-2 allowances
- Highway commercial permitted uses
- sign ordinance change

The reason for the change to the Highway/Commercial permitted uses is to let people know we are willing to expand the list making the forfeiture lots more appealing.

PARK & RECREATION – Updates and Community Center/Polling Place

Chair Scott Stenseth reported on the following:

- Easter Egg Hunt has 200+ participants
- 4/28 – Pleasant Lake garage sale
- Summer ball sign up still going on

PARK & RECREATION BOAD MEMBER APPOINTMENT - The Park & Rec Board would like the council to appoint Rick Tallman as Park & Recreation Board Member.

Motion by Member Volkmuth, second by Member Willenbring, to appoint Rick Tallman to the Park & Rec Board effective immediately.

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

COMMUNITY CENTER/POLLING PLACE UPDATE - Paul Wirth reported that after the Ad Hoc committee meeting last night the group recommends not accepting the building. An updated cost estimate was presented (refer to Notes from an Ad Hoc Committee 4/18/12 hereby attached) and it was determined to be cost prohibitive.

Motion by Member Howe, second by Member Simon, to accept the recommendation of the Ad Hoc Committee and not accept the donation of a building for use as a community center or any use for the city.

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

POLLING PLACE CLOSURE – Paul Wirth further reported the he had compiled information from citizens on:

- Should we keep the polling place? 3 yes 18 No
- Do you want a community center? 12 yes 28 No

In addition the city had conducted a survey in 2009 and the results were:

WOULD YOU SUPPORT CLOSING THE OLD PLEASANT LAKE CITY HALL?

OVERALL

YES	86	70%
NO	13	11%

PLEASANT LAKE (23)

YES	11	48%
NO	10	43%

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

Resolution # 2012-08

Resolution Combining Polling Places

WHEREAS, the City of Rockville has determined combined polling places will better serve the citizens of Rockville, and

WHEREAS, the existing polling location of Rockville, Minnesota has ample room to accommodate the polling place location for the precincts of 1 and 2 and meets the accessibility requirements.

NOW THEREFORE, Be it resolved, that commencing with the 2012 Primary Election the City of Rockville will be combining the Precincts of P1 and P2 for voting purposes. Elections will be conducted at the Rockville City Hall, 229 Broadway Street East, Rockville, Minnesota, using the Optech III-P Eagle optical scan and Automark voting equipment.

Discussion was held with members indicating they had received calls from residents wishing to see it closed and combined with the City Hall.

Member Volkmuth voiced his concern that there should be a public vote on this issue.

Administrator/Clerk indicated that combining the polling places is done by resolution by May 1 of any year and if the council determines the polling place needs to be split – they can undo their action by resolution.

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

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

NAYS: Volkmuth

Motion passed on a 6 to 1 vote.

PUBLIC WORKS RFA'S – Public Works Director Rick Hansen requested approval of:

1) Dust Control Please approve Central MN Dust Control for the 2012 dust control. This is a company out of Richmond and applied our dust control last year. The price is \$0.57 per foot @ 18ft wide. The price has decreased \$0.02 per foot due to availability. Tri City Paving quoted us \$0.89.

We have \$11,000.00 budgeted for dust control.

Fund # E101-43100-329

Motion by Member Howe, second by Member Simon, to approve the request for dust control as presented.

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

Motion passed on a 7 to 0 vote.

2) Gravel Bids Please approve the 2012 graveling request. This year we are looking at purchasing and spreading approximately 2,050 compacted cubic yards of gravel and sub cutting two areas to remove bad soils. (Please refer to attached request for quotes) We sent out four requests and published the request in the Cold Spring Record. We received two quotes back.

Knife River Corp. \$40,262.50

Gene Lange & Sons Excavating \$29,975.00

Please approve Gene Lange & Sons Excavating for the 2012 graveling.

Fund # 101-43100-338 (\$7,500.00 from 2012 budget)

Fund # 101-43100-328 (\$7,500.00 from 2011 budget)

Designated Fund #101-43100-338 (\$14,975)

Motion by Member Becker, second by Member Simon, to approve the low bid of Gene Lange and Sons Excavating as presented.

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

Motion passed on a 7 to 0 vote.

3) Road Ditch Cutting – The Maintenance Department requests council action to approve Matt Schmitz to do the 2012 road ditch cutting. We mow the ditches in late June, early July and again in the fall. The Cost is \$60.00/hr plus fuel. We have \$5000 budgeted for ditch mowing.

Fund E101-43100-320.

Motion by Member Willenbring, second by Member Volkmuth, to approve the bid of Math Schmitz to perform ditch cutting as presented.

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

Motion passed on a 7 to 0 vote.

