

## ROCKVILLE CITY COUNCIL MEETING MINUTES

August 14, 2019  
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 members were present: Duane Willenbring, Bill Becker, Brian Herberg, and Don Simon. Absent: Jerry Tippelt.

Staff members present: City Administrator, Martin Bode; Public Works Director, Gene Van Havermaet; City Engineer, Justin Kannas; and City Attorney, Sue Kadlec.

Others present: various members of the public.

### Item 4) Additions/Approval of Agenda

Mayor Willenbring noted that Item 14 and 15 are to be removed from the agenda.

***Motion by Becker, second by Simon, to approve the agenda with the removal of Item 14 and 15 as noted. Motion carried.***

### Item 5) Public Comment

Jeff Howe, 10251 County Road 47, expressed his opposition to the Hieserich dba Pickups N Powersports Interim/Conditional Use Permit.

Sheri Howe, 10251 County Road 47, for several reasons stated she was opposed to the Hieserich dba Pickups N Powersports Interim/Conditional Use Permit.

Carol Dietman, 10059 County Road 47, spoke in opposition of the Hieserich dba Pickups N Powersports Interim/Conditional Use Permit.

Jesse Luckeroth, 25699 Lake Road, in reference to his Variance Request stated the accessory structure siding will match the principal structure.

Carol Dietman, 10059 County Road 47, questioned the shouldering work on Chapel Road (Street). She inquired about guard rails.

### Item 6) Resolution 2019-32 Acceptance of July 2019 Donation

***Motion by Herberg, second by Becker, to approve Resolution 2019-32 Acceptance of the July 2019 Donation. Motion passed unanimously.***

### Item 7) Approval of July 2019 Bills Paid

***Motion by Herberg, second by Simon, to approve the July 2019 Bills Paid - noting that Herberg abstained from check #019230. Motion passed.***

### Item 8) Consent Agenda

- a) Approval of Rockville City Council Minutes of July 10, 2019
- b) Acknowledge July 2019 Sheriff's Report
- c) Acknowledge July 2019 Building Permits
- d) Resolution 2019-33 – Approval of Summary Ordinance 2019-99
- e) Resolution 2019-37 Approval of One Probationary Firefighter

***Motion by Becker, second by Herberg, to approve the Consent Agenda as presented. Motion passed unanimously.***

### Item 9) Highway 23 Coalition 2020 Membership – Connie Schmoll

Connie Schmoll provided Council a Highway 23 Coalition progress update and 2020 Membership request.

### Item 10) Department Reports

- a) Planning Commission – Chairman Bill Becker
  1. Resolution 2019-34 – Luckeroth Variance Application

**Staff Report**

**Re:** Variance Request by:

**Applicant:** Jesse R. Luckeroth

**Owner:** Jesse R. Luckeroth, John C. and Vicky L. Rozycki

PIN: 76.41720.0001

Property Address: 25699 Lake Road, Rockville, MN

**Variance(s) Requested:**

1. Locate a new accessory structure in the front yard of property - (Section 9, Subd 2.D.1 – rear yard only)
2. Additional Driveway (Section 11, Subd 7.14 Urban lots subject to single-family uses shall be limited to one (1))
3. Accessory building siding won't match principal structure

**Relevant Information:**

1. Property is zoned R-1. Shoreland Overlay District. Pleasant Lake.
2. Property contains approximately 5.5 +/- acres.
3. House sits too close to the rear yard property line to build accessory in the back yard.
4. 19 Public Hearing notices were mailed out.

**Action:**

1. Findings of Fact

**Recommendation:**

1. Consider approval

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***Motion by Herberg, second by Simon, to approve Resolution 2019-34 – Luckeroth Variance Application noting that the siding will match the principal structure. Motion passed unanimously.***

2. Hieserich dba Pickups N Powersports Interim/Conditional Use Permit

**Staff Report**

RE: Conditional/Interim Use Application in an Ag-40 Agricultural Zoning District.

**Owner:** Maureen A. Hieserich dba Pickups N' Powersports

Property Address: 10213 County Road 47, Rockville MN

Parcel I.D. No. 76.41626.0300

**Request:**

Temporary one (1) year Interim/Conditional Use Permit to operate a vehicle repair shop.

**Relevant Information:**

1. Property is zoned Ag-40
2. Property size is 12.6 +/- acres
3. Property Owner (prior to moving the business) had been informed that this was NOT a permitted use.
4. Currently operating as an illegal non-conforming use
5. Property use adjacent to the West is Residential, 12.18 +/- acres
6. Property use adjacent to the East is zoned B-2 General Business District, 14.5 +/- acres (Grandfathered In)
7. North and South properties are Agricultural uses
8. 11 Notices of public hearing were sent out.

**Recommendation/Conditions:**

Maureen Hieserich, 10213 County Road 47, and her son, Justin, provided Council with an explanation of the permit request.

The Council reviewed the following possible conditions that could be stipulated as part of the CUP:

1. Hours of operation shall be between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. For business as well as personnel use.
2. Must obtain and maintain a Hazardous Waste Licensee from the Minnesota Pollution Control Agency (MPCA).
3. Must provide secondary containment for all hazardous waste.
4. Installation of 5-foot-tall trees spaced every 12 feet on the west property line.
5. All outside parked vehicles must have current licenses.

6. All outside parking must be on improved surface (gravel, tar, or concrete).
7. No outside storage of "refuse" as defined by Section 8 of the Rockville Zoning Code i.e. junk cars, parts, steel, iron, rubbish.
8. Solid waste services must be provided by a City of Rockville permitted hauler on a weekly basis.
9. Property owner is responsible for all cost(s) associated with enforcement of the terms of the conditional use permit.
10. Must place \$3,000.00 into a City escrow account.
11. This Conditional Use Permit is good for one (1) year from the date of Council approval.

Council held further discussion and made the decision to postpone taking action on the Conditional Use Permit Application and per State Statue 15.99, subd. 3 (f) by extending the 60-day rule by an additional 30 days. The reason for the extension is the City Council is referring the CUP application back to the Rockville Planning Commission for reconsideration to consider possible additional conditions to the CUP application. It is anticipated that the Rockville City Council will make their final decision at its next regular city council meeting on September 11, 2019.

***Motion by Herberg, second by Willenbring, to postpone action and refer the CUP application back to Planning Commission with a 30-day extension.***

***Roll Call Vote: Ayes: Becker, Willenbring, Herberg. Nays: Simon. Motion passed on a 3 to 1 vote.***

b) City Engineer, Justin Kannas, Bolton & Menk

1. 2019 Street Project

- a. Resolution 2019-35 Authorizing Pay Application No.1 Minnesota Paving & Materials

***Motion by Becker, second by Simon, to approve Resolution 2019-35 Authorizing Pay Application No. 1 to Minnesota Paving & Materials. Motion passed unanimously.***

- b. Resolution 2019-36 Chapel Street Shouldering Quote

***Motion by Becker, second by Willenbring, to approve Resolution 2019-36 Chapel Street Shouldering Quote. Motion passed unanimously.***

c) Public Works – Director Gene VanHavermaet

Council reviewed the Public Works written report.

**Item 11) Council Action**

**Item 12) Mayor/Council Reports**

ROCORI Area Community Foundation presenting Concert for a Cause, August 22, 2019 at Lions Community Park, Richmond.

**Item 13) Future Agenda Items**

- a) Special Council Meeting 2020 Budget

**Item 14) Removed**

**Item 15) Removed**

**Item 16) Adjourn**

***Motion by Becker, second by Simon, to adjourn the meeting. Motion carried. Meeting adjourned at 7:01 p.m.***

Respectfully submitted,

*Martin M. Bode  
City Administrator*