

MINUTES OF A SPECIAL CITY COUNCIL MEETING HELD WEDNESDAY, MARCH 1, 2006 – 6:00 P.M. – JOHN CLARK ELEMENTARY SCHOOL

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, Ed Karls, Lloyd Lommel, & Don Simon. Greg Simones arrived at 6:55 p.m.

INTERVIEW OF ATTORNEYS – Mayor Herberg announced that the special meeting had been called for the purpose of interviewing attorneys for civil services.

RAJKOWSKI HANSMEIER LTD. – Gordon Hansmeier was present representing the firm and informed the Council of their experience. They have seventeen attorneys in the firm, they charge \$125.00 for partners, and also have extensive experience with development (Buffalo).

COURI MACARTHER & RUPPE, P.L.L.P. – Bob Ruppe & Mike Couri were present to represent their firm. 90% of their work is municipal, and they don't represent developers. There are six attorneys in the firm. They concentrate on the planning/zoning aspect to provide continuity. Bob Ruppe would be assigned to the city. They will charge only when there is substantial work being done and further will review our ordinances on their time not ours.

Mayor Herberg announced that the council would now recess to the regular meeting at 7:00 p.m.

Staff Members present were: Administrator/Clerk Rena Weber, Public Works Supervisor Greg Stang, EMS Director Mike Hofmann, Rock Fest coordinator Kathleen Stanger, Attorney Jim Mogen, and Engineer Scott Hedlund.

Others present were: Tудie Hermanutz, Dave Volkmuth, Clarence Bloch, Brian & Joan Hatten, Randy Lahr, & Vince Schaefer.

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

CONSENT AGENDA: Motion by Member Simones, second by Member Karls, to approve the consent agenda as presented:

- a) *Minutes of 02/15/06 & 02/22/06*
- b) *Treasurer's Report of 03/01/06*
- c) *List of Bills and Additions:*

<i>Accounts Payable CK #007715 to 007742</i>	\$23,891.58
<i>Payroll CK #002310 to 002315</i>	\$ 5,148.77

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones.
Motion passed on a 7 to 0 vote.

BOARD/STAFF REPORTS

FIRE DEPARTMENT – There was no report.

EMS DEPARTMENT – Mike Hofmann reported that he is working on the following:

- ID cards which should be available by the end of the month.
- Sky warn – He has signed up for some training.
- Safety committee – He would like to invite the council to at least one of the meetings.
- Revised city plan – He will have the revised emergency plan in about a month.

MAINTENANCE DEPARTMENT – Greg Stang reported on the following:

WATER TOWER MAINTENANCE – Greg Stang presented a cost estimate and analysis for the water tower maintenance. Greg Stang recommended that the capital improvement budget be increased to \$8,000 per year in 2007 based on the estimated cost just to paint the three towers. The city does not fund depreciation and this would be a way of accomplishing something like this. \$1900 is the cost to pressure wash the tower in Country Side Addition.

Motion by Mayor Herberg, second by Member Simon, to approve the low bid of Tight Rope Company, Maplewood, MN to pressure wash the Country Side Addition water tower in the amount of \$1900 with said expenditure to be paid out of the capital improvement fund for water tower painting.

AYES: Ahles, Hagen, Herberg, Karls, Lommel & Simon

NAYS: Simones

Motion passed on a 6 to 1 vote.

ROCK FEST REPORT – Kathleen Stanger reported on the following:

- Minutes of 2/22/06 meeting
- Reviewed the events for the day
- Car Show - \$300 for car show to come out of the festival fund.

PLANNING COMMISSION – There was no report.

OLD BUSINESS

SAUK RIVER CANOE CLASSIC – Rena Weber reported there are 150 to 200 people that attend this event. They drop their canoes off at Rockville and actually park at Anton's in Waite Park. Police control has never been an issue. The Sauk River Canoe Classic has requested approval to hold the annual event on 6/3/06 from 8:30 a.m. to 2:30 p.m.

Motion by Mayor Herberg, second by Member Simon, to approve the request of the Sauk River Canoe Classic organizers as presented.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones.

Motion passed on a 7 to 0 vote.

NEW BUSINESS

RANDY LAHR – REVIEW OF MARKET VALUES – Stearns County Assessor Randy Lahr reported that the sales of property that occurred during 10/1/04 to 9/30/05 are the period of time used for review. The following is a result of that review:

Residential/Seasonal	+10%
Grand Lake	+25%
Pleasant Lake	+35%
Off Lake properties	+ 5%

Agricultural – Market	+10%
Agricultural – Green Acre	+ 8%
Commercial/Industrial	+ 5%
Apartments	+ 5%

Reasons for Property Tax changes – Randy explained that this is a good report to give to citizens to answer their questions on how the system works.

The Board of Review hearing is scheduled for 4/26/06 at 7:00 p.m. (New City Hall).

SIGN ORDINANCE – Attorney Jim Mogen was present to review the updated sign ordinance as amended. Jim Mogen indicated that the word "Lot" replaced any mention of development throughout the ordinance.

