

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, APRIL 15, 2009 - 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, John Koerber, Susan Palmer, Jerry Schmitt, Randy Volkmuth & Duane Willenbring. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber.

Others present were: Aaron Cheeley, Tудie Hermanutz, Heidi Reitmeier, Jennifer Diedrich, Lt. Jon Lentz, Ev Balko, Kathleen & Kirsten Stanger, Adeline Boucher, Carol Dietman, Scott Mareck, Ron Wasmund & Greg Stang.

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

Ayes: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

OPEN FORUM

Heidi Reitmeier – 501 Aspen Court West, was present to inquire if the city is considering adopting a dog ordinance stating that she and her family had 2 incidents within the last two weeks. It was reported that discussion had been held on this matter and would be taken up again under the Sheriff's report.

Diane Willenbring – 25123 County Road 139, asked where you get a burning permit from. Rena Weber reported that normally you could get one at city hall or the Fire Chief. There is a burning ban on right now though.

Other names mentioned as fire wardens were: Zwilling's, and Floyd Beumer. This information will be put in next newsletter and on the web-site.

Tудie Hermanutz – 211 1st St W, stated that after going to the water rate meeting our water system funds need to be redone. Too many things are not included and then all of a sudden they appear so it is not transparent. The rates have risen over 100% so this needs to be revamped and two water system funds needed (Pleasant Lake and Core City). If one needs subsidizing then the general fund needs to help. What is happening?

Greg Stang – 509 Walnut stated that after the Finance Committee meeting he did some brainstorming and pointed out a few issues:

- Budget facts – \$41,000 bonds payments now
- \$12,000 – 13,000/year is spent on another bond for PIP pipe over sizing

Greg stated that what he gains on the pipe over sizing is nothing. The pipe was over sized for future development. Instead of dissecting the Pleasant Lake water system he suggested the council take the money off the water tower rent to help pay for water tower payments and the over sizing. That will keep the rates stable and is a clean, easy fix.

CONSENT AGENDA

Motion by Member Volkmuth, second by Member Palmer, to approve the consent agenda as presented:

- a) **Approve minutes of 03/18/09 Amended & 04/14/09 Joint PC/CC**
- b) **Approve Treasurer's Report of 04/15/09**
- c) **Approve List of Bills and Additions of 04/15/09**

Accounts Payable CK #011069 to 011119	\$23,172.83
Payroll CK #003411 to 0034443	15,497.53
EFT CK # 000200 to 000208	7,678.20
- d) **Approve Tobacco License – Stoney's Bar**
- e) **Approve Double Deuce bean bag tournament – city hall parking lot 6/6/09**

Member Palmer asked for one correction to the minutes of 03/19/09 – page 50 whereby the finance committee recommended that if the “savings” were favorable by 3% or more it would be okay to refinance bonds.

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

BOARD/STAFF REPORTS

POLICE DEPARTMENT – Lt. Jon Lentz reported on the following:

Month of March there were 45 contract hours with 11 citations being written.

Member Volkmuth asked if Lake Road could get some extra patrol as every spring the traffic picks up speed. Jon Lentz indicated that he would get speed trailers out there as well.

Member Willenbring asked if the council would reconsider a leash ordinance only and further that this be in effect just in the R-1 zone which is established already. That has been the challenge all along.

Lt. Jon Lentz stated that in looking at the basic code you would have to amend it a lot to just require leashes. He suggested we model it after St. Cloud’s ordinance:
Section 1040:20 Animals at Large

Subd1. It will be unlawful for any person having or maintaining any animal to permit the animal to be at large or to be upon any premises other than as provided in the permit whether or not a permit for such animals has been issued as provided under the licensing and permit provisions of this code or other ordinance of the City.

Subd2. It is unlawful for any owner to allow a dog to run at large at any time.

Subd3. It is unlawful for any owner to allow a cat to run at large at any time.

Lt. Lentz stated that if the city did adopt an ordinance for the R-1 area, the R-1 needs to be mapped and dangerous dog need to be classified. That is where licensing helps.

The Council determined to give Planning Commission input and directed them to consider an ordinance that would be city wide or R-1 only. They also should review a leash ordinance and dogs running at large ordinance focusing on the R-1 District.

Lt. Lentz stated that in the meantime if somebody feels a dog is really being aggressive they need to contact the Sheriff’s Department.

