

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
OCTOBER 17, 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, Randy Volkmuth and Duane Willenbring. Absent: Jerry Schmitt. Don Simon arrived at: 6:06 p.m.

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

Others present were: Ev Balko, Tудie Hermanutz, Vince Schaefer, Rick Tallman, Dave Volkmuth, Sue Palmer, Scott Staska & Nadine Schnettler.

**ADDITIONS – Motion by Member Volkmuth, second by Member Howe, to approve the additions to the agenda for discussion purposes only.
AYES: Becker, Hagen, Howe, Volkmuth & Willenbring.
Motion passed on a 5 to 0 vote.**

OPEN FORUM

No one appeared.

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

- a) **Approve minutes of 9/19/12**
- b) **Approve Treasurer’s Report of 10/17/12**
- c) **Approve List of Bills and Additions**

Accounts Payable CK #014002 to 014069	\$60,902.72
Payroll Ck # 004316 to 004340	14,452.78
EFT #000667 to 000676	6,914.53
- d) **St. Augusta Blizzard Busters Raffle at 400 Club 2/2/13**

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

BOARD/STAFF REPORT

POLICE REPORT – There were 37 contract hours during the month of September. No one was present to report.

PLANNING COMMISSION – Rena Weber reported on the following:

JOHN STOMMES REZONING REQUEST– John Stommes purchased the O’Link property between CR 82 & Hwy. 23. He wants to build two sheds to repair and store his heavy equipment for his business. The total acreage is 32+ acres. John asked to have the total 32 acres re-zoned from Ag-40 to I-2. The Planning Commission at the hearing recommended that John split off the 5 acres that he needs and leave the rest Ag-40. There was concern of clear cutting the trees which provides a buffer to the residents. In order for John to do this he would need to file for a Qualified Minor Subdivision & rezone only the 5 acres. His surveyor did not have this legal description ready for the meeting so this should be tabled until 11/7.

Mayor Hagen asked about spot zoning. This will not be an issue as the property across the street is zoned I-2. No action was taken.

RV Parking at Grand Lake – Rena reported this is in response to the individuals who have moved in RV’s on the former Clarence Bloch property. They were told both in writing and also at a Planning Commission meeting that the RV’s could stay there for 2 months max and then would have to be gone. 8/15/12 they should have been removed. The Planning Commission would like to enforce this ordinance and requests approval to have the city attorney involved.

Mayor Hagen asked if they can move down to the lake for 60 days and then back. What is the fine? *This would be a misdemeanor subject to state guidelines.*

Motion by Member Volkmuth, second by Member Willenbring, to send them a certified letter stating they have to have the vehicles removed by a certain date and further to indicate what the fine is.

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

Motion passed on a 5 to 0 vote.

Member Simon arrived at this point.

DAN HANSEN LETTER OF CREDIT – Dan Hansen has sold all of the gravel from his pit, but it won't be seeded until next year. Dan is asking the letter of credit to be released.

Motion by Member Volkmuth, second by Member Willenbring, to approve release of the Letter of Credit to Daniel Hansen.

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

Motion passed on a 6 to 0 vote.

COMMITTEE REPORTS

MAYOR – Mayor Hagen had no report.

FINANCE COMMITTEE –

ADMINISTRATION FEE – COLD SPRING SEWER BILL – by contract the City of Cold Spring was supposed to charge us 4% of the O & M costs each month. When the Cold Spring city hall staff person took over the billing – she missed charging the 4%. This was since August of 2005 so the bill is \$12,945.48.

Member Volkmuth reported that the Finance Committee reviewed this and recommends going back 5 years and do so over a period of two years. *Upon further checking the limit to go back is 6 years)*

Motion by Member Howe, second by Member Willenbring, to accept the recommendation of the Finance Committee as presented.

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

Motion passed on a 6 to 0 vote.

RTCB – Member Willenbring and Rena Weber reported on the following:

RFA - The RTCB has a request for transfer of more parkland dedication fees. We have money sitting in an account at Stearns County that can be used for Phase 3 and attorney fees, but we can't access it yet or until a new agreement is made with county officials. (This should be right after Phase 1 is completed) So right now the RTCB is requesting approval to transfer \$964.98 for attorney fees and \$1000 to replenish the joint checking account (for liability insurance). Once we get the Phase 1 construction done – the county should be open to releasing the excess funds. Phase 1 came in under budget and this will all have to be reviewed.

