

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, AUGUST 15, 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 member Vern Ahles, Don Simon and Randy Volkmuth. Members Hagen, Palmer & Pflapsen arrived at 6:04 p.m.

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

Others present were: Lloyd Lommel, Tudie Hermanutz, Dave Volkmuth, and Sam DeLeo. George Balko, Ev Balko, Scott Stenseth, Vince Schaefer, Kim Klein & Barb Nicol.

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

AYES: Ahles, Herberg, Simon & Volkmuth.

Motion passed on a 4 to 0 vote.

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

- a) **Approve minutes of 08/01/07**
- b) **Approve Treasurer's Report of 08/15/07**
- c) **Approve List of Bills and Additions**

Accounts Payable CK #009387 to 009426	\$54,460.75
Payroll CK #002800 to 002809	5,955.29
EFT CK # 000117	398.26

AYES: Ahles, Herberg, Simon & Volkmuth.

Motion passed on a 4 to 0 vote.

5A – BOUNDARY COMMISSION ASSESSMENT HEARING – DISCUSS

Jim Mogen introduced discussion on the Boundary Commission assessment and explained the need for postponing the hearing. More issues came up and it was felt that things regarding the costs apportionment to benefited properties needed to be discussed.

The notice that was sent out was based on the following:

of final lots that plat had

of owners that made up the lots

of tax parcels that were made up as part of the plat

The plat also benefits parcels that abut the plat and the Backes property benefits greatly by the establishment of Hubert Lane.

Refer to Exhibit A – Office Memorandum

Option 5 is the recommended option suggested by Attorney Jim Mogen, but he still had two questions:

1. Is the city going to assume any of the overall cost of the project? Part of the reason for the Boundary Commission was at least partially done because of the road.
2. Will the Council reconsider and direct Attorney Mogen to correct and submit a second assessment roll?

Mayor Herberg asked if the city cost can be added to another improvement project when Hubert Lane is done. Jim Mogen responded that it can, but there is a one year time frame by which you have to do it.

Member Palmer asked then why not assess the cost now?

Mayor Herberg indicated two reasons:

1. Keep the cost down initially
2. When we to improve the road we will assess then for the benefit.

Member Pflapsen questioned if any of this would benefit the Backes (Bloch) property.

Member Pflapsen stated that he does see this as a big value to get this cleared up for Mr. Backes. Attorney Mogen stated that Option 5 does address this issue and further suggested that

about 30% to 40% of the \$36,000 could be assessed to Backes or about \$14,400. The remaining \$21,000 would be divided by 34 on a front footage basis = less than \$1500 with the larger lots paying more.

Member Hagen asked about the properties that have land on both sides of the road, some have garages on them or they use the lot on the other side of the road for their impervious lot size coverage so they do benefit. Attorney Mogen indicated that this would make the formula more difficult. Member Hagen stated that it is just as simple in that they own on both sides of the road so they should get assessed for both sides.

Member Hagen indicated that there is another issue which involves the city.

Motion by Member Volkmuth, second by Member Palmer, to select Option #5 Weighted Front Footage as the preferred method of assessment which does not distinguish that the city is assessed for a portion of the cost.

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

Member Pfllepsen questioned if the reason for the Boundary Commission was due to McNamara/Kirscher property line issue and involved the road.

Attorney Mogen reported that is technically not why the Boundary Commission was formed, but there was a boundary line dispute involving McNamara's filing a Torrens property registration against his neighbor. As a result the city was listed as a defendant for the roadway. Also, at the same time the property to the north (Bloch property) was being proposed for development. There was also the concern that if the McNamara registration were to be decided in one way there would be a domino effect up and down the shoreline where property lines would continue to be challenged and as a result Sam DeLeo suggested that a Boundary Commission Plat be initiated.

Member Hagen stated that he was on the council at the time the Boundary Commission was formed, he voted against the decision and a majority of the property owners were also against it. The city initiated the process not only to answer the McNamara issue, but to accommodate the developer and the location of Hubert Lane. The people did not get a say in this matter and he strongly encouraged the council to pick up a major portion of the cost. The estimated cost was about \$500 per property and now it is up to \$1500. Member Hagen questioned if residents wanted to challenge this on the issue of benefit how would the city stand. Member Hagen stated that it is hard to argue that people have benefited from this. There has been a multitude of transfers of property on this road and it hasn't been an issue. The whole basis for the project was that people could not transfer their property.

