

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
SEPTEMBER 19, 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, Don Simon, Randy Volkmuth and Duane Willenbring. Absent: Jeff Howe & Jerry Schmitt.

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

Others present were: Susan Palmer, Tудie Hermanutz, Scott Stenseth, Ev Balko, Lila Heins, Kasey Chanthakhammy, Scott & Cindy Heddens, Raymond Curtis, Rick Tallman, Herb & Joanne Schlangen, Tom Maselter, Steve Heying, Paul Wirth, Dave Lebrun, Vicki Ikeogu, Judy Ikeogu, Andrew Molitor, Judy Kunz, Jim Schnepf, Ken Athman, Brian Klocker, Jim & Renee Holmquist, Larry Byzewski, Tim Annett, Karen Weidner, Don & Pat Danzl, Vince Schaefer, Charles Craft, Dave Heins, & Reggie Fraley.

ADDITIONS – NONE

PLAQUE PRESENTATION TO STEVE HEYING – Park and Rec Chair Scott Stenseth presented a plaque to Steve Heying on behalf of the Park and Recreation Board for his years of service to the City of Rockville.

OPEN FORUM

Charles Craft – 210th Street (Maine Prairie Township) would like to see Share the Road signs put on 210th Street. It was reported that there are no more signs and that this was part of the trail program. He was instructed to contact the Park Board for their input.

Mr. Craft also asked to have the ditches mowed for weeds every month. Current practice is that the weeds are mowed twice each summer with each entity paying ½ the cost. Mr. Craft indicated that his neighbors are willing to pay for the additional mowing.

Tудie Hermanutz –211 1st Street West wanted to commend the Fire Department on the great rock they had carved out. All was done for gratis.

Tудie also reported that the Cold Spring Record will do a story on each of the candidates and she will provide the questionnaire that needs to be filled out.

Dave Heins – 25883 Holly Road reported that Bruce and Joan Abbe did research on Holly Road. The last time it was blacktopped was 1983 and it has served its purpose.

Member Volkmuth reported that they would like the city to blacktop instead of complete reconstruct. They will also try to keep garbage trucks off of it.

It was determined to send this request back to the Street Committee to consider having this road done in spring.

Herb Schlangen –23047 County Road 8 was present to request the minimum maintenance road sign removed and put up “closed to through traffic” on both sides. Herb indicated that it is closed in winter and there were times he has had to pull people out that were stuck in the snow.

Motion by Mayor Hagen, second by Member Volkmuth, to approve Mr. Schlangen to change out the Minimum Maintenance Road signs with Closed to Through Traffic on both sides of the road.

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

Motion passed on a 5 to 0 vote.

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

- a) ***Approve minutes of 8/15/12***
- b) ***Approve Treasurer’s Report of 09/19/12***
- c) ***Approve List of Bills and Additions***

Accounts Payable CK #013932 to 014001	\$70,773.11
Payroll Ck # 004290 to 004315	16,318.25
EFT #000657 to 000666	8,656.69

- d) **Mary of Immaculate Conception Raffle – 11/18/12**
e) **Schedule TnT on 12/19/12 – 6:30 p.m.**

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

BOARD/STAFF REPORT

POLICE REPORT – Sgt. Jon Lentz reported there were 37 contract hours during the month of August and cited the activity encountered.

PLANNING COMMISSION – Rena Weber reported on the following:

VERNON SALZL @ 25940 99TH AVE – INTERIM USE PERMIT –On 9/11/12 the Planning Commission considered approval of an interim use permit for Vernon P. Salzl – 25940 99th Avenue 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 power line poles on property temporarily.

The Planning Commission recommends approval of the request for a one year period and further to get a letter of credit for the amount of \$5000.00.

Mayor Hagen introduced the following IUP and moved for its adoption:

STATE OF MINNESOTA
COUNTY OF STEARNS

INTERIM USE PERMIT
FILE NO. 12-03

Permittee: **Vernon P. Salzl, 25940 99th Ave, St. Cloud, MN 56301**
Requested Use: **To store power line poles on property.**
Description: **This is will be a temporary storing of power line poles that CAPX 2020 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 19th day of September, 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 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.

IT IS ORDERED that Interim Use Permit No. 12-03 be granted subject to the following conditions:

- 1. The interim use permit will expire on 09/19/2013 with the right to have this reviewed & extended without payment for a \$200 variance fee. 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 09/19/2013 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, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

CINDY HEDDENS – 24537 COUNTY ROAD 138 – REQUEST TO REZONE PROPERTY – Rena Weber reported the Planning Commission reviewed the request of Cindy J Heddens to rezone property her property 32.4 acres from R-1 Single Family Dwelling to Agricultural. The address of the property is: 24537 County Road 138 with a legal description of: 32.40 Acres of Section 9, Township 123, Range 29, All of S2 NE4 lying NW of Highway 23 and SE of RR and SW of 66' Road running NW'ly and SE in the City of Rockville - Stearns County, Minnesota.

