

ROCKVILLE CITY COUNCIL MEETING MINUTES
November 14, 2018
Rockville City Hall

Item 1) Call to Order

The meeting was called to order at 5:00 p.m. by Mayor Duane Willenbring.

Item 2) Recess to Council Workshop

- a) Stickney Hill Dairy – Glen Wood, Stickney Hill Dairy provided Council an update on their usage.
- b) Trail Head Pavilion – Concession Stand
- c) 2019 Budget – Discussion
- d) Chestnut and County Rd 82 Storm Water Issue
- e) Other – Declaring of excess property.

Item 3) Pledge of Allegiance

Item 4) Roll Call

Roll call was taken and the following members were present: Duane Willenbring, Don Simon, Rick Tallman, and Jerry Tippelt. Absent: Vince Schaefer

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

Others present: various members of the public.

Item 5) Additions/Approval of Agenda

Tippelt requested to add an item under: 15) Other.

Tallman requested (per the City Administrator) to remove item 11 a4) Advertise Open Seat.

Tallman requested to add under item 15) Other/Discussion on Water Meters.

Administrator Bode requested to move Item 13a) Council Action to be placed after Item 8.

Motion by Tallman, second by Tipplet, to approve the agenda with the additions as presented. Motion carried.

Item 6) Public Comment

Tudie Hermanutz, 211 1st Street West, wanted to say goodbye to the Rockville News column in the Cold Spring Record newspaper and introduced her replacement, Paul Hetland.

Jim Bartelme, 21917 Agate Beach Road, expressed concerned about the Shoreland Alteration Permit for Eddies on Grand and noted the public access be removed per David Nett's (Stearns County Environmental Services) recommendation.

Kevin Voigt, 7819 County Road 141, expressed concerns over the Council's action on rescinding the Schneider's subdivision application.

Item 7) Resolution 2018-43 Acceptance of June Additional 2018 Donations

Motion by Tallman, second by Simon, to approve Resolution 2018-43 Accepting of Donations/Contributions for November 2018. Motion passed unanimously.

Item 8) Consent Agenda

- a) Acknowledge Review of the October 2018 Bills Paid
- b) Approval Rockville City Council Minutes of October 10 and October 22, 2018
- c) Acknowledge October 2018 Sheriff's Report

Motion by Tallman, second by Simon, to approve the Consent Agenda as presented. Motion passed unanimously.

Item 13. Appropriations, Allocations, and Transfers

- a) Council Action

Fire Department Assistant Chief, Tim Massmann and Captain Rick Hansen, presented Council with the proposal for a new Mini Rescue Pumper truck.

Motion by Tippelt, second by Tallman, to approve the purchase of the pumper truck. Motion passed unanimously.

Item 9) Public Hearing - Ordinance Amending the City of Rockville Fee Schedule

Public Hearing opened at 6:24 p.m.

The following residents spoke in opposition to removing the water base rate fee for multi-units; Brian Herberg, James Roehrl, Joanne Schmitz, Bill Becker, Tim Byram, and Tyler Bitker.

Diane Willenbring, on behalf of the John Clark Co-op residents, spoke in favor of the water base fee removal.

Kevin Voigt, 7819 County Road 141, questioned whether this would affect his taxes.

Devin Cesnik, 9157 Athman Road, questioned if there was a conflict of interest from two members of the Council.

George Bechtold, spoke in favor of the removal of the base fee.

Motion by Tallman, second by Tippelt, to approve closing the Public Hearing at 6:40 p.m. Motion passed unanimously.

Council held extensive discussion about the water base fees.

Motion by Tallman, second by Willenbring, to approve removing the multi unit base water fees starting with the January 2019 billing cycle.

Roll call vote: Ayes; Tallman, Willenbring. Nays; Simon, Tippelt. Motion failed on a 2-2 vote.

Item 10) Public Hearing - Ordinance Subdivision Moratorium

Public Hearing opened at 7:15 p.m.

Bill Becker, 25844 Lake Road, opposed extending the subdivision moratorium.

Kevin Voigt, 7819 County Road 141, favored extending the subdivision moratorium.

Tim Byram, 25807 80th Avenue, spoke in opposition of the extension.

Devin Cesnik, 9157 Athman Road, opposed extending the subdivision moratorium.

Motion by Simon, second by Tippelt, to close the Public Hearing at 7:19 p.m. Motion passed unanimously.

Motion by Tippelt, second by Tallman, to approve the subdivision moratorium for 3 months.

Roll call vote: Ayes; Tippelt. Nays; Tallman, Willenbring, Simon. Motion failed on a 1-3 vote.

Item 11) Department Reports

a) Planning Commission – Planning Commission Chair Bill Becker

- 1) Ordinance 2018-94 Rezoning Ag-40 to R-1 – Devin Cesnik

Chairman Becker introduced the following rezoning application:

Staff Report

Re: Rezoning Application Ag-40 to R-1 in the Pleasant Lake Shoreland Overlay District

Owner: Devin R. Cesnik

Property Address: 9157 Athman Road, Rockville MN

Parcel I.D. No. 76.41619.0200

Request:

To change the current zoning district of Ag-40 to R-1 Single Family Residential District.

Relevant Information:

1. Property is currently zoned Ag-40.

2. Lot size is 10.93 +/- acres.
3. 10 notices of public hearing were sent out.
4. Purpose of request is to further subdivide parcel into lots smaller than 5 acres.
5. Not prime farmland.
6. Future Land Use Map shows Agricultural Transitional.

**Ordinance 2018-94 Rezoning Ag-40 to R-R – Devin Cesnik
Ordinance Approving Rezoning Application for Devin Cesnik Property**

WHEREAS, an application to Rezone the Devin Cesnik property from Ag-40 to R-1 has been received from Devin Cesnik; and

WHEREAS, the application was reviewed by the Rockville City Planning Commission at their November 13, 2018 Planning Commission Meeting, and;

WHEREAS, the Planning Commission held a Public Hearing for the Rezoning application on November 13, 2018; and

WHEREAS, persons wishing to address the Planning Commission were given an opportunity to do so; and

WHEREAS, proper notification and publication had been given; and

WHEREAS, the Planning Commission after discussion was not in favor of rezoning to R-1 but rather voted to approve Rezoning of said Devin Cesnik property from Ag-40 to RR and to forward this application on to the Rockville City Council for their consideration.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA that the Devin Cesnik Property is rezoned from Ag-40 to RR.

Adopted this 14th day of November, 2018.

Motion by Tallman, second by Simon, to approve Ordinance 2018-94 Rezoning Ag-40 to R-R – Devin Cesnik. Motion passed unanimously.

- 2) Resolution 2018-47 CUP/Shoreland Alteration Permit dba Eddies on Grand

Chairman Becker introduced the following conditional use application:

Staff Report

Re: Conditional Use Application in a B-2 General Business District on Grand Lake a General Development District and Shoreland Overlay District.

Owner: Hubert A. Mitchell LLC aka Eddies on Grand
Property Address: 21614 County Road 8, Rockville MN
Parcel I.D. No. 76.41650.0600

Request:

Shoreland Alteration Permit to install two retaining walls that exceed four feet in height and cut and fill request that exceeds 100 cubic yards.

Relevant Information:

1. Property is zoned
2. B-2 General Business District on Grand Lake a General Development District and Shoreland Overlay District.
3. 11 Notices of public hearing were sent out.
4. Property has impervious service concerns.
5. Application was reviewed by David Nett, Stearns County Environmental Services.

Recommendation:

Consider approval contingent on the conditions set forth by David Nett Stearns County Environmental Services:

1. All authorized cut, fill and retaining wall construction work completed within 21 days of project commencement.
2. All disturbed areas created by the project must be seeded and covered with erosion control blanket, hydro-seeded or sodded within 21 days of project commencement.

3. Submittal of an engineered stormwater plan to address runoff on the property.
4. Submittal of a construction plan for any retaining wall greater than 4 feet in height, from a Minnesota licensed professional engineer prior to work beginning. In addition, an as-built inspection shall be submitted from the engineer after the work is completed, ensuring the work was completed as designed.
5. Permit only authorizes work above the ordinary high water level.
6. Silt fence or bio-logs shall be constructed downslope and between the proposed work areas and the lake, prior to any dirt moving work commencing.
7. No work is authorized within the road right of way of County Road #8, without prior County Highway Department approval.
8. Implementation of a minimum 10 foot native vegetative buffer between the lake and any impervious surfaces or parking areas.

A Resolution Approving of a Conditional Use Application/Shoreland Application and Finding of Facts for Hubert A. Mitchell LLC dba Eddies on Grand

WHEREAS In granting a Conditional Use Permit, the City Council has considered the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding land including land values. Among other things, the City Council makes the following findings of fact:

1. Not a Burden on Public Facilities. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. Compatible with Existing and Planned Adjacent Uses. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area.
3. No Adverse Effect on Adjacent Properties. The structure and site will not have an appearance, traffic, noise, odors, fumes, dust, vibration, light or emission levels or other features that will have an adverse effect upon adjacent properties for purposes already in use or permitted.
4. Related to the Needs of the City. The use is reasonably related to the overall needs of the City and to existing land uses.
5. Consistent with the Comprehensive Plan. The proposed use is in compliance with the Land Use Plan and other portion of the Comprehensive Plan adopted by the City.
6. Not a Traffic Hazard. The use will not cause a traffic hazard or congestion.
7. Adequate Parking and Loading. Is not a concern with this Conditional Use Permit.
8. Not Detrimental to Health, Safety and Welfare. The proposed use will not be detrimental to the public health, safety, comfort and general welfare of the City.
9. Shoreland. For property located in Shoreland districts, the criteria set out in the Shoreland Ordinance will be met.

NOW THEREFORE; a motion was duly made by Tallman and second by Simon. The Rockville City Council does hereby adopt/approve of the aforementioned Finding of Fact and Conditional Use Application in the matter of the Hubert A. Mitchell LLC dba Eddies on Grand.

Adopted by the Rockville City Council this 14th day of November, 2018.

Motion by Tallman, second by Simon, to approve Resolution 2018-47 CUP/Shoreland Alteration Permit dba Eddies on Grand with the additions as noted. Motion passed unanimously and the Conditional Use Permit is approved to do a slope cutout, sand blanket and construct two retaining walls with the following conditions:

1. All authorized cut, fill and retaining wall construction work completed within 21 days of project commencement.
2. All disturbed areas created by the project must be seeded and covered with erosion control blanket, hydro-seeded or sodded within 21 days of project commencement.
3. Submittal of an engineered stormwater plan to address runoff on the property.

4. Submittal of a construction plan for any retaining wall greater than 4 feet in height, from a Minnesota licensed professional engineer prior to work beginning. In addition, an as-built inspection shall be submitted from the engineer after the work is completed, ensuring the work was completed as designed.
 5. Permit only authorizes work above the ordinary high water level.
 6. Silt fence or bio-logs shall be constructed downslope and between the proposed work areas and the lake, prior to any dirt moving work commencing.
 7. No work is authorized within the road right of way of County Road #8, without prior County Highway Department approval.
 8. Implementation of a minimum 10 foot native vegetative buffer between the lake and any impervious surfaces or parking areas.
 9. All current zoning violations must be brought into compliance prior to the issuance of this new Shoreland Alteration Permit. i.e. fence violation.
 10. The old boat landing must be eliminated.
 11. Parking spaces per Section 11, Subd 4 must be adhered to.
- 3) Building Permits October 2018 – Information only.
- b) **Public Works – Public Works Director Gene VanHavermaet**
- 1) Written report reviewed.
- c) **Engineering Report – Bolton & Menk Engineer, Justin Kannas**
- 1) 2018 Street Project

Item 12) Administration

- a) Ordinance Review – Set Council Workshop and Public Hearing
Date set for Tuesday, November 20, 2018 at 9 a.m.
- b) Resolution 2018-44 Canvassing the 2018 Elections
Motion by Tallman, second by Simon, to approve Resolution 2018-44 Canvassing the 2018 Elections. Motion passed unanimously.
- c) Resolution 2018-45 Certify to 2019 Tax Rolls - Outstanding Bills & Invoice
Motion by Simon, second by Tallman, to approve Resolution 2018-45 Certify to 2019 Tax Rolls – Outstanding Bills & Invoice. Motion passed unanimously.
- d) Resolution 2018-46 Declaring Excess Property
Motion by Tallman, second by Tallman, to approve Resolution 2018-46 Declaring Excess Property (building only). Motion passed unanimously.
- e) Tri City Cable 3rd Quarter Report – Written Report
- f) Tri City Cable Updated Joint Powers Agreement
Motion by Simon, second by Tallman, to approve the updated Tri City Cable Joint Powers Agreement. Motion passed unanimously.

Item 13) Appropriations, Allocations and Transfers (moved to earlier on agenda)

- a) Council Action

Item 14) Mayor/Council Reports

- a) RTU update provided by Member Tallman.
- b) SCML Meeting – Member Simon
- c) Annual Membership Meeting Hwy 23 Coalition

Item 15) Other

- 1) Tippelt commented on the removal of the railroad crossing sign on the Rocori Trail.
- 2) Water Meters (Tallman) questioned the excess property.

Item 16) Future Agenda Items

- 1) 911 Addressing

Item 17) Adjourn

Motion by Simon, second by Tallman, to adjourn the meeting. Motion carried. Meeting adjourned at 8:13 p.m.

Respectfully Submitted,

*Martin M. Bode
City Administrator*