

**ROCKVILLE CITY COUNCIL MEETING MINUTES**  
**May 13, 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) Business Support Resolution
- b) Council Interaction
- c) 5:45 p.m. Public Comment

**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, Don Simon, and Jerry Tippelt.

Staff members present: City Administrator, Martin Bode.

Others present: various members of the public.

**Item 5) Additions/Approval of Agenda**

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

**Item 6) Resolution 2020-17 Acceptance of April 2020 Donation**

***Motion by Simon, second by Herberg, to approve Resolution 2020-17 Acceptance of the April 2020 Donation. Motion passed unanimously.***

**Item 7) Approval of March and April 2020 Bills Paid**

***Motion by Becker, second by Simon, to approve the March and April 2020 bills paid. Motion passed unanimously. It was noted that Willenbring abstained from check number 19741, Tippelt abstained from check number 19846, and Herberg abstained from check numbers 19784, 19814, and 19842.***

**Item 8) Consent Agenda**

- a) Approval Rockville City Council Minutes of March 11, April 8, and April 27, 2020
- b) Approval of 1<sup>st</sup> Quarter 2020 Journal Entries
- c) Acknowledge Stearns County Attorney 2019 Reports
- d) Resolution 2020-18 Approval of Annual Liquor License Renewals
- e) Amending Resolution 2019-61 LG220 Lawful Gambling Permit Rockville Fire Relief 03.27.20
- f) Acknowledge March and April 2020 Building Permits
- g) Acknowledge March and April 2020 Sheriff's Reports
- h) LMC Liability Coverage Waiver (does not waive the monetary limits on the municipal tort liability)
- i) Removed

Becker requested to remove item 8 i) for separate discussion.

***Motion by Simon, second by Herberg, to approve Consent Agenda with the exception of item 8 i). Motion passed unanimously.***

**Item 8 i) Approval of Pyrotechnic Display Inc. / Pleasant Lake Firework Permit July 3, 2020**

Becker stated that the application from Pyrotechnic to conduct fireworks at/near Pleasant Lake on July 3, 2020 has not been presented or approved by the Pleasant Lake Area Homeowners Association Board and therefore request the Council to postpone action on this application until the June Council meeting.

***Motion by Tippelt, second by Herberg to postpone the application for Pyrotechnic Display Inc. / Pleasant Lake Firework Permit until the June Council meeting. Motion carried.***

**Item 9) Public Hearing – Water Service Use Ordinance**

Mayor Willenbring reviewed the following Water Service Use Ordinance with Council and the public.

**WATER SURFACE USE ORDINANCE  
CITY OF ROCKVILLE**

ORDINANCE NO. 2020-108  
AMENDING ORDINANCE 2019-96  
AN ORDINANCE REGULATING THE SURFACE USE OF  
PLEASANT LAKE AND GRAND LAKE

Be it ordained and enacted by the City of Rockville, State of Minnesota that the following becomes the Water Surface Use Ordinance.

**Section 1: PURPOSE, INTENT AND APPLICATION:** As authorized by Minnesota Statutes 86B.201, 86B205, and 459.20, AND Minnesota Rules 6110.3000-6110.3800 as now in effect and as hereafter amended , this Ordinance is enacted for the purpose and with the intent to control and regulate the use of the waters of Pleasant Lake and Grand Lake in the City of Rockville Minnesota, said bodies of water being located entirely within the boundaries of the City of Rockville to promote its fullest use and enjoyment by the public in general and the citizens of City of Rockville in particular; to insure safety for persons and property in connection with the use of said waters; to harmonize and integrate the varying uses of said waters; and to promote the general health, safety and welfare of the citizens of City of Rockville, Minnesota.

**Section 2: DEFINITIONS:** Terms used in this ordinance related to boating are defined in M.S. 86B.005. “Public Watercraft Access” in this Section means an area set aside and managed by the Minnesota Department of Natural Resources as a free and adequate access site to public water resources for all citizens of Minnesota for recreational opportunities per MN Statute 86A.

“Slow-No-Wake” is defined by Minnesota Statute and Rule as the operation of a watercraft at the slowest possible speed necessary to maintain steerage, but in no case greater than five (5) miles per hour (See Minn. Stat. 86B.005 subd.16a or Minn R. part 6110.3700 for exact definitions).

**Section 3: SURFACE ZONING OF PLEASANT LAKE and GRAND LAKE BY RESTRICTING SPEEDS DURING CERTAIN HOURS.**

**(A)** Slow –No-Wake speed 24 hours per day on the entire water surface when the lake level on Pleasant Lake exceeds 1094.2 feet (NGVD 29) and Grand Lake exceeds 1105.36 feet (NGVD 29) as measured on the DNR certified gauge located on each lake. All public watercraft accesses shall be posted prior to and during the time restrictions are in place. In addition, signs will be posted along access roads at each effected lake and at the Rockville City Hall.

