

ROCKVILLE CITY COUNCIL MEETING MINUTES
February 14, 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; Planning Commission Chair, Bill Becker; Bolton & Menk Engineer, Justin Kannas; JKA Law Firm City Attorney, Susan Kadlec.

Others present: Various members of the public.

Item 4) Approval of Agenda

Tallman requested to add:

8. b) Meeting Pay

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

Item 5) Public Comment

Kevin Voigt, 7819 Co. Rd. 141, questioned the process of a Qualified Minor Subdivision as it relates to holding a Public Hearing. Mr. Voigt also inquired into the previous subdivision on the Schneider property as it relates to any declarations of restriction that may have been previously recorded.

Item 6) Consent Agenda

- a) Acknowledge Review of the January 2018 Bills Paid and Journal Entries
- b) Approval Rockville City Council Minutes of January 10, 2018
- c) Acknowledge January 2018 Sheriff's Report
- d) 2018-2019 Maine Prairie Township Fire Contract

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

Item 7) Department Reports:

- a) TRI CITY Cable Update – Committee Member Roger Schmidt

Mr. Schmidt noted that a Tri City Cable financial report was in the Council's packet and if they had any questions he would be happy to try and answer them. Schmidt also stated that Brad Busse has now been hired as a full time employee and the board is looking into hiring a part time person to assist Brad. Projects the Tri City Cable Board are looking into for the upcoming year include wiring the Rocori football field in Cold Spring and the arena in Richmond so sport activities can be broadcasted live.

- b) Planning Commission – Bill Becker

- 1) Resolution 2018-08 Elaine Barnier Revocable Trust – Setback & Impervious Service

Staff Report

Re: Setback and Variance Request

Owners: Elaine Barnier Revocable Trust

Property Address: 25878 Lake Road

Parcel No. 76.41602.0050

Variance(s) Requested:

1. To exceed the 20 percent impervious surface requirement in a R-1-Shoreland Overlay District on Pleasant Lake, a Recreational Development Lake, and;
2. To exceed the 10 foot side yard setback requirement.

Relevant Information:

1. Owners propose to remove existing cabin and garage.
2. Existing garage is currently 2 feet off the side yard property line and within 35 feet of rear yard setback (street side).
3. Construct a new 87' x 32' home with attached three stall garage.
4. New attached garage on the NW (street side) would be inside the side yard setback by 1.4 feet for approximately 30 feet and NOT inside the rear yard setback.
5. Property contains 12,501 square feet more or less.

Impervious Service:

1. 15% is 1,875 sf
2. 20% is 2,501 sf
3. 25% is 3,126 sf
4. Proposed is 3,044 (24.4%)
5. 10 notices of public hearing were sent out.

Recommendation:

1. Consider approval with the stipulation of installation of a rain garden for mitigation of 1,169 sf of run-off.

Motion by Tallman, second by Simon, to approve Resolution 2018-08 Elaine Barnier Revocable Trust – Setback & Impervious Service Variance Request as presented.

Gary Barnier, property owner, provided Council the project details. Mayor Willenbring explained that he had done research at the county courthouse to review the recorded deeds and in his opinion the proposed new garage location would still be in the road right-of-way. It was noted there may be discrepancy between the recorded deed and the current survey. Also noted was the fact that the proposed new garage was further back from the road than the current garage that is proposed to be removed.

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

2) Resolution 2018-09 James and Jacqueline Voigt – Pre/Final Plat Land Survey No. 14

Staff Report

RE: James and Jacqueline Voigt Subdivide Property,
Preliminary and Final Plat - Land Survey No.14
Owner: James and Jacqueline Voigt
Property Address: Pleasant Road
Plat known as: Registered Land Survey 14
Legal Description: Parcel I.D. No. 76.41601.0300 - Section 01, Township 123, Range 029, Stearns County, Minnesota, 17.30 A. PT OF GOV'T LOT 2 LYING NW OF RD & NE OF PLEASANT BEACH LESS PART COM SE COR LOT 1 PLEASANT BEACH ADDN-NELY 77.62'-NWLY TO SL PLEASANT LAKE-WLY ALG SL TO NE COR LOT 1-SELY ALG NELY LN LOT 1 TO POB.

