

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY
MARCH 16, 2011 - 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: Bill Becker, Jeff Howe, Jerry Schmitt, Don Simon, Randy Volkmuth & Duane Willenbring. Absent: None

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen, City Engineer Scott Hedlund & EMS Director Mike Hofmann.

Others present – Paul Betz, Diane Thomes, Lt. John Lentz, Scott Stenseth, Sam DeLeo, Tудie Hermanutz, Joe Sponheim & Dave Volkmuth.

OPEN FORUM – No one appeared.

CONSENT AGENDA – Motion by Member Volkmuth, second by Member Simon to approve the consent agenda as presented:

- a) **Approve minutes of 02/16/11**
- b) **Approve Treasurer’s Report of 03/16/2011**
- c) **Approve List of Bills and Additions of 03/16/2011**
 - ◆ **Payroll Ck #003954 – 003963** **\$ 9,866.61**
 - ◆ **Accounts Payable Ck #012745 to 012786** **34,062.82**
 - ◆ **EFT #000402 – 000407** **5,453.05**

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

BOARD/STAFF REPORTS

POLICE DEPARTMENT – Lt. Jon Lentz was present to report there were 35.5 contract hours for the month of February. 6 were for winter parking with 13 parking violations total.

Jeff Howe asked if the county did anything with crime free multi housing.

Lt. Lentz reported they do not as they are not staffed to do this type of work. Lt. Lentz did review the reports and did not see a huge amount of calls to the apartments.

ATTORNEY JANELLE KENDALL- ANNUAL REPORT – Attorney Kendall was present to review the written report.

Refer to written report hereby attached and marked Exhibit A.

- ◆ *2010 numbers went back up – may have to charge more*
- ◆ *We average 13 felonies per year – 10 in 2010 – 2 so far this year*

PARK & RECREATION RFA- HOCKEY BOARD REPLACEMENT – Scott Stenseth was present to request approval to replace the hockey boards at community park:

The Park and Recreation Department would like to request from the City Council permission to spend approximately \$4000 for replacement of the Hockey Rink at Community Park. This would include removal of current rink, leveling of site and construction of new rink. We recommend accepting the bid from Lumber One of Avon for \$3,694. Payment will come from 2011 budgeted funds for Dept 45122 319 Crack Filling (\$3,000) and 45122 294 Tree Moving/Plant/Landscape (\$2,000) to pay for it.

Motion by Member Volkmuth, second by Member Howe, to approve the request as presented.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

Other Reports:

- ◆ Summer ball – sign up March 26 – price went up this year to reflect the cost of the t-shirts
- ◆ Easter egg hunt 4/23/11 - 10:00 a.m. – Lion’s Park
- ◆ March 31st – next meeting

Member Howe inquired about having a baseball field. He would need people to step up, form a committee, and get this off the ground. Jeff Howe will spearhead this effort.

Member Schmitt inquired about soccer ball being played by the community field. Scott Stenseth said not here, but they can play over at Lion’s Park.

Member Simon asked why not let them use the outfield of the park. It sits idle. Scott Stenseth replied then it would be up to the city to move the goal posts.

Tudie Hermanutz asked how about the school? This is a good idea and should be explored.

Member Willenbring asked who the liaison is to the Park & Recreation and volunteered to represent the council.

EMS-FLOODING UPDATE –Mike Hofmann was present to report on the spring flooding:

- ◆ Presented sheets regarding probability of flooding
- ◆ Has met with all who have been affected in the past
- ◆ All vehicles must be moved from the back of the apartments and park at city hall.
- ◆ Paul Betz wants sand bags and Seelen’s has not contacted him yet, but he may want some
- ◆ Ray Schreiner does not want any bags
- ◆ Daryl Steil – has his sand bags

RFA – Mike asked the county if they would supply sand bags to the city of Rockville and the answer was no.

Mike would like to purchase 200 bags which are 20 cents per bag and sand from Kraemer’s for a total charge of \$.30 per bag.

Motion by Member Howe, second by Member Volkmuth, to authorize purchase of 200 sand bags

Mayor Hagen asked for clarification that the bags are being purchased for city purposes and made available for purchase to others.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

PUBLIC HEARING – APPROXIMATE TIME 6:30 P.M. ORDINANCE NO. 2011-68- AMEND GAMBLING ORDINANCE – Mayor Hagen announced that a public hearing would now be held to consider adoption of Ordinance No. 2011-68.

Rena Weber read the ordinance amendment to include membership being from the Rockville Trade area.

No person appeared in opposition or in favor of the adoption.

Motion by Member Volkmuth, second by Member Simon, to close the public hearing at 6:31 p.m.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

Member Becker introduced the following ordinance and moved for its adoption:

**ORDINANCE # 2011-68
CHARITABLE GAMBLING ORDINANCE AMENDED**

THE CITY COUNCIL OF THE CITY OF ROCKVILLE, STEARNS COUNTY, MINNESOTA DOES HEREBY ORDAIN:

Ordinance No. 2203-05 Charitable Gambling Ordinance is hereby amended to read:

SECTION 2: License Required. The City Council of ROCKVILLE, under the authority of Minnesota Statutes, Chapter 349, hereby ordains that gambling license

applications shall be approved by the city only for fraternal, religious, veterans, or other non-profit organizations. Such organizations must:

- A: Have been in existence for more than 3 years
- B: Have more than (15) fifteen members
- C: Have thirty (30%) percent of their member’s residents of the city limits of Rockville or located within the Rockville trade area.
- D: And have their headquarters located in the city or trade area. Said trade area is defined as the city limits, Cities of Waite Park, St. Augusta, & St. Cloud and Townships of Maine Prairie, Wakefield, & St. Joseph and the Rocori School District. Upon application for approval, it will be the duty of the organization to submit a current list of members to the Administrator/Clerk. An updated list shall be submitted with each renewal application. Because of the nuisance prone nature of gambling compared to other licensing activities within the City of Rockville, the City is requiring the residency requirement for charitable organizations so as to facilitate investigation of applicants, and the investigation and arrest of any violators.

SECTION 7: Effective Date. This ordinance shall be effective and apply to all lawful gambling conducted in the City upon passage and publication in the official newspaper.

The motion for the foregoing ordinance was duly seconded by Member Willenbring, with the following vote being taken:

***AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

OLD BUSINESS

NOON OPTIMIST CLUB – GAMBLING LICENSE APPROVAL @ BIG DADDY’S –

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

RESOLUTION NO. 2011-03

RESOLUTION APPROVING A GAMBLING LICENSE

WHEREAS, The St. Cloud Noon Optimist Club has requested a gambling license at: Big Daddy’s Burger & Booze, 201 Broadway Street East, Rockville, MN 56369 and;

WHEREAS, No objections were raised.

NOW, THEREFORE BE IT RESOLVED by the City Council of Rockville, Stearns County, Minnesota:

- 1. Approval of said license is hereby granted effective 03/16/11.

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

***AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

SAM DELEO-CLARENCE BLOCH PLAT CHANGE –Sam DeLeo was present at the meeting to request approval to amended plat for Clarence Bloch. Sam indicated that he added the rest of the out buildings Outlot F to Lot 1, Block 1 and changed the lots to outlots so that there are no new building entitlements on the outlots.

Motion by Member Howe, second by Member Simon, to approve the amended plat known as Bloch Addition to include Outlot F as presented.

Member Willenbring asked for clarification that Lot F will be attached to Lot 1 Block1 and that there will no new building entitlement. Sam indicated this will be the case.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

Transfer of Development rights – Sam DeLeo offered his thoughts on transfer of development rights. For the property owners it could be beneficial – but it creates a big headache administration wise. The property has to be adjacent so you can transfer credits.

NEW BUSINESS

STONEYS BAR LLC-NAME CHANGE – Paul Betz was present to request approval to change the bar name to an LLC and provided the necessary paperwork to do so.

Motion by Member Volkmuth, second by Member Willenbring, to approve the request to change the liquor and cigarette license names to Stoney’s Bar LLC.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

ROCORI COMMUNITY BOOSTER CLUB – GAMBLING LICENSE APPROVAL @ GRANDVIEW BAR & GRILL

Member Volkmuth introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2011-04

RESOLUTION APPROVING A GAMBLING LICENSE

WHEREAS, The Rocori Community Booster Club has requested a gambling license at: Grandview Bar & Grill, 21614 County Road 8, Cold Spring, MN 56320 and;

WHEREAS, No objections were raised.

