

**ROCKVILLE CITY COUNCIL MEETING MINUTES**  
**September 12, 2018**  
**Rockville City Hall**

**Item 1) Call to Order**

The meeting was called to order at 5:02 p.m. by Mayor Duane Willenbring.

**Recess to Closed Meeting at 5:05 p.m.** – Per State Statute 13D.05, subd. 3(b) Attorney-Client Privilege, to discuss active and pending litigation regarding the Irene T. Schneider Trust lawsuit.

***Motion by Tippelt, second by Tallman to adjourn the closed meeting. Motion carried. Closed meeting adjourned at 5:51 p.m.***

Mayor Willenbring called for a temporary recess.

Mayor Willenbring reconvened Council meeting at 6:00 p.m.

**Item 2) Temporary Recess to Council Workshop**

Council did not recess to a workshop.

**Item 3 Pledge of Allegiance**

**Summarize Closed Meeting**

Council held a closed meeting via conference call with LMC appointed attorney, Mr. Jim Thomson regarding the Irene Schneider Trust litigation. No agreement on how to proceed was reached and Attorney Thomson will continue to do additional research and then provide Council an opinion at the September 18, 2018 council meeting.

**Item 4) Roll Call**

Roll call was taken and the following members were present: Duane Willenbring, Vince Schaefer, Don Simon, Rick Tallman, and Jerry Tippelt.

Staff members present: City Administrator, Martin Bode; Public Works Director, Gene Van Havermaet; Rockville Fire Department Secretary, Brenda Lodermeier; City Attorney Susan Kadlec; City Engineer Justin Kannas.

Others present: various members of the public.

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

- Request from Willenbring to add: 12. b) Water Base Fee.
- Request from Schaefer to add: 10. c3) Chapel Street.

***Motion by Simon, second by Tippelt, to approve the agenda as amended. Motion carried.***

**Item 6) Public Comment**

Van Ellig, attorney from Nycklemoe & Ellig in Fergus Falls, representing Stickney Dairy, spoke about their current permit and usage/billing concerns.

Tim Byram, 25807 80th Avenue, complimented the city staff for their assistance with his recent zoning and permit applications.

Tudie Hermanutz, 211 1st Street West, expressed her concern over the recent closure of the local gas station and urged the City Council to look into what can be done.

Bruce Conrad, Cold Spring, expressed concern over the ordinance review process.

**Item 7) Resolution 2018-31 Acceptance of August 2018 Donations**

***Motion by Schaefer, second by Simon, to approve Resolution 2018-31 Acceptance of August 2018 Donations. Motion carried.***

**Item 8) Consent Agenda**

- a) Acknowledge Review of the August 2018 Bills Paid
- b) Approval Rockville City Council Minutes of August 8 and August 29, 2018
- c) Acknowledge August 2018 Sheriff's Report
- d) Approve of the addition of Item 10.2b to the June 13, 2018 Council Meeting minutes
- e) Concur with the Planning Commission Finding of Fact as stated in the August 7, 2018 Planning Commission minutes for the Walz/Gisler Variance.

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

**Item 9) Public Hearing – Ordinance 2018-92 Rescinding Ordinance 2013-79 Rental Licensing**

**ORDINANCE #2018-92  
ORDINANCE AMENDING THE RENTAL LICENSING  
FOR THE CITY OF ROCKVILLE, MINNESOTA:**

**WHEREAS**, the City Council of the City of Rockville adopted the Rental Licensing in September 2000; and **WHEREAS**, the City Council amended the former City of Rockville's Ordinance #67 and Ordinance #2002-01 and Ordinance #2013-79 Rental Licensing:

**WHEREAS**, the City Council seeks to rescinds the Rental Licensing, and

**WHEREAS**, public hearing was held on September 12<sup>th</sup>, 2018 in front of the City Council, and members of the public were given an opportunity to comment on the proposed amendment.

**NOW, THEREFORE, THE CITY COUNCIL RESCINDS THE ENTIRETY THE ROCKVILLE RENTAL LICENSING.**

**EFFECTIVE DATE:** This ordinance shall become effective upon publication.

***Motion by Tallman, second by Tippelt, to open the Public Hearing at 6:20 p.m. Motion passed unanimously.***

No members from the public came forward.

