

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
NOVEMBER 20, 2013 – 6:00 P.M. - ROCKVILLE CITY HALL**

The meeting was called to order by Mayor Jeff Hagen. Roll Call was taken and the following members were found to be present: Mayor Hagen, Council members Susan Palmer, Don Simon & Duane Willenbring. Absent: Randy Volkmuth.

Staff members present were: Administrator/Clerk Rena Weber & Public Works Director Kevin Brown, Engineer Dave Blommel & Lt. Jon Lentz

Others present were: Vince Schaefer, Tudie Hermanutz, Mike Nistler, Rick Tallman & Cherie Verkinnes, James Winter, James Bartleme, Brian Smith, Kevin Brannan, & Sam DeLeo.

ADDITIONS TO THE AGENDA

Motion by Member Simon, second by Member Palmer, to approve the additions to the agenda for discussion purposes.

1. RFA – Kevin Brown has 3 requests:
 - Wood Chipper
 - Salt Sander Control Module
 - Toolkat repair
2. Administrator has update on two houses moved onto a lot in Brentwood Hills.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

OPEN FORUM

Brian Smith – 26194 80th Avenue was present to voice concern of the lot at 7940 Bluebird Court owned by Kenn & Mary Tamm. Mr. Tamm had two houses moved onto the same lot and was going to leave them there for the winter. This is not making the neighbors very happy and they intend to enforce their covenant which is a civil lawsuit.

Rena Weber had provided pictures of the two houses in question taken on 11/19/13. To this date there are no permits had been obtained. A stop work order had been placed on the houses by the building inspector. Mr. Tamm was provided with a copy of the covenants and informed that this is not a responsibility of the city to enforce covenants.

The council instructed the Administrator/Clerk to have them move both if it is within our rights.

CONSENT AGENDA

Motion by Member Willenbring, second by Member Simon, to approve the consent agenda as presented:

- a) *Approve minutes of 10/16/13*
- b) *Approve Treasurer's Report of 11/20/13*
- c) *Approve List of Bills and Additions of 11/20/13*

<i>Accounts Payable CK #014800 to 014885</i>	<i>\$102,979.05</i>
<i>Payroll CK #004560 to 004579</i>	<i>15,682.81</i>
<i>EFT #000768 to 000776</i>	<i>8,756.43</i>
- d) *St. Augusta Blizzard Busters – raffle at 400 Club 2/1/14*
- e) *Appoint Kevin Brown – Wellhead Protection Manager & Asst. Weed Inspector*
- f) *Approve final outstanding bills list including interest as updated*

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

BOARD/STAFF REPORT

POLICE DEPARTMENT – Lt. Jon Lentz reported there were 34 contract hours in October and cited the details.

Member Simon asked the Lt. to patrol more in the Glacier & Halfman Road area. The area is getting dug up.

PLANNING COMMISSION – Member Vince Schaefer reported for Toni Honer:

400 CLUB STAFF REPORT

Re: Variance Request
76.41600.0800/001: Owners: Cherie Verkinnes
Property Address: 25942 & 25958 Lake Road

Variance(s) Requested:

1. The request is to split the house from the business (both are on the same parcel)
2. New setbacks from side yard will be created.
3. Impervious Surface – there will be no increase in the impervious surface, however, both lots will exceed the requirement once approved.

Construction Requests:

1. None

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. 12 notices of public hearing were sent out.

Recommendations:

Approval of said request in actuality creates two non-conforming lots. Staff did review this with the City Attorney Adam Ripple and his comment are these:

"I assume the nonconformity that would be expanded by subdivision is lot size/impervious surface percentage.

I think the subdivision could be accomplished if variances are granted. If my assumption is correct, one condition of the variances would have to be no expansion of the structures or impervious surface. You could impose other conditions to address other concerns too.

Yes, I think it can be done but the City really needs to think through the concerns."

I agree – you need to set some conditions on this approval.

How about some rain gardens to pick up the storm water that is draining from the parking lot?

Submitted by Rena Weber

Zoning Administrator

Vince Schaefer reported the Planning Commission recommended approval of the variance as it is presented with conditions of no expansion of the structures or impervious surface. Drainage issues were taken care of already.

Member Willenbring pointed out that downspouts and catch basin that drains to a rain garden were done previously.

Member Willenbring introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2013-33**A RESOLUTION APPROVING VARIANCE IN THE SHORELAND DISTRICT.**

WHEREAS, A request has been received from Cherie Verkinnes for a variance from Impervious Surface and setback requirements to split one lot into two lots in the Shore Impact Zone in the R-1 District, and;

WHEREAS, splitting the lot into two creates two non-conforming lots that exceed impervious surface and setback requirements, and;

WHEREAS, Proper notification and publication had been given, and;

WHEREAS, all persons were given an opportunity to be heard on said request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA:

1. **Said request is hereby approved on the condition that there are no more expansions to either the house or 400 Club.**

- 2. *Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.*
- 3. *That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.*

The motion for the foregoing resolution was duly seconded by Member Simon with the following vote being taken:

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

PUBLIC WORKS – Superintendent Kevin Brown requested the following approvals:

WATER SHUT OFF REPAIR - Please approve the expense to repair the water shut off behind Rockville Apt. due to a bent stand pipe. Chuck Schmitz Excavating, Inc. \$1476.00

This was an emergency expense. E 601-49440-220

Motion by Member Willenbring, second by Member Palmer, to approve the request as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

HYDRO VAC LIFT STATIONS - Please approve the expense to hydro-vac three lift stations.

Big-Foot Hydro-Vac \$1750 E 602-49490-220

Motion by Member Palmer, second by Member Simon, to approve the request as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

SALT SANDER CONTROL MODULE - Approve purchase of salt sander control module \$1100.

This is something that if and when we sell the snow plow truck we would keep to use on the next truck. Funding: 101-43100-220

Motion by Member Palmer, second by Member Willenbring, to approve the request as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

TOOLKAT REPAIR - Toolkit repair \$2242.72 – this was to repair the toolkit front panel, battery and handle. Funding: 101-43125-220

Motion by Member Willenbring, second by Member Palmer, to approve the request as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

TREE CHIPPER - Request approval to purchase Vermeer 9” Perkins Diesel Chipper. (Used As Is – no warranty) \$9,000.00 plus tax

Funding: 101-43100-540 Capital Equipment

101-43100-318 Tree Chipping – Designated Funds

E 101-43100-540 \$6272.00

101-43100-318 2728.00

Budget Amendment:

101-43100-540 Increase by \$2,728.00 plus tax

Motion by Member Palmer, second by Member Willenbring, to approve the request as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

FIRE DEPARTMENT – Chief Schaefer asked approval of the following:

ANNUAL MAINTENANCE OF FIRE TRUCKS- Please approve the annual maintenance of fire trucks by Emergency Apparatus Maintenance Inc.

Total \$3974.16 Funding: E 101-42200-220

Motion by Member Palmer, second by Member Willenbring, to approve the request as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

APPOINT THREE NEW FIRE FIGHTERS – Rena Weber reported that interviews, background checks and agility tests were done and all is well.

Approve: Jeremiah Gross, Krystal Lingofelt & Scott Perreault

Motion by Mayor Hagen, second by Member Palmer, to appoint the three individuals to the fire department effective 11/21/13.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

OLD BUSINESS/NEW BUSINESS

MIKE NISTLER: Mr. Nistler used to have a 3.2 license for the event center, but let it go. He now wants one for the “Eldercare” function. A certificate of insurance will be provided.

Motion by Member Willenbring, second by Member Simon, to approve the 3.2 license as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

ERIC GEBALD - Mr. Gebault just built a new home off of Lena Lane and is requesting to have the grinder station cost (\$6,170.34) placed on the tax rolls. If approved it would be at 4.75% for five years – same as we have done for other residents.

