

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, AUGUST 20, 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 Don Simon, Randy Volkmuth and Duane Willenbring. Absent: Sue Palmer

Staff members present were: Administrator/Clerk Rena Weber, Lt. Jon Lentz, and Engineer Dave Blommel.

Others present were: Tudie Hermanutz, Rick & Dorothy Tallman, Bill Becker, Vince & Audrey Schaefer, George Bechtold, Brad & Renee Bacon, Randy Seykora, Carol Dietman, Paul Betz, Tom Maselter, Tim Evens, Ev Balko, Vernon Rosckes, Bonnie Ring, Scott Palmer & Tim Byram.

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

1. Approve renewal of Assessor's Contract for 5 years.
2. 260th Street improvement request.
3. Schedule HR Meeting.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.
Motion passed on a 5 to 0 vote.

OPEN FORUM

Vince Schaefer – 5541 Caroline Lane – requested the Mayor read the additions to the agenda.

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

- a) Approve minutes of 07/16/14 & 07/28/14
- b) Approve Treasurer's Report of 08/20/14
- c) Approve List of Bills and Additions 08/20/14

Accounts Payable CK #015418 to #015504	\$112,136.29
Payroll CK #004744 to #004758	9,795.78
EFT #000844 to #000849	5,450.22
- d) Canvass Election results
- e) Eddies on Grand – one day license Grand Lake Assn. Barn Dance/Social

AYES: Hagen, Simon, Volkmuth & Willenbring.
Motion passed on a 4 to 0 vote.

BOARD/STAFF REPORT

POLICE – Lt. Jon Lentz reported there were 40.25 contract hours for July and cited the incidents.

PUBLIC WORKS – There was nothing to report.

PLANNING COMMISSION – Chair Toni Honer was present to report on the following:

Bacon Variance – Shoreland variance

Re: Variance Request(s)
 76.41650.0010: Owners: Bradley J & Renee H Bacon
 Property Address: 11134 Grand Lake Road

Variance(s) Requested:

1. Variance to attach 360 square foot deck and stairs of property abutting Grand Lake – General Development Lake.
2. Impervious Surface – Total lot area is 31,400 sf of which 15% = 4710.00. The proposed request is to exceed the 15% by 4072 sf or 27%

Construction Requests:

1. Construct new deck and stairs.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 31,400 square feet more or less.
3. 8 notices of public hearing were sent out.

Recommendations:

1. This requires 1 variance.
2. If granted mitigation plan must be approved.

Toni reported that the Planning Commission recommends approval with the approved mitigation plan provided.

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

RESOLUTION NO. 2014-13

A RESOLUTION GRANTING VARIANCES TO ADD A DECK AND STEPS IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Bradley J Bacon and Renee H Bacon for a variance from Impervious Surface to add a deck and steps in the R-1 District, and;

WHEREAS, said structure exceeds impervious surface by 4,072 square feet, 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 deck & steps provided that 1 rain barrel and a 3,896 square foot rain garden is constructed according to design, approved by the city engineer, and maintained.**
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 Simon with the following vote being taken.

AYES: Hagen, Simon, Volkmuth & Willenbring.

Motion passed on a 4 to 0 vote.

Seykora Variance – Shoreland

Re: Variance Request(s)
76.42189.0039: Owners: Randy Seykora
Property Address: 11181 Hubert Lane

Variance(s) Requested:

1. Variance to construct a 38' x 42.6" attached garage and 15' x 15' covered spaced attached to garage of property abutting Grand Lake – General Development Lake.
2. Said request is to also locate said garage 12 feet from the roadway –Should be 25'
3. Request is to also add 358 sf for a patio and 196 sf for the hot tub
4. Impervious Surface – Total lot area is 17,313.71 sf of which 15% = 2597.06. The proposed request is to exceed the 15% by 947 sf or 21%.

Construction Requests:

2. Construct new attached garage and match the existing residential structure.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 17,313.71 square feet more or less.
3. 13 notices of public hearing were sent out.

Recommendations:

1. This requires 2 variances on a non-conforming lot that was in place before the ordinance was adopted.
2. If granted mitigation plan must be approved.

**Member Volkmuth introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2014-14**

A RESOLUTION GRANTING VARIANCES TO ADD AN ATTACHED GARAGE, PATIO & HOT TUB PAD IN THE SHORELAND DISTRICT.

**WHEREAS, A request has been received from Randy J. Seykora for a variance from Impervious Surface and rear yard lot line to add an attached garage in the R-1 District, and;
WHEREAS, said structure exceeds impervious surface by 947 square feet, and;
WHEREAS, said structure will be located 12' from the rear yard lot line, 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 attached garage, patio and pad provided that 947 square foot overage is mitigated and constructed according to design, approved by the city engineer, and maintained.**
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 Willenbring with the following vote being taken:

**AYES: Hagen, Simon, Volkmuth & Willenbring.
Motion passed on a 4 to 0 vote.**

Camper Issue –Chair Honer reported that we do not have a definition in our ordinance for a camper or recreational vehicle. We also have to determine what “lived in” means. Finally Chair Honer would like to schedule a joint meeting to discuss this.