Mayor Herberg questioned banners that are hung on the outsides of buildings announcing weekly specials at a bar, etc. Jim Mogen indicated there was not a consensus of the council on this issue. This needs to be brought to the attention of the city by way of a complaint. Banners are not permitted in every district.

Mayor Herberg proposed a change to allow certain small signs without a permit, but if there is a problem with the sign content; then a fine could be issued. Mayor Herberg further questioned farm signs in the fields where the type of seed is advertised. Jim Mogen stated that nowhere in the zoning code do we address the agricultural signs. The Planning Commission should really come up with some sort of request regarding signs in the AG-40 district.

Mayor Herberg questioned real estate signs or tour of homes signs. It was determined that they are exempt if under 6 square feet in size.

Jim Mogen stated the ordinance is content neutral so it does not matter what it says, but where is placed. A Billboard is an off-premise sign and is regulated by this ordinance.

Member Simones indicated that location of billboards was the issue, not the content. He further questioned if we did not have a problem in the past why are we doing this.

Member Lommel voiced concern that every time something comes up we add a law prohibiting it.

Member Hagen indicated that not everything has been regulated due to common sense, but now we would have teeth to enforce the ordinance.

Member Ahles indicated that you should have the meat in the ordinance, but not necessarily require the permit.

Member Hagen asked if we still have a policy that we allow beer banners. Jim Mogen stated that if something is brought to your attention then you have to address it. The language regarding the doubling of a fine is there for resolution.

Member Hagen suggested that we put the ordinance in place, continue business as usual, and if complaints are brought to our attention, then it should be dealt with.

Jim Mogen voiced concern that staff can't unilaterally reduce a fine.

Mayor Herberg referred to page 11 Subdivision 8 B and suggested we increase the size of the sign from 6 SF to 16 SF as being exempt.

Member Simon suggested we change that to one sign not exceeding 6 SF and/or temp sign of 16 SF.

Jim Mogen reported that each lot can have up to two signs with total 8 SF in the present ordinance so this makes it a little harder to tweak the ordinance as different zoning ordinances have sign requirements.

Motion by Mayor Herberg, second by Member Hagen, to approve Section 12 – Sign Ordinance with the following amendments:

a) Exemptions Subdivision 8B – 16 square feet do not need a permit

b) Subdivision 14 B – Maximum Sign area to read: No sign or combination thereof cannot exceed sixteen (16) square feet in area and each lot may not exceed sixteen (16) square feet of aggregate sign area.

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

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones.

Motion passed on a 7 to 0 vote.

Mayor Herberg introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2006-08

AUTHORIZING SUMMARY PUBLICATION OF SECTION 12 – ORDINANCE NO. 2006-30 REGARDING SIGN ORDINANCE

WHEREAS, on 03/01/06 the City adopted Section 12 of Ordinance No. 2006-30, regarding the city Sign Ordinance, and;

WHEREAS, The City Council determines that the text of the summary of this Ordinance, a copy of which is attached, clearly informs the public of this Ordinance's intent and effect. The City Council further determines that publication of the title and such summary will clearly inform the public of this Ordinance's intent and effect, and;

WHEREAS, A complete, printed copy of the Ordinance will be available for inspection by any person during regular office hours at the City Administrator/Clerk's office, and;

WHEREAS, four-fifths (4/5) of the City Council's members direct the Administrator/ Clerk to publish only the title and a summary of this ordinance.

NOW, THEREFORE, the Rockville City Council resolves as follows:

- 1. Only the attached summary of An Ordinance Approving Section 12 – Sign Ordinance of Ordinance No. 2006-30 shall be published.***

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

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones.
Motion passed on a 7 to 0 vote.

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

**RESOLUTION NO. 2006-09
 RESOLUTION LIFTING A MORATORIUM
 ON THE INSTALLATION, REPAIR, ERECTION AND CONSTRUCTION
 OF SIGNAGE AND SIGN STRUCTURES
 WITHIN THE CITY OF ROCKVILLE**

WHEREAS, the City of Rockville adopted a resolution and an ordinance imposing a moratorium on the installation, repair, erection and construction of signage and sign structures,

WHEREAS, the City Attorney conducted a study of the regulations needed by the City relating to signs and sign structures,

WHEREAS, the City Council adopted amendments to the Zoning Code addressing the issues raised in the study, through public hearing and in discussions by the City Council and Planning Commission on March 1, 2006,

NOW, THEREFORE, the City Council of Rockville finds that the moratorium on signage and sign structures is no longer necessary and hereby withdraws the moratorium.

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

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones.
Motion passed on a 7 to 0 vote.

ENGINEER REPORT – Scott Hedlund had nothing to report.

Member Ahles asked for an update on the water project. Scott Hedlund reported that they are still testing the line to the water tower. Brentwood Hills tested their trunk lines only and the reports have passed.

COMMITTEE REPORT

MAYOR – Mayor Herberg reported on the following:

ATTORNEYS – Mayor Herberg asked the council if they wished to take action on the selection now or later.