Motion by Member Volkmuth, second by Member Howe, to approve the transfer of funds \$1964.98 as requested.

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

Motion passed on a 6 to 0 vote.

ROCORI TRAIL RIBBON CUTTING – Member Willenbring reported that the official ribbon cutting on the trail will occur on 10/30/12 at 3:45 behind Teal's in Cold Spring.

CERTIFY UNPAID BILLS TO THE TAX ROLL – **Motion by Member Volkmuth, second by Member Willenbring, to approve certification of the following unpaid bills to the tax rolls for collection in 2013.**

PARCEL	ACCOUNT	WATER & SEWER FEES		updated 10/17/2012
76.41741.0004	01-723	992.42		
76.41741.0037	01-823	728.95		
76.41652.0200	07-091	676.01		

76.42141.0007	08-281	457.26			
76.41619.0200	08-481	676.01			
76.41952.0005	08-1021	66.39			
76.42189.0020	07-1461	146.72			
76.42141.0018	08-1281	263.45			
76.41705.0011	07-1651	49.78			
76.41602.0700	08-0171	676.01			
76.41720.0002	08-381	98.73			
76.42189.0029	00-0031	73.83			
76.42144.0008	08-1741	66.39			
		4,971.95			
Parcel #	Invoice	Date	Amount	Code	
			WAC/SAC IN DEVELOPER AGRMT		
76.41720.0443	11-59	12/01/11	23,631.08	Water	
			23,631.08	Sewer	
			SAC IN DEVELOPER AGRMT		
76.41600.0400	11-60	12/01/11	23,631.08	Sewer	
			70,893.24		

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

PERSONNEL COMMITTEE – It was determined that the next personnel committee meeting would be held on 11/19/12 at 6 p.m.

PUBLIC HEARINGS –Mayor Hagen announced that two public hearings would now take place:
2012-76 – Amended Section 16A Rural Residential –Rena Weber reported that this would eliminate the platting requirement for lots splits involving 2 lots.
No person appeared to discuss the proposed ordinance.

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

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

Member Willenbring questioned if this would be a one time split. It was determined that this would be looked at in each instance.

Member Volkmuth introduced the following ordinance and moved for its adoption:
ORDINANCE NO. 2012-76

Amending Section 16A Rural Residential District “R-R” of the City Zoning Ordinance

SUBDIVISION 6 – STANDARDS FOR DETERMINING PERMITTED RESIDENTIAL DWELLING SITES (BUILDABLE LOTS)

- b. Residential dwelling site eligibility: An eligible five (5) acre tract shall be any tract that does not contain any existing residential dwelling and meets either of the following:
- 1) The tract contains five (5) acres more or less, ~~must be platted using the Lot and Block system.~~ may be split by the following:
(if splitting one lot into two lots – Qualified Minor Subdivision)
(if splitting into more than two lots – must be platted using the Lot and Block system.)

The right of way of any public road adjacent and included in the description of said tract may be used for the 5 acres calculation.

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

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

Motion passed on a 6 to 0 vote.

2012-75 – Amended parking requirement during snow emergencies. Rena Weber reported this is the same ordinance as Cold Spring – hopefully it will eliminate the people fighting the \$38.00 ticket.

Rick Tallman asked what if it happens at night when they are sleeping.

Rena Weber reported they would need to have their vehicles moved.

Don Simon indicated that people need to be more responsible.

Member Volkmuth would like to see more on this in the newsletter and post the ordinance at the bars

Motion by Member Volkmuth, second by Member Willenbring, to close the public hearing at 6:33 p.m.

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

Motion passed on a 6 to 0 vote.

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

Ordinance No. 2012-75

AN ORDINANCE REGULATING PARKING DURING SNOW EMERGENCIES ON ALL CITY STREETS DURING WINTER MONTHS

The Rockville City Council ordains:

SECTION 1. Section 71.04 of the City Code is hereby amended in its entirety as follows:

- 71.04 (A) On the occasions of heavy snowfalls, the Public Works Supervisor shall determine when to commence and/or suspend snow plowing operations.
- 71.04 (B) When snow has accumulated to a depth greater than 1 ½” inches, a “NO PARKING BAN” will be in effect over the entire city. It shall be the responsibility of the duty police officer (Sheriff) to cite and/or tow all violators. After the streets are plowed, parking will be permitted.
- 71.04 (C) Violators of this ordinance will be subject to a \$25.00 penalty and in the event that it is necessary that a vehicle be towed away, the cost of the towing, the penalty, and any other related charges will be at the expense of the vehicle owner and will be collected in full before any vehicle is released.
- 71.04 (D) This ordinance repeals and supersedes all previous snow removal ordinances relating to the removal of snow on public streets in the City of Rockville.

