

ROCKVILLE CITY COUNCIL MEETING MINUTES
December 13, 2017
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, Planning Commission Chairman, Bill Becker, and Emergency Management, Mike Hofmann.

Others present: Various members of the public.

Item 4) Approval of Agenda

Motion by Schaefer, second by Simon, to approve the agenda as presented. Motion passed unanimously.

Item 5) Public Comment

Paul Betz, 156 Broadway Street, spoke in opposition of the proposed 2018 City Fee Schedule and the impending increases.

Diane Willenbring, 25123 County Road 139, expressed concern about the recent inspections fees charged for rental units.

Marion Larson, Lloyd Lommel, Paul Massmann, Robert Schmelzer – County Road 141 residents expressed disapproval of the Schneider Preliminary Plat.

Item 6) Resolution 2017-83 Acceptance of November 2017 Donations

Motion by Tallman, second by Tippelt, to approve Resolution 2017-83 Acceptance of November 2017 Donations. Motion passed unanimously.

Item 7) Consent Agenda

- a) Acknowledge Review of the November 2017 Bills Paid and Journal Entries
- b) Approval Rockville City Council Minutes of November 8 and November 29, 2017
- c) Resolution 2017-84 2018 Annual Tobacco License Renewal
- d) Resolution 2017-85 Appointment/Reappointment of Planning Commission
- e) Resolution 2017-86 Approval of 2018 Sheriff's Contract
- f) Acknowledge Sheriff's November Activity Report

Motion by Schaefer, second by Tippelt, to approve the Consent Agenda as presented. Motion passed unanimously.

Item 8) Department Reports:

- a) Rockfest

Kathleen Stanger, spoke on behalf of the Rockfest Committee and explained that the Rockfest Committee is disbanding and will not be the planning committee for the City of Rockville's Rockfest.

However, as a final project the committee would like to see new "Welcome to Rockville" signage on Highway 23 at both ends of County Highway 82. It was noted the Rockville Sportsman Club has approximately \$5,000.00 to donate towards this estimated \$70,000.00 project. Stanger inquired of the Council if this was a project they felt was worthwhile to pursue and would the City help fund. Further discussion was held on funding, current signs, location, and the public's input. Council suggested that Stanger arrange a meeting with Administrator Bode to discuss the options that might be available.

b) Planning Commission (Chairman Bill Becker)

1) Resolution 2017-87 Preliminary Plat

STAFF REPORT

Re: Property Subdivision/Preliminary Plat, Variance and Rezone
Parcel I.D.No. 76.42170.0051 and 76.42170.0050 - Section 25, Township 123, Range 029
Owner: Irene Schneider Trust and Jonathan Schneider
Property Address: 7788 County Road 41
Plat known as: Schneider Farm

Request:

1. Preliminary Plat approval of fourteen (14) new lots and one (1) existing.
2. Rezone lots from Ag-40 to R-R and Amend the City's Future Land Use Map.
3. Variance to the side yard setback from 50' to 20' on all lots.

Relevant information:

1. Property is zoned Ag-40.
2. There are fourteen (14), new lots being proposed to be sub-divided.
3. Purpose is residential development.
4. Not conducive to long-term agriculture use; wooded area, rock outcroppings and marginal soils.
5. Concept Plan was reviewed by Planning Commission and Council in April of 2017.
6. 15 Public Hearing notices were mailed out.
7. Developers Agreement will be drafted prior to Final Plat.

Recommendation

Consider Approval of:

1. Preliminary Plat
2. Rezone lots from Ag-40 to R-R - Postpone
3. Variance of side yard setback from 50' to 20' in an R-R zoning district - Postpone
4. Developers Agreement – Pending

Chairman Becker noted for the Council that the Planning Commission recommends approval of the Schneider Farm Preliminary Plat but postpone any action on the rezoning and variance setback request.

Motion by Willenbring to approve Resolution 2017-87 Preliminary Plat. Motion failed due to lack of a second.

Mike Schneider, Schneider family representative, gave the Council a brief explanation and purpose of the Preliminary Plat.

Motion by Schaefer, second by Tippelt, to not approve of the Planning Commission recommendation regarding the Schneider Farm Preliminary Plat. Roll Call Vote: AYES: Schaefer, Tippelt, Tallman, Simon. NAYS: Willenbring. Motion passed on a 4 to 1 vote.

2) Ordinance 2017-87 Amending Section 14, Subdivision 9

Ordinance No. 2017-87 – Revisions to Zoning Ordinance Section 14; Non-Conforming Uses, subd.9; Expansion of Structures.

**ORDINANCE NO. 2017-87
ORDINANCE AMENDING SECTION 14, SUBDIVISION 9
OF THE CITY OF ROCKVILLE ZONING CODE**

WHEREAS, the City Council of the City of Rockville adopted official zoning controls (“Zoning Code”) pursuant to the authority granted in Minnesota Statutes, Chapter 462 in April 2003 which replaced all pre-existing official controls; and

WHEREAS, the City Council has previously amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 2006-30, 2007-40, 2007-41, 2007-42, 2007-43, 2007-44, 2008-45, 2008-46, 2008-47, 2008-49, 2008-50, 2008-51 and 2008-53; 2009-58, 2009-61, 2009-62, 2009-63, 2010-64, 2011-69, 2011-70, 2011-73, 2012-74, 2012-76, 2014-82, 2015-84, 2016-85, and 2017-86; and

WHEREAS, the City Council has the authority pursuant to Minnesota Statutes, Chapter 462 to amend the official zoning controls; and

WHEREAS, the City Council has been made aware of a recent court ruling where the court applied Section 14, Subdivision 9 of the Zoning Code in a manner that was not intended by the City; and

WHEREAS, the City Council desires to amend the Zoning Code to clearly reflect that Section 14, Subdivision 9 was not intended to require that lawful, nonconforming lots of record in existence when the Zoning Code was enacted in 2003 be brought into dimensional conformity with the building lot area, lot width, lot depth, or lot frontage requirements in the Zoning Code as a condition of expanding, enlarging, or reconstructing a structure on such a lot; and

WHEREAS, a public hearing was held on December 5, 2017 before the City Planning Commission, and members of the public were given an opportunity to comment on the proposed Amendment.

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY ORDAIN TO AMEND THE ROCKVILLE ZONING CODE AS FOLLOWS:

SECTION 14: NON-CONFORMING USES, Subdivision 9: EXPANSION OF STRUCTURE is amended to read as follows:

Subdivision 9: EXPANSION OF STRUCTURE

No structure existing at this Ordinance’s adoption may be expanded, enlarged, or reconstructed to increase its floor area by twenty-five percent (25%) or more without bringing the site into compliance with this Ordinance’s requirements, including but not limited to businesses and industrial properties providing sufficient parking for the entire building, paving the parking lot area if not previously paved, providing fencing as may be required by this Ordinance, and providing screening for refuse storage. The term “site” as used in this Subdivision does not include a legal, non-conforming lot of record in existence when this Code was adopted, and this Subdivision does not apply to a situation where a structure on such a legal, non-conforming lot is being expanded, enlarged or reconstructed to increase the structure’s floor area by twenty-five percent (25%) or more.

Chairman Becker noted for the Council that the Planning Commission recommends approval of Ordinance 2017-87 Amending Section 14, Subdivision 9

Motion by Tippelt, second by Schaefer, to approve Ordinance 2017-87 – Amending Section 14, Subdivision 9; expansion of structures. Motion passed unanimously.

3) Developers Agreement – Voigt Pleasant Estate Plat 3

Chairman Becker noted for the Council that the Planning Commission recommends approval of Voigt Pleasant Estate Plat 3, further noting that the Stearns County Recorder’s office has made some minor wording corrections but the intent and spirit of the agreement has not changed.

Motion by Tallman, second by Simon, to approve the Voigt Pleasant Estate Plat 3 Developers Agreement. Motion passed unanimously.

c) Emergency Management (Mike Hofmann)

1) Resolution 2017-88 Promoting the Use of Intrastate Mutual Aid Agreement

Motion by Tallman, second by Simon, to approve Resolution 2017-88 Promoting the Use of Intrastate Mutual Aid Agreement. Motion passed unanimously.

