

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,  
JANUARY 3, 2007 – 7:00 P.M. – ROCKVILLE CITY HALL**

**OATH OF OFFICE** – City Administrator/Clerk Rena Weber issued the Oath of Office to the newly elected officials: Susan Palmer, James PflEPSen & Randy Volkmuth.

Roll Call was taken and the following members were found to be present: Mayor Herberg, Council Members: Jeff Hagen, Susan Palmer, Jim PflEPSen, Don Simon, & Randy Volkmuth. Absent: Vern Ahles.

Staff Members present were: Administrator/Clerk Rena Weber, Maintenance Person Rick Hansen, Fire Chief Randy Dingmann, EMS Director Mike Hofmann, Attorney Jim Mogen, and Engineer Scott Hedlund.

Planning Commission members present were: Chair Jerry Bechtold and Dan Hansen.

Others present were: Brian Hatten, Ed Karls, Tудie Hermanutz, Vince Schaefer, John Koerber, Dave Volkmuth, Duane Willenbring, Tim Byram, Tom Van Lith & son.

**ADDITIONS TO THE AGENDA: *Motion by Member Simon, second by Member Hagen, to approve the additions to the agenda for discussion purposes.***  
**AYES: Hagen, Herberg, Palmer, PflEPSen, Simon, & Volkmuth**  
***Motion passed on a 6 to 0 vote.***

**ANNUAL APPOINTMENTS –*Motion by Member Volkmuth, second by Member Hagen, to approve the annual appointments as presented:***

1. ENGINEERING FIRM - SEH
2. OFFICIAL NEWSPAPER – *Cold Spring Record*
3. OFFICIAL DEPOSITORY – 1<sup>ST</sup> National Bank, Plaza Park Bank, Smith Barney, Bremer Bank, & 4M Fund
4. ACTING MAYOR – Don Simon
5. AUDITOR/ACCOUNTANT – Kern, DeWenter, Viere LTD
6. ATTORNEY – Rinke-Noonan
7. WEED INSPECTOR – Mayor Brian Herberg
8. ASSISTANT WEED INSPECTOR – Rick Hansen
9. COUNTY AGRICULTURAL INSPECTOR – John Waldorf
10. PROCESS SERVER – Stearns County Sheriff's Department

**AYES: Hagen, Herberg, Palmer, PflEPSen, Simon, & Volkmuth**  
***Motion passed on a 6 to 0 vote.***

**RESOLUTION 2007-01 – *Member Volkmuth introduced the following resolution and moved for its adoption:***

**RESOLUTION NO. 2007-01**  
**RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH**  
**REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE**  
**(A complete copy of said resolution is hereby attached and marked Exhibit A).**

***The motion for the foregoing resolution was duly seconded by Mayor Herberg with the following vote being taken:***

**AYES: Hagen, Herberg, Palmer, PflEPSen, Simon, & Volkmuth**  
***Motion passed on a 6 to 0 vote.***

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

- a) ***Approve minutes of 12/20/06***
- b) ***Approve Treasurer's Report of 1/3/07***

c)	<b>List of Bills and Additions</b>	
	<b>Accounts Payable CK # 008668 to 008709</b>	<b>\$294,200.80</b>
	<b>Payroll CK #002556 to 002562</b>	<b>5,807.07</b>
d)	<b>Fee Schedule – 2007</b>	

**AYES: Hagen, Herberg, Palmer, Pflapsen, and Simon**

**ABSTAINING: Volkmuth**

**Motion passed on a 5 to 0 vote.**

#### **BOARD/STAFF REPORT**

**FIRE DEPARTMENT** – Randy Dingmann reported on the following:

APPROVAL OF OFFICERS FOR 2007 –

Fire Chief -Randy Dingmann

1<sup>st</sup> Assistant Chief - Bob Froehling

2<sup>nd</sup> Assistant Chief - Ralph Walz

Secretary - Rick Hansen

**Motion by Member Simon, second by Member Hagen, to approve the list of officers as presented.**

**AYES: Hagen, Herberg, Palmer, Pflapsen, Simon, & Volkmuth**

**Motion passed on a 6 to 0 vote.**

**MAINTENANCE DEPARTMENT** – Rick Hansen reported on the following:

RAIL CROSSING COMPLAINT - Rick Hansen reported that they met with Northern Lines Railway LLC regarding the Tудie Hermanutz complaint about the crossing on Mill Street (CR 139).

They took pictures and may need to replace the wood planking. NLR will take it under advisement.

SNOW PLOW CLEANING – Don Simon reported there are no car washing facilities available to clean the snow plow and asked for approval to use the new fire hall wash bay. There is concern that the holding tank will be filled up too much and the Fire Department does not want to pay the cost to pump the tank out of their budget. Cost is \$75.00 to pump.

