

## ROCKVILLE CITY COUNCIL MEETING MINUTES

January 8, 2020  
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

#### **Workshop Agenda**

- a) (Added) Interview Planning Commission Applicant Luke Greiner
- b) (Postponed) City Fees and Charges
- c) Annual Resolution 2020-07
- d) Zoning Ordinances

**Reconvene Council Meeting 6:00 p.m.**

### Item 3) Pledge of Allegiance

### Item 4) Roll Call

Roll call was taken and the following members were present: Duane Willenbring, Bill Becker, Brian Herberg, and Jerry Tippelt. Absent: Don Simon.

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

Others present: various members of the public.

### Item 5) Additions/Approval of Agenda

***Motion by Becker, second by Herberg, to approve the agenda with the following additions: add Item 9f) Resolution 2020-09 Appointment of Election Judges; add Luke Greiner to Item 9d) Resolution 2020-02 Appointment/Reappointment of Planning Commission; and add Sportmans Club to Item 15) Other. Motion carried.***

### Item 6) Public Comment

Rick Tallman, 912 3<sup>rd</sup> Street North, Cold Spring. City fee schedule.

Kevin Voigt, 7819 County Road 141. Zoning amendments.

Nathan Gill, 24994 Haywood Road. Snow plowing.

Tudie Hermanutz, 211 1<sup>st</sup> Street West. Water rate audit.

Ann Filla, 234 4<sup>th</sup> Street East. City sales tax.

Carol Dietman, County Road 47. City staff COLA.

### Item 7) Resolution 2020-01 Acceptance of December 2019 Donations

***Motion by Becker, second by Herberg, to approve Resolution 2020-01 Acceptance of December 2019 Donations. Motion passed unanimously.***

### Item 8) Approval of December 2019 Bills Paid

***Motion by Becker, second by Herberg, to approve the December 2019 bills paid - noting that Tippelt abstained from check #019604. Motion passed.***

### Item 9) Consent Agenda

- a) Approval Rockville City Council Minutes of December 11, 2019
- b) Acknowledge Review of the 4th Quarter 2019 Journal Entries
- c) Acknowledge December 2019 Building Permits
- d) Resolution 2020-02 Appointment / Reappointment of Planning Commission
- e) Acknowledge December 2019 Sheriff's Report
- f) Resolution 2020-09 Appointment of Election Judges

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

**Item 10) Public Hearing – Fire Billing Ordinance**

- a) Ordinance 2020-104

Council informed the public that the fire billing charges would *only* incur on vehicle incidents. Kevin Voigt, 7819 County Road 141, inquired about the type of accidents.

***There being no further comments from the public, motion by Becker, second by Herberg, to close the Public Hearing at 6:29 p.m. Motion carried.***

***Motion by Becker, second by Herberg, to approve Ordinance 2020-104 authorizing the City of Rockville to charge for emergency protection fire services for property within the city. Motion passed unanimously.***

**Item 11) Public Hearing – Amendments to the City of Rockville Zoning Ordinance**

- a) Ordinance 2020-105

Amy Grinsteiner, 11279 Hubert Lane, requested the Council explain the proposed changes.

Planning Commission Chair Becker reviewed the following current sign ordinance along the Interstate 94/Highway 23 corridor and modifications needed as indicated in red:

**ORDINANCE NO. 2020-105**

**ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF ROCKVILLE ZONING CODE**

**THE CITY COUNCIL OF THE CITY OF ROCKVILLE STEARNS COUNTY, MINNESOTA  
DOES HEREBY ORDAIN:**

**SECTION 8:**

**Amend Rockville's Zoning Ordinance SECTION 8: RULES AND DEFINITIONS**

**Subdivision 2: DEFINITIONS**

**“INTERSTATE 94 CORRIDOR” means Interstate 94 East and West of Highway 23 abutting Rockville city limits.**

**SECTION 9:**

**Amend Rockville's Zoning Ordinance SECTION 9: General Requirements Subdivision 2**

**D by: Subdivision 2: ACCESSORY BUILDINGS**

**D. Location on Property.** Accessory structures must be located on the property as provided in this paragraph:

1. In all Residential Districts (i.e. R-1, R-2, R-3 and RR) detached accessory buildings may only be located in the rear yard and side yard of the lot, except as required by Section 9, subd. 2(D)(2) or allowed by Section 9, subd. 2(D)(3)

