

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY
APRIL 20, 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, Jerry Schmitt, Don Simon, Randy Volkmuth & Duane Willenbring. Absent: Jeff Howe

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen, Engineer Scott Hedlund & Planning Commission Chair Toni Honer.

Others present –Ericka, Gail & Charles Kinzer, Tудie Hermanutz, Mike Hofmann, Aaron Cheeley Vince Schaefer & Dave Volkmuth.

OPEN FORUM – Ericka Kinzer was present at the meeting to inform the council of a Senior Girl Scout Gold Award project that she is working on. She would like to coordinate and build a 32' x 42' shelter at Community Park. If approved she will do fund raisers, host a barn dance, and seek donations. The estimated cost is \$10,000 and will be similar to the shelter at Pleasant Lake.

Motion by Member Willenbring, second by Member Volkmuth, to authorize Ms. Kinzer to go ahead with the fund raising, provide a site plan, continue to work with the Park and Recreation Board, and further to have the Chair report back to council on the progress.

***AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

ADDITIONS TO THE AGENDA – Motion by Member Willenbring, second by Member Simon, to approve the additions for the agenda for discussion purposes.

***AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

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

- a) ***Approve minutes of 03/16/11 & 04/06/11***
- b) ***Approve Treasurer's Report of 04/20/2011***
- c) ***Approve List of Bills and Additions of 04/20/2011***
 - ◆ ***Payroll Ck #003964 – 003993*** ***\$19,037.06***
 - ◆ ***Accounts Payable Ck #012787 to 012852*** ***48,814.43***
 - ◆ ***EFT #000408 – 000421*** ***9,791.03***
- d) ***Resolution 2011-05 – Findings of Fact – Herberg contract (Attached and marked Exhibit A)***

***AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

BOARD/STAFF REPORTS

POLICE DEPARTMENT –There was no representative present so Rena Weber reported there were 40 contract hours for the month of March.

PLANNING COMMISSION – Chair Toni Honer was present to discuss:

- ◆ Ordinance No. 2011-69 – Right to Farm
- ◆ Ordinance No. 2011-70 – Rural Residential Zoning and Amendments

Chair Honer reported that after the joint meeting changes were made and the proposed Ordinances would be ready for public hearing. She did have one thing that needed to be discussed, however and that is Ordinance No. 2009-62 that was passed in 2009 specifically allows large animal units on 5 acres by IUP for R-1, R-2, and R-3 Districts.

Section 17: “R-1” Single Family Residential District is amended to add:**Subdivision 4: Conditional Uses**

8. Animal Feedlots subject to provisions of Stearns County Feedlot Ordinance and further farm animals may be allowed on lots that are **5** Acres or more in size subject to an Interim Use Permit and at a maximum density of .50 animals per acre. Any building where farm animals are kept shall be setback a distance of 100 Feet from the property line or road easement.

Section 17: “R-1” Single Family Residential District is amended to include a new section 5 – Interim Use Permits and further to re-number the remaining subdivisions.**Subdivision 5: Interim Use Permits**

The following interim uses are permitted in the R-1 District with an interim use permit:

1. Farm animals

Section 18: “R-2” Two Family Residential District is amended to add:**Subdivision 4: Conditional Uses**

8. Animal Feedlots subject to provisions of Stearns County Feedlot Ordinance and further farm animals may be allowed on lots that are **5** Acres or more in size subject to an Interim Use Permit and at a maximum density of .50 animals per acre. Any building where farm animals are kept shall be setback a distance of 100 feet from the property line or road easement.

Section 18: “R-2” Two Family Residential District is amended to include a new section 5 – Interim Use Permits and further to re-number the remaining subdivisions.**Subdivision 5: Interim Use Permits**

The following interim uses are permitted in the R-2 District with an interim use permit:

1. Farm animals

Section 19: “R-3” Multiple Family Residential District is amended to add:**Subdivision 4: Conditional Uses**

8. Animal Feedlots subject to provisions of Stearns County Feedlot Ordinance and further farm animals may be allowed on lots that are **5** acres or more in size subject to an Interim Use Permit and at a maximum density of .50 animals per acre. Any building where farm animals are kept shall be setback a distance of 100 feet from the property line or road easement.

Section 19: “R-3” Multiple Family Residential District is amended to include a new section 5 – Interim Use Permits and further to re-number the remaining subdivisions.**Subdivision 5: Interim Use Permits**

The following interim uses are permitted in the R-3 District with an interim use permit:

1. Farm animals

Chair Honer stated that we are proposing to allow farming on 10 acres or more by CUP under the Rural Residential and actually the use is allowed without re-zoning. It was determined that this would not be changed as people still have to request an IUP.