**(B)** When high water levels have subsided and have remained below the elevations stated above for three (3) consecutive days, said restrictions shall be promptly removed.

**Section 4: SURFING:** At all times, boats producing large wakes for the intent of surfing, must be at least 300 feet from shore when doing this activity.

**Section 5: ENFORCEMENT:** the primary responsibility for enforcement of this ordinance shall rest with the Stearns County Sheriff’s Department. This, however, shall not preclude enforcement by other licensed peace officers.

**Section 6: EXEMPTIONS:** All authorized Resource Management, Emergency and Enforcement Personnel, while acting in the performance of their assigned duties are exempt from the foregoing restrictions.

**Section 7: NOTIFICATION:** It shall be the responsibility of the City of Rockville to provide for adequate notification of the public, which shall include placement of signs at each public watercraft access outlining essential elements of the ordinance.

**Section 8: PENALTIES:** Any person who shall violate any of the provisions of this Ordinance shall be guilty of a Misdemeanor.

**Section 9: EFFECTIVE DATE:** This Ordinance shall be in effect from and after the date of its passage and publication.

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Mayor Willenbring opened the public hearing at 6:14 p.m. for public comment.

Nate Schmitz, 1550 Prairie Drive Rockville, stated he was curious on how the footage from shore was reached and was that something the DNR approved or how did that number get brought up? Did the DNR come up with

these numbers? Has the DNR approved of this ordinance? So, for now the ordinance is not enforceable until the DNR approves of the ordinance?

Member Becker explained the process of how the ordinance and related research was conducted including getting the Stearns County Sheriff's Department approval. After the Council approves of the Ordinance it will then go on to the DNR for their review and approval. The Ordinance is not enforceable until after the DNR reviews and approves.

Mayor Willenbring presented the following email received from Jim Bartelme:

*Marty, I will not be able to attend the public hearing on the new wake ordinance because of my underlying conditions that makes be vulnerable to the Coronavirus. As a board member of the Grand Lake Improvement District and President of Stearns County Coalition of Lake Association, I would like to support the final approval of the Wake Ordinance as written with the 500-foot restriction for wake surfing. I have attached an article that I request you send to all members of the city council and included in the public hearing notes. This article details some of the issues associated with the waves generated by Wake Boats designed for wake surfing. Studies have shown that the wakes generated from wake surfers takes as much as 1000 feet to dissipate, at least 500-feet will reduce their size before it hits the shoreline.*

*Jim Bartelme  
734 730 7421*

**Motion by Herberg, second by Tippelt, to close the Public Hearing at 6:17 p.m. Motion carried.**

**Motion by Tippelt, second by Herberg, to approve Ordinance 2020-108 Amending 2019-96 Water Service Use Ordinance. Motion passed unanimously.**

## **Item 10) Department Reports**

### a) Planning Commission (Chairman Bill Becker)

1. Resolution 2020-19 Gerald J. Molitor Rezoning Application Ag-40 to RR

#### **Staff Report**

**Re:** Rezone and Qualified Minor Subdivision

Parcel I.D. No. 76.41652.0600 - Section 29, Township 123, Range 029

**Owner:** Gerald J. Molitor

**Property Address:** 12192 210<sup>th</sup> Street

**Request** is to rezone 19.96 +/- acres from A-40 to RR to allow for a Qualified Minor Subdivision to subdivide the 19.96 acres into two 9.98 +/- acre parcels.

#### **Relevant Information:**

1. This property is located in an A-40 zoning district
2. The property is currently a legal non-conforming parcel
3. Total acreage is 19.96 +/- acres
4. Purpose of the application is to subdivide and then sell 9.98 +/- acres to a family member for building purposes
5. Concept Plan was submitted, reviewed and conceptionally approved by the City Council on March 11, 2020.
6. Rezone requires a public hearing, QMS does not require a public hearing
7. 10 notices of Public Hearing were mailed out

**RR Purpose:** This district is established to provide areas for low density, rural residential structures in agricultural/rural areas on lands that due to substantial coverage by wooded areas, rock outcroppings, marginal soils, steep topographies where soil erosion is of risk and not conducive to long-term agricultural use; or negative impact on waterways from higher density residential is likely, etc. Some areas in this district are currently under agricultural production and can remain so. Residential development may be allowed in this district at an overall density up to 8 dwellings per 40 acres. Land within this district is not highly valued farmland nor is land located within any growth or expansion area of the City of Rockville. This district is likely located adjacent to agricultural areas and efforts to minimize land use conflict shall be a primary tool in approving development.