Jim Mogen indicated that transfers did occur, but that the benefit in a project of this sort whether the city initiated or not, is that individual property owners wishing to correct their property lines would have had the cost of surveying or initiate a lawsuit. The estimated cost of a Torrens registration is \$5,000 minimum. If you talk to Mr. Kirscher you will know that he spent more than \$5000 in legal fees and Attorney Mogen feels that the benefit can be defended.

Member Ahles stated that we still did not settle the road issue, it is still there.

Member Palmer asked what was the issue with the road.

Member Ahles stated we were trying to widen the road and get it passable for fire equipment.

Mayor Herberg stated that we needed to establish the 10' road width and where it was.

Member Palmer stated she changed her opinion and the city share should be more than \$5000.

Member Pfllepsen stated the more he hears the more he feels city has some obligation here as the majority of the property owners did not want this. In light of the Kirscher/McNamara deal and that the city tried to accommodate the developer as well as our road we have a responsibility. Member Pfllepsen suggested using a weighted formula.

Member Volkmuth suggested that we get down to \$1250 per property owner taking out the Bloch property.

Jim Mogen suggested another option 5.1 where each property is assigned a specific value rather than it being 40% divided by 34. Jim Mogen suggested a flat fee for a portion and also percentage based on front footage. There are 56 lots, 41 tax parcels, and 34 owners.

Member Palmer suggested another breakdown where \$11,000 would be city cost. Member Palmer further suggested that \$15,000 of \$65,000 would be city cost.

Motion by Member Volkmuth, second by Member Palmer to deduct \$15,000 from the \$65,000 total and then follow Option 5.

Member Hagen indicated that he personally feels that the city is responsible for at least 25% of the project.

Attorney Mogen indicated that issue with lowering the assessment by \$15,000 is in determining the true benefit for Mr. Bloch's property and the numbers drops significantly which may not be what the council wishes. An option would be what he suggested with 5.1 which will lower the per parcel ID and still maintain the front footage amount.

Member Volkmuth withdrew his motion.

Member Palmer withdrew her motion as well.

Motion by Member Volkmuth, second by Member Hagen, to rescind the motion using Option 5 as the basis for assessing.

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

Motion by Member Volkmuth, second by Member Hagen, to approve 5.1 where we will assess \$340 per parcel ID and then allocate \$36,000 and the city will contribute \$15,000 of the \$65,000.

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

BOARD/STAFF REPORT

POLICE DEPARTMENT – Rena Weber reported that Lt. Jon Lentz will report at the 9/5/07 meeting.

FIRE DEPARTMENT – Fire Chief Randy Dingmann reported on the following:

MUTUAL AID RESOLUTION – Chief Dingmann reported that St. Augusta would like to be included in the mutual aid agreement which would then need to be revised.

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

RESOLUTION NO. 2007-25

A RESOLUTION APPROVING AMENDMENTS TO THE CENTRAL MINNESOTA FIRE AID ASSOCIATION'S MUTUAL AID AGREEMENT ADDING THE CITY OF ST. AUGUSTA TO THE MUTUAL AID ASSOCIATION

WHEREAS, the Rockville Department is a member of the Central Minnesota Fire Aid Association; and

WHEREAS, the Central Minnesota Fire Aid Association exist to allow member fire departments to share resources in time of emergency; and

WHEREAS, the City of St. Augusta has recently formed a fire department and had requested to become a member of the Central Minnesota Fire Aid Association; and

WHEREAS, the Central Minnesota Fire Aid Association voted at its July 19, 2007 meeting to approve the City of St. Augusta Fire Department as a new member by a majority vote of the membership as required in the Constitution and By-Laws;

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

That the Central Minnesota Fire Aid agreement be amended to add the City of St. Augusta as a party to the Mutual Aid Agreement;

AND BE IT FURTHER RESOLVED:

That the Mayor and City Clerk are authorized to sign the amended Mutual Aid Agreement.

