

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
SEPTEMBER 19, 2007 – 6:00 P.M. – ROCKVILLE CITY HALL.**

The meeting was called to order by Mayor Brian Herberg. Roll Call was taken and the following members were found to be present: Mayor Herberg, Council members Vern Ahles, Jeff Hagen, Susan Palmer, Jim Pflapsen, Don Simon and Randy Volkmuth. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Fire Chief Randy Dingmann, EMS Director Mike Hofmann, Financial Consultant David Drown, Engineer Scott Hedlund & Attorney Jim Mogen.

Planning Commission members present: Toni Honer & Jerry Bechtold.

Others present were: Tудie Hermanutz, Liza Fuchs, Brian Hatten, Joe & Sharon Sponheim, Jerry Schmitt, Toni Honer, Duane Willenbring, Lt. Jon Lentz, Charles and Diane Driver, Ev Balko, Greg & Sandra Gohman, Kim Klein, Barb Nicol, Harold Jungels, & Bruce Conrad.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

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

- a) *Approve minutes of 09/05/07*
- b) *Approve Treasurer’s Report of 09/19/07*
- c) *Approve List of Bills and Additions of 09/19/07*

<i>Accounts Payable CK #009492 to 009538</i>	\$81,848.37
<i>Payroll CK #002834 to 002842</i>	5,984.29
<i>EFT # 000120</i>	372.00

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth
Motion passed on a 7 to 0 vote.

BOARD/STAFF REPORTS

POLICE DEPARTMENT – Lt. Jon Lentz reported for the month of August citing 70.5 contract hours with 3 citations.

PLANNING COMMISSION – Toni Honer reported for the Planning Commission
GREG & SANDRA GOHMAN SITE PLAN APPROVAL- 8527 COUNTY ROAD 6
Toni Honer reported that the Planning Commission reviewed the Greg & Sandra Gohman Site Plan Approval at their 9/11/07 meeting

RE: SITE PLAN APPROVAL

76.42144.001 Owners: Gregory and Sandra Gohman

Property Address: 8527 County Road 6, St. Cloud, MN 56301

REQUEST:

Approval to construct 22' x 28' addition to accessory structure in R-1 District

RELEVANT INFORMATION

1. Property is zoned R -1
2. Property is 1.86 acres approximately.
3. The owner is proposing horizontal siding and roof that will match the existing garage.
4. New structure will not exceed 25' in height.
5. Structure is being built where the septic tank used to be.
6. Propane tank is located within the 12'setback from side yard.

RECOMMENDATION

1. Make any necessary soil corrections from the former septic system.
2. Maintain existing drainage patterns over, under, and across their property.
3. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this

would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.

4. Verify that propane tank is okay where located or move it.
5. Approve with these conditions.

Toni Honer reported that there are no variance requests, just a site plan approval and the Planning Commission recommends approval with conditions.

Motion by Member Volkmuth, second by Member Palmer, to approve the site plan for Greg & Sandra Gohman with the conditions as suggested by the Planning Commission.

***AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen, Simon & Volkmuth
Motion passed on a 7 to 0 vote.***

MAINTENANCE DEPARTMENT – Rena Weber reported that on 3/1/05 the City of Rockville received a donation of \$500 from the Rockville Lions Club for the 4th grade water festival (Receipt # 4931). The money was deposited into the Water Fund R 601-49440-36230 as a contribution/donation. The water festival committee is now requesting the funds from the city. The cities of Rockville, Cold Spring and Richmond work together as part of their Wellhead Protection education to help with the annual 4th grade water festival. The City of Cold Spring has offered to set up a special water festival fund so that a running balance can be available for the committee and they are now asking that the city provide the monies received from the Lions Club donation to help offset the water festival costs incurred.

Motion by Member Palmer, second by Member Simon, to approve the \$500 expenditure as requested.

***AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen, Simon & Volkmuth
Motion passed on a 7 to 0 vote.***

PARK & RECREATION – Chair Scott Stenseth reported on the following:

TRAILER PURCHASE - The Park & Recreation Board has designated funds to purchase a trailer to haul the tool-cat, the lawn mowers and other equipment and material around the City. At this time we are requesting to purchase an 18ft Towmaster trailer from Farm-Rite Equipment for a price of \$4495.00+ tax and license. We received a quote from Felling Trailer for \$5000.00+tax and license. The funds for this purchase would come out of designated fund # 101.45122.590. This fund has \$5000.00 in it. This will mainly be used in the parks.

Member Volkmuth asked where this will be stored. Scott Stenseth indicated in the maintenance facility.

Member Hagen indicated this should be coordinated with the Maintenance Department capital equipment plan and needs to be inventoried as to the life and need.

Member Simon voiced concern that if this can save wear and tear on the equipment and is coordinated with general maintenance then he is in favor of getting this done. The money is there. Scott Stenseth stated this was budgeted for last year.

Mayor Herberg questioned the purchase of a water tank stating that we don't have a way to water trees.

Member Volkmuth voiced concern that the next request is for seeding and if we don't have a tank how are we going to water the seeds.

Member Palmer indicated that we were talking about capital equipment purchases and what are the greatest needs in the city. Is this the greatest need? Scott Stenseth stated the requests are linked together.

Member Volkmuth voiced concern that if you aren't going to water the seeds then it is a waste of money. Scott Stenseth stated the field is in horrible shape and they are starting to get more playing here than in the past.

Motion by Mayor Herberg, second by Member Simon, to approve the purchase of the trailer as indicated \$4495 plus tax and license.

AYES: Ahles, Herberg, Palmer & Simon

NAYS: Hagen, Pfllepsen & Volkmuth

Motion passed on a 4 to 3 vote.

RE-SEED LION'S PARK OUTFIELD – Scott Stenseth reported that the Park & Recreation Board has designated funds to reseed the outfield of the ball park at Lions Park at Pleasant Lake. The quote is \$3,763. This would include spraying the outfield with Roundup, remove debris, till and level the soil and reseed the outfield. The funds for this purchase would come out of designated fund # 101-45122-537 which currently has \$2500 in it and this years fund # E 101-45122-537 which has \$2500 in it.

Motion by Mayor Herberg, second by Member Ahles, to approve the request to reseed Lion's Park outfield as requested.

Member Hagen reported the first week in September is the best week to re-seed and the worst time is in spring. Member Hagen questioned how the tank on a trailer will work. Will it be gravity feed? Will the Maintenance person stand up there and spray the field? Scott Stenseth reported the plan is to have an electric pump used as there is power at the ball field.

Member Pflapsen asked what kind of guarantee is there on germination. Scott Stenseth reported that there is none. It all depends on how well we take care of it.

Mayor Herberg asked if they are going to use a dormant seed. Scott Stenseth indicated that if it is too late that is what will be done.

Member Hagen asked how big a tank they will be purchasing. Scott Stenseth reported it would be 500 gallons.

Member Volkmuth questioned how much that would cost? \$200 was reported.

Member Hagen asked if this was a tandem axle trailer. Yes it is.

Member Pflapsen asked what kind of shape the field is in. Member Volkmuth reported that the field is in pretty rough shape and there was more activity this year. Scott Stenseth reported the minor ball program was run from this field.

Member Palmer voiced concern that if we are spending this kind of money there should be a regular maintenance program. Scott Stenseth reported this would go back to Park and Recreation for discussion.

AYES: Ahles, Herberg, Palmer, Simon & Volkmuth

NAYS: Hagen and Pflapsen

Motion passed on a 5 to 2 vote.

NEW BUSINESS

LIZA FUCHS – 2.A.M. LICENSE RENEWAL AND SUNDAY ON-SALE – Rena Weber reported that Liza Fuchs is requesting approval for a 2 a.m. liquor license renewal and also approval for Sunday on-sale. The issue of food has been discussed and will be addressed; however, the standards are not as strict as they were in the past.