The Planning Commission recommends approval and there were no concerns from any of the neighbors at the hearing.

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

RESOLUTION NO. 2012-20

RESOLUTION APPROVING A REZONING FROM R-1 TO AG-40

WHEREAS, a request has been received from Cindy Heddens to rezone certain property from R-1 Single Family Dwelling to A-40, and;

WHEREAS, a public hearing to consider the request was held before the Rockville Planning Commission on 9/11/12, and;

WHEREAS, proper notification was given and published notice was published in the Cold Spring Record, and;

WHEREAS, all persons attending the hearing were given an opportunity to address the Planning Commission.

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

1. **The request to rezone parcel #76.41613.0200 from R-1 Single Family Dwelling to AG-40 is hereby approved.**
2. **Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
3. **That granting of the rezoning 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 Volkmuth with the following vote being taken:

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

Motion passed on a 5 to 0 vote.

C-CHANTHAKHAMMY APPROVAL TO BUILD A 59'9X104'9 COLD STORAGE BUILDING

Rena Weber reported the Planning Commission reviewed the change to the site plan, building a bigger building then what was originally approved and the landscaping.

The Planning Commission approved the amendment to the site plan with the addition being added to the rear of the present structure. They also recommend amending the landscaping plan by just adding a few shrubs and granite pieces but would need to clean up (cut down the weeds) current landscaping.

Motion by Member Volkmuth, second by Member Willenbring, to approve the recommended changes as presented by the Planning Commission.

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

Motion passed on a 5 to 0 vote.

RURAL RESIDENTIAL ORDINANCE AMENDMENT - Rural Residential ordinance – A requirement of the ordinance is that people have to go through the full platting process in order to sub-divide off one lot. The Planning Commission recommends going with a certificate of survey and the minor subdivision standards, but if it involves more than two lots – platting is required.

Motion by Member Becker, second by Member Willenbring, to schedule a public hearing for October 19, 2012 at 6:30 p.m.

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

Motion passed on a 5 to 0 vote.

DALE HOMMERDING – 401 OAK STREET – Rena Weber reported that Dale Hommerding had a fire this past summer and has removed the principal structure. Mr. Hommerding wants to leave the accessory structure. The Planning Commission recommends that he obtain an interim use permit for one year so that he can decide what he going to do with the lot – sell it, rebuild, etc.

Due to the unique circumstances Mr. Hommerding would like to get the IUP approved as soon as possible so he can close on his new lot and use the money from the insurance escrow account. Mr. Hommerding paid the \$200 required fee and has agreed that if the lot does not sell in 12 months he will remove the building at his expense.

Motion by Member Volkmuth, second by Member Willenbring, to waive the hearing due to the unique circumstances, allow the building to remain for one year, but will have to be removed if it is not sold by that time 09/19/13.

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

Motion passed on a 5 to 0 vote.

PUBLIC WORKS – Rick Hansen requested approval of the following:

Please approve the purchase of salt for the upcoming snow removal season. Prices are as follow.

- Amcon \$85.36/ton delivered-24 ton minimum
- Holicky Bros. \$77/ton delivered-24 ton minimum

Please approve Holicky Bros for 24 tons of salt

We will be getting the sand from Kraemer Trucking and Exc. at a price of \$5.00/ton.

Fund # 101-43125-228 \$9547.93 remaining in 2012 budget.

Motion by Member Volkmuth, second by Member Becker, to approve the low bid of Holicky Brothers for 24 tons of salt and Kraemer Trucking for sand.

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

Motion passed on a 5 to 0 vote.

FIRE DEPARTMENT – Don Simon was present to request approval of the purchase of:
RFA PURCHASE EQUIPMENT – The Fire Department is requesting approval to use designated fund, Fire Dept. Operations #2 and possible designated fund Fire Dept. Machinery and Equipment to pay Emergency Apparatus. This company performs our annual NFPA required pump service and flow checks on both pumpers. They will also be doing a full service on Engine 2 and repairing the auto charger on Unit 3. We also need a new throttle cable for the pump panel on Unit 5. We currently do not know what the full cost will be but last year we paid \$2673.78 for their services. These two designated funds have a total balance of \$7234.75. We have been using emergency apparatus for many years to do this work.

Motion by Mayor Hagen, second by Member Volkmuth, to approve the designation fund transfer as presented.

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

Motion passed on a 5 to 0 vote.

OVERHEAD DOOR REPAIRS

Please approve St Cloud Overhead Door Company to service the overhead doors at the Fire Hall in the amount of \$1, 076.14. This expense will be paid for out of designated funds.