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

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

RESCUE TRUCK – Chief Dingmann reported that the motor is shot and the cost to repair is \$6000. There are 250,000 miles on the vehicle and it is not worth the amount needed to fix the truck. The department has contacted Gold Cross and they are having a hard time in finding a new truck for themselves. \$48,000 of their dedicated funds was spent on blacktop for the fire hall and they should be getting this money back. They have the option of taking a portion of that money as they need to buy one down the line. Member Volkmuth suggested the council hold off on any action until the finance committee meets. The EDA will discuss repayment at their next meeting.

PLANNING COMMISSION – Rena Weber reported that one application was received for the open Planning Commission position and Steve Dietman applied.

Mayor Herberg stated that he was contacted by the person who recruited the applicant to apply and was concerned that advertising was extended because of one applicant. In effect the applicant and the person who recruited the applicant got slapped in the face because of the extension.

Member Volkmuth stated he has no problem with this as this is normal procedure in business. We wanted more than one applicant.

Member Palmer stated that when we extended the process we did not know who the applicant was so it had nothing to do with that.

Member Volkmuth stated that whether the applicant qualified or not we wanted to have some choice and there was only one choice.

Mayor Herberg stated that it looks to the public like we are hand picking the members.

Member Volkmuth indicated that is not the case and we only wanted more choices. We should talk to this person to see if they are qualified, but he does not have a problem with wanting more choices.

Member Simon voiced concern that we will have a school board election this fall and nobody filed for the open positions. Does this tell you that nobody wants to be involved? Member Simon urged the council to take this person.

Member Simon motioned to accept Steve Dietman as member of the Planning Commission.

Member Volkmuth state he would at least like to interview him and not make a quick decision.

Member Palmer stated we are looking at 5 year term and when she applied for the Planning Commission she was surprised at how little there is on the application. There is benefit in gathering more information by interviewing the applicant. We are trying to change how we do business.

Member Volkmuth stated that if there isn't the interest, maybe the Planning Commission should go down to 5 members. We do have options.

Member Hagen stated that he agreed with Member Volkmuth. If we are to keep him on for 5 years, he needs to know what is expected of him. A lot more work and input is expected from the Planning Commission and there is a benefit to meeting him first. Member Hagen understands what this person is saying in how he feels he is being treated and may be compounded by bringing him in here. It is typical business practice and a benefit for him to know what the Planning Commission is all about.

Mayor Herberg asked are if we are starting something new by the City Council interviewing the applicant.

Member Pflapsen stated he is surprised there is so little criteria other than a name and address and then getting posted to a position that involves 5 years. We should talk about requirements and maybe an interview process.

Member Volkmuth stated he would like to see a change to some sort of standard such as the Personnel Committee interview and make recommendation to the Council. The Planning Commission is appointed by the City Council and we have a right to speak with this person to know where they are coming from.

Member Palmer stated she would like to get a different application.

Member Volkmuth suggested we bring this person into the Personnel meeting for an interview.

Member Pflapsen stated that to be fair to this individual that we asked for applicant(s).
Member Hagen stated that each time we went out for applicants the number has decreased because we did not have some sort of criteria or held them to any standards. He would like to see some sort of interviewing process.

Mayor Herberg asked is there a second to the motion, once, twice, three times. The motion died for lack of second.

Motion by Mayor Herberg, second by Member Pflapsen, to call Steve Dietman in for an interview with the Personnel Committee.

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

Motion passed on a 7 to 0 vote.

Member Volkmuth stated this should be the standard procedure for anybody that is hired.
Member Palmer suggested we bring back the application form for consideration.

PUBLIC HEARINGS

ORDINANCE NO. 2007-38 – Mayor Herberg announced that a public hearing would now be held to consider adoption of Ordinance No. 2007-38 placing a 6 month moratorium on subdivision of land in the Shoreland.

Attorney Jim Mogen indicated that the ordinance is a step that re-affirms the resolution the council previously passed establishing the moratorium.

No person appeared before the council to speak for or against the ordinance.

Motion by Member Palmer, second by Member Ahles, to close the public hearing at 7:17 p.m.