Motion by Member Hagen, second by Member Volkmuth, to approve the renewal of the 2 a.m. on-sale liquor license for Liza Fuchs DBA Stoney's Bar and also approval of Sunday liquor as requested.

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

Motion passed on a 7 to 0 vote.

CHARLES & DIANE DRIVER – SITE PLAN APPROVAL RE-CONSIDERATION – Charles and Diane Driver were present to report that they have one neighbor to the north (John & Darlene Weber) who have no objections to the proposal and for the record provided written documentation. Mr. Driver indicated in regards to the accessory building being seen from Lake Road:

- 32' wide and 40' long
- Morton building will be the same colors as their house and other garage
- The building will be 370' away from the edge of the road
- One would have to go past the house and existing garage
- There are 190' of trees and 2 rows of pine trees so even in the winter you still would not see it

Member Volkmuth asked if the Driver's are aware of the problems the Pleasant Lake area has dealt with in regards to horizontal and vertical siding. How do you deal with zoning if we approve this and if you can't see it then it is okay? That is pretty subjective.

Charles Driver indicated that they are pretty unique in that they have 5 acres of land in an R-1 District.

Diane Driver compared their lot to a lake lot in size and sees where the concern is.

Member Palmer asked about future neighbors. They have trees planted on the back side of the lot as well as this building being 56' from the lot line. There are platted lots behind them.

Member Hagen indicated the council is avoiding interjecting subjectivity by using this. Whether or not you can see this off your property as the next person will come in here with two acres and then this is going to be slightly less than yours and the next person after that will be even less. We need to stay consistent and we are looking at more residential zoning in the agricultural area. The other exception is the agricultural area.

Member Volkmuth stated he is from the Pleasant Lake area and they had major problems with people who wanted this one way and another group that wanted it another way. When it was passed the Council had to reimburse a group of people who wanted new siding. It cost a lot of money from the Pleasant Lake council. The reasoning is that we want the building to be the same architecture as the house. Member Volkmuth indicated that he understands that they have a large lot, but what about 2 acres and then we get into subjectivity and we have been through a lot in regards to this already. It would be hard for him to allow this just because it is five acres.

Steel roofs are not out, but they have to match in color and be aesthetic. Diane Driver indicated that they have cedar siding and wood shakes for shingles.

Charles Driver indicated this would be an additional cost of \$6,000.

Diane Driver reported that they found 13 structures on Pleasant Lake that have vertical siding.

Member Pflapsen stated it falls back to zoning in the R-1 District.

Member Hagen just wanted to clarify that we are not requiring cedar siding just lap siding.

Motion by Member Pflapsen, second by Member Volkmuth, to approve the site plan subject to the use of similar horizontal lap siding that is similar in size and color.

Attorney Jim Mogen voiced concern that approving the site plan without having the actual plan in front of you could become a problem and suggested the council wait until that is presented to avoid problems.

Member Pflapsen later retracted his motion and Member Volkmuth did as well.

Member Hagen voiced concern that we can't approve this without actually having the plan. Jim Mogen stated that if you don't want to go through site plan approval and give the Zoning Administrator authority to approve then okay.

Member Pflapsen indicated the newly updated ordinance calls for horizontal not vertical siding.

Member Palmer voiced concern that the green roof matches in the same or similar color as the principal structure. Diane Driver indicated the green would match the fascia on the house.

Planning Commission Chair Toni Honer voiced concern that with the new ordinance that has been approved the Planning Commission felt that with the viewing from the adjacent neighbor this could be allowed.

Member Volkmuth indicated that if you can't see this from the road then it is okay.

Jim Mogen stated the old ordinance did allow for this and the new ordinance further clarified how this is viewed. He indicated that the new ordinance provides for evaluating based on the appearance of the structure from the road and using the further away the structure is the strict compliance matching the principal structure is less. The appearance is what you are concerned with.

Chair Honer reported the applicant has gone through enormous expense in staining their current house and accessory structure to match this. They are spending the money on quality products.

Member Volkmuth asked Chair Honer are you saying if they are willing to spend the money they should be able to get whatever they want. Toni Honer indicated that you are forcing them to make a decision. If they can't afford the Morton building they are going to have to go to a less expensive building.

Jim Mogen stated you can make your decision as being the same or similar and approval could be found under his interpretation.

Member Volkmuth stated there is a big group of people against this and he is not for making a decision based on how much it costs. This has no bearing. Put on horizontal siding and it will be okay.

Diane Driver stated this building would not be visible from the road.

Member Hagen stated the ordinance should not have been changed to be decided when viewed from the public road right of way to match the house. The siding has to match the siding on the house and the colors have to match the color of the house or as reasonably as possible. You can't exclude viewing from the adjoining property owners and use the viewing from public right of way.

Mayor Herberg indicated that there are platted lots behind this lot already. It was determined that there are platted lots, but not adjoining this lot. Mayor Herberg indicated that the issue here is urban Vs rural and if this lot was one lot over it would not be an issue.

Motion by Member Hagen, second by Member Pflepsen, to approve the site plan with the condition that the siding be horizontal and to ensure that the color of the roofing is as close as possible to the present structure. Further if the Building Official and Zoning Administrator feel uncomfortable about this site plan they need to bring it back with the specific materials for council approval.

AYES: Ahles, Hagen, Herberg, Pflepsen, Simon & Volkmuth

NAYS: Palmer

Motion passed on a 6 to 1 vote.

PUBLIC HEARING – SJ LOUIS FINAL ASSESSMENT – Mayor Herberg announced that a public hearing would now be held to consider approval of a final assessment for SJ Louis.

There was no one present to represent S J Louis.

Motion by Member Volkmuth, second by Member Ahles, to close the public hearing at 7:09 p.m.

AYES: Ahles, Hagen, Herberg, Palmer, Pflepsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

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

RESOLUTION NO. 2007-29

RESOLUTION DECLARING COSTS AND ADOPTING SPECIAL ASSESSMENTS FOR LOCAL SEWER AND WATER IMPROVEMENTS

(EXTENSION OF CR 82 IMPROVEMENTS TO SJ LOUIS SITE)

(A complete copy of said resolution is hereby attached and marked Exhibit A).

The motion for the foregoing resolution was duly seconded by Member Palmer

with the following vote being taken:

AYES: Ahles, Hagen, Herberg, Palmer, Pflepsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

David Drown was present to inform the council that the city did have an agreement with SJ Louis to finance the Molitor portion of this project at 6% interest or the city could go on our own and finance this portion (\$152,000) at 4%. There was not an agreement signed with Molitor for this portion. Scott Hedlund reported that the intent of the line in front of Molitor's is that it is a trunk line and will be reimbursed when the property develops. If it stays R-2 the developer will pay \$300,000 in trunk fees. Scott also informed the Council that the remaining amount is more in the area of \$92,500 due to the fact the bids came in that much better.

Motion by Member Volkmuth, second by Member Palmer, to finance the remaining portion internally at the 4% interest rate as presented and discussed.

AYES: Ahles, Hagen, Herberg, Palmer, Pflepsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

Member Volkmuth left the meeting at 7:23 p.m.

BOUNDARY COMMISSION – FINAL ASSESSMENT – Mayor Herberg announced that a public hearing would now be held to consider adoption of the Boundary Commission assessment roll.

Attorney Jim Mogen gave an explanation of the two year process. The assessment roll as presented includes;

- Final Assessment
- Declares the costs
- Identifies the amount the city is assuming
- A flat \$340 per tax parcel to identify that they saved money on the clarification of their boundaries.

Total Project costs	\$65,000.00
City Assumed Portion	15,056.36
Total Allocated by Parcel within plat	13,940.00
Total Allocated to abutting Hubert Lane	36,002.64
TOTAL ASSESSED AMOUNT	49,942.64

Member Hagen questioned the adjusted front footage of \$36,000 for people fronting on both sides of Hubert Lane. Jim Mogen stated that some parcels have property on one side of the road. Those properties having property on both sides of the roads are averaged by adding the front footages together and dividing by two to come up with the adjusted front footage. 4,713 is not the actual length of footage on Hubert Lane, but rather the adjusted front footage.

Member Palmer stated that by doing it this way people who have property on both sides of the road are really paying less than those who have property on one side of the road. Really we have reduced the total front footage and taken the same amount of dollars and splitting up on lesser square footage.

Jim Mogen stated the assessment is what the council recommended one meeting ago and is better supported by this formula.

Member Palmer indicated the only other area assessed was the Backes property.

Jim Mogen indicated the Bloch property was assessed 24.12 feet on the north side.

There is one correction to the Clarence Bloch property:

76.42301.004	Lot 11, Block 1 should be added to Lot 12, Block 1	Total \$ 998.93
76.41563.900	Lot 1, Block 1 should be reduced to	<u>521.44</u>
Total		\$1520.37

City Assumed Portion would then be	\$15,716.28
Total Allocated to abutting Hubert Lane	\$35,343.72
Total assessed	\$49,283.72

3 year assessment – 5% interest

Barb Nichols – 11317 Hubert Lane asked what is the length of Hubert Lane and the 10' wide portion.

Jim Mogen stated he could not answer how long Hubert Lane is and explained that the City was not assessed on a front footage basis. The city assumed a flat portion of \$15,716.28 for identifying the road location. The City indicated that they got a benefit and would assume some portion of the cost which is the \$15,716.28.

Bruce Conrad – 11381 Hubert Lane stated since we are technically wrapping up the project he needed to report that when he saw them tarring down County Road 8 the markers were paved over. Sam DeLeo needs to be informed of this, to relocate the markers and report back.

Motion by Member Ahles, second by Member Simon, to close the public hearing at 7:48 p.m.

AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen & Simon

Motion passed on a 6 to 0 vote.

Motion by Member Simon, second by Member Ahles, to approve the amended assessment roll as provided by city attorney Mogen.

Member Pfllepsen stated that he reviewed previous minutes since when the process began in 2005:

- Sam DeLeo was the surveyor
- Property lines were clouded

- Caused by somebody else's dispute
- The total cost came in a \$65,000 with estimates in the \$40,000 to \$60,000 amount
- The city picked up about 15,000 & \$8,000 is being assessed to Backes
- So this did bring it back to around \$40,000

Member Pflapsen is still thinking of picking up more of the cost for the city in this process. Was there a bonafide cloud on title? He is not sure, but three properties were sold and his firm handled two of the sales, neither of which had any problems. Member Pflapsen would like to mitigate some potential dispute by owners.

Member Hagen agreed with Member Pflapsen stating he was here when this all started and he voted against it. This is all about three property owners, two who had a dispute, and one who wanted to develop the Backes property by butting right up to Hubert Lane and putting houses on top of the bluff. The city wanted to accommodate the developer and leave Hubert Lane as is at his request, have it platted for Hubert Lane, decide where they wanted to widen it, where they place turn outs and possibly ask people to remove their structures that were encroaching on the right of way. The majority of property owners were against this and can't see how any of the residents benefited by the Boundary Commission. There were properties sold without question on a metes and bounds description. Member Hagen further indicated:

1. To have the citizens pay for this to this extent is just wrong.
2. Does not agree with conclusion of counsel that people owning property on both sides of Hubert Lane don't have benefit on both sides of the road. When you have property on the other side of the road and can put a garage there, how can this not be a benefit?
3. When it comes time to pave Hubert Lane are we going to charge for one? half of the road when everywhere else in the city we charge for both sides?

This assessment structure has a lot of faults mainly because we aren't holding the people responsible for going down this road like Backes, Kirscher, McNamara & the City. Member Hagen does not think the citizens should pay anything. The initial estimates were \$500.

Member Palmer asked how much the city should pick up.

Member Hagen indicated the cost should be split between the developer and the city.

Attorney Jim Mogen stated he is not in a position to advocate for a policy as to what the city should assume. He was instructed to put together this proposal, Member Hagen made the motion using option 5 (adjusted front footage), and if the final lots were un-buildable they are assessed for only frontage on one side of the road. The portion the city is paying is greater than what was discussed one month ago. The city would be taking on more. Charging this to specific property owners just won't work as you can't assess this just against the Bloch or Kirscher property. This would be invalid. The idea of how much the city is to assume can be altered, but the option to assess to 4 or 5 properties is not possible.

Member Palmer voiced concern that essentially this is costing everybody in the city more, but there is some benefit to the property along Hubert Lane in terms of having property lines identified.

Member Hagen stated that lots of things happen in the city, but we need to hold the people who make the decisions responsible and not single out one small group. These are the reasons the city went down this road.

Member Pflapsen indicated he was not so sure it was a bad decision, but property owners are stuck with the bill and there is some value. He does not think that is fair, but there is some benefit to getting clear title. Some people may have no thought of selling their property.

AYES: Ahles, Simon & Herberg

NAYS: Hagen, Palmer, & Pflapsen

Motion tied on a 3 to 3 vote. Motion failed.

Mayor Herberg stated this was brought to us one month ago and this was the direction given to the attorney. How are we supposed to have our professional consultants' do their job and then we turn down their proposal?

Member Pflapsen stated that he would not say this is wrong, but he spoke to 11 property owners on Hubert Lane and this is how grass roots effort is to work. He has a clearer picture of how this was to work and he wanted to revisit the process. Maybe we need a new hearing and get it right.

Member Palmer indicated that the methodology is okay, other than how people are assessed for having property on both sides of the road, but how much the city picks up should be changed.

Member Hagen indicated that the city is 50% responsible and should pick up \$30,000.00.

Member Simon asked where is this going to come from? We have cut out so much from budgets already. We have gone through this process for months. Some people benefit, some don't. This solves a problem for a lot of people that's why the people are not here.

Member Ahles questioned didn't we do this to identify how a fire truck could go down the road. We tried our best to get what we got. Jim Mogen indicated it did re-align the road.

Member Pflapsen stated he understands Don Simon's concerns on the budget, but it is not fair when you look at the history of this process and the understanding that a lot of this had to do with Backes. We need to continue going forward to clean up when errors are made. Member Pflapsen has a real issue hanging them with the bill.

Mayor Herberg stated that he supports what Don Simon is saying on this when we have budgeted items and they don't get approved and questioned where this money is going to come from.

Member Palmer questioned when the city initiated this how much was the city going to pay? Mayor Herberg stated that nothing was to be paid by the city.

Member Pflapsen stated that just because we don't have any money budgeted; we can't just assess the property owners.

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

RESOLUTION NO. 2007-30

RESOLUTION DECLARING COSTS AND ADOPTING SPECIAL ASSESSMENTS FOR STEARNS COUNTY BOUNDARY COMMISSION

(A complete copy of said resolution is hereby attached and marked Exhibit B).

AYES: Hagen, Palmer, Pflapsen & Herberg

NAYS: Ahles & Simon

Motion passed on a 4 to 2 vote.

LID LEGALITY DISPUTE – Jim Mogen addressed the issues regarding the petition signed by 14 individuals challenging the Grand Lake Improvement District (Refer to memo date 9/13/07 hereby attached and marked Exhibit C).

Petition Signatures – the petition was presented on 6/6/07 and upon review did equal a majority by law. This was mute because the technical approval was done by resolution of the council authorized under Minn. Statute § 103B.515.

Conflict of Interest – (2 issues)

In regards to the council member being appointed to the Board who does not own property within the LID – the council member's interest is the same as that of others and no conflict of interest exists. Voting by the council members is not an issue.

Appointment of a council member to the Board – This position differs from other boards appointed by the council and suggested the council appoint another member. Jim Pflapsen has resigned his position.

Member Palmer questioned if a council member can be elected to this board once this is established. Jim Mogen stated yes they can.

For the record Scott Palmer had submitted a letter to the City Council listing the additional names that had applied for the position.

Motion by Member Pflapsen, second by Member Palmer, to appoint Georjean Fabel to fill the vacant seat of Jim Pflapsen on the Grand Lake Improvement District.

Mayor Herberg suggesting throwing all names in a hat and picking someone as anyone is capable of doing the job. This would then be by the luck of the draw.

Member Pflapsen stated there is value in picking someone who has been involved in some capacity the first year or two as it is critical to their success. Georjean Fabel is a school teacher, is active in the community, was active in the Lake Association in the past, and wants to get involved. Member Pflapsen feels she is the strongest candidate for the job.

AYES: Hagen, Palmer, Pflapsen & Simon

NAYS: Ahles & Herberg. Mayor Herberg stated he was opposed due to a fairness issue.

ENGINEER REPORT – Scott Hedlund reported on the following:

COUNTY ROAD 82 SIDEWALK – Scott asked the Council to give their input on installing sidewalk to extend on the north side of County Road 82 stating it goes to Chestnut Street. Stearns County needs clear direction.

George Bechtold was present at the meeting and was asked if he will be okay with sidewalk being installed and paying an increase. Mr. Bechtold asked where it will lead to. Scott Hedlund reported that the sidewalk would stop at his west driveway. Mr. Bechtold stated that he sees no need for it.

Member Pflapsen pointed out that the sidewalk would be going to your café.

Motion by Member Ahles, second by Member Palmer, to instruct Stearns County to stop the placement of sidewalk on the north side of County Road 82 at Chestnut Street.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen & Simon

Motion passed on a 6 to 0 vote.

SCHEDULE PUBLIC HEARINGS – County Road 82 & County Road 8 –

Motion by Member Ahles, second by Mayor Herberg, to schedule the public hearings (10/24/07) for final assessments on the following projects:

County Road 82 – 7:00 p.m.

County Road 8 – 8:00 p.m.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen & Simon

Motion passed on a 6 to 0 vote.

Harold Jungels - 164 Broadway Street asked if the sidewalk along the new post office would be landscaped to match his current sidewalk. Scott Hedlund offered to review this with Mr. Jungels.

COMMITTEE REPORTS

MAYOR – Mayor Herberg had no report.

EDA - Rena Weber read the notes from the 9/10/07 EDA meeting:

- a) The EDA authorized Heidi Peper to submit the initial application for SCDP grants with Clearwater and St. Augusta with St. Augusta taking the lead.
- b) The EDA authorized the repayment of \$48,775.82 to the Fire Department for the tarring of the parking lot.
- c) The EDA is working with Attorney John Koch to solve the boiler and floor issues at the fire hall.

OPEN FORUM

CHANGE MEETING DATE – Member Ahles requested council consideration to re-schedule the 11/7/07 meeting date.

Motion by Mayor Herberg, second by Member Hagen, to move the 11/7/07 council meeting date back one week to 11/14/07.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen & Simon

Motion passed on a 6 to 0 vote.

Tudie Hermanutz - 211 1st St W stated that she was happy to hear discussion tonight in that assessments can be adjusted. Projects that you are considering can be spread out over the whole city and you set a precedent tonight.

Bruce Conrad – 11381 Hubert Lane asked why is the County putting black dirt by mail boxes along County Road 8. Mayor Herberg indicated this is being done for lawn reasons. Business Association report - Bruce indicated that the feelings of the Business Assn. are that the general atmosphere of the city is conducive to business and he thanked the consultants for putting up with the Business Association.

ADJOURNMENT – *Motion by Member Palmer, second by Member Ahles, to adjourn the meeting at 8:44 p.m. Motion carried unanimously.*

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

**BRIAN HERBERG
MAYOR**