The following are hereby deleted.

~~§ 71.06A REGULATING PARKING ON CERTAIN CITY STREETS DURING WINTER MONTHS~~

~~With the exception of Birch Street South, no person, firm or corporation shall park a vehicle on any roadway within the City of Rockville between the hours of 2:00 a.m. and 7:00 a.m. on any day from November 1 to April 1, inclusive, of each year. A special parking zone is hereby established for the street designated as Birch Street South. On~~

~~_____ Birch Street South there shall be no vehicles parked on the east side of said street
 _____ between the hours of 2:00 a.m. and 7:00 a.m. on any Tuesday, Thursday, or Saturday.
 _____ Further providing that there shall be no vehicles parked on the west side of Birch Street
 _____ South between the hours of 2:00 a.m. and 7:00 a.m. on any Monday, Wednesday, Friday
 _____ or Sunday. The restrictions regarding Birch Street South shall apply for the total period of
 _____ January 1 through December 31 of each year.~~

~~_____ **§ 71.06B** If any vehicle is parked, abandoned, or left standing in violation of the terms of
 _____ This ordinance, the same may be moved by the city at the cost and expense of the owner
 _____ thereof.~~

~~_____ **§ 71.06C** If any vehicle is found upon a roadway in violation of any provisions of this
 _____ ordinance regulating the stopping or parking of vehicles, and the identity of the driver
 _____ cannot be determined, the owner or person in whose name such vehicle is registered
 _____ shall be held prime facie responsible for such violation.~~

~~_____ **§ 71.06D** Any person, firm, or corporation who shall violate any of the provisions of this
 _____ ordinance shall be punished to the full extent of the law.~~

SECTION 2. This Ordinance shall be effective immediately upon its passage.

***The motion for the foregoing ordinance was duly seconded by Member Becker
 with the following vote being taken:***

AYES: Becker, Hagen, Simon, Volkmuth & Willenbring

NAYS: Howe

Motion passed on a 5 to 1 vote.

OLD/NEW BUSINESS

ROCORI SCHOOL DISTRICT – Scott Staska & Nadine Schnettler of the School Board were present to discuss the upcoming vote on the levy referendum. One page of information was reviewed. Scott Staska reported:

- How is the question worded? It says \$375.56 per pupil – There is no reason other than state law requires that they frame the ballot question so if approved the state will pay them.
- 2013 scheduled to expire – this makes it a renewal
- Increase each year by the rate of inflation – same as the wording from 2007
- Question – increase is due to the rate of inflation clause
- By voting yes you are voting to extend and existing levy – 6 year
- The back side shows the amount paid
- What if defeated – taxes would go down
- Asking for one year early so if defeated would not go down this year

Nadine Schnettler reported on:

- How has the money been used in the past –they stayed true to the taxpayers
- Textbooks 5 years ago were in dire straits
- Why early – cost of election is shared and there are board positions up
- It costs \$10,000 to run an election
- Check web-site – www.rocori.k.12.mn.us

Don Simon asked what about if the levy is not approved are you going to close Richmond & Rockville? Scott Staska state the key word is want – that is why they fixed up the buildings

Don Simon asked about the digital sign – Why? Scott Staska reported that different funds are used and not to be used for classrooms. The School Board saved for that sign and from the building project. The Speed sign along County Road 50 was paid for by Stearns County paid.

OPEN FORUM

Vince Schaefer questioned if the request to have speed limit study on County Road 8 was ever done. The County Commissioners voted to have this request given to MNDOT last November. Did we ever hear back from them? No.

Assessment policy – He has been told that you can't sell bonds unless you assess 25%.

The City of Pipestone recently put out a document stating they were bonding for an improvement and that there will be no assessments.

ADJOURNMENT—*Motion by Member Becker, second by Member Volkmuth, to adjourn the meeting at 7:03 p.m. Motion carried.*

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

**JEFF HAGEN
MAYOR**