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

Motion passed on a 7 to 0 vote.

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

ORDINANCE NO. 2007-38

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE SUBDIVISION OF CERTAIN SHORELAND WITH THE CITY OF ROCKVILLE.

(A complete copy of the ordinance is hereby attached and marked Exhibit B).

The motion for the foregoing ordinance was duly seconded by Member Palmer, with the following vote being taken.

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

Motion passed on a 7 to 0 vote.

ORDINANCE NO. 2007-39 - Mayor Herberg announced that a public hearing would now be held to consider adoption of Ordinance No. 2007-39 placing a 12 month moratorium on the transfer of development rights within the City of Rockville

Attorney Jim Mogen indicated that the ordinance is again a step the re-affirms the resolution the council previously passed which prohibits the transfer of development rights between owners. The other moratorium expired, the Planning Commission is considering conservation subdivisions, smaller zoning districts, and therefore is requesting a new moratorium which will provide for smaller subdivisions.

No person appeared before the council to speak for or against the ordinance.

Motion by Member Volkmuth, second by Member Palmer, to close the public hearing at 7:19 p.m.

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

Motion passed on a 7 to 0 vote.

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

ORDINANCE NO. 2007-39

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE TRANSFER OF DEVELOPMENT RIGHTS, WITHIN THE CITY OF ROCKVILLE.

(A complete copy of the ordinance is hereby attached and marked Exhibit C).

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

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

Motion passed on a 7 to 0 vote.

BOUNDARY COMMISSION – Rena Weber asked that the Council consider re-scheduling the Boundary Commission for 9/19/07 – 7:15p.m.

Motion by Mayor Herberg, second by Member Hagen, to re-schedule the Boundary Commission hearing for 9/19/07 at 7:15 p.m.

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

Motion passed on a 7 to 0 vote.

MAINTENANCE DEPARTMENT – Rick Hansen had nothing to report.

PARK & RECREATION DEPARTMENT – Chair Scott Stenseth reported on the following:
SUMMER BALL PROGRAM – Scott reported the summer ball program numbers were up and the players appreciated roofs for dugouts.

DOCUMENTARY ON PARKS – Scott Stenseth reported that Duane Kuss of Rocori Digelog created a documentary on parks and showed it to the board at their last meeting.

REQUEST FOR ACTION - 2 CEMENT SLABS – LION'S PARK – Requested approval to pour 2 cement slabs at Lions Park near Pleasant Lake.

One slab would be for the Picnic Shelter. This would allow for a cleaner, more stable surface for people using the Picnic Shelter.

The second slab would be located directly behind the backstop of the ball field. This would be used to support the bleachers we are planning on installing next year for people to watch games at the Pleasant Lake field.

Two estimates were received for the above projects.

Robak's Elite Stone \$8632.00

Hang Em High Crane \$8259.50

The Park & Recreation Board requested approval to go with the lower quote from Hang Em High Crane in the amount of approximately \$8,259.50 from E 202-45122-590 Capital Outlay.

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

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

Motion passed on a 7 to 0 vote.

KNIFE RIVER DONATION - The City of Rockville has received a donation from Knife River/MDU Resources, which they would like to see used for Eagle Park. Since Knife River (Bauerly Companies) never billed the city for the aggregates used for the Eagle Park Trail in 2006, in effect they are donating \$2,200 of aggregate to the city, leaving the original donation of \$2,500 available for improvements at Eagle Park. Of that \$2,500, \$300 has already been approved for seed/plantings. Please designate the \$2,500 received in September 2006 to be used for additional Eagle Park Improvement needs.

Motion by Mayor Herberg, second by Member Ahles, to approve the designation as presented.

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

Motion passed on a 7 to 0 vote.

CRACK FILLING – LION'S PARK – Scott Stenseth asked for council approval for L & M Services to crack seal the walking path at Lions Park by Pleasant Lake. The estimate received from L & M Services is \$3,595.00. There is \$2,000 available in the 2007 Parks & Recreation Crack Filling line item E101-45122-319. \$95 would come from the 2007 Park & Recreation line item for Tree Moving/Planting/Landscaping (\$2,500 available). The remaining \$1,500 would come from 2006 Designated Funds for Tree Moving & Landscaping E101-45122-294, Project code 200402.