**SECTION 12:**

**Amend Rockville's Zoning Ordinance SECTION 12 Signs by:**

**Subdivision 16: SIGN STANDARDS FOR GENERAL BUSINESS DISTRICT (B-2)**

- A. Permitted signage. Except as included below, all sign types are prohibited. The following sign types are permitted:
  1. One Freestanding sign per lot, **except Interstate 94 corridor two (2) freestanding per lot no closer than 500 feet, and**
- B. Maximum sign area.
  3. Maximum sign area of Freestanding signs.
    - a. If ~~fac~~**ing-abutting** Trunk Highway 23 – Three hundred (300) square feet.
    - b. If ~~fac~~**ing-abutting** other arterial or collector street – One hundred-twenty- five (125) square feet.
    - c. If ~~fac~~**ing-abutting** local street – One hundred (100) square feet.
    - d. **Interstate 94 corridor 800 feet**
- C. Maximum height of freestanding signs.
  1. If ~~fac~~**ing-abutting** Trunk Highway 23 – ~~Twenty-two (22)~~ **Thirty (30)** feet.
  2. If ~~fac~~**ing-abutting** other arterial or collector street – Twenty (20) feet.
  3. If ~~fac~~**ing-abutting** local street – Eighteen (18) feet.
  4. **Interstate 94 corridor 85 feet.**

**Subdivision 17: SIGN STANDARDS FOR INDUSTRIAL DISTRICTS (I-1/I-2)**

- A. Permitted signage. Except as included below, all sign types are prohibited. The following sign types are permitted:
  - 1. One Freestanding sign per lot, and **except Interstate 94 corridor two (2) freestanding per lot no closer than 500 feet.**
- B. Maximum sign area.
  - 3. Maximum sign area of Freestanding signs.
    - a. If ~~fac~~~~ing~~ ~~abutting~~ Trunk Highway 23 – Three hundred (300) square feet.
    - b. If ~~fac~~~~ing~~ ~~abutting~~ other arterial or collector street – ~~One hundred (100) square feet.~~ **One hundred-twenty-five (125) square feet.**
    - c. If ~~fac~~~~ing~~ ~~abutting~~ local street – ~~Seventy five (75) square feet.~~ **One hundred (100) square feet.**
    - d. **Interstate 94 corridor 800 feet**
- C. Maximum height of freestanding signs.
  - 1. If ~~fac~~~~ing~~ ~~abutting~~ Trunk Highway 23 – ~~Twenty (20) feet.~~ **Thirty (30) feet.**
  - 2. If ~~fac~~~~ing~~ ~~abutting~~ other arterial or collector street – ~~Eighteen (18) feet.~~ **Twenty (20) feet.**
  - 3. If ~~fac~~~~ing~~ ~~abutting~~ local street – ~~Sixteen (16) feet~~ **Eighteen (18) feet.**
  - 4. **Interstate 94 corridor 85 feet.**

**SECTION 16A:**

**Amend Rockville's Zoning Ordinance SECTION 16A Rural Residential District**

**Subdivision 3 by: Subdivision 3 - PERMITTED ACCESSORY USES**

The following accessory uses and structures are permitted subject to the performance and general development standards contained in of this Ordinance.

