

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, AUGUST 21, 2013 – 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 Susan Palmer, Don Simon, Randy Volkmuth & Duane Willenbring. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber & Engineer Dave Blommel.

Others present were: Lt. Jon Lentz, Paul Wirth, David & Mary Driver, Ron Reitmeier, Mike Hofmann, Mike Donnelly, Tudie Hermanutz, Joan & Mike Vanderweyst, Martin & Deb Bode, Jennifer Klennert, Ev Balko, John & Linda Peck, Adrian Miller, Vince Schaefer, Jeff Bertram, & Rick Tallman.

**OPEN FORUM**

**ADDITIONS TO THE AGENDA: Motion by Member Volkmuth, second by Member Simon, to approve the additions to the agenda for discussion purposes.**

1. Certify unpaid sewer bill to taxes 76.42142.0033 = \$136.55
2. Update on construction progress.

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

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

- a) **Approve minutes of 7/17/13**
- b) **Approve Treasurer's Report of 8/21/13**
- c) **Approve List of Bills and Additions**  
**Accounts Payable CK #014538 to 014548 &**  
**014615 to 014694** **\$228,722.88**  
**Payroll CK #004508 to 004527** **14,636.89**  
**EFT #000745 to 000754** **9,091.72**
- d) **Mary of Immaculate Conception Church raffle 11/24/13**

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

**BOARD/STAFF REPORT**

**POLICE DEPARTMENT** – Lt. Jon Lentz reported the July 2013 report showed 37 contract hours. There were 10 citations given: 6 for speed, 1 for seatbelt, 1 for littering, and 2 for prohibited parking.

**PLANNING COMMISSION** – Rena Weber reported on the following:

**DAVID & MARY DRIVER** – Variance Request(s)  
 76.42140.0003: Owners: David & Mary Driver  
 Property Address: 25539 Pleasant Road

Variance(s) Requested:

1. Variance to construct a 26' x 28' unattached garage and to locate it on property abutting Pleasant Lake – Recreational Development Lake.
2. Said request is to exceed the number of allowed accessory structures on a lot.
3. Impervious Surface – Total lot area is 23,362.50 sf of which 22% would be covered.

Construction Requests:

1. Construct unattached garage and place on the road side of the lot.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 23,362.5 square feet more or less.
3. 11 notices of public hearing were sent out.
4. Driver's are eliminating a 64 sf garden shed and are willing to provide mitigation such as a rain barrel to capture the water.

5. Mr. Driver uses the tool shed for his hobby of building things from wood as part of his livelihood and enjoyment.

Recommendations:

1. This requires 2 variances on a non-conforming lot that was in place before the ordinance was adopted.
2. We suggest that something be installed to catch the run off such as: i.e. rain barrel or underground trench.

The Planning Commission held the public hearing and recommends approval with conditions:

- a) Remove the 8 x 8 garden shed
- b) Provide mitigation

**Member Willenbring introduced the following resolution with a friendly amendment to include placing a rain barrel to catch rain water from the new shed that is most beneficial to the lake.**

**RESOLUTION NO. 2013-23**

**A RESOLUTION GRANTING A VARIANCE FROM IMPERVIOUS SURFACE AND NUMBER OF ACCESSORY STRUCTURES ALLOWED.**

**WHEREAS, A request has been received from David & Mary Driver for a variance from: Impervious Surface, & Number of Accessory Structures allowed requirements to construct a 28' x 26' accessory structure in the Shore Impact Zone in the R-1 District, 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 28' x 26' accessory structure with mitigation**
  - a) **Remove the 64 square foot garden shed**
  - b) **Place a rain barrel at the corner of the shed to catch storm water runoff that will be most beneficial to the lake.**
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.**
4. **The drainage and mitigation plan as presented including an additional plan to treat the storm water from the new structures will be constructed and maintained.**

**The motion was seconded by Member Volkmuth with the following vote being taken:**

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

**RON REITMEIER – Re: Variance Request**

76.41741.0054: Owner: Ron P. Reitmeier

Property Address: 517 Cypress Court

Variance(s) Requested:

1. Variance to construct an unattached 10' x 20' shed and place it 3' from the west side yard lot line.

Construction Requests:

1. To construct accessory structure and place it in the rear yard.

Relevant Information:

1. R-1 Single Family District
2. Impervious surface currently is at 2739 with 3129.50 allowed – no variance needed here.

3. Owner wants to park his equipment in the shed to avoid problems with neighbors.
4. A variance was granted to the former owners in 2005 for the deck which was placed 26' from the rear lot line.
5. 25 Notice of Public Hearing were sent out.