Motion by Member Palmer, second by Member Volkmuth, to approve the request to crack fill the walking path at Lion's Park as presented.

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

Motion passed on a 7 to 0 vote.

Member Pflapsen questioned the use of 2006 designated funds.

Member Volkmuth stated that if they don't use up the funds it goes into the general fund or is designated. Discussion was held regarding the use of such funds.

Member Simon voiced concern to Scott Stenseth that you can't see the walking path due to the weeds at Eagle Park. Member Simon asked if they are going to use some nature friendly spray to get rid of them. Scott Stenseth indicated he was not sure what the plan is.

ROCK-FEST – There was no report.

LAKE IMPROVEMENT DISTRICT – *Motion by Member Hagen, second by Member Volkmuth, to re-schedule the Lake Improvement District hearing for 9/5/07 at 7:15 p.m.*
AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth
Motion passed on a 7 to 0 vote.

AMEND FEE SCHEDULE FOR BLOWING OUT WATER LINE – Rena Weber requested council approval to revise the “blowing out water line” fee from \$45.00 to \$135.00 which is the actual cost to the city.

Motion by Member Volkmuth, second by Member Hagen, to approve the amended fee of \$135.00 as presented.

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

ENGINEER'S REPORT

SJ LOUIS FINAL ASSESSMENT HEARING – Scott Hedlund presented the final assessment listing for SJ Louis Assessment.

Mayor Herberg introduced the following Resolution and moved for its adoption:
RESOLUTION NO. 2007-26

RESOLUTION DECLARING COST TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT AND SCHEDULING HEARING ON PROPOSED ASSESSMENT

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

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

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

TAMARACK COURT DRAINAGE TILE – Scott Hedlund informed the council that at a recent Street Committee meeting this drainage issue was discussed. With this year being so dry, it might be the right time to do an improvement project such as this. The typical way is to assess those who benefit from the improvement and Scott estimates 700 feet of pipe needs to be replaced.

Mayor Herberg felt that the people on Ptarmigan Lane do not benefit and only those who drain into the system.

Member Pflapsen stated he would support a public hearing during the dry season. It was determined that the Street Committee will hold an informational meeting to hear from the residents. 100% of the cost should be picked up by the property owners.

Member Pflapsen stated that when the sewer line went in it compromised the drain pipe. Don Simon left at 7:39 p.m.

Jim Mogen asked if this is then going to become a city storm sewer. Scott indicated that it would become a community storm drain.

ADDITION TO THE AGENDA

COUNCIL MEETING START TIME: Rena Weber asked the council to discuss the start time for future council meetings.

Mayor Herberg strongly suggested the 6 p.m. start time be not permanent for him as he agreed to the change for summer only.

Member Volkmuth stated he would like to make the start time permanent.

Member Palmer stated that she prefers 6 p.m.

Member Hagen to Mayor Herberg that Don Simon (Acting Mayor) and cover the mundane things.

Member Pflapsen stated that he likes this start time too.

Motion by Member Palmer, second by Member Hagen, to continue the 6 p.m. start time for Council meetings.

Dave Volkmuth – 25754 Lake Road, stated that he has heard a lot of people complain that 6:00 p.m. is too early. Mr. Volkmuth suggested that maybe on the back end the council should try to shorten it up. Mr. Volkmuth urged the council to consider the residents of Rockville.

Randy Dingmann state that he has heard from people in agriculture who stated that 6:00 p.m. is too early.

Member Volkmuth stated that he has not heard from anybody.

Member Pflapsen stated that he likes it to start at 6 p.m. because then they are not here until 9 p.m.

AYES: Hagen, Palmer, Pflapsen, & Volkmuth

NAYS: Ahles & Herberg

Motion passed on a 4 to 2 vote.

COMMITTEE REPORTS

MAYOR REPORT – Mayor Herberg had nothing to report.

STREET COMMITTEE – A review of the Street Committee meeting notes of 8/7/07 was held: **TRANSPORTATION STUDY** – Rena Weber reported that \$15,000 was in the budget for the study. Scott Hedlund explained that he was not prepared to report on what goes into a transportation study and wanted to wait until the transportation engineer was able to attend.

Motion by Member Ahles, second by Mayor Herberg, to approve the transportation study for 2007 as this was budgeted.

Discussion was held:

Member Volkmuth indicated that we have a pretty good idea of what roads need to be done. Common sense should go into the decision and \$15,000 could be a waste of money to be spent on checking this out.

Member Hagen stated that projects like County Road 8 and County Road 82 brought to light the amount of county roads that are in the city and we don't have a say in when they get done. There are a number of dirt roads that have been that way for a long time and if you put gravel on them or blade them or apply dust control this should be okay. The rest of the roads we have a good handle on. He urged the council to use a little common sense to see what can be done and when it can be done. Member Hagen indicated that \$15,000 would not be wise in spending.

Member Pflapsen stated that \$15,000 is for traffic counts and identifying which roads are the main roads. To be spending that kind of money to determine which roads we might spend \$500,000 on. Do we fix this one Vs that one? If we fix the wrong road then maybe \$15,000 doesn't see to be that much money. At some point this should be done, but not this year as we have no road projects planned. Every year this goes by traffic counts change or maybe a new development comes on line and he suggested we only do a study closer to when you actually need it. Member Pflapsen would argue that this makes sense if done before we spend any big money on roads.

Mayor Herberg stated it is not just traffic counts, but also looks at tying in development and where roads should be and how it ties into our current road system.

Scott Hedlund stated he will bring a traffic engineer to the next meeting as he was not expecting this tonight. The main goal of the study is to identify the proper placement for roads as well as properly classify the present road system. There isn't development going on so it probably is a good time to do this.

Member Volkmuth suggested looking at this in the spring as it is not necessarily needed right now.

Member Palmer suggested that we have traffic engineer to come before a decision is made.

Member Hagen stated that type of study is probably good for a larger city that is growing, but at the rate we are growing and clearing the areas where development is going to come from (Pleasant Lake and Grand Lake) and he can't really see the need for a study in the foreseeable future.

Mayor Herberg indicated some of the money can be re-captured from development.

Member Volkmuth indicated that the only thing he does not like about this is that we can say the developer is paying for it, but it ends up being the person buying the lot.

Scott Hedlund reported that part of the process would be public involvement.

Member Volkmuth indicated that this is where he does not want to go if we are not going to proceed with a project. The problem is that the public perceives we are going to go ahead with a project and then it doesn't happen right away. Member Volkmuth wants to see the growth.

Scott Hedlund indicated that this is a planning tool.

Member Palmer indicated she would feel okay to wait on it, but there is a value to it though and the council could then base information on facts before a development is going in.

AYES: Ahles & Herberg

NAYS: Hagen, Palmer, Pflapsen & Volkmuth

Motion failed on a 2 to 4 vote.

Motion by Member Volkmuth, to take this item out of the budget. Discussion occurred and the motion died for a lack of a second.

230th STREET AND GRAND LAKE ROAD – Mayor Herberg reported that one other item on the Street Committee agenda was to recommend going forward with both streets this year and to schedule a public hearing.

Scott Hedlund presented a projected time frame for completion of these projects stating that it is too late for this year. The earliest bids could be awarded for 230th Street would be November 7th and Grand Lake Road would be January 2nd. Scott Hedlund indicated it is not feasible at this point to complete this fall and that it is best to advertise for bids during first part of the year. Scott Hedlund further recommends combining the two projects into one big package.

Mayor Herberg reported that a Feasibility Report was done on 230th Street two years ago. Scott Hedlund indicated that report would need to be updated, but should not cost too much.

Member Palmer indicated she was surprised that these two streets were on the list. Member Palmer also voiced concern that the city would be taking on debt and she felt the finance committee should be reviewing this to see what the implications are in taking on this debt.

Scott Hedlund stated that the council would need to approve feasibility reports so that David Drown can do his financial analysis and he would recommend this as part of the normal process.