Request:

1. Preliminary and Final Plat - Land Survey No. 14 subdividing three (3) new lots.

Relevant Information:

1. Property is zoned R-1.
2. Parcel is riparian and non-riparian.

3. There are three (3), new lots being proposed.
4. Purpose is Residential Development:
 - a) Tracts A and B to be developed and hooked up to city sewer.
 - b) Tract C to be attached to Lot 8 Schmitt's Pleasant View.
5. 10 Public Hearing notices were mailed out.
6. Is consistent with the city's Comprehensive Plan.

Staff Recommendation:

1. Consider Approval

Administrator Bode informed the Council that the applicants are requesting to change the request from a Registered Land Survey No 14 to a Preliminary and Final Plat via the 505 plat process to be known as Pleasant Estates Plat 4.

New legal description:

Outlot A, Pleasant Estates Plat 4, Stearns County, Minnesota.

Lot 1, Block 1, Pleasant Estates Plat 4, Stearns County, Minnesota.

Lot 2, Block 1, Pleasant Estates Plat 4, Stearns County, Minnesota.

Tim Byram, 25807 80th Ave., provided Council a brief overview of the property.

Member Schaefer inquired as to the feasibility of providing City water and gravity sewer services to this Voigt subdivision. City Engineer informed the Council that he has reviewed this option but do to the cost ineffectiveness this option in his opinion is not a viable option for this Voigt subdivision.

Motion by Simon, second by Tippelt, to approve Resolution 2018-09 James and Jacqueline Voigt – Preliminary and Final Plat to be known as the Pleasant Estates Plat 4 with the amended legal description and contingent on the City Engineer's final approval. Motion passed unanimously.

3) Resolution for the Irene Schneider Trust – Qualified Minor Subdivision and **AMENDED** Rezone

Chairman Becker informed the Council that the Planning Commission vote on this issue resulted in a split 2-2 vote therefore a tie vote means the motion to approve of the Schneider application failed.

Staff Report

RE: Qualified Minor Subdivision and Rezone

Parcel I.D. No. 76.42170.0051 - Section 25, Township 123, Range 029

Owner: Irene Schneider Trust

Property Address: County Road 141

Request:

1. Rezone Parcel from Ag-40 to RR and Amend the City's Future Land Use Map
2. Qualified Minor Subdivision of two (2) new lots

Relevant Information:

1. Property is zoned Ag-40.
2. Property is 94.64 +/- acres.
3. There are two (2), new lots (5 +/- acres each) being proposed to be sub-divided.
4. Purpose is residential development.
5. Property not conducive to long-term agriculture use; wooded area, rock outcroppings, and marginal soils.
6. Rezoning does require a Public Hearing as well as Planning Commission and Council approval. 16 Public Hearing notices were mailed out.
7. QMS do not require a Public Hearing but does require Planning Commission and Council approval.

Action Items:

1. Rezoning Application A-40 to RR
2. QMS Application

Dan Kron, surveyor, O'Malley & Kron Land Surveyors, stated he was working with the Schneider's and answered general questions regarding the Schneider application.

Schaefer requested a signed copy of the amended rezone request. Mr. Schaefer also pointed out that the City's Subdivision Ordinance, Section 11, Subdivision 1, Item 3 states that prior to City Council the action must first receive "approval" from the Planning Commission.

Motion by Simon to approve the Resolution for Irene Schneider Trust – Qualified Minor Subdivision and Amended Rezone as presented. Motion failed due to lack of a second.

Motion by Willenbring, second by Tippelt, to postpone the Resolution for the Irene Schneider Trust – Qualified Minor Subdivision and Amended Rezone until the March City Council meeting after the March 6, 2018 Planning Commission review. Roll Call Vote: AYES: Tallman, Tippelt, Schaefer, Willenbring. NAYS: Simon. Motion passed on a 4 to 1 vote.

- c) Public Works Report – Public Works Director, Nick Waldbillig

Nick Waldbillig was available to answer any of the Council questions regarding his monthly written report. Administrator Bode informed the Council that Director Waldbillig is looking into replacing the old and failing Council Chamber lights.

