

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JANUARY 20, 2016 – 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 Sue Palmer, Don Simon, Rick Tallman, Duane Willenbring. Absent: None.

Staff members present were: Interim Administrator/Clerk Judy Neu, Lt. Jon Lentz, Planning Commission Member Bill Becker and Engineer David Blommel.

Others present were: Ed Zapp, Ed Valentine, Gary and Judy Merrill, Kevin Brink, Tудie Hermanutz, Joe Molitor, Paul Wirth, Casey O'Malley, Nick and Amanda Filla.

***Motion by Member Palmer, second by Member Simon, to approve the additions to the agenda for discussion purposes.***

1. Rock-Fest Approval

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

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

**OPEN FORUM**

No one appeared.

**CONSENT AGENDA**

***Motion by Member Tallman, second by Member Palmer, to approve the consent agenda amended as presented:***

- a) Approve minutes of 11/18/15, 12/01/15, 12/16/15, & 12/29/15
- b) ACCEPT Treasurer's Report of 01/20/2016
- c) Approve List of Bills and Additions of 01/20/2016
 

Accounts Payable CK #016546 – 016598	\$ 370,531.91
Payroll CK #005067 – 005114	23,578.06
EFT #000996 – 0001009	14,063.71
- d) Approve the 2016 Fees & Calendar *-Tabled 2016 Fees and change November's meeting date on the calendar from November 16<sup>th</sup>, 2016 to November 9<sup>th</sup>, 2016.*
- e) Park & Rec Concession Stand 3.2% liquor License May 1 thru October 30, 2016
- f) 2015 Year-End Pay Equity Implementation Report

**City of Rockville, Minnesota  
Resolution 2016-01**

**Acceptance of the 2015 Year-End Pay Equity Implementation Report**

***WHEREAS, The State of Minnesota requires all local units of government to file a pay equity implementation report with the Department of Employee Relations every three years; and***

***WHEREAS, City of Rockville 2016 pay equity report is due to be filed by January 31, 2016; and***

***THEREFORE; The Rockville City Council hereby accepts the pay equity implementation report as presented in Appendix A of this resolution and directs city staff to file the required documents with the State of Minnesota.***

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

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

**BOARD/STAFF REPORTS**

**POLICE DEPARTMENT** – Lt. Jon Lentz reported there were 37 contract hours during the month of December with citations being issued.

**FIRE DEPARTMENT – RFA Requested by Andrew Struffert -**

Request use of donated funds from Cold Spring for the amount of \$500.00 to partially pay \$750.00 invoice form Stoney Brook Fire and Safety for F500 firefighting foam. The remainder to come from fund 101-42200-219.

Donation occurred in 2015.

Budget Amendment Fund: E 101-42200-219

To increase the 2015 budget to show the \$500.00 donation.

**Motion by Member Simon, second by Member Tallman, to approve the request for council action as presented.**

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

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

**PLANNING COMMISSION – Chair Bill Becker reported on the following:**

**CONDITIONAL USE PERMIT EDWARD ZAPP –EVENT CENTER –**

RE: CONDITIONAL USE PERMIT REQUEST

76.41638.0100 Owner: Edward Zapp

Property Address: 22807 Rausch Lake Road

Legal description:

That part of Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 16, and that part of the East half of the Northeast Quarter (E1/2 NE1/4) of Section 21, all of Township 123, Range 29, Stearns County, Minnesota

**REQUEST**

Approval to establish an event center in the AG-40 District by conditional use permit.

**RELEVANT INFORMATION**

1. Property is zoned AG-40.
2. Property is 55.84 acres approximately.
3. 5 Notices were mailed out.
4. Edward Zapp would like to convert his barn into an event center for private events during warm season.
5. Parking on the 55.84 acres. (See attached parking plan). Ordinance calls for the road to be a dust free surface maintained or paved.
6. There are no neighbors within 150 feet of the structure – headlights shining on structures should not be an issue.
7. No residential building is within 200 feet of the access road. The commercial use was allowed by CUP before consolidation.
8. Need to discuss time restrictions.
9. Caterer's Permit
10. No service or operation is being allowed outside of the enclosed premises after sunset.
11. No sound should be discernible at the property boundary.
12. No light is to be directed off the property, no flashing or blinking lights are visible from any property line, and no light is greater than 0.1 foot candles at the property boundary.
13. The facility has to comply with existing building, zoning and health code regulations. Stearns County Environmental Services issues the septic system permit and Mr. Zapp will have to contact them regarding such. Mr. Zapp to provide the information received from Stearns County.
14. Setbacks from neighboring property, residential structures and road right-of-way are in compliance.
15. There is no existing event center within one mile of the boundary of the property

Planning Commission recommends approval.