FIRE DEPARTMENT - Rena Weber reported the department has two requests for council action:

Grant Acceptance: Request to adopt Resolution Accepting Grant 2009-09

The Department has received a \$500 Roundup Grant from Stearns Electric to be used for the purchase of equipment. In addition Cold Spring Granite has also donated \$500 to be used for the purchase of equipment. The request is to further purchase battery operated helmet lights at a total cost of \$1283. This will be paid out of 101-42200-538 – Personal Protective Equipment. Request from Administration is to increase the budget for PPE by \$1000.

Motion by Member Becker, second by Member Palmer, to approve Resolution No. 2009-09 accepting grant, further to authorize purchase of helmet lights, and finally to increase the budget for PPE by \$1000.

RESOLUTION NO. 2009-09

RESOLUTION ACCEPTING GRANT

WHEREAS, The Rockville Fire & Rescue Department has applied to Stearns Electric Association Trust Board for an Operation Roundup Grant, and;

AND WHEREAS, The Department wishes to purchase equipment with said grant.

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

1) The City of Rockville hereby accepts the \$500 grant from Stearns Electric for the purchase of battery operated helmet lights. This in addition with the \$500 donation from the Cold Spring Granite Company will offset the total costs of the lights \$1283.00

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

EMT CLASS - Approval is needed to send four fire fighters to EMT classes. They are:

Amanda Marquart
 Lance Stang
 Joseph Walz
 Stephen Walz

The cost is \$800 for each of which Ralph is securing reimbursement of \$364 for each application. Ralph has also written for a training grant of which he expects to be awarded \$4,000. 101-42200-332 – budget expense has a balance of \$9,112.00

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

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

PARK & RECREATION - The Park & Recreation Board at their 4/3/09 motioned to recommend the City does not charge Joe Molitor to rent a section of Eagle Park. Right now the City is paying \$539 in taxes and collecting \$400. The cows are used to keep the weeds down and do not interfere with the park itself.

Rena Weber reported that in checking this with the Stearns County Assessor, the city will still be taxed due to the fact the land is still used as agricultural. It would not matter if we did not charge rent – it is the use. The cost of not having to pay for weed killer offsets the difference in taxes. The suggestion is to just leave the plan as is.

Motion by Member Palmer, second by Member Volkmuth, to continue with the same rental rate of \$400 as is.

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

PUBLIC WORKS DEPARTMENT – Rick Hansen requested approval to hire Ferrellgas for the 2009 dust control. They are the only company in the area that provides this service and has been doing it for the City for the last few years. The price is \$0.81/ft. (*The price per foot in 2008 was \$.62/ft*)

We have \$12,000.00 budgeted for dust control.
 Fund # E101-43100-329

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

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

OLD BUSINESS

There was none.

NEW BUSINESS

SCOTT MARECK – APO MEMBERSHIP – Scott Mareck, Executive Director for the APO reported that last year in July the city joined the APO and then dropped out in February of this year. Scott presented information about the organization which has 44 voting members. \$2,000,000 is available each year. Rockville is under 5,000 population, so we would have to submit a project under Stearns County. The mission statement is this:

“As an advisory body, are committed to coordinated long range planning, in a fair and mutually beneficial manner, on select issues transcending jurisdictional boundaries, for the betterment of the entire St. Cloud Metropolitan Area.”

Benefits of joining the APO are:

- Lobbyist – Dick Turch (local person) goes out to Washington DC
- Lobby – State of MN – on local concerns
- Bike and Pedestrian Committee
- Plat reviews are done when requested

- Traffic counts are done when requested by a member city
- Dues structure – on per capita basis \$1.01
- Rockville's 2009 assessment is \$3,105
- Budgets are tight, they are looking at their budget and trimmed it
- Instituted a temporary dues reduction and also bill in halves
- Cut the 2nd half by 25% which would be saving \$336 on the 2nd half assessment.

Member Willenbring asked if the \$1.01 per capita for dues fluctuates. Scott Mareck stated this rate has been in place since the 1990's and the Executive Board is looking at an increase.

Member Volkmuth reported that he was a member last year. There were so many projects and it seemed hard to move up the line to get a project approved. To him it did not seem like we would get a return for the money.

No action was taken. Mayor Hagen thanked Scott for attending the meeting.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Hagen reported that a joint meeting was held on 4/14/09 and there are issues that need to be addressed:

Event Center in A-40 District –

Member Volkmuth indicated that it seemed like the present ordinance may have to be left alone.