Member Volkmuth indicated that what worries him is that the big benefit is to one owner on 230th Street. There are areas that need to be done, but there is a working gravel pit and he would not be in favor of this. This is an astronomical debt the city would be taking on and there would be little in assessments coming in. Member Volkmuth voiced concern that spending \$500,000 is a lot of debt (the city budget for one year) and we need to find roads that do benefit more than a few people.

Member Pflapsen asked Scott Hedlund if from the time line is it possible that you can be bidding a project in 6 weeks. Scott Hedlund explained the time line and reported that it takes 3 weeks to bid with the whole process being about 12 weeks.

Member Pflapsen indicated that historically bidding is done in the first quarter and suggested we revisit this in spring as there are unresolved issues in the city.

Member Palmer suggested the council order the feasibility study and to take that step so the Finance Committee has time to look at it.

Scott Hedlund indicated the feasibility study would cost less than \$1000 for 230th and \$1000 for Grand Lake Road.

Member Ahles stated that we have a lot of roads in the city and if we keep delaying this from year to year they are only going to get worse.

Motion by Member Palmer, second by Mayor Herberg, to authorize the feasibility reports for 230th Street and Grand Lake Road.

Lloyd Lommel – former council member reported that SEH did a study on 230th Street and also did a lot of borings so there is information there so there should not be any expense for that project. Scott Hedlund reported that it is not just the cost, he has to figure out the city costs and how much is to be assessed.

Member Hagen stated that in other words we know it is more than what we want to bite off.

Scott Hedlund indicated he wanted to clarify things and to call it what you want, but the council will still need to do a little more work in the 429 step process in order to assess.

Member Volkmuth indicated that Grand Lake Road he would be okay with as there are a number of people who would be benefited, but not 230th Street. 230th Street is in rough shape, but he can't see it getting a lot worse and it does not benefit a lot of people.

Member Ahles reported the Street Committee also looked at Lake Road.

Member Hagen stated that he heard from a lot of people living on dirt roads who are not happy with the way the city is maintaining dirt roads. In regards to the 230th Street project, people are going to come in here and complain about how we are tearing up a road that is in good shape, that we let the mining pit go on that road and are not getting any mining taxes and minimal assessments. Dump trucks are being run on here and he does not want to tear this up with the little amount of traffic on it. Member Hagen has not even heard that much from the Grand Lake Road. His attitude is to wait until people come in and ask to have them fixed otherwise do the bare minimum.

Member Volkmuth agreed stating that with the debt that we took on we need a break and would rather have the people to come in and request the projects. If roads get bad enough then they will come in. It is a lot easier putting assessments on people who actually want it.

Member Ahles asked what liability we assume in not fixing roads.

Member Volkmuth indicated there is no liability.

Member Hagen asked if Member Palmer wished to withdraw her motion in light of the conversation.

Member Palmer stated that she heard the engineer say we need a report for 230th and would like at least like to see this brought back to the Finance Committee.

Member Palmer withdrew her motion, but would still like the Finance Committee to discuss this and how it would be financed along with the impact.

Mayor Herberg withdrew his second as well.

No motion to be considered.

ADMINSTRATOR'S REPORT

NETWORK SERVICE AGREEMENT – Rena Weber requested approval to enter into a network service agreement with Digital Majik at \$155 per month and a one time \$155 registration fee.

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

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

Motion passed on a 7 to 0 vote.

LOCAL GOVERNMENT AID – Rena Weber reported that LGA was being reduced again this year from \$62,009 to \$15,792. Mayor and staff will be working with our legislators to restore the funding to the level it was at time of consolidation.

COUNTY ROAD 82 PROJECT – Rena Weber reported that blasting would be occurring on Monday or Tuesday (8/20 or 8/21) as part of the County Road 82 project and somewhere just west of the church. There is granite in the roadway that needs to be removed.

HANSEN GRAVEL PIT – Member Volkmuth asked that the Hansen Gravel Pit IUP be on the agenda when that comes up for review. *(A review indicated that 10/18 is the date of annual review).*

OPEN FORUM

No person appeared before the council.

ADJOURNMENT – Motion by Member Volkmuth, second by Mayor Herberg, to adjourn the meeting at 8:25 p.m. Motion carried.

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

**BRIAN HERBERG
MAYOR**

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