#### **Recommendation:**

Consider approval.

***Motion by Simon, second by Herberg, to approve Resolution 2020-19 the Gerald J. Molitor rezone from Ag-40 to RR as presented. Motion passed unanimously.***

2. Resolution 2020-20 Gerald J. Molitor Qualified Minor Subdivision with Restriction

**Staff Report**

**Re:** Rezone and Qualified Minor Subdivision

Parcel I.D. No. 76.41652.0600 - Section 29, Township 123, Range 029

**Owner:** Gerald J. Molitor

**Property Address:** 12192 210<sup>th</sup> Street

**Request** is to rezone 19.96 +/- acres from A-40 to RR to allow for a Qualified Minor Subdivision to subdivide the 19.96 acres into two 9.98 +/- acre parcels.

**Relevant Information:**

1. This property is located in an A-40 zoning district
2. The property is currently a legal non-conforming parcel
3. Total acreage is 19.96 +/- acres
4. Purpose of the application is to subdivide and then sell 9.98 +/- acres to a family member for building purposes
5. Concept Plan was submitted, reviewed and conceptionally approved by the City Council on March 11, 2020.
6. Rezone requires a public hearing, QMS does not require a public hearing
7. 10 notices of Public Hearing were mailed out

**RR Purpose:** This district is established to provide areas for low density, rural residential structures in agricultural/rural areas on lands that due to substantial coverage by wooded areas, rock outcroppings, marginal soils, steep topographies where soil erosion is of risk and not conducive to long-term agricultural use; or negative impact on waterways from higher density residential is likely, etc. Some areas in this district are currently under agricultural production and can remain so. Residential development may be allowed in this district at an overall density up to 8 dwellings per 40 acres. Land within this district is not highly valued farmland nor is land located within any growth or expansion area of the City of Rockville. This district is likely located adjacent to agricultural areas and efforts to minimize land use conflict shall be a primary tool in approving development.

**Recommendations:**

Consider approval with Declaration of Restriction, restricting further subdivisions of Tracts A & B.

Member Herberg expressed his opposition to attaching a Declaration of Restriction to the QMS Application, stating that once it has been rezoned to RR the parcels should be allowed to further subdivide per RR requirements. It was noted that the initial request was to subdivide a legal non-conforming twenty-acre parcel in an Ag-40 into two 10-acre parcels. To accommodate the initial request the original parcel would need to be brought into conformity thru the rezoning from Ag-40 to RR and then consider allowing the subdivision into two 10-acre parcels.

***Motion by Tippelt, second by Simon, to approve Resolution 2020-20 the Qualified Minor Subdivision for Gerald J. Molitor including the Declaration of Restriction, restricting further subdivisions of Tracts A & B as presented. Motion passed unanimously.***

b) Fire Department

1. Accept Brenda Lodermeier Resignation and Certificate of Appreciation

Mayor Willenbring on behalf of the City of Rockville publicly recognized and expressed the City of Rockville, the Rockville Fire Department, and the surrounding community's sincere appreciation and thanks to Brenda Lodermeier for her 27 plus years of dedicated public service as a member of the City of Rockville Fire Department and Rescue Service.

c) Public Works Written Report

1. Street Sweeping Quote – ASTEC

***Motion by Becker, second by Simon, to approve ASTEC street sweeping quote. Motion passed unanimously.***

2. Road Grading/Blading Quote – Herberg Construction

***Motion by Becker, second by Willenbring, to approve Herberg Construction road grading/blading quote. Motion passed unanimously. It was noted that Herberg abstained from the vote.***

3. Dust Control Quotes – CMDC and Knife River

***Motion by Becker, second by Herberg, to approve of the apparent lowest qualified quote received from Central Minnesota Dust Control LLC (CMDC) for dust control. Motion passed unanimously.***

**Item 11) Administration**

None to report.

**Item 12) Council Action**

a) Resolution 2020-21 Resolution Supporting City of Rockville Businesses

***Motion by Becker, second by Tippelt, to approve Resolution 2020-21 Requesting Relief from Governor Walz's Executive Orders Closing Non-Critical Local Businesses. Motion passed unanimously.***

b) Sandi Hilsigen Memorial Bench Donation

**Item 13) Other**

a) May 25, 2020 Last Monday of the Month Regular Council Meeting Cancelled

**Item 14) Adjourn**

***Motion by Becker, second by Tippelt, to adjourn the meeting. Motion carried. Meeting adjourned at 6:43 p.m.***

Respectfully submitted,

*Martin M. Bode  
City Administrator*