

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
NOVEMBER 5, 2008 - 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, Bill Becker, Susan Palmer, Don Simon & Randy Volkmuth. Absent: Jim Pflapsen.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen, Planning Commission Chair Toni Honer, Attorney Jim Mogen & Engineer Scott Hedlund.

Others present were: Aaron Cheeley, Tудie Hermanutz, Roger Schmidt, John Koerber, Dave Volkmuth, Dick Nieters, Duane Willenbring, Audrey Schaefer, Jeff Hagen, Clarence Bloch & George Bechtold.

LETTER OF RESIGNATION – Jim Pflapsen submitted a letter of resignation to the council citing the fact that he no longer lives in the city limits of Rockville.

ADDITIONS TO THE AGENDA – *Motion by Member Ahles, second by Member Volkmuth, to approve the additions to the agenda for discussion purposes.*

AYES: *Ahles, Becker, Herberg, Palmer, Simon & Volkmuth*
Motion passed on a 6 to 0 vote.

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

- a) *Approve Minutes of 10/15/08*
- b) *Approve Treasurer's Report of 11/05/08*
- c) *Approve List of Bills and Additions of 11/05/08*

<i>Accounts Payable Ck #010654 & 010702 – 010751</i>	<i>\$727,939.57</i>
<i>Payroll Ck # 003235 to 003242</i>	<i>5,459.21</i>
<i>EFT #000153 to 000156</i>	<i>2,322.35</i>
- d) *Approve certification of unpaid bills to County Auditor*
- e) *Approve MESA fishing tournament – Grand Lake 2/7/09*

AYES: *Ahles, Becker, Herberg, Palmer, Simon & Volkmuth*
Motion passed on a 6 to 0 vote.

BOARD/STAFF REPORTS

There were none.

OLD/NEW BUSINESS

CANVASS ELECTION RESULTS – Rena Weber read the general election results for council approval. (A copy of the entire ballot vote totals is hereby attached and marked Exhibit A). Rena Weber also pointed out the following:

1572 Registered Voters at the beginning of the day	
+ 248 New Registrations	
1820	
1502 People Voted = 82% turnout	

Motion by Member Palmer, second by Member Volkmuth, to accept and approve the canvass of election ballots for 11/4/08 as presented.

AYES: *Ahles, Becker, Herberg, Palmer, Simon & Volkmuth*
Motion passed on a 6 to 0 vote.

Member Simon voiced concern that the council totals are pretty tight and suggested that there be a recount. Attorney Mogen suggested that the request be put in writing to the Administrator/Clerk. John Koerber raised his hand and requested the same.

Motion by Member Volkmuth, second by Member Palmer, to accept Jim Pflapsen's resignation and declare a vacancy on the city council effective 11/5/08.

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

Motion passed on a 6 to 0 vote.

Member Volkmuth opened discussion on the possibilities for replacement of Member Pflapsen and suggested we take the next person down. Fill the position with the top vote getter and appoint the other person for the remainder of the term.

Mayor Herberg reminded all that the newly elected officials were elected for four year terms and putting the top vote getter in to replace Jim Pflapsen would cut that term to two years.

Member Palmer suggested we open it up to more people. Perhaps mayor candidates might consider the seat.

Member Becker asked that the same process be taken as was used for his appointment.

Member Volkmuth stated that appointment was different. The vote was 1 ½ year old and nobody wanted it, but with vote just being taken it makes more sense.

Member Palmer suggested we set a policy so we have consistency.

Member Simon stated that before the election he felt the 4th person should get the remaining term.

Motion by Member Volkmuth, second by Member Simon, that whoever the 4th highest vote getter is after the recount, will fill the two year term at the time of the canvassing of the results.

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

Motion passed on a 6 to 0 vote.

DAN HANSEN INTERIM USE PERMIT –Dan Hansen was not present and asked that discussion be held at the next meeting.

Member Volkmuth stated that he has some questions.

Member Simon indicated that this has been going on two years and not much has been done.

Mayor Herberg stated that he is not selling the gravel as soon as he wanted to.

Member Simon stated that the outer banks should have something done such as landscaping.

Motion by Member Volkmuth, second by Member Becker, to table action on the Hansen IUP until 11/19/08.

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

Motion passed on a 6 to 0 vote.

RESPONSE TO SHARON SPONHEIM – Rena Weber reported that Attorney Jim Mogen and Scott Palmer had reviewed the questions asked by Sharon Sponheim and have provided a written letter regarding the same. It was determined that the letter should be sent to Sharon.

ENGINEER/ATTORNEY REPORTS

DETACHMENT ORDER – Attorney Mogen reported that the decision was not in favor of the city and would like to meet with the council to discuss whether or not the city wishes to appeal the decision.

Member Volkmuth reported that to date the city has spent \$1436.08 on council/staff time and \$33,486.83 on consultants.

Mayor Herberg recommended another closed meeting to discuss options.

Motion by Member Volkmuth, second by Member Becker, to schedule a closed meeting after the council meeting to discuss the detachment order.

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

Motion passed on a 6 to 0 vote.

COMMITTEE REPORTS

MAYOR – Mayor Herberg had nothing to report.

ADMINISTRATOR'S CORRESPONDENCE

FINANCE COMMITTEE MEETING – Rena Weber reported that a Finance Committee will be held on 11/10/08 to meet with Smith Barney Financial Advisor Rich Knowlton on the history of the stock market and what is going on in the banking world right now. Rena invited the newly elected members to attend as well.

TAX CAPACITY RATE REDUCED – Rena Weber reported that the proposed 2009 tax capacity rate is 38.726 which is down 2% from this year. She also reported that since consolidation the total tax capacity is down from 49.251 = 10.52%.

LOCAL BOARD OF REVIEW TRAINING – Rena Weber reported that Local Board of Review training is available in Benton County (not Stearns) for council members to attend. Since Mayor Herberg and Member Ahles will no longer be on the council two new members need to attend. Member Volkmuth and Mayor Elect Jeff Hagen volunteered to attend.

MICROPHONES – Rena Weber reported that we have been testing out new microphones in the council chambers and asked if the council wished to see them purchased. The estimate is \$3872.59. She will take this to the EDA board for approval and payment out of the facilities account.

OPEN FORUM

Duane Willenbring – 25123 County Road 139 – stated that regarding the closed session and regarding the detachment, if we just accepted Jim Pflepsen's resignation, we have the cart before the horse. Jim Pflepsen did not want to go into litigation. We don't have a prayer and the detachment has been done. He urged council to not go into continued litigation.

Tudie Hermanutz – 211 1st St W – requested the council to please let the people go. Don't try to spend more of her tax dollars.

John Koerber – 25722 Lake Road – stated he also feels it would be a waste of time to fight the detachment. The detachment order points are too valid and pronounced. Basically – you can't win.

Dave Volkmuth – 25754 Lake Road – stated he has talked to people and it is a done issue. He does not want to see people go into closed doors. We are going down a road that we cannot and will not win.

Duane Willenbring – 25123 County Road 139 indicated that regarding the detachment, there have been all kinds of research as to lowest form of government to service a rural area. There really was no choice. Why did we continue to go forward? He requested a roadmap of how we got to where we did tonight. He also added that in regards to Jim Pflepsen's replacement and if the vote comes in different Don Simon can't sit in two places at one time.

Roger Schmidt – 21863 Agate Beach Road – stated that he thought it was the right move for this council to fight this detachment.

Don Simon reported that Stearns County has been meeting on a regular basis regarding the county park. 11/17/08 - 7 p.m. will be the last open meeting.

Jim Mogen suggested the Administrator/Clerk provide Duane Willenbring with copy of notice from ALJ regarding detachment.

ADJOURNMENT TO CLOSED MEETING – *Motion by Member Becker, second by Member Volkmuth, to adjourn to closed session to discuss the detachment order at 6:40 p.m.*
AYES: *Ahles, Becker, Herberg, Palmer, Simon & Volkmuth*
Motion passed on a 6 to 0 vote.

**MINUTES FROM A CLOSED MEETING OF THE ROCKVILLE CITY COUNCIL ON
WEDNESDAY, NOVEMBER 5, 2008 – 6:40 P.M. – CONFERENCE ROOM 2**

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, Bill Becker, Susan Palmer, Don Simon & Randy Volkmuth. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen, Attorney Jim Mogen & Engineer Scott Hedlund.

Staff and Engineer were asked to be present to discuss the roadway issue as Maine Prairie Township had asked how the road maintenance would be split on Grand Lake Road.

Motion by Member Volkmuth, second by Member Becker, to amend the findings to share the portion of Grand Lake Road that is near the boundary. (See attached map).

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

Motion passed on a 6 to 0 vote.

Motion by Member Volkmuth, second by Member Palmer, to deny the appeal.

AYES: Ahles, Becker, Palmer, Simon & Volkmuth

NAYS: Herberg.

Motion passed on a 5 to 1 vote.

Adjournment – The meeting adjourned at 7:20 p.m.

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

**BRIAN HERBERG
MAYOR**