2) Siren Quotes (Action to be taken under Item 10.a – Council Action)

Mike Hofmann reviewed with the Council two quotes that have been received for a new warning siren. This new siren would be installed near the intersection of Highway 23 and County Road 82 West. This new siren would replace the current and outdated siren that is located near the John Clark Elementary School.

Hoffmann also informed the Council that Geyer Signs has donated 10 light weight barricades to the Rockville City Emergency Management and the Rockville City Fire Department. The value of the donation is over \$1,500.00.

d) Public Works

1) November written report

2) P/T Seasonal Winter Help. Administrator Bode informed the Council that a help wanted ad had been placed in the Cold Spring Record for a part-time seasonal snow plow operator. One individual responded and will be interviewed this week.

3) Council reviewed the City Engineer's memo regarding the Lift Station Samplers and the final pay request to Kuechle Underground of \$29,884.79. It was noted that the January Pay Request No 2 of \$25,618.73, that was on hold per City Engineers request he is now recommending release of these funds as well. (Council Action - Item 10a)

Item 9) Administration

a) Resolution 2017-89 2018 Budget (Includes 1.5% COLA) (Open to Public Comment)

Motion by Schaefer, second by Tippelt, to close the Public Comment at 7:30 p.m. Motion passed unanimously.

Motion by Tallman, second by Simon, to remove the 1.5% COLA from the budget. Motion passed unanimously.

Motion by Tallman, second by Schaefer, to remove \$9,336.00 for Rockfest from the budget.

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

Motion by Simon, second by Tippelt, to approve the Resolution 2017-89, 2018 Budget of \$1,310,716.00. Motion passed unanimously.

b) Resolution 2017-90 Updating 2018 City Fees and Charges

Motion by Tippelt, second by Tallman, to postpone Resolution 2017-90 Updating 2018 City Fees and Charges. Motion passed unanimously.

c) Resolution 2017-91 Highway 23 Corridor of Commerce

Motion by Tallman, second by Schaefer, to approve Resolution 2017-91 Highway 23 Corridor of Commerce. Motion passed unanimously.

d) RFP City Engineer (x3)

e) RFP Legal (x3)

f) ***Motion by Schaefer, second by Tippelt, to approve postponing any action regarding the RFP for engineering and legal to a City Council Workshop on Wednesday, January 3, 2018 at 9:00 a.m. Motion passed unanimously.***

g) RFP Building Official

It was noted that as of today, no RFP for a Building Official has been received by City Hall. Council held a brief discussion and requested staff to submit an additional RFP Building Official ad in the Cold Spring Record.

~~h) Stickney's Sewer Bill Adjustment~~

i) Street Light Addition – Broadway Street (between P.O. and Apartments)

Motion by Tippelt, second by Tallman, to request Xcel Energy to proceed with the installation an additional street light on Broadway Street (between the Post Office. and the apartments). Motion carried unanimously.

Item 10) Appropriations, Allocations and Transfers

a) Council Action

Motion by Tallman, second by Simon to approve the Appropriations, Allocations and Transfers as presented. Motion passed unanimously.

Item 11) Mayor/Council Reports

- a) RTCB – no activity to report.
- b) LMC Leadership Conference - FYI
- c) Mill Creek Update – coming Spring 2018
- d) Communication Task Force – meeting every 2 weeks
- e) Ordinance Review Task Force – starting the beginning of 2018
- f) Hwy 23 Coalition - FYI
- g) RTU – Tallman provided Council with an RTU Committee update for 2018 street improvements plans.

Item 12) Other

Item 13) Future Agenda Items

To be added to the workshop agenda:

- Additional signal light at the intersection of Highway 23 and County Road 82 W.

Item 14) Adjourn

Motion made by Simon, second by Tippelt, to adjourn the meeting at 8:40 p.m. Motion carried.

Respectfully Submitted,

*Martin M. Bode
City Administrator*