Recommendations:

1. The shed must match the house in siding and roof materials.
2. The Staff recommends approval.

The Planning Commission recommended approval of the request as is.

Member Willenbring stated that speaking as a citizen he voiced concern at the public hearing as there were Deed restrictions placed on the development that storage buildings have to be movable. *There currently is no home owner's association to regulate this.*

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

**RESOLUTION NO. 2013-24**

**A RESOLUTION GRANTING A VARIANCE FROM SIDE YARD REQUIREMENTS.**

**WHEREAS, A request has been received from Ron Reitmeier for a variance from side yard requirements to construct a 10' x 20' accessory structure in the R-1 District, 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 10' x 20' accessory structure and to place it three feet (3') from the side yard lot line under the following stipulation:**
  - a) **This is a movable structure – no footings and it has to match the house in siding and roofing.**
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.**
4. **The drainage and mitigation plan as presented including an additional plan to treat the storm water from the new structures will be constructed and maintained.**

**The motion was seconded by Member Volkmuth with the following vote being taken:**

**AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring**

**Motion passed on a 5 to 0 vote.**

**PARK & RECREATION** - Paul Wirth presented a proposal to clean up Eagle Park. *(A copy of the written proposal and saw log/firewood permits is hereby attached and marked Exhibit A).*

Member Simon asked why we can't let people take the wood and leave the branches. He knows people will take the wood. Come in late October when ground is frozen and let them take it.

Member Palmer cautioned the liability issue if someone were injured while cutting up the trees.

Paul Wirth stated yes there is a liability issue that is covered under the permit whereby the city is held harmless.

EMS Director Mike Hofmann spoke about FEMA and how it can pay up to 75% of the contractor's cost. Also the State of MN is considering paying the remaining 25%.

Mayor Hagen was open to giving the wood to the people, but they should take the branches too. He does not care if the wood leaves the city.

Member Willenbring urged the council to accept the expert advice from the Park & Rec Board and how they went about this the way they did. They sent a written letter to the Administrator/Clerk which was honored. He is for saving the park and concerned that liability is an issue so he would like to see the permitting process.

Member Palmer stated that she likes the idea of giving residents the wood and likes the idea of keeping the wood here. She also likes the fact that the contractor would have liability insurance.

Member Simon stated we should be concerned more about the trees in the river. We can chip up stuff and leave it to rot. This is a nature park.

John Peck – Trails Advisory Board member stated he knows a lot about Eagle Park. This is a major concern for them: liability, possible disease transmission and people getting gung hoe to sacrifice the whole tree. We need to be judicious about what we cut up and he wants some control over what gets taken out. Need some good bonded people with buckets to remove some of it.

Linda Peck –Trails Advisory Board member stated there is a reason why they want to have it done under the guise of Paul Wirth. He is the expert. The trees have certain uses. This is a prairie. They have worked hard to prepare the prairie. There will be increased compaction and people won't know what is special. A lot of discussion went into this. Prairie burn is very different than just burning.

Paul Wirth reported that he has received two bids:

Ludvig Tree Service	\$9,180
Greater North Tree Service & Landscaping	\$10,780

***Motion by Member Palmer, second by Member Willenbring, to approve the low bid of Ludvig Tree Service and submit it to FEMA as presented by the Park & Recreation Board, further if reimbursement is less than 75% it needs to be reviewed again, and further to include in-kind services in the amount so that the 75% is more real.***

***AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring***

***Motion passed on a 5 to 0 vote.***

**FIRE DEPARTMENT** – Fire Chief Rodney Schaefer had prepared a list of cost for vehicles use which includes the truck and 3 fire personnel. *(A copy is hereby attached and marked Exhibit B)*

***Motion by Member Volkmuth, second by Member Palmer, to approve the 2013 Fire Department Equipment Use Rates as presented.***

***AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring***

***Motion passed on a 5 to 0 vote.***

#### **OLD/NEW BUSINESS**

**CRIMINAL PROSECUTION CONTRACT** – Rena Weber presented copies of the Stearns County Attorney contract for 2014 indicating there is no change in the contract price.

***Motion by Member Volkmuth, second by Member Willenbring, to approve the 2014 Stearns County Attorney contract as presented.***

***AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring***

***Motion passed on a 5 to 0 vote.***

**GARBAGE HAULERS** – Rena Weber reported that what we found out is that there are two haulers in the city without us licensing them. She likes the idea of licensing in that at the very least in doing so we would get a bid from them. The full fledged organized hauling could work, but enforcement of the ordinance could be an added responsibility that may or may not even be an issue.

***Member Willenbring introduced the following resolution and moved for it adoption:***

***RESOLUTION NO. 2013-25***

***RESOLUTION RESCINDING RESOLUTION NO. 2013-19***

***REGARDING INTENT TO ORGANIZE THE COLLECTION OF SOLID WASTE WITHIN THE CITY OF ROCKVILLE***

**WHEREAS,** *The City of Rockville has met with area refuse collection companies; and*

**WHEREAS,** *The City of Rockville has learned that there currently are two haulers operating in the City of Rockville.*

**WHEREAS,** *As part of the 60 day approval process it was determined that it may not be in the best interest of the citizens of Rockville to continue the process.*

**NOW, THEREFORE, BE IT RESOLVED, the City of Rockville resolves as follows:**

1. *The Rockville City Council hereby rescinds its intent to organize solid waste collection services within the City.*
2. *The Rockville City Council further has determined to delay the licensing of the two haulers in hopes that they can work together on a united time of day, rate, and provide recycling.*

***The motion was duly seconded by Mayor Hagen, with the following vote being taken:***

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

**ROCORI TRAIL** – There was nothing to report.

**FINANCE –**

**ARCON CLAW BACK CLAUSE** – Member Volkmuth brought up how Arcon is being assessed the SAC/ WAC fees. We are assessing Arcon plus interest and the city has liens on this. No action taken.

**HUMAN RESOURCES** – Member Palmer reported on the following:

**RICK HANSEN RESIGNATION** – ***Motion by Member Volkmuth, second by Member Palmer, to accept Rick Hansen's resignation effective 9/10/13.***

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

Member Palmer reported the committee met this week to review the status and determined:

- a. We did hire a part-time maintenance worker for 20 hours per week
- b. We would like to advertise the position with water and sewer certifications preferred, but the applicant can have up until one year to take the test

***Motion by Member Palmer, second by Member Volkmuth, to authorize advertisement of a Public Work Director.***

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

**CONTRACT FOR SERVICE** – Member Palmer reported that by 9/10 we need to have someone in place for certifications. 2 hours per week is required on the water system and the committee recommends entering into contract with People Service at least for one month depending on the candidate hired at \$100 per week.

***Motion by Member Palmer, second by Member Volkmuth, to enter into a one month contract with People's Service at \$100/week.***

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

Member Simon stated he would like council to consider hiring another person back full-time. 1 maintenance for every 750 residents is what is recommended. He has a concern of safety; brush is growing up again and needs to be cut. He wants the council to look at two people who know the system and asked what we will do if someone gets sick.

Finance meeting – 9/4 at 5 p.m.

**ADMINISTRATOR'S REPORT**

**TREE CHIPPER** – Rena Weber reported that she and Don Simon have been looking into firms to take care of the wood pile at the park due to the storm. All companies are busy and the pile we have is not little. Approval was given to go ahead and get bids.

**CERTIFY UNPAID SEWER BILL** – *Motion by Member Volkmuth, second by Member Palmer, to approve certification of an unpaid sewer bill to the tax rolls for parcel # 76.42142.0033 in the amount of \$136.55.*

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

**ENGINEER'S REPORT** – Dave Blommel reported on the status of the two street projects in that all is going good and they hope to tar Holly Road soon.

**OPEN FORUM**

No one came to the podium.

**ADJOURNMENT** – *Motion by Member Palmer, second by Member Willenbring, to adjourn the meeting at 7:28 p.m. Motion carried.*

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

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**JEFF HAGEN**  
**MAYOR**