Funding: Designated Fund: Fire Department Operations #2. Balance \$1359.90

Budget Amendment: increase E 101-42200-220 \$1076.11

Journal Entry:	DBT	CR
G 101-25320	\$1076.14	
G 101-25300		\$1076.14

Motion by Member Volkmuth, second by Member Becker, to approve the Overhead Doors request as presented.

AYES: Becker, Hagen, Schmitt & Willenbring.

ABSTAINING: Simon

Motion passed on a 4 to 0 vote.

Member Willenbring voiced his concern about the procedure of doing things without the proper approval first.

PARK & RECREATION – Scott Stenseth, Park Board Chair was present for the following:
RFA ZERO TURN LAWN MOWER - Please approve the purchase of a John Deere Z925A Commercial ZTrak zero turn lawn mower from Midwest Machinery in Paynesville. After demoing 5 different machines and talking with area Cities we believe that this mower is the best fit for the City.

New machine	\$12,900.00
Trade In	\$ 9,700.00
Tax	\$ 220.00

Balance Due \$3,420.00

Funding:

101-45122-544	\$1,000.00	2012 budget
101-45122-544	\$1,000.00	Designated Fund
601-49440-540	\$500.00	2012 budget
602-49490-540	\$500.00	2012 budget
101-41940-540	\$420.00	2012 budget

BUDGET AMENDMENT:

Increase fund E 101-45122-544 \$1,000.00

JOURNAL ENTRY:

	DEBT	CR
G 101-25350	\$1,000.00	
G 101-25300		\$1,000.00

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

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

Motion passed on a 5 to 0 vote.

LAKE IMPROVEMENT DISTRICT REQUEST-

Please approve the request to close and transfer the remaining funds from the Clarence Bloch Water Quality Improvement Designated Fund \$4,014.00 to Fund 221: Grand Lake Improvement District

BUDGET AMENDMENT: Increase E 221-41000-310 \$4,104.00

JOURNAL ENTRY #1:

	DEBT	CR
G 101-25312	\$4014.00	
G 101-25300		\$4014.00

JOURNAL ENTRY #2

	DEBT	CR
E 101-41000-700	\$ 4,014.00	
R 221-41000-39203	\$ 4,014.00	
G 101-10600		\$ 4,014.00
G 221-10600	\$ 4,014.00	

Motion by Member Volkmuth, second by Member Becker, to approve the request to close out certain funds as presented.

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

Motion passed on a 5 to 0 vote.

INFORMATIONAL MEETINGS – Mayor Hagen announced that two informational hearings would now be held to get input from the residents in regards to road/water/sewer improvements.

BURG STREET- 6:33 P.M. – Engineer Dave Blommel explained that costs for a road reconstruction project would include the cul-de-sacs and some storm sewer work. Estimated Cost – \$333,581.25

OPTIONS:

Rick Hansen checked with a local tar repair firm on an estimate to just fix the hole on Burg Street and also a small one on Lena Lane - \$4200.

Dave Blommel was instructed to come up with an estimate so that all affected would pay the same price based on the 73%/27% split showing the worst case at approximately \$4400 per home. Burg Street is the #1 street on the list of projects to be done.

Soil borings will be done to 5 feet and as there are no utilities in the roadway this could save on some costs.

Plan for cul-de-sacs – reclaim and pave right over.

QUESTIONS RAISED WERE:

Why wasn't there seal coating done every year – Dave explained that routine maintenance was not done due to poor sub-grade. 20-25 years is about the most you could have gotten out of it.

People would like to see 25% not 27%. 25% is the minimum that would need to be assessed in order to bond for the project.

People that run business out of their homes - do they pay more? No this would have all people treated the same.

Concern of sewer tax – too much

Administrator will send out a mailing with each person's est. cost – yes or no.

Brian Klocker Burg Street would like to have the drainage looked at so that water does not drain over his lot.

COUNTY ROAD 8 County Road 8 is being reconstructed in 2013 so this the opportune time for the city to loop the watermain and also install water/sewer to the residents who currently do not have service now.

OPTIONS:

CR8 – WATERMAIN – Cost is \$70,000 – Dave suggested the looping of the watermain be done with the connection under the road at Walnut Circle as a minimum. That way people can hook up later and we won't have to tear up the road. There is an ordinance on the books that says anytime we are within 350' of a service people must hook up. This would be a council decision.

CR8 – SEWERMAIN – This would be installed on the west side of the road and will be gravity fed and will also be very deep. This too can be done later without impacting CR8. The Heitzman property is quite a distance from the road and it may not be feasible to get service.

There will be some storm sewer restoration, landscaping costs, etc. that the city is required to pay from the county improvement project. Dave Blommel will get an estimate for the council.

QUESTIONS/CONCERNS:

This is a truck route and should be changed.