Rena Weber reported that she had Becky Schlorf Von Holdt from Stearns County Environmental Services review the ordinances and she voiced concern on the legality of prohibiting law suits in district court. Rena will have the attorney review the ordinances.

Rena also reported that she had Stearns County ES create a map of the feedlots and the 700' circle for our records.

It was determined to start the meeting at 6:30 p.m. instead of 6:00 p.m. on 5/18 and further to schedule the public hearings for 7:15 p.m. to allow more people to attend.

PUBLIC WORKS – Rick Hansen reported on the following:

RFA – ROOF RE-SHINGLE – Three quotes were received to re-shingle the maintenance building:

Lumber One – Cold Spring	\$10,922.82
Mark Magedanz Construction, Inc.	\$11,000.00
Tom Kellner Construction	\$ 9,500.00

Rick reported that these bids are to remove one layer of shingles and the original building had at least two layers of tar that may not be removed so easy. This may cost extra.

Member Willenbring asked if there were specs for the job. Yes.

Motion by Member Becker, second by Member Willenbring, to award the project to Tom Kellner Construction in the amount of \$9,500.00.

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

Motion passed on a 6 to 0 vote.

RFA – FRONT END LOADER - Rick Hansen presented a written report on how and where the front end loader could be used and the cost savings associated with it. (*See Attachment B*). Quotes for other units are on file in the office of the Administrator/Clerk.

Member Volkmuth asked is there a way that other cities could share in such a cost. Rick Hansen reported that Cold Spring has 3 loaders and Richmond has a Skidster.

Member Volkmuth indicated it seems there is a need in the city.

Rick Hansen reported that he received approval to store the front end loader at the Fire Hall. In addition they will pour a cement slab in the rear of the lot to store salt sand. This will be covered with heavy plastic.

Payment options for wheel loader:

Designated Funds:

E 101-43100-540 Machinery and Equipment	\$ 4,000.00
Fund Balance	\$4,000.00
E 101-43100-320 Ditch Mowing	\$20,000.00
Fund Balance	\$21,960
E 101-43100-317 Seal Coating	\$12,500.00
Fund Balance	\$53,340.00

Total \$36,500.00

Motion by Member Becker, second by Member Schmitt, to approve the purchase of a front end wheel loader and pay for it using the designated funds as requested.

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

Motion passed on a 6 to 0 vote.

DUST CONTROL – Rick requested approval to hire Central MN Dust Control for the 2011 dust control. This is a company out of Richmond and applied our dust control last year. The price is \$0.59 per foot @ 18ft wide. The price has increased \$0.07 per foot due to increase fuel prices. Ferrell Gas is no longer in the dust control business. He received a price from Tri City Paving and they are at the same rate as Central MN Dust Control.

We have \$12,000.00 budgeted for dust control.

Fund # E101-43100-329

Motion by Member Becker, second by Member Willenbring, to approve the request to hire Central MN Dust Control for dust control as requested.

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

Motion passed on a 6 to 0 vote.

Member Simon questioned what is the policy if someone wants to get dust control by their home?

DUST CONTROL POLICY ADOPTED 6/9/09 AT THE STREET COMMITTEE MEETING

Motion by Member Volkmuth, second by Member Willenbring, to recommend leaving it up to the discretion of Rick Hansen based on a first come, first served basis and to charge 50/50 on dead end roads or roads that are the least traveled. Motion carried unanimously.

ROAD IMPROVEMENTS – Rick Hansen presented estimates of road improvements for 2011
Cost estimates for 2011 road repairs **based on 2010 prices**

245 th St. 120ft X 21ft. \$7,156	Re-Construct
Rausch Lake Road 340ft X 21ft \$20,269 (patch 1)	Air Patch
Rausch Lake Road 150ft X 21ft \$8,946 (patch 2)	Air Patch
Ahles Road 5257ft X 22ft \$ 446,845 (Lake Rd to 88 th Ave.) (88th to 93rd Ave)	Re-Construct (this is a top priority)
Pleasant Road 3211ft X 21ft \$272,935 (2600ft South of County 137 to end of road)	Air Patch bad spots except for one
Lena Ln 4467ft X 21ft \$379,695 (Lake Road to top of hill)	Re-Construct
Burg St. 2495ft X 23ft \$212,075	Dig up and repair
Alvin Ct. 492ft X 23ft \$41,820	Air Patch
Marlene Ct. 492ft X 23ft \$41,820	Air Patch
TOTAL \$ 1,431,561	

Total estimate on the last 6 roads include engineering assuming they will get a reconstruct like Grand Lake Rd in 2010. The top 3 will be bid and supervised by Public Works and be repaired as a patch versus total reconstruct. . These prices are based ONLY on prices received in 2010.