Motion by Member Willenbring, second by Member Simon, to approve the placement of \$6,170.34 on the tax rolls as presented.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

JAMES BARTLEME – PETITION AGAINST IMPROVEMENT TO AGATE BEACH ROAD –Jim Bartleme – 21917 Agate Beach Road presented petitions against tarring Agate Beach Road whereby 64% of the owners do not want it tarred. The Council accepted the petitions and instructed the Administrator/Clerk to send Gary Grams a letter informing him of the opposition and also copy James Bartleme.

Staff will also clarify the road easement boundaries as the road is really on the right side according to James Bartleme.

RICK TALLMAN – 25594 LAKE ROAD (GARBAGE HAULING) – Mr. Tallman requested time to discuss garbage hauling issue. As he stated at the last meeting very good reasons were stated in summer newsletter as to why the city should look into the issue. He is aware that Advanced Disposal and Republic Services are also used just on Lake Road even though they did not report any customers in the city at the 7/16/13 haulers meeting. It makes total sense to him to pursue 30% savings & \$12.08/month recycling every month as Sauk Rapids is experiencing. This would save on the life of a road, save people money, and bulk pickups would go away.

Rena Weber reported that she is now aware of four haulers in the city and they may have been confused as to where city limits actually end.

Mayor Hagen cited why we can't save as much as Sauk Rapids due to the fact that we have both rural and urban customers. This is a free market and we were not doing anything about beverage haulers, bulk trucks, etc.

Member Palmer voiced concern that one company has 20 customers and it does not make sense to allow them to pick up from such a small amount.

Member Simon explained his situation in that there are two haulers picking up on his block. Lake Road is a crossing/connecting between CR 6 & 47 so he can see why they have 4 haulers.

Mayor Hagen urged members to think it through. If we limit it to two haulers do we have to set up parameters of what they can take?

Member Willenbring stated that he previously made a bold statement which was a knee jerk reaction and a bad choice of words. The city inherited some less than standard roads.

Motion by Member Willenbring, second by Member Simon, to table action on the issue in order to give staff time to gather more information.

Member Willenbring pointed out that Mr. Tallman's info is relevant, but he also likes free enterprise.

Rick Tallman stated that we have the info from Sauk Rapids so we don't have to re-create the wheel. If they have to bid they will come up with a better price. It is not beneficial to roads, people, etc.

AYES: Hagen, Palmer, Simon & Willenbring.

Motion passed on a 4 to 0 vote.

JAMES WINTER – WATER/SEWER BILL DISPUTE - James Winter – 500 Walnut Street was present to dispute an unpaid water/sewer bill that was placed on his tax roll in 2012.

Rena Weber reported Mr. Winter would like to address the council about a water/sewer bill (\$728.95) that was placed on the tax rolls one year ago. The meter inside the house was working and the reading was used in calculating the corrected bill. This was discussed with the owners. Mrs. Winter does day care so there was a larger bill than normal too. I did apologize to the Winter's and agreed to work with them so we set up a payment schedule to get them caught up. I told them I would eliminate the late fees, but they would need to pay for the water used. Somehow they thought I would eliminate the whole bill in which I can't do that. They were charged the minimum for 12 months. The city can go back 6 years if they need to. That is a state law. No action was taken.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Hagen has nothing to report.

RTCB – Member Willenbring reported that the three city administrator's attended the county board meeting to request county approval to act as the fiscal agent for the Rocori Trail and they also wanted assurance that the county would dedicate the \$92,000 from Phase 1 to Phase 2. Member Willenbring reported that county staff indicated there was a tremendous amount of work done by county staff and they were worried that we did not get right of way. This was determined to be untrue.

The County Board did not expressly approve the two requests and urged the RTCB to obtain the right-of-way first.

HUMAN RESOURCES – Member Palmer reported that Human Resources met this evening and reviewed the three candidates who applied for the Maintenance Mechanic position. The HR board will do interviews on 11/25.

ENGINEER REPORT - Dave Blommel reported that Holly Road was done and the contractor will see liquidated damages.

OPEN FORUM - No one appeared.

ADJOURNMENT – ***Motion by Member Palmer, second by Member Willenbring, to adjourn the meeting at 7:23 p.m. Motion carried.***

**VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK**

**JEFF HAGEN
MAYOR**