NOW, THEREFORE BE IT RESOLVED by the City Council of Rockville, Stearns County, Minnesota:

- 1. Approval of said license is hereby granted effective 03/16/11.

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

AYES: Becker, Howe, Schmitt, Simon, Volkmuth & Willenbring

ABSTAINING: Hagen

Motion passed on a 6 to 0 vote.

COMMITTEE REPORTS

MAYOR – RURAL RESIDENTIAL ORDINANCE UPDATE – Mayor Hagen reported that a Task force is working on a new ordinance and the next step is to have a joint meeting of Planning Commission & Council. Once it is finalized they will bring the ordinance to the full council for public hearing.

We need to identify areas on the future land use map where this could work. We want to minimize the assessed values

It was determined that a joint meeting would be held on 4/6/11 at 6:00 p.m.

FINANCE COMMITTEE –

ROCK FEST - Member Volkmuth reported that the Finance Committee had met with the Rock Fest Committee and recommends approval of \$600 (in-kind donation) to include the wages of staff and insurance not to exceed \$600, and further that this is a considered a city function, but not funded by the city.

Motion by Member Willenbring, second by Member Volkmuth, to approve the request as recommended.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

HIRING OF 3 FIRE FIGHTERS – The Finance Committee reviewed the budget and recommends hiring of 3 new Fire Fighters: Nick Pung, Mark Notch & Mark Harren pending background checks, agility tests and the 2nd interview.

Motion by Member Volkmuth, second by Member Willenbring, to approve the hiring of the three individuals pending the passing of the tests and 2nd interview.

AYES: Becker, Hagen, Schmitt, Volkmuth & Willenbring
ABSTAINING: Howe and Simon
Motion passed on a 5 to 0 vote.

PUBLIC WORKS – Rick reported on the possible projects for 2011 –

- ◆ 230th Street – County Road 8 east side of homes to Rausch Lake Road- Rick Hansen reported that he reviewed the soil boring readings. If we were to redo the road it would be like Grand Lake Road. There is 4” of tar, 4” – 6” of aggregate and then muck.
Mill it and leave it – watch it to see how it heaves, dig out
- ◆ Lake Road should be milled at the same time as CR 47
It is best to do in conjunction with County Road 47 project.
Lake Road - & 230th should be bid together.
- ◆ 230th Street – Herb Schlangen previously requested to have this minimum maintenance road vacated and the council denied the request.
Discussed what is happening – snowmobilers want to access.
Close the road not vacate – Rena check with LMC

SEH Engineer Scott Hedlund was present to report on a quote for soil borings on Lake Road. 8 borings would be done from County Road 47 to 700’ south of Lena Lane at a cost of \$895.

Motion by Member Volkmuth, second by Member Howe, to approve the \$895.00 expense for soil borings by ITT – Lake Road as quoted.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

Feasibility report – Scott would just like to review the soil borings first and come up with a probable cost first \$1950 – then a feasibility report.

Motion by Member Jeff Howe, second by Member Willenbring, to authorize the contract with SEH to complete a preliminary study on the Lake Road Improvement at \$1950.00.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

ROAD GRADING BIDS – Rick Hansen had previously presented the bids for road grading to the Public Works Committee:

Review bids for road grading (two year contract)

Myron Felix	\$90/hr
John Herberg	\$80/hr
Kraemer Trucking & Excavating	\$90/hr

The bid notice allowed for right to reject any and all bids in the best interest of the city.

Rick reported that in the recent two years there were complaints whereas during the previous two years there were no complaints. There was also an issue with promptness in completion of the job.

Public Works Committee asked Rick to re-negotiate with the two high bidders.

Myron Felix \$85/hr
Kraemer Trucking & Excavating \$82/hr

Rick reported the Kraemer Excavating bid had quoted the use of a 14 ft. blade and Ton con Grade Control which is a device that sets the grade for the blade at 3% or 4% whichever we request. Older graders do not have this capability.

Member Simon asked if the Kraemer grader would be in the area all the time. Rick indicated that it should be in the area all the time, but it was discussed at the Public Works committee meeting to have a back up grader available.