We may need to include some work on White Oak Road as well. **Air Patch**

Rick Hansen suggested going into an agreement with Cold Spring & Richmond and purchase used air patching equipment at a cost of \$8500 (*plus tax*) or 1/3 the cost. This is a machine that uses hot oil and small granite chips. Steps in air patching are: blow out the area first, add the hot oil and small granite chips (it basically glues the road back together) and when they are done they will put dry granite chips over it.

Discussion was then held regarding which streets could use air patching Vs reconstruct.

Motion by Member Becker, second by Member Simon, to go ahead with the purchase of the air patching equipment at \$8500 if all cities agree.

Member Volkmuth asked if there is a sizeable amount of maintenance that has to be done with the equipment. Rick Hansen reported that hoses may cost \$200 each. This equipment is a 2001 model and has 4200 hours on it.

***AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

SOIL BORINGS – Discussion was held regarding the need for soil borings of Ahles Road. This was approved by Public Works to do soil borings from 88th to Hunstiger's Road (93rd Ave).

Member Simon voiced concern that if you are going to do it – do it right.

Mayor Hagen urged all to stay as close to what is budgeted and fix the worst first.

Member Volkmuth stated that in his mind the two that need work are:

Ahles Road – 2000 feet - \$200,000

Lena Lane –

Cost of reclaiming a road is \$35.00/ft to \$40.00 minimum of ½ mile Vs \$85.00/ft. for reconstruction.

Scott Hedlund indicated that we need to look at the assessment policy – we can call it reconstruct, but hopefully it can be reclaimed, the more we can reclaim the better.

Rena Weber reminded the council that discussion was held recently to limit the number of garbage hauler on the road.

Member Volkmuth stated that he brought this up and understands it is a touchy issue.

Member Willenbring stated that he disagrees as this is what happens when government intervenes with the private market.

Mayor Hagen indicated that there is \$80,000- \$100,000 of road reclaiming and asked is there some savings if we do some of the work prior to having some firm coming out doing it all.

Motion by Member Volkmuth, second by Member Becker, to have the Public Works Director explore the best options to spend up to \$200,000 on what makes the most sense as far as reclaiming and the rest should be spent on patching with the worst being done first and further reporting back to Public Works Committee.

***AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

Motion by Member Simon, second by Member Willenbring, to authorize soil boring on Ahles Road not to exceed \$700.00.

***AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

Rick Hansen had one more request stating that he needs money to buy materials for the air patching equipment.

Motion by Member Volkmuth, second by Member Simon, to re-designate \$10,000 from seal coating to road patching thereby adjusting the budget by \$10,000.

***AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

NEW BUSINESS

ORDINANCE NO. 2011-71 Gas Franchise Renewal Centerpoint Energy –Rena Weber reported this is a renewal of a franchise agreement that has been approved by Centerpoint Energy. A public hearing needs to be scheduled.

Motion by Member Volkmuth, second by Member Becker, to schedule a public hearing for adoption of Ordinance No. 2011-71 – Gas Franchise Renewal for 5/18/11 at approximately 6:45 p.m. (Attachment C).

***AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

MEMBERSHIP IN JOINT AREA CITIES – Discussion was held regarding the membership in the area cities group. It was felt that their legislative priorities are not necessarily the same as Rockville's.

Rena Weber did report that possible inclusion of the ½ cent tax earns about \$100,000 for St. Augusta each year and maybe Rockville could earn something from sales tax on goods sold.

Motion by Member Volkmuth, second Mayor Hagen, to respectfully decline membership in the area cities group consisting of St. Cloud, Waite Park, St. Augusta, Sauk Rapids, Sartell & St. Joseph.

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

Motion passed on a 6 to 0 vote.

RESOLUTION 2011-06 – Rena Weber reported this request is to provide legal authorization to join eCharging with BCA. Janelle Kendall's office is our prosecutor on criminal affairs. According to Matt Quinn, her assistant, any city who has their own misdemeanor processor can allow the county attorney to run checks. Also, Matt claims there is no cost to the city. They just need this authority.

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

RESOLUTION NO. 2011-06

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF ROCKVILLE ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT

WHEREAS, the City of Rockville on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Rockville, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Rockville on behalf of its Prosecuting Attorney and Police Department, are hereby approved. Copies of the two Joint Powers Agreements are attached to this Resolution and made a part of it.
2. That the Sheriff of Stearns County, John Sanner, or his successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Lt. Jon Lentz is appointed as the Authorized Representative's designee.

3. That the Stearns County Attorney, Janelle Kendall, or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Chief Deputy Stearns County Attorney is appointed as the Authorized Representative's designee.

4. That Jeff Hagen, the Mayor for the City of Rockville, and Verena M. Weber, the Administrator/City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

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

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

Motion passed on a 6 to 0 vote.

BUILDING OFFICIAL ANNUAL REPORT– Rena Weber reported that as part of the contract with Inspectron, Inc. they are to give us an annual report. Also, this is the year that we either renew their contract or we go out and seek RFPs. Staff has met with Ron Wasmund and is satisfied with the work we are getting. Ron Wasmund was not present at this time.

Member Willenbring voiced concern that the two year contract is up and needs to be re-let.

Motion by Member Willenbring, second by Member Volkmuth, to seek RFP's for Building Inspection services for 2011 & 2012.

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

Motion passed on a 6 to 0 vote.

COMMITTEE REPORTS

MAYOR – Mayor Hagen has nothing to report.

FINANCE – Rena Weber reported according to KDV we are going to fail at segregation of duties. She will be discussing this with Steve Wischmann when we review the draft copy of the audit. It was determined that the Finance Committee will continue to meet 15 minutes early to approve the reconciliation reports.

PUBLIC WORKS – Request signs along County Road 8 – Rena Weber reported that this is a result of the Safety concerns of Member Schmitt and how this could be resolved. Member Schmitt had also spoke to the neighbors about installing and paying for a speed sign along CR 8.

Member Becker indicated the noise, speed and safety are an issue and that is why we are requesting the signs.

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

RESOLUTION NO. 2011-07

RESOLUTION REQUESTING CERTAIN SIGNS TO BE INSTALLED ALONG COUNTY ROAD 8 IN THE CITY OF ROCKVILLE

WHEREAS, County Road 8 is located in the City of Rockville, but is under the jurisdiction of Stearns County, and;

WHEREAS, There is a concern regarding noise, speed, safety, and;

WHEREAS, Installation of certain signs may help the situation.

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

1. The City Council hereby requests that “Blind Entrance” and “Noise enforcement” signs be placed on County Road 8 at designated sites in the City of Rockville.

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

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

Motion passed on a 6 to 0 vote.

Rena Weber reported that the speed sign will be brought back at a later date.

RTCB – The Rocori Trail group has come to an agreement with Cold Spring Granite and they did not file any issue with the STB (Surface Transportation Board) regarding the abandonment of the railroad between the Mill Creek Bridge west to Cold Spring. The tracks will be left in and the trail built next to it (if that is the way we actually go). CSG has agreed to work with the RTCB.

ADMINISTRATOR'S REPORT

COPIER LEASE – Staff was experiencing problems with the copier that we lease from Marco. In checking with two firms we received quotes that amounted to less than what we currently are paying and therefore will be saving \$88.47/mo. Or \$1,061.64/yr.

TOILET RENTAL – Rena Weber reported that in checking around Kraemer's in Cold Spring would like our service, Sanitation Services (former servicer) and Nelson's all wanted the business. Nelson's contract will save us \$66.39/mo on the handicapped unit. A regular unit will cost us \$38.75/mo instead of \$65.00/mo. This will save us \$954.18/yr.

FIRE HALL THEFT – Rena Weber reported that she was waiting for the written report from Stearns County Sheriff regarding the recent theft of equipment from the Fire Hall. Long story short – a former employee of Gold Cross was stealing equipment from the Fire Hall and other fire halls, but was caught in the act by two of our fire fighters. Gold Cross has replaced the equipment in hopes that it does not wreck our relationship. They also paid to have the locks re-keyed.

OPEN FORUM

Member Willenbring wished to discuss the contract with John Herberg. He asked that if in the future staff feels somebody is not qualified to bid they should be taken off the list instead of being publicly discussed at a council meeting. Had the individual been disqualified – he would have voted for it. He likes to vote for the local tax payer.

ADJOURNMENT – *Motion by Member Becker, second by Member Willenbring, to adjourn the meeting at 7:32 p.m. Motion carried unanimously.*

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR