

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, AUGUST 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 and Duane Willenbring. Absent: Randy Volkmuth.

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

Others present were: Rodney Schaefer, Tудie Hermanutz, Sgt. Jon Lentz, Kathleen Stanger, Carol Dietman, Sue Palmer, Scott Stenseth, Rick Tallman, Vince Schaefer & Jim Botz.

ADDITIONS TO THE AGENDA – Motion by Member Willenbring, second by Member Simon, to approve the Additions to the Agenda for discussion purposes.

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

Motion passed on a 6 to 0 vote.

OPEN FORUM

Rick Tallman – 25594 Lake Road was present concerning his apartment buildings. Water rates are not an issue, base charges is where the issue lies. A memo “Securing Payment of Utility Charges “ from the League of Minnesota Cities states: Rates in General “A city council, or local public utilities commission, can fix and establish reasonable rules and regulations for the sale of municipal utility products. Charges for services must be, as nearly as possible, proportionate to the cost of furnishing the service even if the local charter provides otherwise.”

Just go down the street, the same water/sewer line is provided to each property whereas his apartment is charged 12 times the base fee. A single family pays \$420/yr and he pays \$5100 and does not see this as fair and equitable.

The 2003-08 city ordinance calls for uniform charges that are fair and equitable. Section 2.01. Purpose and Policy. This Ordinance sets forth a uniform system for charges and user fees for the procurement, operations, maintenance and replacement of wastewater facilities within the City.

There is a vast discrepancy - single family is provided the same service as an apartment. Surrounding communities do not do that – that is what a meter is for to charge for what you are using. Sewer rates are getting charged based on the meter.

If he were to construct a 6 unit apartment he would be charged 6 WAC/SAC fees. This is not right. The EDU concept would bring it back into perspective.

Tудie Hermanutz – 211 1st Street West stated that since the railroad quit using the rail they quit maintaining it. The sight looks terrible.

Vince Schaefer – 541 Caroline Lane cited the notes from Finance Committee on 7/24/10 on the bullet item *It is not a crisis situation – should we be increasing rates – yes*. That should be no.

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

- a) **Approve minutes of 07/18/12**
- b) **Approve Treasurer’s Report of 08/15/12**
- c) **Approve List of Bills and Additions**

Accounts Payable CK #013883 to 013931	\$69,123.16
Payroll Ck # 004275 to 004289	10,256.31
EFT #000651 to 000656	5,396.84
- d) **St. Mary Help of Christians – Raffle 10/12/12 – 400 Supper Club**
- e) **Canvass Election Results (hereby attached Exhibit A)**

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

BOARD/STAFF REPORT

POLICE REPORT – Sgt. Jon Lentz reported there were 34 contract hours during the month of July and cited the activity encountered.

PUBLIC WORKS – Public Works Director Rick Hansen requested approval on the following:

LIFT STATION SERVICE CHECK CONTRACT –

Please approve a three year lift stations service check for Quality Flow Systems.

Quality Flow

1 year contract \$1,200.00 + tax

3 year contract \$1,000.00 + tax per year

Electric Pump

1 year contract \$1,300.00 + tax

3 year contract \$1,300.00 + tax per year

Funding: E 602-49490-220 (balance in fund \$9,000.00)

Motion by Mayor Hagen, second by Member Schmitt, to approve the contract of Quality Flow at \$1,000 per year plus tax times 3 years.

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

Motion passed on a 6 to 0 vote.

FIRE DEPARTMENT – Fire Chief Rodney Schaefer was present to request:

RFA PURCHASE EQUIPMENT –

The fire department is requesting approval to spend \$550.32 out of designated funds for the purchase of one 18" chainsaw and one handheld blower. We also are requesting to spend \$257.68 out of the same designated fund for the purchase of two 30 inch drum fans from Northern Tool and Equipment.

Funding: designated fund 101-42220-540 (balance in fund \$5234.75)

Budget Amendment: increase fund E101-42200-540 \$808.00

Journal Entry:

	DBT	CR
G 101-25320	\$808.00	
G 101-25300		\$808.00

Motion by Member Becker, second by Member Schmitt, to approve the request as presented.

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

ABSTAINING: Simon

Motion passed on a 5 to 0 vote.

OLD/NEW BUSINESS

UPDATED DATA PRACTICES POLICY – Rena Weber reported that a policy has never been adopted other than appointing the data privacy officer which is the Administrator/Clerk. The League of MN Cities recommends this be approved.