Member Volkmuth was glad to hear the Planning Commission is more liberalized.

Member Willenbring expressed concern that Rockville is unique and he too hears the Planning Commission is being liberal.

Member Volkmuth suggested there be a time stipulation placed in the ordinance, however, this was not acted on.

Newsletter – Chair Honer stated that an article will be placed in the next newsletter regarding the miscommunication.

Raymond & Ruth Brown 25264 Lake Road – Chair Honer indicated that the Planning Commission has been dealing with the property since 2010 and just lately they gave the owners until July 23rd to take care of refuse removal. It seems nothing is getting done. Chair Honer asked the Council what type of action are we going to take?

There is an abatement process in the ordinance that must be followed.

Motion by Member Volkmuth, second by Member Simon, to take the correct action to clean up this lake lot.

**AYES: Hagen, Simon, Volkmuth & Willenbring.
Motion passed on a 4 to 0 vote.**

NEW BUSINESS

PUBLIC HEARING – RE-ASSESSMENT TO DAVID LENZMEIER/Stickney Hills lots. Mayor Hagen announced that a public hearing would now be held to consider re-assessing certain property at 6:20 p.m.

Rena Weber reported that David called her and indicated that he was not told there would be any assessments added to the two forfeiture lots he purchased. He said he hired Dan Zimmerman (attorney) to do the title search and nothing came up on this. I know that we submitted the information to Stearns County and they do make it available at the auction.

No person appeared at the hearing.

Motion by Member Willenbring, second by Member Simon, to close the public hearing at 6:24 p.m.

AYES: Hagen, Simon, Volkmuth & Willenbring.

Motion passed on a 4 to 0 vote.

Rena Weber reported that Mr. Lenzmeier's attorney should be attending the hearing so final action should be delayed longer.

Member Willenbring questioned how the re-assessment works.

Rena Weber explained that the council does review the forfeiture lots and determines how much we are going to re-assess each property.

Motion by Mayor Hagen to re-open the hearing at 6:30 p.m., seconded by Member Volkmuth. Motion carried.

Again no person appeared at the hearing.

Motion by Member Volkmuth, second by Member Simon, to close the public hearing at 6:31 p.m.

AYES: Hagen, Simon, Volkmuth & Willenbring.

Motion passed on a 4 to 0 vote.

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

RESOLUTION NO. 2014-15

RESOLUTION ADOPTING A RE- ASSESSMENT ON CERTAIN PARCELS 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 #76.42146.0801 \$16,000 and Parcel #76.42146.0802 \$10,000; Mastermark, Inc.

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. 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.**
- 3. 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, Simon, Volkmuth & Willenbring.

Motion passed on a 4 to 0 vote.

R & K GAS & BAIT – REQUEST FOR 3.2 BEER LICENSE – Rena Weber reported that Becky & Kevin were buying Rockville Gas and Bait and would to obtain the off-sale 3.2 beer license for the purpose of continuing selling lottery tickets.

Motion by Member Volkmuth, second by Member Willenbring, to approve the off-sale 3.2 beer license pending the background check being completed.

AYES: Hagen, Simon, Volkmuth & Willenbring.

Motion passed on a 4 to 0 vote.

COMMITTEE REPORTS

MAYOR'S REPORT – Nothing

RTCB - Nothing

HUMAN RESOURCES – Rena Weber reported that applications for the Public Works Director will be taken until 8/22/14 at noon. Ads were placed in the Cold Spring Record, LMC, MNRWA, and St. Cloud Technical College. She would like to get the process going on the selection.

It was determined that Duane and Don (Ad hoc) would report to city hall on 8/26/14 – 10:00 a.m. to start the process.

It was also determined that the regular Human Resources committee would meet the following week 9/3/14 at 5:30 p.m. to review the recommendation and also discuss the fire department pay.

ADMINISTRATOR'S CORRESPONDENCE

NOVEMBER COUNCIL MEETING – Rena Weber asked the Council to approve moving the November meeting to 11/12 to canvass election results. This will not be a special meeting so notices will not be sent out.

Motion by Member Volkmuth, second by Member Willenbring, to approve moving the meeting up one week to 11/12/14.

AYES: Hagen, Simon, Volkmuth & Willenbring.

Motion passed on a 4 to 0 vote.

Chair Honer reported that the Planning Commission moved their November meeting up one day due to Veteran's Day to November 10th.

ASSESSORS CONTRACT – Rena Weber reported that interim County Assessor is asking the council to approve renewal of our contract for assessing services as the previous agreement expired in 2008. There are no set rates as it is based on their current fees.

Motion by Member Volkmuth, second by Member Simon, to approve renewal of the assessor's contract as presented.

AYES: Hagen, Simon, Volkmuth & Willenbring.

Motion passed on a 4 to 0 vote.

260TH STREET – Member Simon reported that Jerome Salzer (St. Joseph Township) requested the council re-consider the project, but to do only one half of it. No change was made.

OPEN FORUM – No one came forward

ADJOURNMENT– ***Motion by Member Volkmuth, second by Member Simon, to adjourn the meeting at 6:43 p.m. Motion carried.***

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR