

ROCKVILLE CITY COUNCIL MEETING MINUTES
January 10, 2018
Rockville City Hall

Item 1) Call to Order

The meeting was called to order at 6:00 p.m. by Mayor Duane Willenbring.

Item 2) Pledge of Allegiance

Item 3) Roll Call

Roll call was taken and the following Council Members were present: Vince Schaefer, Don Simon, Rick Tallman, and Jerry Tippelt.

Staff members present: City Administrator, Martin Bode; Public Works Director, Nick Waldbillig; Stearns County Sheriff's Department, Lt. Kellan Hemmesch; Rockville Fire Chief, Rodney Schaefer.

Others present: Various members of the public.

Item 4) Approval of Agenda

Tallman requested to add:

18. f) *Stearns Co. Workshop (Shoreland Training)*

Motion by Tallman, second by Tippelt, to approve the agenda with the addition. Motion carried.

Item 5) Public Comment

Paul Betz, 156 Broadway Street East, expressed concern regarding city fees.

Kevin Voigt, 7819 Co. Rd. 141, questioned a letter regarding the Schneider Administrative Plat.

Item 6) Resolution 2018-01 Acceptance of December 2017 Donations

Motion by Schaefer, second by Tallman, to approve Resolution 2018-01 Acceptance of December 2017 Donations. Motion passed unanimously.

Item 7) Consent Agenda

- a) Acknowledge Review of the December 2017 Bills Paid and Journal Entries
- b) Approval Rockville City Council Minutes of December 13, 2017 and January 3, 2018
- c) Acknowledge David Drown DDA Engagement Letter
- d) ~~Approve Amending Uniform Policy~~
- e) Resolution 2018-02 Fire Relief Assn – Fish Fry Raffle & 1 day on-sale liquor license
- f) Resolution 2018-03 Approval of 2018 Slate of FD Officers

Schaefer requested the December 13, 2017 minutes for Item 8. B1) state the following:

“Motion by Schaefer, second by Tippelt, to not concur with the Planning Board and deny the Preliminary Plat.

Roll Call Vote: AYES: Schaefer, Tippelt, Tallman, Simon. NAYS: Willenbring. Motion passed on a 4 to 1 vote.”

Tallman requested to discuss Item 7 d) separately.

Motion by Simon, second by Schaefer, to approve the Consent Agenda with Item d) removed. Motion passed unanimously.

- d) Approve Amending Uniform Policy

Motion by Simon, second by Schaefer, to approve amending the City's Maintenance Department Uniform Policy to provide: hats, caps, shirts, jacket and coats. Motion passed unanimously.

Item 8) Department Reports:

- a) Sheriff's Report – Lt. Kellan Hemmesch
Lt. Kellan Hemmesch reviewed with the Council the Sheriff's Written Report of the City of Rockville activity.
- b) Fire Department – Fire Chief Rodney Schaefer
Chief Rodney Schaefer provided Council with a review of the Fire Department recent activity.
- c) Public Works – Public Works Director, Nick Waldbillig
Nick Waldbillig provided Council with a brief update of Public Works activity.

Item 9) Administration

- a) PUBLIC HEARING – Ordinance 2018-88

Mayor Willenbring opened the public hearing at 6:40 p.m. to allow public comment on the following:

**ORDINANCE NO. 2018-88
ORDINANCE AMENDING ORDINANCES, SETTING PENALTIES
FOR ORDINANCE VIOLATIONS, AND ADJUSTING THE CITY FEE SCHEDULE**

The Rockville City Council does hereby ordain as follows:

Pursuant to Minnesota Statutes § 609.034, the penalty for any person violating any of the City Ordinances shall be guilty of a petty misdemeanor or misdemeanor, as stated in the Ordinance.

SECTION 1.

Ordinance Revisions: The following changes shall be made to the City of Rockville's Ordinances:

- 1. Ordinance No. 2003-02: Fireworks – Section 95.5. Penalty,** shall now state:

Any person violating this Ordinance shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and subsequent offenses. See the City of Rockville's Fee Schedule for fine amounts, if any.

- 2. Ordinance No. 2003-07: Prohibiting the Parking of Vehicles on City Streets for More than 72 Hours and Regulating Parking on Certain City Streets During Winter Months – Section 71.06D,** shall now state:

Any person, firm, or corporation who shall violate any of the provisions of this ordinance shall be guilty of a petty misdemeanor. See the City of Rockville's Fee Schedule for fine amounts, if any.

- 3. Ordinance No. 2003-08A: Regulating the Use of the Wastewater Facilities – Section 1.16 Penalties, Subd. 1, Subd. 2, and Subd. 5,** shall now state:

Subd. 1. Administrative Fines. Notwithstanding any other Section of this Ordinance, any user who is found to have violated any provision of this Ordinance, or orders issued hereunder, shall be fined in an amount listed on the City of Rockville's Fee Schedule. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the user's property.

Subd. 2. Criminal Penalties. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly. See the City of Rockville's Fee Schedule for fine amounts, if any.

Subd. 5. Falsifying Information. Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall be guilty of a misdemeanor, and upon conviction, be punished by a fine amount as listed on the City of Rockville's Fee Schedule.

4. Ordinance No. 2003-09: Noise Ordinance – Section 2.13.5 and Section 3.2, shall now state:

2.13.5. Penalties. Every owner or tenant of the premises where a party or gathering in violation of this section occurs, who is present at such party or gathering, is guilty of a petty misdemeanor. Further providing that any person who refuses to disburse from a party or gathering in violation of this section after being ordered by a police officer to do so, is guilty of a petty misdemeanor. See the City of Rockville's Fee Schedule for fine amounts, if any.

Section 3.2. This Ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy. Violation of this Ordinance is a petty misdemeanor punishable by a fine as listed in the City of Rockville's Fee Schedule.

5. Ordinance No. 2004-21: Regulating the Use of Snowmobiles – Section 13. Penalties, shall now state:

Any person who shall violate any provision of the Minnesota Statutes contained in this Ordinance shall be guilty of a misdemeanor. Any person who shall violate any provisions of this Ordinance not covered by the Minnesota Statutes is guilty of a petty misdemeanor and subject to fines listed in the City of Rockville's Fee Schedule.

6. Ordinance No. 2004-22: Regulating the Use of ATV's – Section 6. Penalties, shall now state:

Any person who shall violate any provision of the Minnesota Statutes contained in this Ordinance shall be guilty of a misdemeanor. Any person who shall violate any provisions of this Ordinance not covered by the Minnesota Statutes is guilty of a petty misdemeanor and subject to fines listed in the City of Rockville's Fee Schedule.

7. Ordinance No. 2006-32: Regulating the Use of City Parks, Prohibiting Certain Conduct Therein and Providing Penalties for Violation – Section 17.1. Penalty, shall now state:

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor. See the City of Rockville's Fee Schedule for fine amounts, if any.

8. Ordinance No. 2009-59: Regulating Dogs in the City – Section 91.13. Penalty, shall now state:

Any person who violates any provision of this Ordinance is guilty of a petty misdemeanor punishable by a fine listed in the City of Rockville's Fee Schedule.

9. Ordinance No. 2012-75: Regulating Parking During Snow Emergencies on All City Streets During Winter Months – Section 71.04 (C), shall now state:

Violators of this Ordinance will be subject to a penalty listed in the City of Rockville's Fee Schedule 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.

10. Ordinance No. 2013-77: Shade Tree – Subd. 16. Penalty, (A), shall now state:

Any person, firm, or corporation that violates any provision of this section shall, upon conviction, be guilty of a misdemeanor. The penalty, which may be imposed for any crime that is a misdemeanor under this section, including Minnesota Statutes specifically adopted by reference, shall be fined as listed in the City of Rockville's Fee Schedule.

11. Ordinance No. 2013-79: Rental Licensing – Section 1.11 Criminal Penalties, Subd. 1, shall now state:

In addition to any other penalties imposed by this ordinance, any Person, firm, corporation, or partnership who shall violate any of the provisions of this Ordinance shall be guilty of a

misdemeanor. Each violation of this Ordinance shall constitute a separate offense. See the City of Rockville's Fee Schedule for fine amounts, if any.

SECTION 2.

Certification and Publication: The Rockville Administrator/Clerk shall certify to the adoption of this ordinance and cause the same to be published. The following is the official summary of Ordinance No. 88 approved by the City Council on January 10, 2018:

On January 10, 2018, the City Council for the City of Rockville adopted an ordinance amending ordinances, setting penalties for ordinance violations, and amending certain sections of the City of Rockville's ordinances. A complete, printed copy of the Ordinance is available for inspection by any person during regular office hours at the City Administrator-Clerk's office.

SECTION 3.

Fee Schedule: See City of Rockville Current Fee Schedule On File at Rockville City Hall.

SECTION 4.

Effective Date: This ordinance shall be effective upon publication.

Approved this 10 day of January, 2018.

No one from the public requested to speak to the issue.

Motion by Schaefer, second by Tallman, to close the Public Hearing at 6:41 p.m. Motion passed unanimously.

Council held a brief discussion.

Motion by Schaefer, second by Tippelt, to approve Ordinance 2018-88 amending ordinances, setting penalties for ordinance violations, and adjusting the city fee schedule as presented. Motion passed unanimously.

b) PUBLIC HEARING – City Fees and Charges

Mayor Willenbring opened the public hearing at 6:42 p.m. to allow public comment on the following:

1) Resolution 2018- Updating 2018 City Fees and Charges

Paul Betz, 156 Broadway Street East, disagreed with the proposed increase in the Alcohol and Tobacco License fees.

George Bechtold, 244 Broadway Street West, disagreed with the proposed fee schedule.

Motion by Schaefer, second by Tippelt, to close the Public Hearing at 6:47 p.m. Motion passed unanimously.

Council held extensive discussion on the proposed city fee schedule.

Motion by Simon, second by Tallman, to postpone updating the 2018 City Fees and Charges until the March 2018 Council Meeting. Motion passed unanimously.

Item 10) RFP City Engineer

After a roll call poll of the Councilmembers, it was unanimous for Bolton and Menk to be the new City Engineer.

Motion by Tallman, second by Tippelt, to approve Resolution 2018-04 Approval of Engineer Services with Bolton and Menk. Motion passed unanimously.

Item 11) RFP Legal

The Mayor polled the members regarding who they wished to be the new legal firm for the City. Members Tallman, Tippelt, Schaefer and Willenbring voted for JKA and member Simon voted for Rinke Noonan. The result was a 4 to 1 poll for JKA to be the new City Attorney.

Motion by Tallman, second by Tippelt, to approve Resolution 2018-05 Approval of Legal Services with Jovanovich Kadlec and Athmann (JKA). Motion carried.

Item 12) RFP Building Official

Motion by Simon, second by Schaefer, to postpone any action on the RFP for Building Official. Motion passed unanimously.

Item 13) Resolution 2018- 06 Annual Appointments

Motion by Tallman, second by Simon, to approve Resolution 2018-06 Annual Appointments. Motion passed unanimously.

Item 14) MIDCO Internet Renewal Agreement

Motion by Tallman, second by Simon, to approve renewing, for a five year term, the MIDCO Internet Renewal Agreement as presented. Motion passed unanimously.

Item 15) Resolution 2018-07 Supporting Respectful Workplace

Motion by Simon, second by Tippelt, to approve Resolution 2018-07 Supporting Respectful Workplace. Motion passed unanimously.

Item 16) Moratorium on Subdivision (Member Schaefer)

Schaefer discussed with Council the need of a moratorium on subdivisions. After a brief discussion the consensus was to hold a Public Hearing at the March City Council meeting to address a moratorium on the plating process.

Item 17) Appropriations, Allocations and Transfers

- a) Council Action – No action items.

Item 18) Mayor/Council Reports

- a) RTCB – Willenbring provided a brief update on the ROCORI Trail.
- b) Communication Task Force – Next meetings are scheduled for January 15, 2018 and February 5, 2018
- c) Ordinance Review Task Force – Committees have been established. Council held a brief discussion on the Ordinance Review Task Force expectations.
- d) Hwy 23 Coalition – Willenbring spoke briefly about the recent Hwy 23 Coalition events.
- e) RTU – Tallman
- f) Stearns County Shoreland Training – February 8, 2018
Shoreland Ordinance Review Task Force members are encouraged to attend this workshop. The Shoreland Ordinance Committee will be meeting after the training is completed.

Item 19) Other

Item 20) Future Agenda Items

Item 21) Closed Meeting

Per State Statute 13D.05 subd. 3. (a) Employee Evaluation of City Administrator Martin Bode.
Council recessed at 8:15 p.m.

Item 22) Reconvene Council Meeting

Reconvene Council meeting at 9:39 p.m.

- a) Summarize closed meeting.

Mayor Willenbring stated that the Council has completed its evaluation of Administrator Bode and noted the following:

- The Council and Bode had unique discussions
- Bode received a passing grade well beyond mediocre, mostly into satisfactory and above
- Bode is requesting that his step increase be given to the other four PERA eligible full time employees and that he be allowed to advance to step 7 (31 days per year) of the City's PTO leave policy.

Motion made by Schaefer, second by Simon, to approve Administrator Bode's evaluation and to also approve of the two above noted request from Bode regarding his step increase and PTO request. Motion carried. Member Tallman noted that his opposed vote was in regards to the PTO request only.

Item 23) Adjourn

Motion made by Tallman, second by Tippelt, to adjourn the meeting at 9:45 p.m. Motion carried.

Respectfully Submitted,

*Martin M. Bode
City Administrator*