- a. Accessory buildings (**For Residential and Agricultural uses**)
  - 1) **ACCELERATED ACCESSORY STRUCTURE – ~~Private garages~~ Are permitted in all residential districts and rural residential (RR) based on the following accelerated structure and providing the exterior materials on the roof and side walls are visually similar to, comparable in quality/durability, and harmonious with the roof and side walls materials on the principal structure.**
    - 10,200 SF to 13,000 SF = 600 SF Building with 8' Side Walls**
    - 13,000 SF to 18,000 SF = 900 SF Building with 10' Side Walls**
    - 18,000 SF to 25,000 SF = 1,100 SF Building with 10' Side Walls**
    - 25,000 SF to 35,000 SF = 1,200 SF Building with 12' Side Walls**
    - 35,000 SF to 45,000 SF = 1,500 SF Building with 12' Side Walls with 15' setback from main structure**
    - 45,000 SF to 65,000 SF = 1,800 SF Building with 14' Side Walls with 20' setback from main structure**
    - 65,000 SF to 70,000 SF = 2,000 SF Building with 14' Side Walls (because of higher side walls)**
    - 70,000 SF to 85,000 SF = 2,400 SF Building with 14" Side Walls**

***There being no further comments from the public, motion by Becker, second by Herberg, to close the Public Hearing at 6:37 p.m. Motion carried.***

***Motion by Herberg, second by Becker, to approve Ordinance 2020-105 amending certain sections of the City of Rockville zoning code. Motion passed unanimously.***

**Item 12) Department Reports**

a) Planning Commission

- 1. Neitzke.LMN Properties LLC Rezoning Ordinance 2020-103

Planning Commission Chair Becker reviewed with Council the following Staff Report as it relates to the Rezoning and Qualified Minor Subdivision request from Neitzke dba LMN Properties LLC and noted that the Planning Commission at its January 7, 2020 meeting had reviewed, held a

public hearing and subsequently approved both of the applications and recommends Council approve them as well.

**Staff Report**

**Re:** 1) Rezoning Application 60 +/- acre parcel Ag-40 to RR  
2) Qualified Minor Subdivision of 5 acre building Site

**Owner:** Lysa Marie Neitzke dba LMN Properties LLC

**Address:** 25287 County Road 139, all in Section (5) in Township one hundred twenty-three (123), Range twenty-nine (29), Stearns County, Rockville, Minnesota. Parcel No. 76.41608.0800.

**Request:**

1. Rezone 60-acre parcel from Ag-40 to RR
2. Qualified Minor Subdivision of the 5-acre building site

**Relevant Information:**

1. Property contains 60 +/- acres.
2. Purpose of rezoning request is to subdivide as per Section 16A RR.
3. 1<sup>st</sup> subdivision application is a Qualified Minor to subdivide the 5-acre building site.
4. Additional subdivision of the remaining 55 acres by platting is anticipated.
5. Applicant is aware of wetland requirements as administered/governed by Stearns County Environmental Services.
6. 10 notices of public hearing were sent out.
7. Rezoning DOES require a public hearing and does require Planning Commission/Council approval.
8. Qualified Minor Subdivisions DO NOT require a public hearing but does require Planning Commission/Council approval.

**Recommendation:**

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**Motion by Herberg, second by Becker, to approve Ordinance 2020-103 Rezoning Ag-40 to RR application for Lysa Marie Neitzke dba LMN Properties LLC. Motion passed unanimously.**

2. Neitzke.LMN Properties LLC QMS Resolution 2020-03

**Motion by Herberg, second by Tippelt, to approve Resolution 2020-03 Neitzke LMN Properties LLC Qualified Minor Subdivision in an RR Zoning District. Motion passed unanimously.**

3. Frances Lenzmeier dba Mastermark / Stickney Hill Dairy – Resolution 2020-04

Planning Commission Chair Becker reviewed with Council the following Staff Report as it relates to the Variance request from Frances J. Lenzmeier dba Master Mark Inc. / Stickney Hill Dairy and noted that the Planning Commission at its January 7, 2020 meeting had reviewed, held a public hearing and subsequently approved the application and recommends Council approval as well.

**Staff Report**

**Re:** Variance Request

**Owner:** Frances J. Lenzmeier dba Master Mark Inc. / Stickney Hill Dairy

**Applicant:** Stickney Hill Dairy

**Property Address:** 1380 Prairie Drive, Rockville MN, PIN: 76.42146.0810.

**Request:**

Construct/erect a new 30-foot high free-standing sign (Section 12, Subd 17.C.1 – If facing Trunk Highway 23 – Twenty (20) feet).

**Relevant Information:**

1. Property is zoned I-1.
2. Property has 2.74 +/- acres.
3. Neighboring sign is by a variance 30 feet high (10.01.03).
4. 11 Public Hearing notices were mailed out.

**Action:**

1. Findings of Fact

**Recommendation:** Consider approval.

**Motion by Tippelt, second by Herberg, to approve Resolution 2020-04 granting the Variance for Frances J. Lenzmeier dba Master Mark Inc. / Stickney Hill Dairy to construct a 30-foot free standing sign in an I-1 zoning district. Motion passed unanimously.**

4. Lutgen.Hilltop Woods

a. Final Plat – Resolution 2020-05

Planning Commission Chair Becker reviewed with Council the following Staff Report as it relates to the Final Plat request from John and Lisa Lutgen and noted that the Planning Commission at its January 7, 2020 meeting had reviewed and subsequently approved the application and recommends Council approval as well.

**Staff Report**

**Re:** Final Plat known as Hilltop Woods

**Owner:** John and Lisa Lutgen

**Property's Legal Description:** The Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), LESS AND EXCEPT: The South one-fourth of the SE1/4 of NE1/4, all in Section (5) in Township One Hundred Twenty-three (123), Range Twenty-nine (29), Stearns County, Minnesota. Parcel No. 76.41607.0900.

**Request:**

To Final Plat Subdivide 30 +/- acres into five (5), 5.09 to 5.87 +/- acre lots.

**Relevant Information:**

1. Property was rezoned from Ag-40 to R-R with a PUD Overlay (May 8, 2019 Council meeting).
2. Lot size is 30 +/- acres.
3. Proposed Plat is five (5) lots at 5.09 to 5.87 +/- acres per lot.
4. Purpose is residential development.
5. Meets City of Rockville Zoning requirements of Section 16A: Rural Residential "R-R District".
6. Proposed access road would be Public.
7. Planning Commission Public Hearing for Preliminary Plat was on October 1, 2019.
8. Preliminary Plat was approved by Council Resolution 2019-47 on October 9, 2019 with conditions.

**Recommendation:**

Consider approval conditioned on City Engineer memorandum dated December 31, 2019.

**Motion by Herberg, second by Becker, to approve Resolution 2020-05 Final Plat for Lutgen/Hilltop Woods property. Motion passed unanimously.**

b. Developers Agreement

City Engineer, Justin Kannas reviewed with the Council the road construction requirements for the development.

John Lutgen, property owner, requested clarification on the agreement as it relates to section 9.2 certificate of occupancy. Mr. Lutgen was assured that he could receive a Temporary Certificate Occupancy (with meeting all other building code requirements) as it relates specifically for his new home on Lot No. 2 of Hilltop Woods Plat until such time as Section 9.2 requirements are completed.

**Motion by Becker, second by Herberg, to approve the Lutgen/Hilltop Woods Developers Agreement. Motion passed unanimously.**

c. SRWD Maintenance Agreement

**Motion by Becker, second by Tippelt, to approve the Sauk River Watershed District Maintenance Agreement. Motion passed unanimously.**

b) Engineering Report – City Engineer, Justin Kannas, Bolton & Menk

1. Sales Tax - Resolution 2020-06

Kannas reviewed his written report with the Council:

Based upon Council direction, we have researched the possibility of the City of Rockville implementing a Local Option Sales Tax to fund street improvement projects. Below is a summary of information pertaining to a Local Option Sales Tax:

- 1) The Minnesota Department of Revenue estimates annual revenue from a 0.5% Local City Sales and Use Tax would be \$26,000 for the City of Rockville.
- 2) Attached is a summary from the League of Minnesota Cities of the steps required to implement a Local Sales Tax.
- 3) A political subdivision may not advertise or expend funds for the promotion of a referendum to support imposing a local option sales tax, but a city may expend funds to:
  - a. Conduct the referendum
  - b. Disseminate information included in the resolution indicating the city council's approval of the tax
  - c. Provide notice of and conduct public forums at which proponents and opponents on the merits of the referendum are given equal time to express their opinions on the merits of the referendum
  - d. Provide facts and data on the impact of the proposed sales tax on consumer purchases
  - e. Provide facts and data related to the programs and projects to be funded with the sales tax.
- 4) It is recommended that the City Attorney and City's Financial Advisor be consulted on additional rules and requirements pertaining to the implementation and annual reporting and requirements of a Local City Sales Tax. Local Sales Tax.

If the City Council would like to proceed with the implementation of a Local Option Sales Tax, the next step would be to approve a resolution including the following information. Possible detailed information to be included in the resolution has been provided below for the City Council to consider. The resolution must be approved and sent to the Senate and House Tax Committee Chairs by January 31, 2020.

- Proposed tax rate
  - 0.5%
- Detailed description of up to five capital projects to be funded with the tax
  - Street improvements on Lake Road from County Road 6 to 1,000' south of Lena Lane
- Documentation of how each project will provide an economic benefit to residents, businesses, and visitors from outside the jurisdiction
  - Lake Road serves as a regional route to Pleasant Lake and the amenities surrounding Pleasant Lake including "The 400 Club" and Pleasant Lake Public Access. Pleasant Lake is a popular destination for many people in the region outside of the City of Rockville. The proposed street improvement project will greatly benefit the users of Pleasant Lake and the businesses around the lake.
- Amount of revenue to be raised for each project and the estimated time needed to raise funds
  - The estimated amount of revenue needed for this project is \$390,000. It is estimated to take 15 years to raise these funds with a 0.5% sales tax.
- Total amount of revenue to be raised for all projects
  - \$390,000
- Estimated length of time the tax will be in effect if all proposed projects are approved
  - 15 years

***Following discussion, a motion was made by Becker, second by Herberg, to approve Resolution 2020-06 a proposed sales tax within the City of Rockville. Roll call vote: Ayes; Becker, Herberg, Tippelt. Nayes; Willenbring. Motion passed on a 3-1 vote.***

2. Grant/Bonding Request

Engineer will proceed with the grant/bonding process for road improvements.

- c) Public Works - Director Gene VanHavermaet reviewed his written report with the Council.
- 12 float switches have been ordered, with any luck that amount will last, until this summer.
  - The last round of winter weather did cause some headaches, mostly due to the ice that accumulated on the road way.
  - We are putting together a new tool to try and unplug the sewer lines at the grinder stations, this will hopefully prevent having to dig them open.
  - All snow removal equipment has been working fine, no major break downs.
  - The water main that ran to the old water tower on Maple street, has been disconnected, this is something MDH inspector Kim Larsen has requested be done.

**Item 13) Administration**

- a) Resolution 2020-07 Annual Appointments

***Motion by Becker, second by Herberg, to approve Resolution 2020-07 Annual Appointments. Motion passed unanimously.*** It was noted that the regular monthly City Council meetings are held on the 2<sup>nd</sup> Wednesday of the month for a 5:00 p.m. Workshop (if needed) and 6:00 p.m. for the regular meeting and the Last Monday of the month at 9:00 a.m. for a workshop (if needed).

- b) Resolution 2020-08 Refuse Hauler Permits

***Motion by Herberg, second by Becker, to approve Resolution 2020-08 Refuse Hauler Permits. Motion passed unanimously.***

**Item 14) Appropriations, Allocations, Transfers and/or Actions**

- a) Council Action – none.

**Item 15) Other**

- a) Sportsman's Club

Member Tippelt reported that the club is not interested in the old Pleasant Lake City Hall building. City Administrator as per previous Council Action is again authorized to see to its removal.

**Item 16) Adjourn**

***Motion by Becker, second by Herberg, to adjourn the meeting. Motion carried. Meeting adjourned at 7:16 p.m.***

Respectfully submitted,

*Martin M. Bode*  
City Administrator