FIRE DEPARTMENT – Chief Rodney Schaefer was present to request:

RFA Personal Protective Equipment 3 new Fire Fighters -

The Fire Department is requesting approval to purchase the following equipment. We wish to purchase this equipment to avoid having to put our three new members in outdated personal protective equipment.

3 Coats = \$2985.00
 3 Pants= \$1830.00
 3 Suspenders= \$96.00
 3 Helmets= \$504.00
 2 Boots = \$290.00
 Shipping and Handling \$100.00

Total cost \$5805.00

This equipment will come out of the personal protective equipment fund which has a 2012 budget balance of \$9161.00

Motion by Member Becker, second by Member Willenbring, to approve the request for personal protective equipment as requested.

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

ABSTAINING: Simon

Motion passed on a 6 to 1 vote.

ONE YEAR PROBATION - Nick Pung & Mark Notch have both successfully completed their one year probation on the department.

Motion by Member Volkmuth, second by Member Howe, to approve Nick Pung and Mark Notch as fire fighters officially completing their one year probation.

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

ABSTAINING: Simon

Motion passed on a 6 to 1 vote.

PUBLIC HEARING – APPROXIMATELY 6:30 P.M.

Holly Road Improvement

Mayor Hagen announced that a public hearing would now take place to consider the making of an improvement on Holly road by reconstructing the bituminous road surface.

Denny Smith – 25909 Holly Road presented his signed petition.

Dave Heins - 25883 Holly Road also presented his signed petition.

Rena Weber reported that all four residents had signed the petition making it 100%.

Proposal is to spread the cost over 5 years at 4.75% interest.

Lila Heins questioned the need for trucks to be driving on the roads – can we limit it?

Rick Hansen reported that 3 bids were received with \$23,189.00 being from Knife River.

Motion by Member Volkmuth, second by Member Willenbring, to close the public hearing at 6:49 p.m.

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

Motion passed on a 7 to 0 vote.

Rick Hansen reported that he had talked to a contractor who suggests we haul class 5 into the intersection and keep the road. Rick is worried that if we open it up it will create a bigger hole, get wet and will not firm up.

Mayor Hagen opened the public hearing back up at this point.

Lila Hein indicated she can see it might be okay to try, but still has a concern of heavy trucks creating a big hole in the intersection.

Rick Hansen suggested we put class 5 in, wait a month and check with other neighbors and then do the project if it fails.

Dave Heins indicated that if we don't do anything soon the road will just crumble away.
Denny Smith agreed to try the intersection and keep this option open.
Rena will notify the two other neighbors.

Motion by Member Becker, second by Member Howe, to place class 5 gravel in the intersection only and get back to residents on this decision.

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

OLD/NEW BUSINESS

GRAND LAKE ROAD DRAINAGE SYSTEM – Administrator/Clerk Rena Weber reported that a letter had been sent to the five affected property owners stating:

“The city has received two bids to complete a storm water drainage system that affects your property. The proposal is to install a 12” storm sewer and catch basin to run under Grand Lake Road and empty into Ed Molitor’s field:

Steve Kraemer Excavating	\$7762.00
Kraemer Trucking & Excavating	9515.00

At this time the Public Works Committee is suggesting that the amount be split equally so the total would be \$1552.40. If this is agreeable to you the city can handle the work, but we would need all of the parties agreeable to the cost. This would be done by signing a petition and returning it to city hall by **April 12, 2012.**”

Rena Weber reported that as of this date 1 person had returned the signed petition. It was determined that the city would not go any further with this project.

LIABILITY INSURANCE WAIVER FORM – Rena Weber reported that this form needs to be approved each year at renewal time. We always take the standard limit of \$400,000.

Motion by Member Willenbring, second by Member Becker, to approve the form as presented using the amount of \$400,000.

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

STONEY’S REQUEST TO CLOSE COUNTY ROAD 82 – 7/7/12 – Paul Betz had submitted an application to close a portion of County Road 82 on 7/7/12 for a street dance and approval for an on-sale 3.2 beer license. Fire Chief Schaefer has given his approval to the event.

Motion by Member Willenbring, second by Member Simon, to approve the request as presented pending insurance certificate, approval of neighbors and Stearns County for the road closure.

Member Becker asked if this request had anything to do with the complaint received by the Administrator. Rena indicated that no, it was not this bar.

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

COMMITTEE REPORTS

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

RTCB – RFA – Rena Weber reported the RTCB is nearing construction on the first leg of the trail from Richmond to Cold Spring. The three cities share in the Attorney costs that are not eligible for reimbursement through the grants. At the 4/5/12 meeting the RTCB approved payment to Rinke Noonan for service from 12/27/11 to 3/15/12. Total cost is \$24,542.88. Rockville’s share is \$8,180.96. We currently have \$6,116.70 left in the Rocori Trail fund and would need approval to expend \$2,064.26 from park land dedication fund 205 which has a balance of \$54,443.66.

Approve \$6,116.70 from 205-45122-304

2,064.26 from 202-45122-304

Plus the Budget Amendment of:

	DR	CR
202-45122-304		2,064.26

Motion by Member Volkmuth, second by Member Willenbring, to approve the request with the stipulation the committee members get a budget for the next couple years and report back to the council.

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

Motion passed on a 7 to 0 vote.

Mayor Hagen voiced concern that \$15,000 is supposedly being assessed to the RTCB as part of the sale of the rail and wanted to know how this would be paid. Member Willenbring explained that the RTCB has not met since this became known and that it would be dealt with in the coming meetings.

PUBLIC WORKS – Chair Don Simon reported the committee reviewed the 2012 Road projects and have recommended that we come up with a 5 year plan, hold a public hearing and then do the roads.

Community Park – Chair Simon reported that the sidewalk needs to be repaired and that Rick received a bid of \$18,000. This has to be taken care of.

FINANCE COMMITTEE – Green View Contract – Chair Volkmuth reported that the Finance Committee recommends current Maintenance Department can do the mowing, but that they might look at it in a couple of months.

Motion by Member Volkmuth, second by Member Schmitt, to deny approval of the Green View Maintenance contract.

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

NAYS: Simon

Motion passed on a 6 to 1 vote.

ADMINISTRATOR'S CORRESPONDENCE

COLD SPRING BREWING COMPANY – Land Spreading Approval – Rena Weber reported that the Planning Commission reviewed this request at their meeting Tuesday night and recommend approval. I also checked with Stearns County and all they require is:

There are not typically any issues with these as long as the livestock producer:

1. Keeps records of plant-available nitrogen from all sources when manure is applied to the cropland (and if the livestock producer is 100 animal units or more) and
2. Includes the nutrients from this additional source in a manure management plan (when a manure management plan is or has been required).

Feedlot staff do not check on these requirements unless there is a feedlot compliance or construction inspection or a feedlot permit application (or perhaps a related complaint).

Motion by Member Simon, second by Member Howe, to approve the land spreading application as presented.

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

Motion passed on a 7 to 0 vote.

REQUIREMENT OF CERTIFICATE OF INSURANCE – Sportsman Club Raffle – Rena Weber indicated that In light of what came up last year she is asking council approval that the Sportsman Club provide the city with a certificate of insurance listing the city as additionally insured. We require this on everything else so this should not be an issue.

Motion by Member Howe, second by Member Becker, to approve the requirement request for a certificate of insurance as presented.

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

Motion passed on a 7 to 0 vote.

NOISE COMPLAINT – Rena Weber received a noise complaint about Big Daddy's again and passed this on to Jon Lentz. FYI only.

ARONSON NUISANCE COMPLAINT – Rena Weber reported that Tom Aronson – 446 Oak Street had been sent a letter on 4/5/12 citing a nuisance complaint in violation of 92.16 – Accumulation of refuse or other debris and has not complied.

Motion by Member Becker, second by Member Willenbring, to proceed with the clean up process.

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

Motion passed on a 7 to 0 vote.

DELETION OF \$100 FEE – Chris Zawistowski – 125 Broadway Street East had written a letter requesting the \$100 fee be deleted to shutting off his water. The council reviewed the letter.

Motion by Member Becker, second by Member Volkmuth, to deny the request to delete the fee.

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

NAYS: Howe

Motion passed on a 6 to 1 vote.

OPEN FORUM

Kathleen Stanger – reported on the Rock Fest citing the different events that will occur.

Simply Outdoors – Woody Sankey was introduced who is heading up the 5 k run and it should happened on County Road 139 the day of the event.

Duane Willenbring - 25123 County Road 139 indicated that he was speaking on behalf of himself and the AD Hoc group which he thinks will dissolve, but wanted to take the time to thank Paul Wirth for all that he did/does for the city.

Bill Boucher - 25335 County Road 139 indicated that he felt there were two city meetings tonight – one for Pleasant Lake and one for Rockville.

Carol Dietman – Rock Fest wanted to remind people that there are 2 youth nights left (4/20 and 5/18). She would like the sheriff in the area between 8:30 p.m. and 9:30 p.m.

ADJOURNMENT – Motion by Member Becker, second by Member Willenbring, to adjourn the meeting at 7:47 p.m. Motion carried unanimously.

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

**JEFF HAGEN
MAYOR**