

ROCKVILLE CITY COUNCIL MEETING MINUTES
June 12, 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, and Jerry Tippelt.

Staff members present: City Administrator, Martin Bode; City Engineer, Justin Kannas; City Attorney, Chris Nelson; and Glen Wood, Stickney Dairy.

Others present: various members of the public.

Item 4) Additions/Approval of Agenda

Request was made by Member Tippelt to add 12d) IT/Audio.

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

Item 5) Public Comment

Amy Grinsteiner, 11279 Hubert Lane, stated she had a question regarding the Notes to Financial Statement that was part of the Council packet.

Item 6) Resolution 2019-23 Acceptance of May 2019 Donation

Motion by Simon, second by Tippelt, to approve Resolution 2019-23 Acceptance of May 2019 Donation. Motion passed unanimously.

Item 7) Approval of May 2019 Bills Paid

Motion by Herberg, second by Tippelt, to approve the May 2019 Bills Paid noting that Herberg abstained from check #019080, #019016, and #019138. Motion passed.

Item 8) Consent Agenda

- a) Approval of Rockville City Council Minutes of May 8 and 22, 2019
- b) Acknowledge May 2019 Sheriff's Report
- c) Acknowledge May 2019 Building Permits
- d) Approval of Grand Lake Fire Works July 4, 2019
- e) Resolution 2019-24 Approval of LG 220 Lawful Gambling Exempt Permit

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

Item 9) 2018 Audit Report – BerganKDV, Steve Wischmann

Steve Wischmann, Bergan/KDV, presented council with an overview of the 2018 Audit Report.

- a) Resolution 2019-25 Acceptance of the Year End 2018 Audit Report

Motion by Becker, second by Simon, to approve Resolution 2019-25 Acceptance of the Year End 2018 Audit Report. Motion passed unanimously.

Item 10) BerganKDV – IT Security, Steve Wischmann

- a) Security Assessment Quote

Steve Wischmann, BerganKDV, provided the Council with a security assessment quote and presentation, Council held a brief discussion on current security procedures and future plans.

Item 11) Department Reports

a) Emergency Management, Mike Hofmann

1. New Siren

Hoffman reported to the Council that he has been continuing to work with Federal Signal in developing a map that shows the current siren coverage area as well as proposed siren placement as it relates to severe weather warning siren coverage for the City of Rockville. The data appears to indicate that two additional sirens as well as one replacement siren are needed. Possible locations for the two new sirens would be the Northwest area of Rockville near Glacier Road and North of there, Southeast of Rockville near 220th Street and Rausch Lake Road. Hofmann recommended purchasing one siren this year and placing it near 220th and Rausch. Hofmann further noted that the money for this siren is in his current Emergency Management budget. The second new siren would be planned as part of the 2020 budget year.

Motion by Becker, second by Herberg, to approve Director Hofmann's request and approve the purchase and installation of a new emergency siren (not to exceed \$21,000.00). Motion passed unanimously.

b) Planning Commission

1. Resolution 2019-26 Approval of Loxtercamp: Side Yard Setback Variance Application

Staff Report

Re: Setback Variance Request

Owner: Eric R. Loxtercamp

Property Address: 26119 80th Avenue

Parcel No. 76.41720.0421

Variance Requested:

1. To exceed the 10-foot side yard setback requirement in an R-1 Shoreland Overlay District of Pleasant Lake, a Recreational Development Lake.
Section 17.6.5.B Side Yard Setback. The side yard setback must be at least ten (10) feet, except that the side yard setback on corner lots must be at least fifteen (15) feet.

Relevant Information:

1. Owner proposes to construct a deck with a deck walkway.
2. Lot dimensions: 135' x 78'.
3. The deck walkway would be approximately 4 feet into the 10-foot side yard setback.
4. The 16' x 12' deck itself will meet the 10-foot side yard setback.
5. The lot is a legal conforming lot.
6. 11 notices of public hearing were sent out.

Recommendation:

Consider approval.

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Council held a brief discussion.

Motion by Tippelt, second by Simon, to approve Resolution 2019-26 Approval of Loxtercamp: Side Yard Setback Variance Application with the stipulation that the walkway may not be inclosed. Motion passed unanimously.

2. Resolution 2019-27 Approval of Dolores M. Hansen Estate Qualified Minor Subdivision

Staff Report

Re: Qualified Minor Subdivision

Owners: Dolores M. Hansen Trust

Property Address: 541 Oak Street

Parcel I.D. No. 76.41830.0006 - Section 16, Township 123, Range 029

Request:

Request is to separate Lots 10 & 11 from Lots 12 & 13 thereby establishing a new parcel.

Relevant Information:

1. This property is located in a R-1 zoning district.
2. Property is located on the south end of Oak Street.

3. Separate lots 10 & 11 from lots 12 & 13.
4. Purpose is to create two buildable parcels.
5. Prior to this application there was an application for an Administrative Subdivision and Combining 2 Lots that separated lot 9 from lots 10 thru 13 and combine it with lots 7 & 8.
6. QMS do not require a public hearing but does require Planning Commission and Council approval, no notices sent out.

Recommendation:

Consider approval.

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Motion by Simon, second by Herberg, to approve Resolution 2019-27 Approval of Dolores M. Hansen Estate Qualified Minor Subdivision. Motion passed unanimously.

3. Review Gross/Berdan Qualified Minor Subdivision/Rezone Concept Plan

Staff Report

Re: Concept Plan for a Qualified Minor Subdivision and Rezone

Owners: Ann M. Gross

Property Address: County Road 47 and Lake Road

Parcel I.D. No. 76.41625.0605 - Section 15, Township 123, Range 029

Request:

Request is to reallocate 71.06 restricted acres to allow for a Qualified Minor Subdivision of 22.09 +/- acres and Rezone the 22.09 +/- acres from A-40 to RR.

Relevant Information:

1. This property is located in an A-40 zoning district.
2. Property is located near the intersection of County Road 47 and Lake Road.
3. Total acreage is 93.15 +/-.
4. Restricted acreage is 71.06.
5. Unrestricted acreage is 22.09.
6. Purpose is to reallocate the 71.06 restricted acres and subdivide and rezone 22.06 to RR.

Recommendation:

Consider approval.

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Council held a brief discussion.

Motion by Simon, second by Herberg, to approve the Gross/Berdan Qualified Minor Subdivision/Rezone Concept Plan. Motion passed unanimously.

- c) City Engineer - Justin Kannas, Bolton-Menk

1. Stickney Hill

Engineer Kannas reviewed with the Council the letter dated September 6, 2018, (See Attached) written by City Attorney Susan Kadlec, a letter written to Stickney Hill Dairy that outlined the City Council directive to Stickney as it relates to water sewer usage (flow meter) and CBOD monitoring (sampling location) etc.

There were 7 specific items that were to be addressed in the letter. Items number 1 and 2 have been taken care of and items 3 through 7 as of today have not been addressed by Stickney. Kannas recommended that City Council consider authorizing himself to move forward with (1) preparing plans and specs (2) authorizing the City to act on said plans and spec by installing meter, sampling location and storage shed in the City's right-of-way. Cost to be reimbursed by Stickney Hill Dairy.

Additionally, the Council was made aware that Stickney Hills is again past due on their City of Rockville Utility payment. Administrator Bode stated that Stickney is again disputing the City usage charge as it relates to the CBOD units charged to Stickney. Bode stated that the City is following the guidelines for billing as spelled out in the September 6, 2018 letter. Bode further recommended the City Council confirm City policy by authorizing the Utilities at Stickney Hill be shut off if payment in full is not received by the City by tomorrow morning, 9:00 a.m., June 13, 2019.

Council held extensive discussion about Stickney Hill's lack of response to the detailed letter dated September 6, 2018 and the non-payment of the City of Rockville Utility bill.

Motion by Becker, second by Herberg, to authorize staff and along with City Engineer to activate and move forward on Items 3 thru 7 in the letter dated September 6, 2018. Motion passed unanimously.

Motion by Becker, second by Tippelt, to have Stickney Hill Dairy pay their utility bill in full in the amount of \$18,045.82 by 9 a.m. on June 13, 2019, or be subject to the water utilities being shut off. Motion passed unanimously.

2. 2019 Street Project

Justin Kannas, City Engineer, provided Council with a brief update on the 2019 Street Project and the Request for Proposal (RFP) bidding is open on the 2019 Sealcoating Project.

d) Public Works

1. Written Report – Reviewed by Council.

2. Gravel Road Quote

Motion by Tippelt, second by Becker, to approve Herberg Construction (lowest quote) as the 2019 Gravel Road contractor. Motion passed. (Herberg abstained from discussion and voting).

Council debated the need to gravel all of the proposed roads this year versus possibly chemically treating some of these roads and taking those saving and applying it towards a hot mix trailer to help repair our tar roads.

Motion by Willenbring to approve graveling 123rd Avenue, 125th Avenue, and Sauk River Road (omitting Spoden Road). No action do to lack of a second.

Motion by Becker, second by Simon, to approve gravel road improvements to 123rd Avenue, 125th Avenue, Sauk River Road, and Spoden Road in the amount of \$65,644.80. Motion passed 3 to 1 vote. Ayes: Becker, Simon, Willenbring. Nays: Tippelt. Abstain: Herberg.

Item 12) Council Action

a) Appropriations, Allocations, and Transfers

b) Fuel Barrels (Fire and Public Works Departments)

Council briefly discussed the possibility of installing some type of fuel/gas barrels up at the fire hall. Postponed, no action.

c) Ordinance Amendments – Set Date, Public Hearing for Wake Ordinance and Garbage Collection
Motion by Becker, second by Herberg, to approve July 10, 2019 as the Public Hearing for Ordinance Amendments for Wake Ordinance and Garbage Collection. Motion passed unanimously.

d) Audio – any issues with audio please contact Brad at Tri-City Cable.

Item 13) Mayor/Council Reports

a) RTCB – Mayor provided a brief funding update.

Item 14) Future Agenda Items

Item 15) Adjourn

Motion by Becker, second by Herberg, to adjourn the meeting. Motion carried. Meeting adjourned at 7:58 p.m.

Respectfully Submitted,

Martin M. Bode
City Administrator

SUSAN M. KADLEC
Susan.Kadlec@jkalawfirm.com

September 6, 2018

VIA EMAIL
gwood@stickneydairy.com

Mr. Glen Wood
Stickney Hill Dairy
PO Box 355
Rockville, MN 56369

RE: Stickney Hill Dairy Permit for Industrial Use Discharge Permit Requirements

Dear Mr. Wood:

The City of Rockville has provided notice that Stickney Hill Dairy has exceeded its CBOD limits in violation of the above-referenced permit on numerous occasions in 2017 and 2018. This has caused the City of Rockville to be out of compliance with its sewer use agreement with the City of Cold Spring.

The City, through its engineer, has determined that Stickney's sampling location is not appropriately located to capture an accurate representation of waste being discharged into the City's sewer system. In addition, the City has been unable to verify sewer usage because Stickney's flow meter is not appropriately submerged.

At the council workshop on August 29, Stickney did not provide a plan of action for correcting the sewer flow meter issues, nor has Stickney provided a proposal to account for the difference between water coming into the property and sewer flows coming out of the property.

Accordingly, the City Engineer is recommending that the Council require the following measures of Stickney Hill Dairy to ensure future compliance with the permit limits and that the City can appropriately verify the CBOD results and sewer usage:

Items to be completed by Stickney Hill Dairy:

- 1) Purchase an irrigation water meter from the City of Rockville and install it on the irrigation service inside the building at a location approved by the City prior to install.
- 2) Purchase a water meter from the City of Rockville and install it on the water supply line to the office area of the plant to meter the domestic water use. The location of the meter shall be approved by the City prior to install.

- 3) Install a parshall flume flow meter, meeting City specifications, on the sanitary sewer service line, within the Stickney Dairy property, downstream of the wye connection with the domestic and process services. Integrate sewer meter flows into the Stickney Dairy system as necessary and provide ability for Stickney Dairy to read the meter flows without access to the meter location. Also provide a manual meter reading location inside the meter structure.
- 4) Install an access point to the sanitary sewer service adjacent to the flow meter to provide the ability for the City of Rockville to complete random sampling. Relocate the Stickney Dairy sampling location to this new location.
- 5) Install an above ground building above the flow meter and sampling locations, meeting City specifications. The building shall include an entrance capable of being locked. Building access shall be restricted to the City of Rockville authorized personnel.
- 6) Submit detailed plans and specifications for the above-mentioned improvements to the City Engineer for review and approval prior to commencement of construction activities.
- 7) All work shall be inspected by the City Engineer. Schedule inspections with the City Engineer a minimum of 48 hours in advance of construction.

Flow Measurements for Sewer Billing:

Until such time that the water meter is installed on the irrigation service inside Stickney Hill Dairy, the following flows will be used for calculating sewer bills:

- 1) The water meter reading on the City's water meter on the service to the property will be used to bill sewer flows and calculate CBOD, TSS and Total Phosphorous monthly amounts.

After the irrigation meter is installed but until such time that the water meter is installed on the domestic service inside Stickney Hill Dairy, the following flows will be used for calculating sewer bills:

- 1) The meter located on the gravity sanitary sewer line in the street will be read. The water meter reading volumes for other properties flowing through this sewer flow meter will be subtracted off of the total sewer flow meter reading in the street. The net volume will be the total sewer flow coming out of Stickney Hill Dairy (process wastewater plus domestic wastewater).

After the water meter is installed on the domestic service inside Stickney Hill Dairy but prior to the parshall flume sewer meter installation and calibration, the following flows will be used for calculating sewer bills:

- 1) The meter located on the gravity sanitary sewer line in the street will be read. The water meter reading volumes for other properties flowing through this sewer flow meter and the domestic water meter reading volume for Stickney Dairy will be subtracted off of the total sewer flow meter reading in the street. The net volume will be the total sewer flow coming out of Stickney Dairy (process wastewater only).

After the parshall flume sewer meter installation and calibration, the following flows will be used for calculating sewer bills:

- 1) The parshall flume sewer meter readings on the Stickney Hill Dairy service line will be read by the City of Rockville from the meter reading inside the meter structure on a monthly basis. Meter readings for calculations based on daily testing results will be by Stickney Dairy utilizing their integrated system.

Completion of Improvements:

- 1) Plans and specifications for the above-mentioned improvements shall be submitted to the City Engineer for review and approval by October 31, 2018.
- 2) Installation of the domestic water meter and irrigation water meter shall be complete or before October 31, 2018.
- 3) The new access point for the sampling locations and the construction of the above ground building above the flow meter and sampling locations shall be complete on or before May 15, 2019.
- 4) The parshall flume sewer flow meter shall be installed, calibrated and in working operation on or before May 15, 2019.

In addition, Stickney Hill Dairy will reimburse the City, within 30 days of receipt of invoices, for all engineering fees, sampling costs and attorney fees incurred as a result of Stickney's permit violations.

Furthermore the current utility bill (May-June and July-August) must be paid in full by September 27, 2018 or water service will be shut off.

This information is provided for your review and comment. We will be asking the City Council to adopt these requirements at the meeting on September 12, 2018.

Sincerely,

JOVANOVIICH, KADLEC & ATHMANN, PA

By


Susan M. Kadlec
Attorney at Law

SMK/baw

- c. Martin Bode (via email)
Justin Kannas (via email)