

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JUNE 18, 2014 –
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 Sue Palmer, Don Simon, and Duane Willenbring. Absent: Randy Volkmuth.

Staff members present were: Administrator/Clerk Rena Weber & Planning Commission Chair Toni Honer, Public Works Director Roger Schotl, Lt. Jon Lentz, and Engineer Dave Blommel.

Others present were: Tudie Hermanutz, Rick Tallman, Bill Becker, Mike Hofmann, Ed Valentine, Robert Kohnen, Tim Byram, David Scrobeck, and Stuart Lenzen.

ADDITION TO THE AGENDA – Motion by Member Palmer, second by Member Willenbring, to approve the addition to the agenda for discussion purposes.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

OPEN FORUM

No one appeared.

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

- a) Approve minutes of 05/14/14
- b) Approve Treasurer's Report of 06/18/14
- c) Approve List of Bills and Additions 06/18/14

Accounts Payable CK #015267 to 015331	\$67,347.40
Payroll CK #004702 to 004712	10,406.12
EFT #000831 to 000836	6,535.75

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

BOARD/STAFF REPORT

POLICE – Lt. Lentz was present to report on the past three months of calls:

- March 31.5 hours
- April 35.0 hours
- May 37.0 hours

PUBLIC WORKS RFA – Roger explained the need for the control panel repair at PIP.

Please approve the quote of \$3,050 from Preferred Controls to repair the operations control panel for the Prairie Industrial Park lift station.

Funding: 602-49490-540 has a balance of \$3714.00

Motion by Member Simon, second by Member Willenbring, to approve the request as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

FIRE DEPT – Chief Schaefer presented two requests for approval:

FACE MASKS - Please approve the cost for the new face masks for 3 new fire fighters; \$3656.75

Fund 101-42200-538 has a balance of \$8,367.47.

Motion by Member Willenbring, second by Member Palmer, to approve the request as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

COATS, PANTS – Please approve the purchase of coats, boots, pants, for new fire fighters.

Fund 101-42200-538 has a balance of \$8367.41

Motion by Mayor Hagen, second by Member Palmer, to approve the request as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

PLANNING COMMISSION- Chair Toni Honer reported on the following:

CAMPERS – GRAND LAKE – The Planning Commission reviewed the two documents from the city attorney in regards to the Lenzen's/Scrabek's parking of campers on lots abutting Hubert Lane.

Adam Ripple had suggested the following:

Campers are not a permitted use on R-1 property.

The campers are essentially an accessory use. Section 9 Subd. 2. of the City's zoning code prevents accessory uses without a principal use on the property, or an interim use permit. Simply stated, the campers cannot be located on the property without first having a principal use such as a house. If campers are actually being used instead of just stored on the site, it appears that the dwelling unit restrictions of Section 9 Subd. 6 will need to be satisfied. Further, Section 9 Subd. 7 requires use to either be served by municipal services or a septic.

It appears that the campers create multiple violations of the City's zoning ordinance. Under Section 31 of the zoning code, violations are misdemeanors and each day that a violation exists constitutes a separate offense.

Use variances are not permitted under Minnesota law, so the only options to bring the property into compliance are (1) remove the campers or (2) amend the ordinance to allow the use. My recommendation is that any amendment of the ordinance should be to impose more specific restrictions on campers rather than make them a permitted use.

In addition to zoning consideration, the activity may trigger the City's nuisance ordinance, which allows the City to abate such nuisances and charge back the abatement cost to the property owners.

Stuart Lenzen stated his family owned these lots since 1964. They bought individual lots from Clarence Bloch and knew that they were non-buildable, but were not aware that the campers would be an issue. They do not want to be a problem in the area at all.

Toni Honer explained the non-buildable situation and that when the lots were sold they were to be attached to the riparian lots. The owners have requested a 60 day extension and then it would brought into compliance.

Member Palmer asked can the one that is stored be lived in – Toni Honer indicated yes for 30 days.

Member Palmer asked why the 60 days extension. Stuart is trying to sell his camper.

Member Palmer stated that the adoption of the Shoreland ordinance was to not create lake access lots. Did we create this?

Toni Hone indicated that if we amend the ordinance then we have to change it for everybody. The campers are not serviced by municipal service. The Planning Commission recommends no change to the ordinance. Chair Honer is okay with the 60 day extension.

Motion by Mayor Hagen, second Member Willenbring, to allow the campers to remain on the property until 8/24/14 while allowing the owners to move them in and out.

AYES: Hagen, Simon & Willenbring.

NO: Palmer

Motion passed on a 3 to 1 vote.

RESIGNATION OF VINCE SCHAEFER – Chair Honer reported that Vince Schaefer resigned from the Planning Commission June 17th – noon.

Motion by Member Simon, second by Member Willenbring, to accept the resignation and authorize advertisement for his replacement.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

ENGINEER – Dave Blommel reported that the Burg Street/Holly Road project was completed last fall and the contractor did the final seeding. Final payment is contingent upon final reception of paperwork from Knife River.

Motion by Member Willenbring, second by Member Simon, to approve final payment to Knife River pending receipt of all lien waivers.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

PUBLIC HEARING – 6:30 P.M. – Rena Weber explained that this particular lot was owned by Kenn Tamm and as a result it is another of the forfeited properties. The City has the legal authority to re-assess unpaid special assessments.

No person was present to discuss the issue.

Motion by Mayor Hagen, second by Member Palmer, to close the hearing at 6:31 p.m.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

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

RESOLUTION NO. 2014-11

RESOLUTION ADOPTING A RE- ASSESSMENT ON CERTAIN PARCEL DUE TO FORFEITURE SALE

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed re- assessment for improvement to Parcel #76.41720.0443 – Kenn Tamm;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Rockville, Stearns County, Minnesota, as follows:

- 1. Such proposed re-assessment, a copy of which is attached hereto and made part hereof is hereby accepted and shall constitute the re- assessment against the land named herein, and each tract of land there is hereby found to be benefited by the proposed improvements.**
- 2. Such re- assessment is hereby attached and marked Exhibit C.**
- 3. The owner of the property so assessed may at any time prior to the certification of the assessment to the County Auditor, pay to the Administrator/Clerk, and thereafter, at any time prior to November 15 of any year, pay to the County Auditor or Administrator/Clerk, the whole of the principal amount of the assessment on such property provided that no such prepayment shall be accepted without payment of all installments due to and including December 31 of the year of the prepayment, and the original principal amount shall be reduced only by the amounts of principal included in such installments computed on an annual amortization basis.**
- 4. The Administrator/Clerk shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.**

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

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

NEW BUSINESS

400 CLUB TRANSFER — Dale Wicks is asking approval to transfer the liquor licenses for the 400 Club Supper Club effective 8/1/14. This is all pending submission of the required certificate of insurance. The Sheriff's Office has done the background check and approved it.

Motion by Member Willenbring, second by Mayor Hagen, to approve the transfer of the 400 Club Liquor Licenses effective 8/1/14.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

COMMITTEE REPORTS

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

RTCB – Member Willenbring explained the RTCB is now requesting \$10,000 of the \$29,000 each city got back from Phase 1 of the Rocori Trail project. This money came from parkland dedication – SJ Louis.

Motion by Member Willenbring, second by Mayor Hagen, to approve the request to transfer \$10,000 to the RTCB as requested.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

HUMAN RESOURCES – Chair Palmer reported the Human Resources has been reviewing the employee pay rates against other cities our size and also private industry. We are not quite ready on a recommendation, but will be for the July meeting. They have also been reviewing benefits package as well. 6/25/14 is their next meeting.

ADMINISTRATOR/CLERK

REQUEST TO CONTEST 4/23/14 MINUTES – Rena Weber reported that Rick Tallman is asking that the document he presented using three people be added to the minutes.

Rena Weber went on to report that one of the classes she attended for IIMC was on Roberts Rules of Order and she specifically asked the question about attaching notes from open forum – She was told NO. This would take a majority vote to be included.

Member Willenbring expressed his thoughts on whenever anything is presented at open forum we are to accept the information, but not act on it.

Member Palmer stated that the LMC person said we should not include the information.

Mayor Hagen added that these are summary minutes only and would not be included.

Dies for a lack of a motion – minutes stay the same.

IIMC TRAINING – Rena Weber presented a written report of the training received.

VOIGT FAMILY REQUEST TO MEET – The City received a letter from the Voigt family Parcel #76.41600.0400 regarding their outstanding debt and would like to sit down one more time with the city and their new attorney to see if an agreement can be reached. “For whatever reason, our clients genuinely did not comprehend the extent, scope and exact nature of the debt levied against their property”. I respectfully ask the Negotiating Team to schedule time for a meeting with these parties.

Negotiating Team – Mayor Hagen stated that we want our attorney present and paid for up front – have them agree to first.

Member Willenbring stated he would like to have Lori Gross (Stearns County Auditors Office) present at the meeting.

TAMM UPDATE– The city attorney informed the administrator that what this boils down to is the City enforcing its ordinances. The purpose is not to recapture dollar-for-dollar what the City spent on enforcement. Rather, it’s to punish violators and discourage future violations.

Mayor Hagen asked the Administrator to check into whether or not Stearns County can handle such things.

OPEN FORUM

Tudie Hermanutz – 211 1st St W stated she is totally confused on what Rockville considers open forum. It’s a part of the meeting and should be recorded.

She also asked for discussion of storm sewer and what the city is doing about it.

Tim Byram - 25807 80th Avenue was present to ask about paving 80th Avenue again. It needs a lift of gravel again preferably crushed granite and he is requesting 3” to 6”.

Mayor Hagen suggested that he come to a public work committee meeting.

ADJOURNMENT–***Motion by Member Willenbring, second by Member Palmer, to adjourn at 7:17 p.m. Motion carried.***

VERENA M. WEBER-ADMINISTRATOR/CLERK

JEFF HAGEN-MAYOR