

ROCKVILLE CITY COUNCIL MEETING MINUTES
May 9, 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; Planning Commission Chair, Bill Becker; Bolton & Menk Engineer, Justin Kannas; JKA Law Firm City Attorney; Public Works Director, Gene VanHavermaet; Emergency Management, Mike Hofmann.

Others present: Various members of the public.

Item 4) Approval of Agenda

Request to add Utility Maintenance under Item 8 c. Motion by Tallman, second by Simon, to approve the agenda as presented with the addition of Item 8 c. Motion carried.

Item 5) Public Comment

Item 6) Consent Agenda

- a) Acknowledge Review of the April 2018 Bills Paid
- b) Approval Rockville City Council Minutes of April 11 and May 2, 2018
- c) Acknowledge April 2018 Sheriff's Report
- d) Resolution 2018-16 Approval of Annual Liquor License Renewals

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

Item 7) Department Reports:

a) **Planning Commission**

- 1) **Lot Coverage Variance** - Planning Commission Chair Bill Becker reviewed with the Council the following staff report and application from Troy and Sheila Fritz for lot coverage variance. Chair Becker noted that the Planning Commission has approved the application and forwards said application on to the City Council for their consideration.

Staff Report

Lot Coverage Variance – Troy and Sheila Fritz
Re: Impervious Surface Variance Request From:
Owners: Troy J. and Sheila M. Fritz
Property Address: 11128 Grand Lake Road
Parcel No. 76.41649.0300

Variance(s) Requested:

- 1. To exceed the 20 percent impervious surface requirement in a R-1-Shoreland Overlay District on Grand Lake, a General Development Lake

(Section 33; subv 12(b) A 3 On a General or Recreational Development Lake, 15%, except that a lot of record may contain up to 20% impervious surface, without a variance.

*Section 32; subv 10, I - Maximum coverage by all impervious surfaces shall be as provided in Section 33 Stormwater Management. If no standard applies, the maximum impervious surface shall be **twenty-five percent**)*

Relevant Information:

1. Owners propose to remove existing cabin and construct a new home
2. Property contains 29,620 square feet (.68 +/-)

Impervious Service:

- 15% is 4,443 sf
- 20% is 5,924 sf
- 25% is 7,405 sf
- Proposed is 6,684 sf (22.57%)
- 10 notices of public hearing were sent out

Recommendation:

Consider approval with stipulation of installation of a rain garden for mitigation of 2,241 sf of run off.

Following discussion a motion was made by Tippelt, second by Schaefer, to approve of the Lot Coverage Variance application from Troy and Sheila Fritz with the noted stipulation. Motion carried.

- 2) **Mining Interim Use Application** - Planning Commission Chair Bill Becker reviewed with the Council the following staff report and application from Gregory Mueller/Central Specialties for an Interim Use Permit. Chair Becker noted that the Planning Commission has approved the application and forwards said application on to the City Council for their consideration.

Staff Report - Gregory Mueller/Central Specialties

Re: Interim Use Permit Request from:

Owners: Gregory G & Terry R Mueller

Property Address: 25770 133rd Ave, Cold Spring, MN 56320

Legal Description: PID No. 76.41609.0900, 150.34 A W2 NW 4 & W2SW 4 of Section 6, T123N, R29W in the City of Rockville, Stearns County, Minnesota.

Interim Use Permit Requested:

Section 9, Subd. 13 Mining/Extractive Uses

Section 28 Interim Use Permits

Requested Use:

To extract gravel and operate a bituminous hot mix asphalt plant for public road construction on 18 to 32 +/- acres in an A-40 zoning district.

Description:

The sand and gravel products that will be mined are Class V and rock; the equipment to be used will be a screen, crusher, and loader. No gravel washing activities will occur at this location.

Relevant Information:

1. This property is located in the Ag-40 District.
2. Property contains 154.34 +/- acres (18 to 32 +/- mining acres).
3. 13 notices of public hearing were sent out.
4. This is an established and active mining site (4th permit request).