Member Volkmuth indicated that there were issues with the quality of the road grading done in the past two years.

Motion by Member Volkmuth, second by Member Becker, to accept the bid of Kraemer Trucking & Excavating in the amount of \$82.00/hr with Myron Felix as a backup.

Member Willenbring asked if John Herberg was aware of the concerns. There were at least two incidents that were relayed to Mr. Herberg.

Member Willenbring stated that the two high bidders were asked to renegotiate their bid so they sharpened their pencils and still did not get as low as Mr. Herberg therefore he cannot approve this motion.

Member Volkmuth stated that he had received at least two complaints of the road grading over the past two years and therefore he would support this motion.

AYES: Becker, Hagen, Schmitz, Simon & Volkmuth

NAYS: Howe and Willenbring

Motion passed on a 5 to 2 vote.

MAINTENANCE BUILDING – Rick reported that he is getting bids to re-shingle the roof. Rick was instructed to call around if he only has 3 bids a week before the bid is due.

SIGN REFLECTIVITY – Member Simon reported the Public Works Committee also discussed sign reflectivity regulations and also the fact that the city needs to come up with a plan by January of next year.

RTCB – Jerry Schmitt reported that Cold Spring Granite will work with the RTCB to keep the process moving and they won't object to the abandonment as long as we agree to letting the tracks remain in place.

ADMINISTRATOR'S REPORT

SCHEDULE BOARD OF REVIEW MEETING – 5/4/11 – 6 P.M -

Motion by Mayor Hagen, second by Member Volkmuth, to approve the scheduling of the Board of Review meeting on 5/4/11 – 6 p.m.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

POLICY ADOPTION REGARDING WAIVER OF VARIANCE FEES – Rena Weber presented a draft policy to have in place when the council considers waiving fees.

Member Volkmuth introduced the following policy and moved for its adoption:

POLICY ON WAIVING VARIANCE FEES

It is the goal of the City of Rockville to provide thorough review of all variances from zoning requirements. It is further determined that where the variance being considered is in the interest of public safety and is minor in nature, the waiver of fees can be authorized by the City Council stating the reason for the waving of said fees.

The motion for the foregoing policy was duly seconded by Member Willenbring, with the following vote being taken:

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

OPEN FORUM

Jerry Schmitt stepped down from the dais and asked if everybody on the council is in favor of safety?

Mr. Schmitt addressed each member:

- ◆ Mayor Hagen campaigned as a common sense mayor – would not common sense go in with safety?
- ◆ Don Simon – you drove with me to the Grandview and agreed that there was a problem.
- ◆ Jeff Howe – as the former Fire Chief you should be able to see what is safe.
- ◆ Bill Becker - you are the only one that offered to come out and look at the safety issue
- ◆ Duane Willenbring - you are in construction, but he is not sure what your line of work is.
- ◆ Randy Volkmuth – you sit too close to Jeff and do not have common sense.
- ◆ Jeff – you were asked to fix the driveway and never did it.
Why can't we have a safe road? Why won't somebody listen to me?
- ◆ Snowmobiles turn around in his yard. Others use his property to get to the lake.
- ◆ For 18 years he has had a problem with the Grandview and feels we don't even count.

Member Volkmuth indicated that he does not think we can fix what he is after.

Member Willenbring commented that the proper procedure would be to go to the county, to the Public works, finally to the full city council.

Mayor Hagen stated that it has been 50 years that this is in business and so far only one accident occurred and he does not know of one more incident.

Other Business – Mayor Hagen reported that the Area City Joint Resolution arrived for our signature. At the last meeting it was determined that we would not sign the document. Do we approve sending a letter or don't sign our name on it.

Motion by Member Willenbring, second by Member Volkmuth, to deny signing of the joint resolution.

AYES: Becker, Hagen, Howe, Schmitt, Volkmuth & Willenbring

NAYS: Simon

Motion passed on a 6 to 1 vote.

ADJOURNMENT – Motion by Member Willenbring, second by Member Volkmuth, to adjourn the meeting at 7:45 p.m.

AYES: Becker, Hagen, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

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

**JEFF HAGEN
MAYOR**

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