Don Danzl stated that people speed too fast. He is also concerned that they are going to widen the road 21 feet. He does not want it to be taken from his side. He has a well and privacy trees.

All were concerned with the cost.

City will set up meeting with Jodi Teich (Stearns County Highway Engineer) and invite everybody from the project.

OLD/NEW BUSINESS

ROCK FEST SURVEY – Rena Weber reported that they are looking for approval to place a one page survey in the newsletter at city expense. It needs to be on its own separate page so the survey can be returned to the committee.

Motion by Member Becker, second by Member Simon, to approve adding the survey to the newsletter and to have the city pay for it.

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

Motion passed on a 5 to 0 vote.

TOM MASELTER REQUEST TO PLACE WAC/SAC ON TAX ROLLS – Rena Weber reported that Mr. Maselter has paid his taxes up to and including the ½ half of 2012. Now he is asking you to place his WAC/SAC charge on the tax rolls. That amounts to \$3889.62 (1944.81 each). He would like to start his project ASAP. Payment of taxes was part of the approval.

Motion by Member Volkmuth, second by Member Becker, to approve placing the WAC/SAC in the amount of \$3,889.62 on the tax rolls for 5 years at 4.34% interest beginning in 2013.

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

Motion passed on a 5 to 0 vote.

ROCKVILLE GAS & BAIT – GAMBLING PERMIT/ON-SALE LIQUOR LICENSE – Reggie Fraley would like to set up E-gaming at Rockville Gas & Bait.

In order to do that he needs a 3.2 off-sale liquor license and a certain amount of sales to get approval from the State. St. Cloud Morning Optimist Club would like to obtain the gambling license for the e-gaming machine itself.

Motion by Member Volkmuth, second by Member Willenbring, to approve the 3.2 off-sale non-intoxicating malt liquor license effective 9/20/12 to 6/30/13.

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

Motion passed on a 5 to 0 vote.

Member Becker introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2012-19

RESOLUTION APPROVING A GAMBLING LICENSE

WHEREAS, The St. Cloud Morning Optimist Club has requested a gambling site license at: Rockville Gas & Bait, 108 Broadway Street East, Rockville, MN 56369 and;

WHEREAS, No objections were raised.

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

1. Approval of said license is hereby granted effective 09/19/2012.

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

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

Motion passed on a 5 to 0 vote.

COMMITTEE REPORTS

MAYOR – Mayor Hagen had no report.

PERSONNEL COMMITTEE – Rena Weber reported that the Personnel Committee met once to authorize the process of replacing the Receptionist/Administrative Assistant for City Hall. The Personnel Committee needs to still meet and review all job descriptions that have been updated along with the pay scale recommendations. Administration staff interviewed 5 individuals and recommends hiring Mandy Lais at 31.5 hours/per week at step two on the pay scale. This would also come with the request to approve a one week PTO after successful completion of one year.

Motion by Member Volkmuth, second by Member Willenbring, to approve hiring of Mandy Lais effective immediately at the requested hours per week, step 2 and further approval of PTO – one week after successful completion of one year.

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

Motion passed on a 5 to 0 vote.

RTCB - The trail is tarred, but the bridge is not in place. Ribbon Cutting should happen near the end of October or early November.

LION'S PARK RAIN GARDEN – Paul Wirth was present to explain the history of how this project evolved. Only one bid was received which was higher than the engineer anticipated. This will mean that the City needs to come up with \$6484 in kind. We discussed this with the contractor and feel that it can be accomplished. Sauk River Watershed is paying the major share of the project as they have the funds this year. We would like to go ahead with the project this fall.

Motion by Member Volkmuth, second by Member Willenbring, to approve the request to install the rain garden/prairie grass project this fall.

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

Motion passed on a 5 to 0 vote.

OPEN FORUM

Rick Tallman – 25594 Lake Road concerned that there was nothing on the agenda for water/sewer base fee for his apartments that have one meter and one sewer line and pays \$5,123 per year. It only costs \$486 for a home.

He also asked what does it take to get one trash company. It was determined that this issue would go to the Finance Committee for discussion.

Tudie Hermanutz – 211 1st Street West stated the city should put something in the newsletter regarding road repairs. If people knew how much it costs people for road repair they would not want it.

Duane Willenbring stated that he has reservations on limiting the number of refuse haulers in the city as people have a right to choose. He suggested people form a neighborhood group, let it fester, and let them do it themselves.

David Lebrun - 9107 Marlene Court stated if the city gets involved there would be another tax and he does not want that. He also asked Maintenance to not put salt down on his street.

ADJOURNMENT –Motion by Member Becker, second by Member Volkmuth, to adjourn the meeting at 7:58 p.m. Motion carried.

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

**JEFF HAGEN
MAYOR**

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