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

**RESOLUTION NO. 2016-02**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT.**

**WHEREAS, The City Council of the City of Rockville, Stearns County, Minnesota has received a request for a conditional use permit from Edward J Zapp Rev Trust to convert a barn into an event center in the A-40 District, and;**

**WHEREAS, this request would not affect the wetland, 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 allow the use of a barn for an event center in the A-40 District.**
- 2. Said approval is the barn needs to be in compliance with all city zoning and building codes.**
- 3. Said approval is not a burden on public facilities, is compatible with existing and planned adjacent uses, has no adverse effect on adjacent properties, the use is related to the needs of the city, is consistent with the Comprehensive Plan, is not a traffic hazard, there is adequate parking and loading, and;**
- 4. The granting of the conditional use permit will not be detrimental to the public health, safety 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, Palmer, Simon, Tallman & Willenbring  
Motion passed on a 5 to 0 vote.**

**REZONE THOMAS & JOSEPH MOLITOR PARTNERSHIP and DONALD & DELORES MOLITOR TRUST**

**STAFF REPORT**

Re: Re-Zoning Request  
76.41614.0300: Owners: Thomas/Joseph Molitor Partnership and Donald/Delores Molitor Trust  
Property Address: XXXXX County Road 47, St. Cloud, MN 56301

Re-Zoning Requested:

1. Request to re-zone Westerly property 14.32 acres of land, more or less and the Easterly property 5.18 acres of land, more or less from Agricultural (Ag-40) to B-2 General Business District.

Construction Requests:

1. Eventually to allow for a truck headquarters to be built.

Relevant Information:

1. Property contains 19.50 acres more or less.
2. 10 notices of public hearing were sent out.
3. This property is zoned Ag-40.
4. Future Land Use Map – shows Commercial Reserve
5. This area is farmed.

Planning Commission recommends approval.

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

**RESOLUTION NO. 2016-03**

**RESOLUTION APPROVING A REZONING FROM AG-40 TO B-2 (GENERAL BUSINESS)**

**WHEREAS**, a request has been received from Thomas Molitor & Joseph Molitor Partnership and Donald Molitor & Delores Molitor Trust to rezone certain property from Ag-40 to B-2, and;

**WHEREAS**, a public hearing to consider the request(s) was held before the Rockville Planning Commission on 01/12/16, 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 (Per Title Commitment File No. 1410181) The Southeast Quarter of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub>) less the North 1 acre lying between the public road built across said lands and the West line of the SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> the excepted area being formerly deeded to Agnes Zielemeier in Section 9, Township 123, Range 29, Stearns County, Minnesota.**

**LESS AND EXCEPT** That part of the SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 9, Township 123, Range 29, described as follows: Commencing at the Southwest corner of said SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 9; thence North on the West line a distance of 312 feet; thence East and parallel with the South line a distance of 217 feet; thence South and parallel with the West line a distance of 312 feet to the intersection with South line of said Quarter; thence West on South line a distance of 217 feet to the point of beginning.

**ALSO:** Commencing at the Southwest corner of SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 9; thence East on South line a distance of 217 feet for point of beginning; thence North and parallel with West line of said Quarter for a distance of 342 feet; thence East and parallel with the South line a distance of 33 feet; thence South parallel with West line for a distance of 342 feet to intersection with South line of said Quarter; thence West on South line a distance of 33 feet to the point of beginning.

**ALSO:** Commencing at Southwest corner of SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 9; thence East on the South line a distance of 250 feet to a point; thence North parallel to the West line of said Quarter a distance of 309 feet to the point of beginning; thence continue North on last described line a distance of 33 feet; thence East to intersection with public road; thence Southeasterly along public road to a point due East of the point of beginning; thence due West to the point of beginning.