Member Palmer stated that she would like the Planning Commission to look at allowing this city wide and from now on Interim Use Permits should be used instead of the CUP. The one that exists should remain, but change in the future.

Member Volkmuth voiced concern that the one that has been approved will have to remain because you can't change.

Mayor Hagen indicated that if the owner does not follow the CUP it could be revoked, but Member Palmer is suggesting it change to an Interim Use Permit.

Member Volkmuth stated he would be in favor of having the Planning Commission look at this.

Wind Turbine Ordinance –Rena Weber indicated that a WECS ordinance was presented for council input.

Mayor Hagen suggested the Administrator have Paul Merwin (LMC) look at the ordinance prior to the hearing.

Mayor Hagen suggested that council members review the proposed ordinance and submit their changes to the Administrator who will take this to the Planning Commission.

Member Volkmuth stated that basically we are trying to limit the size and the sound of the structure.

Motion by Member Volkmuth, second by Member Palmer, to schedule a public hearing for 5/20/09 – 6:30 p.m. to consider approval of a Wind Energy Conversion System ordinance.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

A-40 to R-10

Member Palmer stated that what she got out of the meeting last night was that if we are willing to consider this we need to determine if this should be city wide or are there certain areas. We need recommendations from the Planning Commission.

Mayor Hagen voiced concern that if one of the main reasons for consolidating was to conserve the Ag area it would seem to make sense that we identify areas where we would allow R-10 and other areas where we would not, something less than SP-1 like A-40. His preference is that we recommend to the Planning Commission that this be consistent with the consolidation plan.

Rena Weber cited the results from the recent survey where of the 120 respondents 59 indicated yes and 46 said no with 13 having no opinion.

Member Palmer asked of the people who responded do we know where they live.

Rena Weber indicated that Cindy Anderson is breaking this information down even further and will present that information at a later date.

Members of the Council wishing to see a certain question broken down, they need to e-mail Cindy with their request.

60 Day Rule – Mayor Hagen stated that one other thing that was brought up was the 60 day rule and the fact that St. Cloud had a bad experience recently. This is also something the Planning Commission should look at and maybe we can capitalize on this experience.

PERSONNEL COMMITTEE – Chair Volkmuth reported that the Personnel Committee interviewed two building inspection firms:

All Specs Services – Nancy Scott

Inspectron, Inc.

The current firm did not submit an RFP. Both firms were very qualified and could provide the level of service we need.

Chair Volkmuth stated the Personnel Committee is recommending Inspectron, Inc. as they are a bigger firm, have more inspectors, and also a cheaper rate. There was a worry about how quick they will get permits back which they clarified (2-4 days normal and bigger things will be 5 – 7 days).

Motion by Member Koerber, second by Member Palmer to appoint Inspectron, Inc. as the building official effective 5/15/09 for two years with a one year review and option of terminating clearly in the contract

Member Willenbring stated that he is not trying to derail the process, but one of the local inspectors was not aware of our process and would have like to bid for the job. We have an official paper, *The Cold Spring Record*. The CMBA stated that the turn around time for getting a permit in 5 – 7 days is not acceptable and hopefully Mr. Wasmund is aware of that. He received 7 calls since the interview and has concern also cost data – published by the Building Code in May –the concern is the sales price is X, but his rate is quite a bit higher. This was discussed in the interview.

Member Volkmuth stated he was okay if we go for a year and if there are problems review it then.

Mayor Hagen stated that he was okay with one year, it was written as two year, but if people thought it was a year then it should be one year.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

PUBLIC WORKS COMMITTEE – Mayor Hagen reported on the following:

Pickups 'N Power Sports had requested an extension in their delay of hooking up to water and sewer services and the Public Works Committee is recommending this be approved for one more year.

Member Volkmuth added that in this economy it behooves the council to help this struggling business out. This is not something he wants to get in the habit of approving.

Member Willenbring reported that this business was caught up in the time when there was no water/sewer available and then there was so they had that investment.

Member Palmer asked if this would be for one year only.

Motion by Member Willenbring, second by Member Volkmuth, to grant a one year delay in hooking up to water and sewer to Pickups 'N Power Sports.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

Triathlon Event – Mayor Hagen reported that a meeting was held with the event organizers where the city voiced concern on how they control the crowd (Lake Road). It was reported that they will engage Stearns County Explorers and have them clearly identified with vests. Members of the council will also be on hand to help. Date of Event 7/12/09.

Lake Road – Mayor Hagen reported that the Public Works Committee wishes to hold off on this.

Hubert Lane – Minimum Maintenance – Mayor Hagen reported the committee discussed looking into declaring Hubert Lane a minimum maintenance road as it is cost prohibitive to plow the snow in the winter. A public hearing will be held with the affected property owners after Memorial Day.

Motion by Member Volkmuth, second by Member Palmer, to schedule a public hearing to consider declaration of minimum maintenance road status (Hubert Lane partial) on 6/17/09 – 6:30 p.m.

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

Purchase of Switches – Mayor Hagen reported that the city has the opportunity to purchase 41 grinder station switches at \$100 each. The normal cost is \$202.80.

Motion by Member Volkmuth, second by Member Palmer, to approve the purchase of 41 switches as presented.

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

Hazardous Waste Pick Up – Mayor Hagen reported that this would occur on May 6th and if members of the council wish to help that would be accepted.

Member Volkmuth indicated that if enough council members helped the staff would not have to work.

Stearns County 5 year Plan - Mayor Hagen reported the committee reviewed the Stearns County 5 year Highway Maintenance Plan and determined that a letter be sent to Mitch Anderson citing our concerns. Rena Weber had written the letter (a copy is on file with the packet).

Rock Fest Location – Rock Fest organizers were invited to the meeting to discuss the location of the event this year and were informed that it will move back to the ballpark.

- When the event was held in the ballpark they made an enormous amount of money at the gate
- Last year there was a security issue and they could not control the crowd
- Issue where somebody almost got hit

Rock Fest Approval of Contracts – Mayor Hagen reported that 3 contracts need approval before 4/15/09 and the committee recommends approval:

- Game World - \$1445 – (inflatable games)
- Sweet Siren - \$1500 (evening band)
- RES - \$3000 (fireworks)

Motion by Member Volkmuth, second by Member Willenbring, to approve the three contracts as presented.

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

Street Sweeping Bid– Mayor Hagen reported that two street sweeping bids were received and the committee is recommending approval of the low bid:

- ASTECH \$83.00/hour
- Parking Lot Sweeping - \$63.00/hour

Motion by Member Volkmuth, second by Member Koerber, to approve the low bid of Parking Lot Sweeping at \$63.00/hour.

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

Member Palmer asked if anything was being done to Grand Lake Road this year. Gravel was hauled in some spots, but it needs repair. The council asked Rick Hansen put together a plan.

FINANCE COMMITTEE –Acting Chair Volkmuth reported that a meeting was held on 4/13/09:
Water Rate Review – Member Volkmuth reported a request was heard to break out the cost of the two towers/water systems. Staff is working on breaking that up. By the next time this comes up we should have a good idea of what portion of the costs are for each system.
 Base rate of current water structure – The Finance Committee recommends leaving the base at \$9.20 and increase the O & M up 10% to \$2.89/1000 to fill the deficit for this year.
 Currently there are expenses that are not expended through the water fund. Water is being used by city hall, fire department, parks, and maintenance and not being paid for. The intent is to be more transparent so these numbers are being studied. It has gone on this way for the last 30 years and has not been looked at since consolidation.

**Member Becker introduced the following ordinance and moved for its adoption:
 ORDINANCE NO. 2009-57**

**AN ORDINANCE AMENDING THE WATER RATE FOR THE CITY OF ROCKVILLE,
 MINNESOTA:**

The Rockville City Council on 3/5/08 passed Ordinance No. 2008-48 setting water rate fees with a 15% increase each year for the years 2008, 2009, & 2010. This was subject to a review each year.

Having reviewed the current status of the Water Fund the Rockville City Council seeks to adjust the rates provided for by Ordinance No. 2008-48.

Therefore, the Rockville City Council amends Basic Code Section 52.51 (Water Rates, Fees & Charges), as previously amended by Ordinance No. 2008-48. Section 52.51 is now to read:

Subd. 1: Water Availability Charges. Water Availability Charges will be \$9.20/month flat fee. This amount shall be comprised of charges for the Operations, Maintenance & Replacement of the system (OM&R). This amount is not the Water Access Charge (WAC) that is a charge for the connection of a structure or use to the water system.

Subd. 2: Water Rate Charges

A. Water rate charges shall be \$2.63.

B. Effective June 1, 2009, water rate charges shall be \$2.89/1000 gallons.

These rates will increase on June 1, 2010 after a review is held.

EFFECTIVE DATE: This ordinance shall become effective upon its passage and publication in the official newspaper.

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

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth

NAYS: Willenbring

Motion passed on a 6 to 1 vote.

ADMINISTRATOR'S CORRESPONDENCE

REQUEST FOR ACTION – Administration requested approval to clean up some accounts:

1. Remove Fire Relief/State Aid Expense Accounts & Budget Amounts:
 101-42200-125 \$21,000.00 Revised Budget Amount = \$0.00

2. Remove Fire Relief/State Aid Revenue Accounts & Budget Amounts:
 101-42200-33420 \$21,000.00 Revised Budget Amount = \$0.00

Fire Relief/State Aid is not revenue for the city, instead of accounting for the Fire Relief/State Aid collected as a Revenue and Expense, a Liability Account-Accounts Payable would be used to correctly reflect the money collected by the city that is payable to the Rockville Fire Department Relief Association.

Motion by Member Volkmuth, second by Member Becker, to approve the request as presented:

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

ADDITIONS TO THE AGENDA

DOUBLE DEUCE – REQUEST FOR OUTDOOR DANCE – Jennifer Diedrich was present to request approval to hold an outdoor dance/band behind the Double Deuce. She indicated that the event would run from 8 p.m. to Midnight, insurance certificate naming the city as additionally insured will be provided and the area will be roped off. The date of the event would be 7/10/09.

Kathleen Stanger – Rock Fest Coordinator, stated that she believes this event does impact Rock Fest. It did impact the attendance last year when their dance was held on Friday night. This year they beefed up everything they are doing. Sweet Siren is the band that will be playing.

Jennifer Diedrich stated that are having a country band and are attracting different people than the Rock Fest.

Kathleen Stanger reported they are looking at an outdoor dance for teens on that night at the school. Warren at Fireside Café will provide the music.

Jennifer Diedrich does not feel they are benefiting from this weekend.

Kirsten Stanger voiced concern on the security/safety issue for an outdoor event.

Member Volkmuth asked would we have allowed this otherwise – yes.

Mayor Hagen stated we can't start picking and choosing which ones are going to allow.

Member Palmer stated the council does support Rock Fest, but would like to see more conversation in moving it back downtown.

Motion by Member Volkmuth, second by Member Palmer, to approve the request to hold an outdoor band/dance behind the Double Deuce on 7/10/09 pending all the proper paperwork is provided.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth

NAYS: Willenbring

Motion passed on a 6 to 1 vote.

WARRIOR TO CITIZEN PLANNING TEAM – John Koerber volunteered to serve on the planning committee representing the City of Rockville.

6 MONTH/1 YEAR PROBATION APPROVAL – ***Motion by Member Becker, second by Member Willenbring to approve the following successful completions of probation:***

- a) *Filla, Nick*
- b) *Goerger, Amy – 6 month*
- c) *Marquart, Amanda*
- d) *Stang, Lance*
- e) *Stanger, Kirsten*
- f) *Walz, Joseph*
- g) *Walz, Stephen*

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

UPCOMING MEETINGS – The following meetings were scheduled:

Finance Committee – 4/22/09 – 6 p.m.

Personnel Committee – Employee Policy 4/29/09 – 6 p.m.

OPEN FORUM

Carol Dietman – 10059 County Road 47, had a comment about the dance being down at the ballpark. There is an awful lot of alcohol consumption whereby the people are contained. Rock Fest is intended to be a family event. The volunteers work very hard to make this a successful event.

Member Willenbring stated that there is a myth out in the general public that dust control is being assessed. It is not being assessed which is the same process as seal coating.

Member Willenbring reported that there is a request to use the old PA system for the Rock Fest. He thought we would need to create a policy requiring a damage deposit.

Ron Wasmund – Inspectron, Inc. thanked the council for their vote. He made notes of the industry concerns and the discussion of council members. He will be in position to address those issues.

ADJOURNMENT – Motion by Member Becker, second by Member Willenbring, to adjourn the meeting at 7:48 p.m. Motion carried unanimously.

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

**JEFF HAGEN
MAYOR**

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