Motion by Member Karls, second by Member Lommel, to table action on the selection of the civil attorney until 3/22/06.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones.
Motion passed on a 7 to 0 vote.

NEGOTIATING TEAM

Mayor Herberg reported that the negotiating team met with Jim & Jackie Voigt. They are asking for \$150,000 for 1.17 acres of land and our appraisal came in at \$51,000. The city could entertain paying up to \$1500 for another appraisal and could consider their findings. This is not a requirement so this would take a vote of the council.

Jim Mogen reported that on 4/23/06 the condemnation proceedings would provide that the land becomes the cities unless the Voigt's waive the hearing then we would settle upon the difference of \$51,000 and whatever the judge rules on the final amount.

Member Lommel asked where we are at. Jim Mogen reported that a hearing is scheduled at the end of March. If the Voigt's waive the hearing, then we would deposit the \$51,000 in an escrow account and take possession on 4/23/06.

Motion by Member Simones, second by Mayor Herberg, to authorize payment of up to \$1500 for an independent appraisal, to ensure that Voigt's submit an engagement letter to the Administrator/Clerk by 3/15/06 and that the appraisal is in the hands of the city by 4/23/06.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones.
Motion passed on a 7 to 0 vote.

Member Hagen suggested that we extend the offer to have those two appraised values reviewed by a third appraiser if the two appraisals are too far apart. Jim Mogen stated the court system does the same.

APPRAISAL – Jim Mogen wanted to obtain approval of the appraisal done by Weber & Son.
Member Lommel introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2006-10

RESOLUTION APPROVING APPRAISAL VALUE OF PLEASANT LAKE WATER PROJECT WELL SITES

WHEREAS, the City of Rockville is installing municipal water utilities through the Pleasant Lake Area Water Project (“Project”);

WHEREAS, the City has instituted eminent domain proceedings to acquire real property for the location and operation of well and accessory structures for the Project; and;

WHEREAS, the City Attorney has reviewed the appraisal obtained from Jerry Weber of Weber Appraisal Service, Inc. for the property to be acquired, and recommends approval of the appraised value as being a reasonable evaluation of the fair market value of the property and of the damages that will be sustained by the land owners.

NOW, THEREFORE, the City Council of Rockville approves the appraised value of \$51,000 for the property identified in the attached Boundary Certificate for the well sites of the Pleasant Lake Area Water Project, and approves the payment of that amount for the acquisition of the same.

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

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones.

Motion passed on a 7 to 0 vote.

ADMINISTRATOR’S REPORT

PART-TIME RECEPTIONIST/ADMINISTRATIVE ASSISTANT – Rena Weber reported that two people applied for the position, and that interviews were held by the Mayor, Administrator/Clerk and office staff. The committee recommends that Danille Kesteloot be hired.

Motion by Mayor Herberg, second by Member Simones, to approve the hiring of Danille Kesteloot effective 3/6/06 at \$9.56 per hour for 20 hours per week as recommended.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones.

Motion passed on a 7 to 0 vote.

OPEN FORUM

Tudie Hermanutz – 211 1st St West – asked about the ordinance amendments and when this would be discussed. Rena Weber reported that this has been re-scheduled for 3/9/06 at 7:00 pm.

Tudie Hermanutz further wished to remind residents to attend the Precinct Caucuses to be held on 3/7/06 in Minnesota.

Mayor Herberg reported that an informational meeting regarding the County Road 82 plans was held on 2/23/06. Mayor Herberg asked Commissioner Vince Schaefer for copies of the plans for viewing at city hall. Mayor Herberg urged council members to talk to constituents and get their input. Construction is anticipated to begin after the 1st of August.

Scott Hedlund suggested the county bring their proposed plan to the Street Committee.

Member Hagen asked when we need to pay the county. It was reported that 2006 was in the schedule.

Vince Schaefer suggested the city look at the drawings, hold some informational meetings and narrow it down to two before the public hearing is held. Sidewalk will be placed on the north side up until the Granite Edge café.

COUNTY BOARD – Commissioner Vince Schaefer reported the county board approved the proposed county park in Rockville and the TAC committee approved the Phase I \$520,000 grant for the Rocori Trail. Stearns County Commissioners have approved this also. The only thing that could hold this up is if the state legislature does not fund enhancement funds. Stearns County Commissioners also approved \$1200 for the feasibility study of the Rocori trail.

Scott Hedlund stated the Rocori trail should be taken into consideration when designing the County Road 82 project.

Member Simon reported that some business owner is concerned about traffic flow and how it will affect his business during this construction. Mayor Herberg explained that the construction workers do their best to provide access to businesses/homes, but there may be a period of shut down when work is being done in the Mill Creek area.

ADJOURNMENT – Motion by Member Ahles, second by Member Simon, to adjourn the meeting at 9:05 p.m. Motion carried unanimously.

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

**BRIAN HERBERG
MAYOR**