**LESS AND EXCEPT:** That part of the SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 9, Township 123, Range 29 described as follows: Commencing at the Southeast corner of said Section 9; thence West (assumed bearing of due West) along the South line thereof for 329.25 feet; thence deflect to the right along a tangential curve, having a radius of 772.04 feet and a central angle of 73°30' for 990.39 feet; thence North 16°30' West for 2.38 feet to

*the point of beginning of the land to be herein described; thence North 16°30' West for 292.76 feet; thence deflect to the left along a tangential curve, having a radius of 728.49 feet and a central angle of 25°27'09" for 323.62 feet to a point on the West line of said SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub>; thence South 00°13'05" West along said West line for 544.35 feet to a point thereon distance 571.51 feet from the Southwest corner of said SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub>; thence South 86°06'29" East for 242.49 feet to the point of beginning.*

**ALSO LESS:** Land platted as Ruprecht Acres, Stearns County, Minnesota.

**ALSO LESS:** That part of the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 9, Township 123, Range 29, described as follows: Commencing at the SW corner of said SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>; thence on an assumed bearing of N 89°37'38" East along the South line of said SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> a distance of 250.00 feet to the East line of the tract described in Doc. No. 846795 as of public record, Stearns County, Minnesota said point also being the point of beginning of the tract herein described; thence on a bearing of N 0°09'30" West along last said line, 206.28 feet to Minnesota Department of Transportation Right of Way Plat No. 73-45 as of public record, Stearns County, Minnesota; thence on a bearing of N 89°37'27" East along last said right of way plat, 53.47 feet; thence on a bearing of S 49°13'57" East along last said right of way plat, 313.54 feet to the South line of said SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>; thence on a bearing of S 89°37'38" along last said line, 290.37 feet to the point of beginning of parcel #76.41614.0300 from Ag 40 to B-2 is here by 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 Tallman with the following vote being taken:*

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

*Motion passed on a 5 to 0 vote.*

#### **UNFINISHED/NEW BUSINESS**

#### **CONDUCT EXAMINATION OF ACCOUNTS WHEN OFFICIAL RESIGNS:**

*Motion by Mayor Hagen, second by Member Simon, to not do additional audit other than the annual audit.*

**AYES:** Hagen, Palmer & Simon

**NAYS:** Tallman & Willenbring

*Motion passed on a 3 to 2 vote.*

#### **ANNUAL APPOINTMENTS – Motion by Member Willenbring, second by Member Simon, to approve the 2016 annual appointments as presented.**

1. ENGINEERING FIRM – SEH
2. OFFICIAL NEWSPAPER – *Cold Spring Record*
3. OFFICIAL DEPOSITORY – Granite Community Bank, Plaza Park Bank, Morgan Stanley/Smith Barney, Bremer Bank, & 4M Fund
4. ACTING MAYOR – Sue Palmer
5. AUDITOR/ACCOUNTANT – KDV
6. ATTORNEY – Rinke Noonan
7. WEED INSPECTOR – Mayor Jeff Hagen
8. ASSISTANT WEED INSPECTOR – Nick Waldbillig
9. COUNTY AGRICULTURAL INSPECTOR – Bob Dunning
10. PROCESS SERVER – Stearns County Sheriff's Department

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

*Motion passed on a 5 to 0 vote.*

**COMMITTEE REPORTS**

**MAYOR'S REPORT** – Mayor Hagen stated we are going to postpone the committee assignment until the City Administrator is on staff.

**RTCB –NONE**

**FINANCE - NONE**

**ADDITIONA TO AGENDA**

**ROCK-FEST COMMITTEE** - Nick Filla requesting if the City would help with the insurance. The Rock-Fest will be June 4<sup>th</sup>, 2016 and will have a parade, street dance, road closure & fireworks.

***Motion by Member Palmer, second by Member Willenbring, to approve the Rock-Fest request to cover the insurance.***

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

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

**OPEN FORUM**

No one appeared.

***ADJOURNMENT – Motion by Member Willenbring, second by Member Simon, to adjourn the meeting at 6:31 p.m. Motion carried.***

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**JUDY NEU -MCMC  
INTERIM ADMINISTRATOR/CLERK**

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**JEFF HAGEN  
MAYOR**

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