Considerations for Conditions:

1. The interim use permit will be reviewed annually in January by the Planning Commission and City Council. If upon review, the use is no longer appropriate in the City's sole discretion, the City will provide 90 days written notice of termination of the IUP. The IUP shall expire (a) upon discontinuance of the use for 180 days, or (b) January 15, 2023, whichever occurs first. Failure to meet any of the conditions of this agreement, or substantial change to the conditions in the neighboring properties, shall constitute grounds

to terminate this permit after review by City Council. Permittee shall be given an opportunity to address the City Council prior to termination under this condition. Nothing in this condition shall limit the immediate termination of this permit for violation of any other condition.

2. No gravel washing will occur on this or any site in Rockville without an interim use permit.
3. A letter of credit or performance bond approved by the City Attorney is provided in the amount of \$5,000. The letter of credit, or a replacement security approved by the City, shall remain in effect for the entire term of this permit. The amount and terms of this letter of credit shall be reviewed by the City Engineer and City Attorney during the annual review. Upon review, the terms of letter of credit must be revised as directed by the City Attorney in order to ensure the ability of the City to draw upon the security. Compliance with all conditions of the Sec. 9, Subd. 13 of the Zoning Code, and all other City Ordinances.
4. Compliance with all County, State, and Federal laws and regulations, including, but not limited to, those governing public health and welfare, public and worker safety, water quality, air quality, noise pollution and waste disposal.
5. Right-of-entry is provided to the City of Rockville, and its agents, to inspect the site and determine compliance with all conditions imposed on the operation.
6. A copy of the restoration plan submitted to Stearns County to be provided.
7. Operation is limited to the hours of 7:00 a.m. to 10:00 p.m. with an allowance to warm up vehicles and equipment beginning at 6:00 a.m. The City reserves the right to amend the hours of operation to eliminate the allowance to warm-up, at any time, with a two week notice.
8. Erosion control measures will be taken to minimize the damage to adjacent land and be done according to the Site Development and Reclamation Plan.
9. Prior to the termination of the of the interim use permit (for whatever reason), the site is reclaimed according to the Reclamation Plan.
10. Landscaping is installed to the outer rim of the mining area so there is no outside drainage entering the mine pit.
11. All fueling, fuel storage, maintenance, and storage of the mining equipment is limited to an area outside of the mine pit, or on an area which has secondary containment for any spill or leak.
12. No use of explosives which leave neither nitrate residue nor any residue which is a drinking water contaminant.
13. A plan for dust and noise control.
14. Setback The following setback requirements shall apply to mining operations:
 - a. The processing of mined materials shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential dwelling unit.
 - b. Mining of any materials shall not be conducted closer than two hundred (200) feet of any residential dwelling unit or residential zoning district boundary.
 - c. Mining of any materials shall not be conducted closer than thirty (30) feet to any property line or within thirty (30) feet of any public road right of way.

Following discussion a motion was made by Tallman, second by Tippelt, to approve of the application from Gregory Mueller/Central Specialties for an Interim Use Permit with the noted conditions. Motion carried.

- 3) Planning Commission Seat Opening** – Chairman Becker noted that Tom Molitor has resigned from the Rockville Planning Commission.

Motion by Simon, second by Tallman to advertise the open Planning Commission position. Motion carried.

- b) Emergency Management** –

Director Mike Hofmann reported to the Council a few things he has been working on.

- All Hazard Medication Plan with Stearns County. This plan once implemented would be good until 2022. Six of the major items being addressed are: severe summer storms, hazardous materials, winter storms, water contamination, flood, and cyber security.
- Enhancing the public safety communications systems which would allow the emergency responders priority on cell phone towers.
- Installation of the new siren near the Industrial Park Sewer Lift Station.

c) **Public Works**

Director Gene Van Havermaet reported the following:

- the Spring sweeping of the City Streets has been completed.
- working on continuing to patch various potholes around the City.
- received two bids to trim trees on Rausch Lake Road.
- City fire hydrants will be flushed next week.
- reviewed with the Council the quotes the City received regarding the replacement of the Kubota tractor. River Power of Cold Spring came in about \$6,000 cheaper than the next closest quote. River Power is offering \$8,000 trade-in on the Kubota and a price of \$23,850 on the new tractor.

Motion by Tippelt, second by Simon to trade in the City's current Kubota tractor and purchase a new tractor from River Power and Equipment at a cost of \$15,850 after trade-in. Motion carried.

- Reviewed with the Council estimates on the City's one-ton truck to either to repair the engine (\$7,500) versus the cost of replacing the engine with a rebuilt (\$14,097.49).

Motion by Simon, second by Schaefer to purchase a rebuilt engine from Jasper at an estimate of \$12,288 and estimated cost to install by Ralphs of \$1,809.49. Roll call vote. Yes: Tippelt, Schaefer, Willenbring, and Simon. No: Tallman. Motion carried.

d) **Engineering Report**

City Engineer Justin Kannas reviewed with the Council the status of the 2018 Street Project.

- Advertising for bids are out.
- Bid opening will be May 24, 2018, 10:30 a.m. at City Hall.
- New stabilizing material called Base One that provides additional payment strength for the Council to consider using on all or a portion of the 2018 Project. Additional cost of approximately .80 to .90 cents per square yard. Total additional project cost of \$60,000. Can be part of the bidding packet as an alternate.
- Substantial completion date for all paving on this project is September 1, 2018. Due to the rapidly deteriorating condition of Lake Road will look into an earlier completion date for this road at least for the base coat to be put down.

Item 8) Administration

a) Rockville Lions - Community Park Construct Picnic Shelter

Rockville Lions is offering to construct a 12'x6' picnic shelter at the Rockville Community Park. The City is being asked to bear the cost of installing the concrete floor. Current skating rink will stay in place.

Motion by Tallman, second by Simon to approve of the Rockville Lions constructing new picnic shelter at the Community Park and the City will take care of the concrete work. Motion carried.

Note: Current skating rink will stay in place as is.

b) Sauk River Road- County Assessment Agreement – Resolution 2018-18

Motion by Tallman, second by Schaefer to approve of Resolution 2018-18 Sauk River Road County Assessment Agreement. Motion carried.

c) LMC Liability Coverage Waiver

Motion by Simon, second by Tallman that the City of Rockville DOES NOT WAIVE the monetary limits on *municipal tort liability* established by Minnesota Statutes Section 466.04. Motion carried.

- d) Resolution 2018-17 Schneider Rezone and Preliminary Plat Findings of Fact

Motion by Schaefer, second by Tallman to approve Resolution 2018-17. A Resolution of Finding of Fact Regarding the Rezoning and Preliminary Plat Request from Schneider Farms to the City of Rockville in an A-40 Zoning District. Roll call vote. Yes: Tallman, Tippelt, and Schaefer. No: Simon and Willenbring. Motion carried.

- e) Utility Maintenance Position

With the appointment of the previous Utility Maintenance Mechanic to Public Works Director the City has an open Utility Maintenance Mechanic position. The Administrator per City Council action offered the open Maintenance position to candidate #1. He turned down the City offer. Candidate #2 turned down the City's offer and counter offered.

Motion by Simon, second by Tallman to turn down Candidate #2 counter offer and approve advertising the open Utility Maintenance Mechanic position. Motion carried.

Item 9) Appropriations, Allocations and Transfers

- a) Council Action taken care of under Item 7 c.

Item 10) Mayor/Council Reports

- a) RTCB
b) Annual Mayors Convention in Perham, Minnesota
c) Supporting Local Authority – Resolution 2018-19

Motion by Schaefer, second by Tippelt to approve Resolution 2018-19 A Resolution Supporting Local Decision Making Authority. Motion carried.

- d) Ordinance Review Task Force

Item 11) Other

Stearns County Municipal League Meeting - Member Simon may attend.

Item 12) Future Agenda Items

- a) Future Council Workshop, May 24, 2018
b) Signage on Highway 23 promoting downtown business. MNDOT approval. Mayor Willenbring and Member Schaefer will look into it.

Item 13) Adjourn

Motion made by Simon, second by Tippelt, to adjourn the meeting at 7:40 p.m. Motion carried.

Respectfully Submitted,

Martin M. Bode
City Administrator