- d) City Engineer – Introductions

Justin Kannas, Bolton & Menk Engineer

- e) City Attorney – Introductions

Susan Kadlec, Jovanovick Kadlec & Athmann (JKA) Law Firm Attorney

Item 8) Administration

- a) Public Hearing – Ordinance 2018-89 Fees for Fire Service Within City

Ordinance No. 2018-89

AN ORDINANCE ESTABLISHING FEES FOR EMERGENCY PROTECTION FIRE SERVICES FOR PROPERTY WITHIN THE CITY

The City Council of Rockville, Minnesota ordains:

Section One: Purposes and Intent

This ordinance is adopted for the purpose of authorizing the City of Rockville to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

Section Two: Definitions

- (A) "Fire service" means any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
- (B) "Fire service charge" means the charge imposed by the City for receiving fire service.
- (C) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles, or park trailers.

- (D) "Fire protection contract" means a contract between the City and a town or other city for the City to provide fire service.
- (E) "Mutual aid agreement" means an agreement between the City and a town or other city for the City's fire department to provide assistance to the fire department of a town or other city.

Section Three: Parties Affected

- (A) Owners of property within the City who receive fire service.
- (B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.
- (C) Owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract.

Section Four: Rates

See the City of Rockville's Fee Schedule for fire amounts.

Section Five: Billing and Collection

- (A) Parties requesting and receiving fire services may be billed directly by the City. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.
- (B) Parties billed for fire service will have 30 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.
- (C) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
- (D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the services owns real property for collection with property taxes. The county auditor is responsible for remitting to the city all charges collected on behalf of the city. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.
- (E) False alarms will be billed as per fee schedule.

Section Six: Mutual Aid Agreement

When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

Section Seven: Application of Collections to Budget

All collected fire charges will be city funds and used to offset the expenses of the City fire department in providing fire services.

Section Eight: Effective Date

The ordinance shall become effective upon publication.

Kevin Voigt, 7819 Co. Rd. 141, questioned the fees for fire services.

Motion by Simon, second by Schaefer, to close the Public Hearing at 7:27 p.m. Motion carried unanimously.

Council discussed the pros and cons of billing for fire/rescue services. It was further clarified that the actual fees and rates would be set by the City of Rockville Fee Schedule.

Motion by Willenbring, second by Tallman, to approve Ordinance 2018-89 - An Ordinance Establishing Fees for Emergency Protection Fire Services for Property within the City as presented. Roll Call Vote: AYES: Tallman, Willenbring. NAYS: Tippelt, Schaefer, Simon. Motion failed on a 2 to 3 vote.

b) Meeting Pay

Tallman inquired about meeting attendance pay. It was clarified that Councilmembers are paid to attend Council approved/appointed committee meeting or other Council approved/directed meetings. The key being either prior or post Council approved meetings.

Item 9) Appropriations, Allocations and Transfers

- a) Council Action – No action items.

Item 10) Mayor/Council Reports

- a) RTCB – No meeting in February. Willenbring provided a brief update.
- b) Census 2020 – Willenbring attended a class.
- c) Communication Task Force – Willenbring discussed some of the items the committee is looking into one in particular is possibly updating the City's website.
- d) Ordinance Review Task Force – Committees have been established and continue the ordinance review process.
- e) Hwy 23 Coalition – Upcoming meeting scheduled for March 9, 2018.
- f) RTU – Tallman provided a brief update and possible upcoming meeting dates.
- g) Shoreland Training – Tallman provided an update on the recent Stearns County Shoreland Training that he and other Shoreland committee members attended.

Item 11) Other

- Schaefer commented on his reasoning for voting “Nay” on the fire service fee – the ordinance should be *what* we are going to charge for – not how much. Ordinance should be are we going to charge or not. Not how much (fee). Council held a brief discussion.
- Willenbring and Schaefer will be attending the League of Minnesota Cities (LMC) 2018 Legislative Conference on March 21-22, 2018.
- Providing water services to the Pleasant Road residents.
- April City Council Workshop being planned.

Item 12) Future Agenda Items

Item 13) Adjourn

Motion made by Simon, second by Tallman, to adjourn the meeting at 8:22 p.m. Motion carried.

Respectfully Submitted,

*Martin M. Bode
City Administrator*