

**MINUTES OF A SPECIAL CITY COUNCIL MEETING HELD WEDNESDAY,
NOVEMBER 14, 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 & Randy Volkmuth. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Maintenance Person Rick Hansen, Fire Chief Randy Dingmann, City Engineer Scott Hedlund & Attorney Jim Mogen.

Planning Commission Member Present: Chair Toni Honer

Others present were: Lt. Jon Lentz, Tудie Hermanutz, Vince & Audrey Schaefer, Bonnie & Jeanna Ring, Pat Grelson, Bill Phillips, Bruce Conrad, Brian & Joanne Hatten, Corynne Philipsek, Donald & Pat Danzl, Marvin Friedrich, Alcuin & Doris Schneider, Mel & Lucille Marthaler, Harold & Marilyn Sietsema, Frances Platzler, Marie Skaja, Amanda Marquart, Gerald & Helen Orbeck, Ann Filla, Peter & Janet Schaefer, Helen Suess, Joyce & Jerry Schlangen, Steve & Sandy Pfannenstein, Jan Neyssen, Laura & Sam Laudenbach, Harold Jungels, Andy & Eunice Molitor, Mary & Randy Stensrud, Jackie & Earl Pierskalla, Joan & James Chance, Alice Schneider, Dorothy Porwoll, Judy & Larry Kunz, Jerry Schmitt, Sharon Sponheim, Marshia, George, Kate, & Randy Bechtold, Joe Feldhege, Herbie & Joanne Schlangen, Duane Willenbring, Greg Schaefer, Eric Kunz, Tim & Sue Jeffrey, Doug Hodel, Carl Musielewicz, Ray Simon, John Stielow, Dave Volkmuth, Gary Koska, Mike & Joan VanderWeyst, Scott Honer, Joanne Schmitz, Mary Kay Kraemer, Carol Dietman, Rick & Jo Schmitt, Tom Van Lith, Joyce Hansen, Carol Wieber, Randy Fruth, Jerry Erkens, Gordon Massmann, David Hunstiger, Jessica Bromenschenkel, Bob Edelbrock, Mark Gross, Teresa Walz, John Langlais, Ed Kalla, Bill Thull, Richard & Lucy Heinen, Elmer & Delores Haus, Lloyd & Cheryl Lommel, Mandy & Jeff Schutz, Eldred Kraemer, Corky Scandinato, Diane Willard, Roger Bechtold, Daryl Steil, Mike Loesch, Dave Thomes, Lowell Lunceford, Eugene Merten, Pam Decker, Gary & Jodi Schneider, Marlene Molitor, Jay DesMarais, Dave Regnier, Elizabeth Knuth, Lew & Linda Hooser, Ted Williams, Gil Otto, Greg Beaumont, Charles Grell, Don & Mary Stephany, Robert Kunkel & Charles Schechter.

ADDITIONS TO THE AGENDA – There were none.

LETTER TO PROPERTY OWNER – Mayor Herberg reported that on 10/17/07 a member of the community came into the council meeting to voice concern about a compliance letter he had received. Mayor Herberg indicated that he owes an apology to Rena Weber and staff in that they were doing their job following up on a complaint; however, he was upset with how it was handled. Mayor Herberg indicated that two wrongs don't make a right.

VETERAN'S DAY COMMENTS – Jerry Bechtold introduced Retired Air Force Major Al Scherer who was present for a few comments on Veteran's Day. He stated that he is a lifetime member of the Cold Spring VFW and flew over Laos during the Viet Nam war. He refueled helicopters in the air. Major Scherer also reported on the history of incidents during his term in Viet Nam and how bones were recently recovered this year. Major Scherer also urged the community to not forget our POW's.

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

- a) **Approve minutes of 10/17/07 & 10/24/07**
 - b) **Approve Treasurer's Report of 11/14/07**
 - c) **Approve List of Bills and Additions of 11/14/07**
- | | |
|--|---------------------|
| Accounts Payable CK # 009631 – 009699 | \$156,203.83 |
| Payroll CK # 002882 – 002898 | 12,641.07 |
| EFT #00123 & 00124 | 810.97 |

d) **Rockville Booster Club renewal of premise permit at Grand Bar & Grill LLC Resolution 2007-40**

e) **Certify unpaid bills to tax rolls**

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

BOARD/STAFF REPORTS

POLICE DEPARTMENT – Lt. Jon Lentz was present to report on contract hours:

September - 67.5 contract hours – 7 citations – 4 speeding tickets in the Grand Lake area

October – 71 contract hours – 7 citations – 3 speeding with 2 being in the Grand Lake area

FIRE DEPARTMENT – Fire Chief Randy Dingmann was present to request the following:

LAP TOP COMPUTER – Chief Dingmann requested approval to purchase a lap top with a power point projector (\$600) at a cost of \$1326.96 with the money to come from the training budget.