Discussion was held regarding the use of the new fire hall Vs the maintenance building and the need for a pressure washer.

**Motion by Mayor Herberg, second by Member Palmer, to try using the Maintenance Facility first, investigate the purchase of a pressure washer, and wash outside when they can. Further the Maintenance Department can come back to discuss using the fire hall and paying for the pumping if this does not work out.**

**AYES: Hagen, Herberg, Palmer, Pflapsen, Simon, & Volkmuth**

**Motion passed on a 6 to 0 vote.**

**ROCK FEST** – Kathleen Stanger reported on the following:

Attendance at 12/27/06 meeting – Kathleen Stanger, Mike Hofmann, Tудie Hermanutz, Adeline Boucher, Kirsten Stanger, & Carol Dietman

Committee members needed yet:

Day Entertainment – to line up and negotiate fee

Signage – responsible for all signage, communications with radio, TV

Set Up & Take Down – Duane Willenbring would need the Lion's Club commitment before he will commit to taking this responsibility

Waste Disposal & Clean Up – Kathleen asked if Rick Hansen would take this job.

Safety Plan & Permits – Mike Hofmann

Milking Contest & Petting Zoo

Pre- Evening Events

Next meeting 1/31/07 – 7:10 p.m.

Member Volkmuth asked Kathleen if her reports could be written and that she only be present to ask for specific requests.

**COMMITTEE LISTS** – Mayor Herberg announced that consideration would now be given to establishing Committees for 2007. The following was discussed:

FINANCE BUDGET COMMITTEE

Susan Palmer  
Randy Volkmuth Alt.  
Brian Herberg  
Jeff Hagen

STREETS/UTILITY COMMITTEE

Don Simon – Chair  
Jim Pflapsen – Alt.  
Brian Herberg  
Rena Weber  
Rick Hansen  
Vern Ahles

MAIN STREET/BUILDING COMMITTEE

Eliminate

PERSONNEL COMMITTEE

Susan Palmer  
Randy Volkmuth  
Rena Weber  
Brian Herberg

FIRE BOARD COMMITTEE

Randy Volkmuth  
Don Simon  
Vern Ahles  
Rena Weber  
Fire Chief Randy Dingmann  
Some Fire Department Members  
St. Augusta  
Maine Prairie Township

NEGOTIATING TEAM

Jim Pflapsen  
Jeff Hagen  
Brian Herberg  
Don Simon-Alt.

ROCKVILLE BUSINESS ASSOCIATION REPRESENTATIVE

Vern Ahles

TRI-CITY CABLE REPRESENTATIVES

Roger Schmidt  
Dick Nieters

EDA APPOINTMENTS:

Council Members:  
Jim Pflapsen – volunteered  
Jeff Hagen – volunteered  
Business Members:  
Vern Salzl

Rockville Community Members – need 2

***Motion by Member Palmer, second by Member Volkmuth, to approve the appointment of committees as presented except the EDA.***

***AYES: Hagen, Herberg, Palmer, Pflapsen, Simon, & Volkmuth  
Motion passed on a 6 to 0 vote.***

**PLANNING COMMISSION VACANCY & LIAISON –**

Rena Weber reported that there were no applications received for the position vacated by Susan Palmer. Discussion was held regarding the liaison position and whether or not this should be a voting member.

Chair Jerry Bechtold urged council members to go out and actively seek qualified members for the Planning Commission and also that the liaison should rotate yearly.

Member Hagen asked Chair Bechtold if he wanted to step down from the Chair position. At some point he may want to train someone to take over this position. Jerry Bechtold reported that any time there is an open position the Chair should be re-appointed. The Planning Commission chooses its' own chair.

Member Pflapsen asked if a non voting council member compromises the work of the Planning Commission. Chair Bechtold replied that it does not really affect their work, but at some point the council member does have a personal opinion.

Member Volkmuth indicated that this was set up as a checks and balances situation as no one person should have that much power.

Member Hagen indicated that he would like to see the liaison take on a more active role by voting and also that this position be rotated on a yearly basis. Chair Bechtold reported that other cities that he visited do have the council member as a voting member.

Attorney Jim Mogen indicated that the current ordinance does not allow the Council member as the Chair.

Mayor Herberg suggested that due to the fact that Vern Ahles is not here to advertise for the vacant position again and whether or not we fill that with Vern, ordinance amendments will have to be researched.

Member Volkmuth and Member Palmer expressed approval of rotating the liaison position.

***Motion by Mayor Herberg, second by Member Palmer, to table action on this until the next council meeting.***

***AYES: Hagen, Herberg, Palmer, Pflapsen, Simon, & Volkmuth***

***Motion passed on a 6 to 0 vote.***

Susan Palmer left at this point.

#### **ENGINEER REPORT**

Scott Hedlund reported on the following:

COUNTY ROAD 82 WATER IMPROVEMENT PROJECT – Scott Hedlund updated the council on how this project evolved and due to the fact that the grant was not fully utilized the former council indicated they would like to see the watermain looped which would be a way to use the grant.

Scott provided assessment estimates to provide the watermain loop. One thing that was different from the last meeting is there is still an interest to get water on the west side of CR 140. Scott Hedlund wanted feedback from the council on whether or not they should include those properties (Conrad and GFall). The City could defer whatever cost is not covered by the grant and recover through trunk charges.

Discussion was held regarding looping the watermain and the benefit of providing fresher water to the residents.

Member Pflapsen asked if there is a need there.

Mayor Herberg feels that the city will have to defer the assessments.

OPINION OF PROBABLE COST-

WATERMAIN LOOP TO PRAIRIE DRIVE - \$177,719.49

WATERMAIN LOOP TO PRAIRIE DRIVE & UNDER CR 140 - \$230,570.87

By having the assessment hearing the basis for the assessment is covered.

Member Volkmuth indicated it is not a good idea to take on debt (the city) for too long of a time, but would like to hear from the residents.

***Motion by Member Hagen, second by Mayor Herberg, to include the following property owners in the amended notice: Ray Drontle, Todd Johnson, & Mike Mueller.***

***AYES: Hagen, Herberg, Pflapsen, Simon, & Volkmuth***

***Motion passed on a 5 to 0 vote.***

Member Pflapsen & Member Volkmuth indicated that they want more information on the benefits of looping the watermain.

#### **ADDITIONS TO THE AGENDA**

**TOM VAN LITH** – Rena Weber reported that Tom Van Lith is requesting reimbursement of ½ taxes paid in 2005 in the amount of \$2202.41 for the deferred special assessment and also \$1857.69 for unpaid consultant fees.

Attorney Jim Mogen reported that he researched the law and the Attorney General has concluded that the city does not have the authority to refund or forgive special assessments that have already been levied. Past unpaid consultant bills are not under the same rules as special assessments, however, the council would have to justify why this isn't a gift.

Tom Van Lith was present at the meeting and stated that he paid it and he is not getting sewer so he wants his money back.

Jim Mogen explained the sewer assessment was provided to the property and later the council granted a deferment for 5 years. The water extension was not affordable.

Member Pflapsen questioned:

a) If the developer has explored providing his own water? Yes.

b) How long have you been in the process of developing your land? 3 ½ years. Mr. Van Lith indicated he has hired consultants, brokers, and now he is doing it himself. He has spent \$90,000 on engineering fees, \$19,000 was spent due to CR6 entrance to the plat having to be moved, and a wetlands delineation was ordered, by which proper procedure was not done, but the council ordered the study anyway.

c) Did Mr. Van Lith have previous history of other development? Yes.

d) Have you owned this for some time with the intent to develop? 15 years.

Member Pflapsen stated he was concerned about being a new member and not having the background to make a decision. Member Pflapsen questioned if he used a consultant.

Attorney Jim Mogen indicated the Council has to determine if this is a public policy purpose? That is the question for the council to consider. If you don't have a reason to determine it is a public policy benefit then it is a gift.

Member Pflapsen indicated that where this property lies is part of a highly developed area and he would like to see this deal get done. It is good for the city.

Mayor Herberg indicated that when the original plat was presented the road exited out on to CR 6, but the County Engineer did not allow the exit so it had to be changed (the plat). The 2<sup>nd</sup> issue is the assumption the water was coming past this development on CR 6, but it is not. The watermain ends at 82<sup>nd</sup> Avenue and it costs about \$500,000 (\$250,000 for Van Lith) to extend the watermain to this project. Mayor Herberg further indicated that getting to the western edge would benefit the Anderson property or the Vern Salzl property. As to where the housing market is at he was not sure.

Scott Hedlund reported the city commissioned a master water plan which shows water going down CR 6, but it is not known when.

Member Volkmuth stated there has been a benefit to the Van Lith property and the unpaid consultant bills should be paid and he does not believe it would be good public policy.

***Motion by Member Volkmuth, second by Member Hagen, to deny both of Tom Van Lith's requests for reimbursement.***

***AYES: Hagen, Herberg, Pflapsen, Simon, & Volkmuth***

***Motion passed on a 5 to 0 vote.***

**MITCHELL LANE UPDATE** – Attorney Jim Mogen presented information on the history of Mitchell Lane, where it is located, where it is used, and where the road would be preserved for the future. The proposal is to vacate the dedicated portion of the road that is not being used, in exchange for getting deeds from the property owners for the new road (the commonly used road today). Jim Mogen reported the road has been used as a road for over six years, but there is nothing in writing stating where this road is. There will be a benefit to the property owners as there will not be a cloud on their title. The estimated cost is \$6,200 for legal and Jim Mogen is proposing we split the cost 50/50 (with the property owners sharing the other 50% cost) as the city is gaining the rights to a new roadway. The property owners are gaining and so is the city.

Attorney Mogen provided written presentation:

a) Time frame

b) Outcome – City will own the road and can widen the road

***Motion by Member Volkmuth, second by Member Hagen, to approve the expenditure of \$3100 with the understanding that we get the rights to the road and all the property owners agree with this.***

**AYES: Hagen, Herberg, Pflapsen, Simon, & Volkmuth**  
**Motion passed on a 5 to 0 vote.**

#### **MAYOR'S REPORT**

**NO TRUCK PARKING SIGNS** – Mayor Herberg reported that he received a request from George Bechtold to remove the “no truck parking” signs on Broadway Street West.

Discussion was held regarding whether or not SJ Louis traffic would affect this change. Scott Hedlund suggested the city talk to the County first as this is their jurisdiction.

Stearns County Commissioner Vince Schaefer reported why the signs were put up in the first place (due to the large amount of traffic) and further stated that he will check on the process with the County.

#### **OPEN FORUM**

Jerry Bechtold – 24353 125<sup>th</sup> Avenue requested council approval to hang a POW MIA flag on the city hall flag pole.

Dave Volkmuth – 25754 Lake Road stated that he has a good feeling tonight in that we have many participating in this meeting and now after 26 months we are starting to hear from the community.

Tim Byram – 25807 80<sup>th</sup> Avenue reported that he stopped the road grader on 80<sup>th</sup> Avenue to ask when this road could be improved. There are 11 homes on 80<sup>th</sup> Ave and he would be willing to donate property for a cul-de-sac. Tim Byram gave a history on this road from when it was still a part of Rockville Township who said they would not spend any money on this road until it was brought up to a certain standard. Then they were annexed to the City of Pleasant Lake and still nothing was done to the road, but the reason why Pleasant Lake did nothing was due to the sewer. After that they all voted to go into the City of Rockville.

Tim indicated that this is an 1100' road with homes and there are 8 buildable lots yet. It is also a 66' road right of way.

Jerry Bechtold reported that some developer was supposed to pay into an escrow account, but did not.

John Koerber – 25722 Lake Road stated he could verify everything Tim is saying and it was their intention to blacktop the road. Pleasant Lake built it up once or twice. People have been very nice and supportive.

Duane Willenbring – 25322 CR 139 stated he had some questions:

- The City website still has the old water rates for downtown area
- December 20<sup>th</sup> council meeting they were informed that \$229,143 was the total infrastructure grant and \$185,066 would be spent on the SJ Louis project. \$43,537 is the remaining balance and questioned how this would be spent. Scott Hedlund explained that the grant is a matching grant and is based on a formula whereby certain project costs can be applied. Depending on how the bids come in will determine what will be left to be used for the alternate project. Duane stated that if there is an engineering reason why you would do the project, then okay, but if you are only using up the grant it would be a waste. \$43,000 has been wasted in the past. This is just a friendly suggestion to the council.
- Attorney John Kolb shared with a whole bunch of us information on conflict of interest. Duane feels it would be a good idea to have a meeting on this again.
- Duane, too, is looking forward to the uniqueness of the open forum.

Vince Schaefer – Stearns County Commissioner reported on the following:

**800 MHz RADIOS** – Vince Schaefer reported that Stearns County passed a resolution in support of purchasing 800 MHz radios for cities. They received a \$204,000 grant which will fund ½ of the radios that are needed. Rockville will receive \$20,200 (enough for 8 radios). Cost is \$2,525.00 each.

Mayor Herberg reported that by 2010 the old radio communication system will no longer be operable. The annual maintenance fee has not been determined.

Vince Schaefer urged the city to talk to Sheriff John Sanner about a payment plan.  
ROCORI TRAIL – Vince Schaefer reported that he attended the Rocori Trail meeting this morning and there was discussion on the City of Rockville being a member of the APO Vs Region 7W (for funding purposes). Vince researched the issue and it was determined that Rockville is in the APO's planning district; however, Rockville is not a voting member. Cost to be a voting member is over \$2,000 per year based on population.

STEARNS COUNTY HIGHWAY 5 YEAR PLAN – Vince presented a copy of Stearns County's 5 year Highway plan.

***ADJOURNMENT – Motion by Member Simon, second by Member Hagen, to adjourn the meeting at 9:37 p.m. Motion carried unanimously.***

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

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**BRIAN HERBERG  
MAYOR**

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