***Motion by Simon, second by Tallman, to close the Public Hearing at 6:22 p.m. Motion passed unanimously.***

***Motion by Schaefer, second by Simon, to approve Rescinding Ordinance #2018-92, Ordinance #2013-79, Ordinance #2002-01, and Ordinance #67 Rental Licensing. Motion passed unanimously. Note: All current rental licenses must be brought current and up to date.***

**Item 10) Department Reports**

**a) Planning Commission**

- 1) Lot Coverage Variance

**Staff Report**

**Re:** Impervious Surface Variance Request

**Owners:** Ed and Nancy Metzger

Property Address: 10888 Grand Lake Road

Parcel No. 76.42070.0005

**Variance 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 Storm water Management. If no standard applies, the maximum impervious surface shall be **twenty-five percent.**)

**Relevant Information:**

1. Owners propose to update existing landscaping and patio.
2. Property contains 30,927 square feet+/-.

**Impervious Service:**

- 15% is 4,639 sf
- 20% is 6,185 sf
- 25% is 7,732 sf
- Proposed is 7,113 sf (23%)

**Recommendation:**

1. Consider approval with stipulation of installation of a rain garden for mitigation of up to 2,474 sf of run off.

***Motion by Schaefer, second by Tallman, to approve the variance request for Metzger Lot Coverage with conditions of a raingarden installation and a decrease in the impervious surface to 25% coverage. This motion also included the approval of the following Findings of Fact. Motion passed unanimously.***

The City Council determined that the applicant for the variance has established that there are practical difficulties in complying with the zoning ordinance and that the Council has considered the following criteria as defined in Minnesota Statutes Section 462 and Minnesota Statutes Section 394.27 and makes the following Findings of Fact:

1. The variance is in *harmony* with the purposes and intent of the *ordinance*
2. The variance is *consistent* with the *comprehensive plan*
3. The proposal does put property to use in a *reasonable manner*
4. There are *unique circumstances* to the property not created by the landowner
5. The variance will continue to maintain the *essential character* of the locality

2) Building Permits August 2018 – information only.

**b) Public Works**

Public Works Director, Gene Van Havermaet, reviewed with Council an overview of work projects and an update on the air release valves.

**c) Engineering Report**

- 1) 2018 Street Project  
Justin Kannas, City Engineer, updated Council on the status of the 2018 Street Project.
- 2) Stickney Hill Dairy Inc.  
Council reviewed the Stickney Hill Dairy bill and usage discrepancies.
- 3) Chapel Street  
Council requested that the City Engineer review the Chapel Street and what can be done.

**Item 11) Administration**

- a) Resolution 2018-32 Approving 2019 Preliminary Budget  
(postponed until the September 18, 2018 Council meeting)
- b) Ordinance Review  
City Planner, Cynthia Smith-Strack has completed her review of the documents and has advanced her comments/recommendations back to the City. Staff is still working on putting it all together.

**Item 12) Appropriations, Allocations and Transfers**

- a) Council Action – no action required.
- b) Water Base Fee

Council held extensive discussion on how the City is currently charging a water base fee to each individual dwelling unit as opposed to one base fee per water meter.

***Motion by Willenbring, second by Tallman, to approve the removal of the Water Base Fee. Roll Call Vote: AYES: Tallman, Tippelt, Willenbring. NAYS: Schaefer, Simon. Motion passed 3-2 vote.***

**Item 13) Mayor/Council Reports**

- a) RTCB – no new items to report for the City of Rockville.
- b) Vacation/Short Term Rental – Council will be meeting with the Taskforce Co-chair to review.
- c) Grand Lake LID – Mayor attended the recent meeting.

**Item 14) Other**

Next council meeting is scheduled for September 18, 2018.

**Item 15) Future Agenda Items**

None to report.

**Item 16) Closed Meeting**

Per State Statute 13D.05, subd. 3(b) Attorney-Client Privilege, to discuss active and pending litigation. This portion of the agenda was addressed during the Council Workshop.

**Item 17) Reconvene Council Meeting – Summarize Closed Meeting**

This portion of the agenda was addressed under Item 3 of the agenda.

**Item 18) Closed Meeting**

Per State Statute 13D.05 subd. 3(a) Employee Evaluation of City Administrator.

Council recessed at 8:05 p.m.

***Motion by Simon, second by Tallman, to close the closed meeting at 8:48 p.m. Motion passed unanimously.***

**Item 19) Reconvene Council Meeting – Summarize Closed Meeting**

Council reconvened at 8:49 p.m.

Mayor Willenbring stated that the Council has completed its evaluation of Administrator Bode and noted the overall evaluation of Administrator Bode has received mostly all satisfactory a few are excellent.

**Item 20) Resolution 2018-33 City Administrator Contract Renewal**

***Motion by Tippelt, second by Simon, to approve Resolution 2018-33 City Administrator Contract Renewal. Roll Call Vote: AYES: Schaefer, Simon, Tippelt. NAYS: Tallman, Willenbring. Motion passed 3-2 vote.***

**Item 21) Adjourn**

***Motion by Simon, second by Schaefer, to adjourn the meeting. Motion carried. Meeting adjourned at 8:54 p.m.***

Respectfully Submitted,

*Martin M. Bode*  
City Administrator