Member Pfllepsen asked if there were any extra lap tops at city hall. No.

Member Hagen asked what this would be used for. Chief Dingmann reported that it would be used for training. There is a computer in the office that is set up and would not be the easiest to move to the training room.

Motion by Member Ahles, second by Member Volkmuth, to approve the purchase as requested.

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

Motion passed on a 7 to 0 vote.

RESCUE VAN – Chief Dingmann reported that the committee has looked at several vans and has come across a 2006 at an approximate cost of \$45,623. Chief Dingmann asked if the council wished to have the Finance Committee meet and discuss this.

Member Hagen asked if this vehicle can be used instead of sending out the fire trucks.

Yes.

Motion by Member Volkmuth, second by Member Ahles, to table action on the request until the Finance Committee can meet and make a recommendation.

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

Motion passed on a 7 to 0 vote.

PLANNING COMMISSION – Chair Toni Honer reported on the following:

SANDRA MEYER VARIANCE – 21225 COUNTY ROAD 8 – Chair Honer reported that the Planning Commission reviewed this request from Sandra K. Meyer for a variance from front yard setback requirements and location of accessory structure in the rear yard. The address of the property is 21225 County Road 8 in the City of Rockville.

Legal Description: That part of Government Lot No. 4 of Section 29, Township 123, Range 29, Stearns County, Minnesota described as follows; Commencing at the southwest corner of said Government Lot No. 4; thence North 00 degrees 20 minutes 49 seconds West (assumed bearing) along the west line of said Government Lot No. 4, 1209.00 feet; thence North 89 degrees 31 minutes 33 seconds East, 803.72 feet to the point of beginning of the land to be described; thence South 19 degrees 02 minutes 46 seconds East, 49.62 feet; thence South 07 degrees 31 minutes 56 seconds East, 140 feet more or less to the north edge of a creek which runs into Grand Lake; thence easterly along said north edge 140 feet more or less to the shoreline of said Grand Lake; thence northerly along said shoreline 200 feet more or less to its intersection with a line which bears North 89 degrees 31 minutes 33 seconds East from the point of beginning; thence South 89 degrees 31 minutes 33 seconds West along said line 177 feet more or less to the point of beginning. Containing 50,000 square feet more or less. Subject to County Road easements and right of way on record.

Rockville Ordinance Section 16 Subd 9 (C) requires building setback from centerline of County Road to be 100'. Said Structure is proposed to be 56 ½ feet from centerline.

Rockville Ordinance Section 9 Subd. 2 (3) requires accessory buildings to be constructed in the rear yard of the lot. Said structure will be placed 8' ahead of the principal structure.

Chair Honer reported that this is a unique lot so the Planning Commission recommends approval of both variances.

STAFF REPORT:

Variance(s) Requested:

1. Variance to construct a 10' x 16' storage shed and to locate it in the front yard of property abutting Grand Lake – General Development Lake. Said request is to also locate said structure 56 ½ feet from the centerline of the roadway – County Road 8.

Construction Requests:

1. Construct new storage shed and match the existing residential structure.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 50,000 square feet more or less. If approved there would be 784 square feet of impervious surface with 12,500 allowed.
3. A variance was granted to Pat Sell in June of 2004 to construct the two story cabin.
4. A May 11, 2004 letter from Stearns County Environmental Services indicates that nearly all of the property is in wetlands. Greg Bechtold from Stearns County has been contacted to get his staff report on the proposed structure. This response is expected by 11/13/07.

Recommendations:

1. Staff has worked with the realtor on this request and determined that the structure cannot be placed any place else or the owner would have to fill in the wetlands. It would be tucked behind a row of pine trees.
2. This requires two variances: building in the front yard (8' ahead of the principal structure) and 56 ½ feet from the centerline of the roadway (100' required).
3. This request would fall under a unique situation and therefore a variance could be granted.

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

RESOLUTION NO. 2007-40A

RESOLUTION APPROVING A VARIANCE FROM ROAD SIDE AND REAR YARD REQUIREMENTS.

WHEREAS, A request has been received from Sandra K. Meyer for a variance to construct a 10' x 16' storage shed and to locate in the Front Yard 8' ahead of the principal structure and 56 ½' from the centerline of County Road 8, and;

WHEREAS, Proper notification and publication had been given, and;

WHEREAS, all persons were given an opportunity to be heard on said request.

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

1. ***Said request is hereby approved to construct the 10' x 16' structure and to locate it 56 ½' from the centerline of County Road 8.***
2. ***Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.***
3. ***That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.***

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

SCHEDULE PH 2007-41 – ACCESSORY STRUCTURE AMENDMENT –

Motion by Member Volkmuth, second by Member Hagen, to schedule the public hearing to consider adoption of said ordinance for 11/21/07 at 7 p.m.

Discussion was held and it was determined that the 11/21/07 meeting could be cancelled.

Member Volkmuth withdrew his motion, with Member Hagen agreeing.

Motion by Member Volkmuth, second by Member Palmer, to schedule the public hearing to consider adoption of said ordinance for 12/05/07 at 7 p.m.

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

Motion passed on a 7 to 0 vote.

CANCEL 11/21/07 COUNCIL MEETING –

Motion by Member Volkmuth, second by Member Hagen, to cancel the 11/21/07 City Council meeting.

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

Motion passed on a 7 to 0 vote.

ORDINANCE 2007- 42 & 43 - Chair Honer wished to report that the Planning Commission also reviewed two more ordinance amendments:

2007-42 – Restricting Water Oriented Structures

2007-43 – Application of setbacks for Industrial Zoned Property

Motion by Member Pflapsen, second by Member Simon, to add the two proposed ordinance amendments to the public hearing on 12/5/07.

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

Motion passed on a 7 to 0 vote.

SUB-COMMITTEES – Chair Honer reported that two sub-committees have been formed on the Planning Commission to look at:

- Ideas on smaller lots (hobby farm)
- Where would Conservation Subdivisions be

ROCK FEST – Kathleen Stanger reported on the following:

- Spaghetti dinner on 11/17/07 at Granite Edge – meet the Rock Fest Royalty
- Newsletter coming out shortly – will list their goals & mission/vision for 2008
- 2008 Rock Fest 8/22, 8/23 & 8/24 - date changed due to conflict for bike show and she will be in Australia.
- Next meeting 11/28 – 7:10 p.m. – looking for more volunteers.

OLD BUSINESS

RESOLUTION NO. 2007-38 & 2007-39 – FINAL ASSESSMENTS COUNTY ROAD 82 AND CSAH 8 –

Mayor Herberg reported that things happened last week:

He met with Attorney John Stielow regarding concerns that residents brought to Mr. Stielow.

This is an education process and one of the things was that people were not involved and don't understand it totally. Mayor Herberg suggested that we go back to the drawing board and revamp the policy. He further suggested that we add 6 to 8 people from outside of the city council to join the committee. They may come up with something different or maybe the same resolution. They would then have ownership in the policy and hopefully they would go out and spread the word, same as they have done with this. It would be wise to consider this.

Mayor Herberg realizes that we are trying to get this done and on the tax rolls for this year, but if we look at litigation we are going to spend a lot more money as he feels this is where this is going to go. On the other hand if we vote this down tonight the city council is going to have a very hard time in the future of getting assessment passed in the future. This does not mean it is going away. We may put off the assessment for one more year, but we need to get so people are happy and understand what this is all about.

Mayor Herberg added that the Council does listen and suggested that if the council is agreeable with this he would entertain a motion to table action.

Member Palmer asked if there will be a time line set to re-visit this. Mayor Herberg responded that we have been working on this for 8 months and suggested we don't stop, but that he sees this being finalized in 2 to 3 months. He does not want to be sitting here next year in November trying to decide what to do.

Member Pflapsen reported that what we are trying to do here is to establish a financial plan for the next 20 to 30 years. There is not urgency to get this developed now and when you say go back to the drawing board, put the brakes on, that means you want to pend it, table it, or delay it and it still may go through. He likes the concept of public involvement, but if a task force comes together it comes together in spring of 2008 which means that the current action is not tabled, it is stopped, cancelled or killed. This is a 30 year financial planning and a lot is happening here in town, there is a lot of ill will, and I don't think we need to push through or re-invent what we have tried to do until spring so he would like to push it off the end of the table at this point.

Mayor Herberg indicated that he appreciates what Member Pflapsen is saying, but at the same token you have a bigger financial impact on the city with County Road 82. Look at the fairness issue. When you look at \$240,000 to \$250,000 that will be totally borne by the taxpayers without any kind of assessment this is an issue.

Member Palmer indicated that the idea of getting public input is good and felt we should just table action, revisit the policy and come back with a recommendation.

Member Pflapsen voiced concern that based on the level of opposition that we have seen on the street that trying to massage the policy will help.

Member Palmer indicated that we are not saying massage the policy, but give us options so that we all understand. If there is a better option out there, that's great, but it also has to be an option that is financially viable for the city.

Member Volkmuth stated the fact is most other cities do assess, most other cities have a policy and the fact that we don't needs to be addressed. It means maybe we have to change and he is in favor of looking at a compromise, but don't put this off until spring. The city has financial obligations and we all know what kind of budget we are under.

Member Pflapsen stated this assessment policy was first discussed after we knew there was a \$240,000 financial obligation by the city which would probably be taken care of ad valorem. I think we just go back to that option.

Member Volkmuth voiced concern that what Member Pflapsen is saying is that we just pick up the cost which is not the best option. It is not fair if we are going to continue to do projects, to not assess now and later expect others to pay assessments.

Member Hagen asked attorney Jim Mogen what our options are as far as postponing a decision on the assessments and is there a time constraint.

Attorney Mogen indicated that there is a constraint from the time period of letting the project, but there is none that he knows for assessing the project. The statute does allow you to postpone.

Member Palmer suggested that we give the committee adequate time to re-consider the policy with the holidays coming up.

Member Hagen indicated that the whole concept is complicated, we have discussed this inside and out, we have objective people on the council and we only have one person on the council who is affected by the assessment (*Actually 2*). We think we came up with intelligent discussion and were objective. It is an information issue as most people out here who have objected to it are affected by it so they are not going to look at it the same way we are. He would like to keep this thing fresh. These people have spent a lot of time gathering information. We need to keep people involved going forward from this meeting instead of letting it sit stale for three or four months. The risk you are going to have is the people out there are going to say they are afraid to make a decision and are putting this thing off or we are going to do this behind their back. Let's keep rolling with it and get a group of representation from not only this group, but from other areas of the city. People he is thinking about are people living on dirt roads that have asked the city to spend money to help maintain their roads and can't get it because we don't have the money for it. He further suggested that we reduce council participation and increase the public participation and still get a good result. He does not want to lose the opportunity to assess people because of the fairness issue. The reason he was against the policy on a case by case

basis is that every time we were to assess people they would come in and plead their case or find something in their situation that would cause us to consider changing their assessment.

Member Pflepsen voiced concern that a motion to totally reject both resolutions leaning to reformulation of the assessment policy in the future for additional information we would have to go through the whole public hearing process or do we table as written. His question is to assess again in the spring this would have to go through a public hearing.

Mayor Herberg indicated that only if there is a change would we need a public hearing.

Motion by Member Pflepsen to take Resolutions 2007-38 & 2007-39 and throw them in the garbage can and bring this back in the spring.

Attorney Jim Mogen suggested the council table action on the two resolutions to 3/19/08 which is the 2nd meeting in March and further to re-notice the people of a public hearing if you wish to do that. You want to maintain that as an option.

Discussion was held as to what throwing them in the garbage can would mean and options available.

Member Pflepsen stated that if a new committee is involved with citizen input and that's where they end up in spring, and it makes sense it is okay. He is a firm believer in the policy that was created, but his position tonight is based on the thoroughly entrenched population of 99.9% of the people he talked to being opposed to it. He has to respect that opinion.

Motion died due to a lack of a second.

Motion by Member Hagen, second by Member Palmer, to table action on Resolutions 2007-38 & 39 until 3/19/08 at which time the council may amend the resolutions.

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

NAYS: Pflepsen

Motion passed on a 6 to 1 vote.

SPECIAL ASSESSMENT POLICY COMMITTEE – *Motion by Mayor Herberg, to establish a task force of 3 council members, and 6 voluntary representatives from:*

Ag part of the city

Living on gravel road (1 or 2)

County Road 8

County Road 82

This can be volunteer or appointed.

Member Hagen indicated he would like to see 50/50 representation, but anticipates a lot of volunteer participation so he would like background on the people and the council would select. Member Volkmuth would like to select from a good sample.

Mayor Herberg would also like to see a good mix of people, like from Echo Road or Pleasant Lake.

Member Palmer stated she would like to see people come in and volunteer, but for others to feel they can come in and listen.

The motion 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.

Member Ahles suggested that people should pick their own person to represent their area.

Vince Schaefer asked if the meeting would be open to the public and was informed that they would be.

PUBLIC HEARING – TAMARACK COURT – Mayor Herberg announced that a public hearing would now be held to consider final assessments for the Tamarack Court Drainage project at 7:07 p.m. Rena Weber read the notice of public hearing for the record.

Engineer Scott Hedlund reported on the proposed assessment.

Jason Ophoven - 502 Tamarack Court, stated that the water is flowing, but he questions that the original estimate was \$24,000 and now is \$30,000. What made it increase?

Scott Hedlund reported that the city solicited bids from 11 contractors and only 2 responded. The bids came in higher than the original estimate. Scott Hedlund further reported that the city decided to assess 75% and pay 25%. The increased cost was primarily due to higher construction bids.

Member Palmer indicated that the cost is \$375 over the original estimate for each parcel. Debbie Eich – 541 Ptarmigan Lane, asked why they are being assessed. She stated that this project does not affect them at all. She has lived there 29 years and never had a water problem. The city asked for a vote and Ptarmigan Lane residents were outvoted 5 to 6 on Tamarack Court.

Scott Hedlund explained the benefit being a dual benefit in that the storm water pipe was installed so that they can hook into it.

Motion by Member Palmer, second by Member Hagen, to close the public hearing at 7:18 p.m.

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

Mayor Herberg stated that for the record one letter of objection was received and the council has now heard one other objection.

Member Hagen voiced concern that people may not have responded in a timely manner according to law. Maybe we should re-open the hearing and advise the lady if she wishes to oppose she has to do it right now and in writing.

Mayor Herberg announced that he would reopen the hearing at 7:21 p.m.

Attorney Jim Mogen informed the council that they should postpone action on the Willenbring objection to discuss the issue further with him.

Matt Haubrich – 521 Ptarmigan Lane addressed the council stating that he too has an objection to the assessment and submitted a notice in writing.

Debbie Eich – 541 Ptarmigan Lane submitted a written letter of objection also.

Motion by Member Ahles, second by Member Hagen, to close the public hearing at 7:24 p.m.

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

Member Hagen introduced the following resolution and moved for its adoption

***RESOLUTION NO. 2007-41
Resolution Adopting Assessment***

Tamarack Court Drain Tile Improvements

Rockville, Minnesota

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for drainage improvement along the back property lines of the westerly and northerly lots on Tamarack Court to approximately 100 feet east of Ptarmigan Drive EXCEPT: Duane & Diane Willenbring, Deb Eich, & Matthew Haubrich.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in equal annual installments extending over a period of 5 years, the first of the installments to be payable on or before the first Monday in January 2008, and shall bear interest at the rate of 5.0 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest

on the entire assessment from the date of this resolution until December 31, 2007. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

3. The owner of any property so assessed may at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the city treasurer, except that no interest is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the city treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.

4. The clerk shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

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

Mayor Herberg voiced concern that based on the cost absorbed by the property owners already he feels the city should pick up the difference.

Member Pflapsen stated that the 75% Vs 25% was done based on the fact that the city will be maintaining the storm sewer from now on.

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

NAYS: Herberg

Motion passed on a 6 to 1 vote.

Attorney Jim Mogen indicated the council had two options: one is to have the objectors meet with the whole council or with a committee and suggested the council have a committee meet with the objectors and bring a recommendation back to the council.

Motion by Member Ahles, second by Member Hagen, to instruct the Street Committee to meet with the three objectors and bring a recommendation back to the council.

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

Motion passed on a 7 to 0 vote.

NEW BUSINESS

PETITION TO WITHDRAW FROM CITY – Gene Merten - 9705 205th Street, Kimball, MN stated he was representing the south end of the city and they are wishing the council accept their petition to withdraw from the City of Rockville. At this time they just wish the council to consider their petition, they did not hire an attorney, and they just want to know the feelings of the council or suggestions on what steps to take. They have nearly 100% petition signers (*Sections 31 – 36*) which is 1 mile wide by 6 miles wide in which 65% to 70% of property owners have signed. The biggest reason for the petition is being this far from the core city they should not be governed under city government. The city should be able to supply city services out to them and they should not have been annexed in the first place. They have been working with the Township of Maine Prairie and are asking them to annex us.

Member Volkmuth asked what Maine Prairie's stance is.

Gene Merten stated they had no objection to it, but would like more input at the annual meeting before they make their final decision.

Member Pflapsen voiced concern as to how the debt for the Fire Hall and City Hall would still be handled. This is not a new thing and he was personally contacted by Harvey Woods – Maine Prairie Township Supervisor. He lives in Section 31 so he would be affected. He did not sign the petition and felt it was probably not a good idea. These discussions were held 5 years ago (pre-consolidation) and he wanted people to understand this was not due to a number of reasons or even the current assessment policy. Member Pflapsen further indicated that he believes the people really feel the services will not get to them. This is an opportunity to be self

governed and if the township that governs a lot of rural or Ag based land area of the southern part of the city can makes more sense then they should be governed by that instead of being part of a growing young city. He would support it as best he could but would have to re'cuse himself provided it does not hurt the city financially.

Gene Merten stated his concern is the assessment policy. As a township they tarred many of the roads. In the future if anything would ever happen on their road he fears he would be assessed like now.

Mayor Herberg stated that some of the concerns he has heard is that they are paying for water/sewer improvements in the city when in fact that is not the case.

Member Pflapsen stated there may benefits which are much more than you think such as increased fire protection or police protection, or lower insurance cost. If the city were to tar your road you would have limited exposure to what you are going to pay like \$2,000 to \$3000, that's the reality. There may be benefits that you are not thinking about.

Gene Merten stated that what he is hearing is the cost is way more than that.

Member Pflapsen indicated that was probably at 100% and our policy is at 30% property owner, 70% city.

Attorney Jim Mogen informed the council that this is a request – it is not a petition. It is a way to identify support from the residents to have the City take a look at this issue. It does not meet the requirements of a petition. If it was a petition it would have required additional information and require that it be filed with the State. The City Council would have to pass a resolution asking the state to adjust the boundaries to detach certain portions of the city to another township. If you do pass a resolution and the property owners obtain a petition that meets the statutory requirements then there would be no public hearing but rather the state would still make an order basically adjusting the boundaries. In that order it is possible for the state to allocate a portion of the assets and obligations so that if there are debts they may go with the properties to the township. If there are assets of the city they may also go with the properties such as the city roads. If only one or the other is in place then the State will hold a hearing before an administrative law judge which will require people to comment such as if the property is rural in character and unable to be serviced or whether it will be a detrimental benefit to the ability of the city to continue to operate. 414.06 Sub 1 outlines the requirements of the petition.

Member Volkmoth wants to see how it would affect the city financially, and take care of the debt and come to some agreement there.

Jim Mogen stated that generally it is an agreement between the city and township.

Member Palmer stated it would be difficult without knowing the complications and would like to hear from Maine Prairie Township.

Gene Merten stated they have information on how much the residents pay in taxes now and how many miles of roadways. He asked do they need an attorney or can the city and township meet? It was determined that at some time an attorney would be needed.

Member Pflapsen asked how many of the residents signed. Gene Merten replied that there were 2 or 3 property owners who did not sign and he counted 55 owners.

Rena Weber reported that 50 individuals signed the petition that live in the area – 7 signed as a couple and would be excluded. 13 additional individuals who do not live in the area – 2 signed as a couple. There are 85 parcels, but some might be multiple owners.

John Wicker, Maine Prairie Township Board member stated he has more questions at this time. It would blend in with their township, and is more Ag in nature. He had not planned on saying anything tonight, but they would like to have something to present to their residents at the March meeting. There would have to be meetings or discussions with the council in the next few months.

COMMITTEE REPORTS

MAYOR'S REPORT- Mayor Herberg had nothing to report.

SPECIAL ASSESSMENT COMMITTEE – A written report was in the packet.

ADMINISTRATOR REPORT – Administrator/Clerk Rena Weber has one request for council action.

TRANSFER & CLOSING OUT FUNDS

Request to make the following adjustments to the city accounts. (Noted balances are as of 11/1/07).

Transfer balance of Fund 211 Shady Oak Development to Fund 101 General Fund -\$21.95 and discontinue use of Fund 211.

Transfer balance of Fund 404 Water Imp Proj 2005 P Lk to Fund 307 2005 Water Imp Bond \$246,821.67. Construction is believed to be completed. Discontinue use of Fund 404 after 2007 audit.

Transfer balance of Fund 406 Prairie Industrial Park Construction to Fund 305 2004A GO Imp Bonds-PIP \$8,579.51. Construction is completed. Discontinue use of Fund 406 after 2007 audit. Fund Kraemers Agmt for Erkens Water through the Water Fund 601.

Motion by Member Volkmuth, second by Member Palmer, to approve the request to close out funds and transfer balances as requested.

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

OPEN FORUM

Sharon Sponheim – 21556 County Road 8, stated that when the council is picking the committee for the special assessment committee they should not pick the committee based on how the LID was picked.

Dave Volkmuth – 25754 Lake Road, asked the council that when you get into the policy statement, don't think only about Broadway, think about the whole city. We need the participation of the whole city. If we go back to the residents on Lake Road paid into 100% of the cost. He would volunteer to be on the committee.

Tudie Hermanutz - 211 1st Street West, was present to speak on the same subject matter. She was concerned that if 6 volunteers sign up will they be the only ones picked. It was determined that probably not. Tudie Hermanutz stated that if they fit the criteria from the six areas of the city then okay. She does not want to see anybody stacking the deck.

Don Danzl – 23335 County Road 8, stated he was not in the project that is being talked about now, but will be in the future. He is glad the City Council realizes and invited the people to be involved. He further stated that a committee was formed regarding addressing and once they got to the truth, you don't hear anything from them anymore.

Corky Scadinato – 108 Broadway Street East, thanked John Sanner and the Sheriff's Department for protecting his property. He asked when we would take down the signs so that people would know the small businesses are open in Rockville. Mayor Herberg volunteered to contact the County for him.

Bruce Conrad – 11381 Hubert Lane, thanked the council for clearing this up and hearing everybody. He urged the council to give the Business Association a list of projects we are working on and he further took his comment back. He also reported this is Native American Awareness month and wonders if the council would consider inviting the Red Lake tribe here yet this month or to Rock Fest to learn of their culture.

Member Pflapsen suggested the Rock Fest be the event by which this could occur.

Don Simon asked Stearns County Commissioner Vince Schaefer why the road (County Road 82) wasn't completed on time. They worked only 4 days per week and lost some time in the beginning. We were told it would be 55 working days.

Vince Schaefer stated the contractors worked 40 hours per week and working with the Rail Road it took two years to get a permit. He would get an answer to Member Simon.

Mayor Herberg stated that there was one more obstacle – Xcel Energy needed to move electric poles. Locates should be done this week, but it was too late to tar and get a good project.

Member Pflapsen indicated that he wanted a moment to address written comments in the letter given to legislators today regarding the assessment policy. He had a comment made about the Granite Edge and immediately tried to contact George Bechtold, but he was gone hunting at the time. There is talk on the street that it was thought that he could care less if George went out of business due to the assessments and he wished to give some background information based on the type of business he is in and directly the type of business George has –a restaurant. Last year his firm provided brokerage service for two restaurants not only the building but the leasing.

In the restaurant business there is appraisal work, financing and feasibility studies. The reality in the back of his mind when some of those discussions came up is that the Maryland Center for Small Business Development has statistics that show many small mom and pop restaurants have 60% to 64% of them that fail in the first five years. That was in the back of his mind and George has said many times that he would have to go out of business because of the assessment. I off the cuff said that if George is going to have to go out of business maybe there are other issues. From there with the fever and whatever else I think I have been maligned. I come to George's business and there certainly was no attempt to attack you.

Attorney John Stielow stated that he was disappointed the assessment wasn't thrown out. It took a lot of foresight, but he is glad the council is getting citizen involvement. He further thanked the council for the consideration

FINANCE COMMITTEE/PERSONNEL COMMITTEE MEETING –

Motion by Mayor Herberg, second by Member Volkmuth, to schedule a Finance Committee and Personnel Committee meeting respectively on 11/27/07 at 6 p.m.

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

Motion passed on a 7 to 0 vote.

ADJOURNMENT – Motion by Member Palmer, second by Member Volkmuth, to adjourn the meeting at 8:17 p.m. Motion carried unanimously.

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

**BRIAN HERBERG
MAYOR**

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