Motion by Member Simon, second by Member Howe, to approve the updated data practices policy as presented.

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

Motion passed on a 6 to 0 vote.

ROCK FEST REPORT – Kathleen Stanger was present to report on the pros and cons of the 2012 event. (See full report hereby attached and marked Exhibit B)

Member Willenbring questioned the use of the concession stand during the softball tournament. Kathleen reported that the money went to the city.

Mayor Hagen reported that he received a street sweeping comment where it occurred right after the parade. Kathleen reported that she used to get complaints at 4 in the morning so they did it right after the parade. Also the street sweeper did volunteer his services.

Kathleen would like to get the city as involved as possible. They have a survey posted on their web-site that they would like the city to put in the next newsletter and city pay for it. This will be put on the agenda for next month.

COMMITTEE REPORTS

MAYOR – Mayor Hagen had no report.

FINANCE COMMITTEE: Chair Sue Palmer was present to report on the following:
POLICY REGARDING UNBILLED/UNACCOUNTED WATER USED – Sue reported that the committee would like the council to approve a budget line item whereby water use at city facilities and is either (metered or not) be charged and paid by the general population. Staff took a three year average from the DNR water reports and calculated the amount minus 2% that should be built into the budget. \$13881 & \$1260 = \$15,141

Motion by Member Willenbring, second by Member Howe, to proceed with the recommendation of the Finance Committee.

Member Willenbring questioned the running tab was 22% as the average for the last three years, so it is 20% with the 2% reduction for unaccounted water. Are we breaking it out? Chair Palmer stated that this is not planned. Rena Weber would like to bill out the fire only as this deals with billing the township for water.

Chair Palmer indicated this would be too much work for the staff so they will use the general fund. Also 2009 was a bad year.

Member Becker questioned the reason we are charging the general fund is because it is not just those on city water. Yes

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

Motion passed on a 6 to 0 vote.

EDU – Chair Palmer reported that this is being looked at by staff and how we do our rates. This needs more work and the committee will come back at a later date with a recommendation.

SCHILPLIN PROPERTY RE-ASSESSMENT – Chair Palmer reported that after the auction and the Finance Committee met with David Drown to review the water/sewer fund balance Vs the Debt Management Study – refer to the notes from the meeting. We discussed the need to re-think the assessment of the Schilplin property. The Committee recommends re-assessing \$250,000 of the \$537,626.36 to recover something.

Motion by Member Becker, second by Member Willenbring, to approve placing \$250,000 back on the assessment roll for Parcel #76.41601-0200 at 4% for 5 years.

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

Motion passed on a 6 to 0 vote.

2013 PROPOSED BUDGET & TAX LEVY — Rena Weber reported the Committee met with the department heads and made some changes to the proposed budget, discussed capital equipment purchases and staff was instructed to make the changes. We plan to go with the same levy as 2012 and as a result of getting LGA again we will be able to plan on a road project in the area of \$276,000.

Motion by Member Becker, second by Member Willenbring, to approve the proposed 2013 budget as presented and amended by the Finance Committee.

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

Motion passed on a 6 to 0 vote.

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

RESOLUTION NO. 2012-17

RESOLUTION ADOPTING PROPOSED TAX LEVY

RESOLUTION APPROVING 2012 TAX LEVY, COLLECTIBLE IN 2013

Be it resolved by the council of the City of Rockville, County of Stearns, Minnesota, that the following sums of money be levied for the current year, collectible in 2013, upon taxable property in the City of Rockville, for the following purposes:

CITY OF ROCKVILLE 2012 CERTIFIED LEVY LEVY PURPOSE	SUPPLEMENT TO REGULAR LEVY FORM LEVY AMOUNT (PLEASE ROUND TO WHOLE DOLLARS)
Revenue-Fund 101-41000	428,640
Fire Protection-Fund 101-42200	151,740
Economic Development- Fund 209	1,000
Road & Bridge Maintenance-Fund 215	217,600
Special Levies Outside of Levy Limits:	
Certificate of Indebtedness Pumper Truck Fund 101-42200	20,530
Lake Improvement District Fund 221-41000	14,500
2009A/1998 G.O. Utility Revenue Bond Disposal Portion-Fund 310	14,538
2004 Prairie Ind. Park Imp. Bond-Fund 305	2,500
City Facilities-City Hall/Fire Hall-Fund 304	190,050
City Facilities-City Hall/Fire Hall-Fund 304 Detachment	8,228
CR 82 Imp (& SJ Louis) Bond Fund 308	14,584
TOTAL NET TAX CAPACITY BASED LEVIES	
TOTAL CERTIFIED LEVY	\$1,063,910

The motion for the foregoing resolution was duly seconded by Member Willenbring with the following voting in favor:

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

Motion passed on a 6 to 0 vote.

EDA – RFA Approve Cameras & Window Replacement – Member Becker reported that the EDA reviewed the quotes for placement of cameras at the fire hall. It was felt that the quotes were not bid apples to apples which was true as it was digital Vs analog. The EDA recommends approval of Central MN Fire Alarms quote \$4825.41.

Motion by Member Howe, second by Member Willenbring, to approve the quote of Central MN Alarms in the amount of \$4825.41.

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

Motion passed on a 6 to 0 vote.

Member Becker reported that the EDA also approved the replacement of 15 garage door window in the amount of \$1248.21 as they were no longer under warranty and were fogging up.

RTCB - there was no report.

ADDITIONS TO THE AGENDA

PARK AND RECREATION BOARD – Scott Stenseth had submitted Steve Heying's letter of resignation effective immediately. The Board would like to present a plaque to Steve at a later meeting.

Motion by Member Becker, second by Member Simon, to accept the resignation and further to thank Mr. Heying for his many hours of volunteering and service to the community.

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

Motion passed on a 6 to 0 vote.

PLANNING COMMISSION – Rena Weber reported that the Planning Commission acted on the following:

THOMAS & NICOLE O'BRIEN - 21203 Agate Beach Road Variance request for a variance from Shoreland Requirements. The address of the property is: 21203 Agate Beach Road with a legal description of: 1.25 Acres part of Government Lot 4 lying SE'ly of and between NE'ly & SW'ly line of existing tract of land extending SE'ly

The request is to construct a 12' x 150' sand blanket in the R-1 – Shoreland District.

Variances from the following will be discussed:

- ◆ Exceeding the 15' x 30' wide Recreation area

STAFF REPORT (Stearns County Environmental Services- David Nett)

This report addresses a proposal by Nicole O'Brien which includes re-grading the shoreline to repair damage created by ice heaving and adding sand to an area 12 feet back from the lake and along 150 feet of shoreline. I conducted a site visit on May 29th, 2012 to review the proposal.

To begin with, it appears the work to grade out the shoreline to repair the ice heave damage had already take place. They did not employ any sediment or erosion control best management practices. Moving forward, the applicant had proposed a 12 foot by 150 foot sand blanket. Stearns County Land Use and Zoning Ordinance #439 allows for a significantly smaller sand blanket area. Per Section 10.2.14 (30) feet in width along the shoreline or one-half (1/2) the lot width, whichever is less; and may not extend more than ten (10) feet landward of the ordinary high water level. Any proposal for a sand blanket to exceed these dimensions would require a variance.

Additionally, staff recommends the installation of natural fieldstone rock riprap or biodegradable coir log to stabilize the toe of the slope and prevent any further erosion of the shoreline. The applicant will continue to experience ice damage and erosion of the shoreline if they do not stabilize the shoreline in some fashion. This could be made a condition of a permit, if one is granted.

All disturbed areas should be seeded and covered with erosion control blanket immediately following project completion.

Zoning Administrator Rena Weber reported that she received an email from James Weber @ 21209 Agate Beach Road stating that the extent of the sand blanket be set back from for our common lot line by 10 feet.

Rena Weber reported the Planning Commission recommends denial of the request and stick to the 12 x 150 allowed.

Mayor Hagen asked staff to inform the O'Brien's of the results and further to provide them with alternatives.

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

RESOLUTION 2012-18**A RESOLUTION DENYING A VARIANCE REQUEST WITH STIPULATIONS TO COMPLY WITH THE ORDINANCE IN THE SHORELAND DISTRICT.**

WHEREAS, A request has been received from Thomas & Nicole O'Brien for a variance from Shoreland requirements to construct a sand blanket larger than is allowed in the Shoreland District, and;

WHEREAS, said request exceeds the allowed 15' x 30' wide recreation area, and;

WHEREAS, Proper notification and publication had been given, and;

WHEREAS, all persons were given an opportunity to be heard on said request and one letter of opposition was received.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA:

- 1. Said request is hereby denied in that only a 15' x 30' wide recreation area is allowed.**
- 2. Further that the owners should incorporate mitigation means to better the lake and also to contact various agencies for grants to complete such a task. .**

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.

Motion passed on a 6 to 0 vote.

VERN SALZL – INTERIM USE PERMIT – Rena Weber reported that the Planning Commission held a public hearing to consider the request of approval of an interim use permit for Vernon P. Salzl @ 25940 99th Ave with a legal description of:
(TRACT #1)

That part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and that part of the North 550 feet of the South Half of the Northwest Quarter (S ½ NW ¼) of Section 3, Township 123, Range 29 which lies Westerly of the Northwesterly right of way line of the Burlington Northern and Santa Fe Railroad Company and Easterly of the center line of County State Aid Road No. 138, Less and except that part of said NE ¼ NW ¼ platted as Minnesota Department of Transportation Right of Way Plat No. 73-42, according to the recorded plat thereof.

AN INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:

SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 3. OUTSIDE STORAGE, SCREENING & LANDSCAPING

SECTION 28: INTERIM USE PERMITS

The request is to store railroad ties on property for one year.

Relevant Information:

1. This property is located in the I-2 Industrial District.
2. Property contains 37.2 acres more or less.
3. 11 notices of public hearing were sent out.
4. Mr. Salzl has rented out his property in the past and I did suggest these people contact him for that reason. Upon review of the ordinance it was determined that in order to do this an interim use permit would be required.

5. Staff was given two different dates as to how long the ties would/could remain in place. (2 months or up to a year).
6. These railroad ties were to have been removed from the railroad in Cold Spring by March 31, 2012 and this did not occur until the Rocori Trail was under construction.
7. The railroad ties are on the site without approval and they were told via e-mail not to do that.

Recommendations:

1. If granted – only do so for no more than 6 months.

Rena Weber reported that the Planning Commission recommends approval for a one year period.

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

**STATE OF MINNESOTA
COUNTY OF STEARNS**

**INTERIM USE PERMIT
FILE NO. 12-02**

Permittee: Vernon P. Salzl, 25940 99th Ave, St. Cloud, MN 56301
Requested Use: To store railroad ties on property.
Description: This is will be a temporary storing of railroad ties the Railroad Salvaging Co. is responsible to remove.

**Applicable Ordinances/ AN INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:
SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 3. OUTSIDE STORAGE, SCREENING & LANDSCAPING
SECTION 28: INTERIM USE PERMITS**

The above entitled matter was heard before the City Council of Rockville on the 15th day of August, 2012 for the following property:

PROPERTY ADDRESS: 25940 99th Avenue, St. Cloud, MN 56301

PARCEL NO. 76.41605.0020

LEGAL DESCRIPTION: (TRACT #1)

That part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and that part of the North 550 feet of the South Half of the Northwest Quarter (S ½ NW ¼) of Section 3, Township 123, Range 29 which lies Westerly of the Northwesternly right of way line of the Burlington Northern and Santa Fe Railroad Company and Easterly of the center line of County State Aid Road No. 138, Less and except that part of said NE ¼ NW ¼ platted as Minnesota Department of Transportation Right of Way Plat No. 73-42, according to the recorded plat thereof.

IT IS ORDERED that Interim Use Permit No. 12-02 be granted subject to the following conditions:

1. **The interim use permit will expire on 08/15/2013. Failure to meet any of the conditions of this agreement, or substantial change to the conditions in the neighboring properties, shall constitute grounds to terminate this permit after review by City Council. Permittee shall be given an opportunity to address the City Council prior to termination under this condition. Nothing in this condition shall limit the immediate termination of this permit for violation of any other condition.**
2. **Compliance with all County, State, and Federal laws and regulations, including, but not limited to, those governing public health and welfare, public and worker safety, water quality, air quality, noise pollution and waste disposal.**
3. **Right-of-entry is provided to the City of Rockville, and its agents, to inspect the site and determine compliance with all conditions imposed on the operation.**

4. Granted extending operations until 08/15/2013 with no option to renew.

5. A New performance bond - \$5000

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

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

Motion passed on a 6 to 0 vote.

Member Willenbring questioned if there is any hazardous material issue.

ROBERT & SANDRA EDELBROCK @ 21220 RAUSCH LAKE ROAD – INFORMATIONAL

Mr. Elelbrock had considered Rezoning to a RR (Rural Residential) 2 – 5 acre lots.

He would need a variance from the distance from a feedlot.

Can a lot split be done by an Administrative Subdivision, and do they need a variance from the feedlot?

Discussion was held on:

It is too costly/complicated to plat 2 lots under the RR ordinance.

There is also the concern that the neighboring 10 acre lot is allowed to have up to 75 cattle VS the 2 horse he has now.

It was determined that this issue should go back to the Planning Commission for a recommendation.

SITE PLAN AMENDMENT – Rena Weber reported that C. Chanthakhammy would like to amend the site plan and moved the warehouse addition to the rear of the present structure instead of next to the front of the building.

A question was asked on whether or not he met the requirements for landscaping. Not yet.

Member Willenbring stated that if there are no complaints why make him comply with the landscaping. It is tough enough to make a living.

Mayor Hagen stated that he wants it to go back to Planning Commission or skip them and come back to city council; he is welcome to do that.

Motion by Mayor Hagen to approve the amendment to the site plan, provided that C. Chanthakhammy come back to the council regarding the berm/arboretum. The motion was seconded by Member Howe.

Member Willenbring stated he feels we are holding C. hostage but, only if he comes back for approval. We are not a user friendly permitting city.

Member Howe asked where would the landscaping go. Along the front of the building.

Member Becker felt that the proper thing to do is to go back to Planning Commission for their approval.

Member Simon stated that he talked with C and agrees with Member Willenbring and Member Becker. He would like to cut the fee somehow – Rockville is too stringent.

Mayor Hagen then withdrew his motion and stated that we would deny the request and have Mr. C. go back to the Planning Commission for their approval of the structure and landscaping and then come back to the council for approval.

Motion was seconded by Member Becker and the following vote was taken.

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

Motion passed on a 6 to 0 vote.

ENGINEER DAVE BLOMMEL REPORT – Dave Blommel presented cost estimates to extend watermain and sewermain as part of the County Road 8 improvement project next year. In addition he presented a cost estimate for Burg Street, Alvin Court & Marlene Court. It was determined that the council would hold an informational meeting on 9/19/12 to get the thoughts of the residents affected.

TIM BYRAM – 25807 80th Avenue, St. Cloud, MN – Mr. Byram is hosting a wedding event at his home on 9/8/12 from 4 p.m. until 7p.m. Mr. Byram will provide the necessary paperwork, certificate of insurance and approval of the neighbors in regards to parking.

Motion by Member Becker, second by Member Howe, to approve the request subject to the above requirements.

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

Member Willenbring voiced concern that looking into the EDU concept is a big task we are bestowing on staff. He would like to explore the concept of correct categories base fee. What categories of cost should be considered in the water base fee and what should in water usage fee. He did talk to all neighboring cities and not one has an EDU program. When it was done it was a fairness issue. He would like to form an ad hoc group who are fed from the bottom up. No action was taken.

OPEN FORUM

Jim Botz - 23511 County Road 8 – voiced concern that he is not on GPS. He has had a lot of trouble getting packages delivered to his house and is worried that 911 can't find him either. Rena Weber will look into this for him.

Vince Schaefer – 541 Caroline Lane– complained that the agenda is not on web-site. *It was under the item Council minutes and agendas.*

In the event there would be a water shortage do to non payment of Schilplin and Molitor – who will be paying for it. The city would be responsible.

He wished to thank two of the council members for being business friendly to C. When you asked him to put up berm and arborvitae he would be building in Cold Spring or Waite Park.

SJ Louis has a berm in front of their building but when you go further west all the junk is wide open.

He urged the council to set up a committee to see what can be done for this town to make it more business friendly.

Carol Dietman 10059 CR 47 asked if Mr. C would have to wait one whole month to increase his business. This is overkill.

Rick Tallman- 25594 Lake Road stated that he does not even know about this issue. Carol is right on. There are no complaints and no eyes sore to require the berm.

His concern is that the base rate for sewer and sewer debt \$35.20.

Also from the past council he has heard that biggest issue is repairing roads so he wonders why we allow 5 garbage companies picking up garbage. Those trucks are moving.

ADJOURNMENT –Motion by Member Becker, second by Member Willenbring, to adjourn the meeting at 7:24 p.m. Motion carried.

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR

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