

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,  
FEBRUARY 21, 2007 – 7:00 P.M. – ROCKVILLE CITY HALL.**

Roll Call was taken and the following members were found to be present: Mayor Herberg, Council Members: Vern Ahles, Susan Palmer, Jim Pflapsen, Don Simon, & Randy Volkmuth. Absent: Jeff Hagen.

Staff Members present were: Administrator/Clerk Rena Weber, Maintenance Worker Rick Hansen, First Assistant Fire Chief Bob Froehling, EMS Director Mike Hofmann, Attorney Jim Mogen and Engineer Scott Hedlund.

Planning Commission members present were: Toni Honer.

Others present were: Brian Hatten, Aaron Cheeley, John Peck, Mary Ann Hermanutz, Vince & Audrey Schaefer, Mitch Anderson, Jodi Teich, Duane Willenbring, Clarence Bloch & Dave Volkmuth.

**CANCELLING 3/7/07 MEETING** – Rena Weber reported that she learned this evening that four of the council members would be absent from the 3/7/07 council meeting – Jeff Hagen, Randy Volkmuth, Susan Palmer and Jim Pflapsen so we would be unable to hold the council meeting.

***Motion by Member Volkmuth, second by Member Palmer, to cancel the 3/7/07 council meeting due to lack of quorum. Next meeting will be 3/21/07.***  
***AYES: Ahles, Herberg, Palmer, Pflapsen, Simon & Volkmuth***  
***Motion passed on a 6 to 0 vote.***

**CONSENT AGENDA** – Member Volkmuth questioned the 3/21/07 Eagle Park public hearing and the potential costs to the city as well as what is being planned. Rena Weber informed the council that copies of the grant application will be made available prior to the meeting as well as the master plan for the park.

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

- a) ***Approve Treasurer's Report of 02/21/07***
- b) ***Approve List of Bills and Additions of 02/21/07***

<b><i>Accounts Payable CK #008810 to #008838</i></b>	<b><i>\$38,737.53</i></b>
<b><i>Payroll CK #002630 to #002639</i></b>	<b><i>6,348.00</i></b>
<b><i>EFT CK #000105</i></b>	<b><i>391.85</i></b>
- c) ***Approve Police Report***
- d) ***Approve Park & Recreation Board & Trails Committee Report***
- e) ***Approve Assessment Policy Sub-Committee Report/notes***
- f) ***Schedule PH for Eagle Park Grant Application – 3/21/07 -8:00 p.m.***
- g) ***Schedule 5/9/07 – 7:00 p.m. – Board of Appeal & Equalization meeting***

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

Rena Weber read for the record Member Hagen's comments (a copy of which is hereby attached and marked as Exhibit A).

Minutes of 2/7/07 - Rena Weber responded to the statement that the minutes do not accurately reflect the fact that any action was effectively tabled on the Committee Report section and reported that nothing was tabled nor was there any formal action taken; rather a verbal request of the council and that is how the minutes appear.

Resolution No. 2007-05 page 2 – add "that this council requests" to the document

Rockville Park and Recreation Board Minutes – no action taken

Notes from Special Assessment Policy Committee – Member Hagen questioned the accuracy of the statement "the bond issue must maintain a total city net debt limit of no more than 2% of general fund spending". Rena Weber reported that this was taken from Funding Street Construction & Maintenance in Minnesota Cities as presented by the LMC, APWA and CEAM.

**BOARD/STAFF REPORTS – Requests For Council Action****MAINTENANCE DEPARTMENT** – Rick Hansen reported on the following:**ROAD GRADING BID** – Rick reported that two bids were received:

Myron Felix	\$90/hr.
John Herberg Construction	
Motor Grader	\$85/hr
Backhoe	75/hr
Bobcat	55/hr
Dump Truck	65/hr
Labor	35/hr

This is a price list for doing maintenance and odd jobs on an as needed basis. These prices will be in effect until 12/31/09 only if all prices are awarded.

The motor grading price is the only thing requested.

Don Simon added that the Street Committee reviewed this at their meeting on 2/20/07 and recommend Myron Felix as the bid was for road grading services only. As to the extra work bid in the John Herberg bid the Street Committee would look for other bids as well.

Rena Weber read Member Hagen's comments for the record. (Exhibit A)

Member Palmer asked how many bids were received.

Member Pflepsen indicated that he would like to see more bids.

Member Ahles stated that John Herberg does live in the city.

Member Volkmuth indicated that this does seem to be a conflict of interest and the council had just received training on this.

***Motion by Member Palmer, second by Member Volkmuth, to accept the recommendation from the Maintenance Department, to lock into a two year contract with Myron Felix at \$90.00/hr for road grading services.***

***AYES: Palmer, Pflepsen, Simon & Volkmuth***

***NAYS: Ahles***

***ABSTAINING: Herberg***

***Motion passed on a 4 to 1 vote.***

**ECHO ROAD CULVERT** – Rick Hansen reported that three bids were received:

Krippner Trucking & Excavating, Inc.	\$5310.00
Kraemer Trucking & Excavating, Inc.	\$6251.00
John Herberg Construction	\$7200.00

***Motion by Member Ahles, second by Member Simon, to approve the low bid of Krippner Trucking & Excavating, Inc. to repair the culvert on Echo Road as presented.***

***AYES: Ahles, Palmer, Pflepsen, Simon & Volkmuth***

***ABSTAINING: Herberg***

***Motion passed on a 5 to 0 vote.***

Member Volkmuth questioned how these projects are determined. It was reported that Rick Hansen reported the safety issue to the Street Committee who acted upon the concern.

**OLD BUSINESS****COMMITTEE REPORTS** – Mayor Herberg asked if anybody had comments/concerns regarding the reports.

EMS Director Mike Hofmann stated that he heard comments from people that don't get out to meetings or city hall so they won't see or hear what is be reported.

Member Palmer stated that it is still okay to appear before the council.

Member Volkmuth stated that this is merely a time saving maneuver.

Toni Honer voiced concern for the Rock Fest stating this is the only way they get their information out. They meet monthly and Toni asked council members to attend their meetings to find out what is going on.

Tudie Hermanutz voiced concern that maybe the council does not need to hear what is going on, but the public does.

Member Volkmuth reported that some of the reports that come to mind, like the police report, are interesting, but we don't need a verbal report.

Member Palmer indicated that we could put something in the next newsletter stating that reports are available for viewing at city hall during business hours.

Member Pfllepsen suggested reports be put in a three ring binder and placed on a table in the lobby.

Mayor Herberg reported that the Park & Recreation Board comes here to solicit support for their projects and sometimes this is not timely.

Member Volkmuth stated people can still talk under open forum.

Mayor Herberg added that they can be on the agenda.

Dave Volkmuth thinks what we are doing is the right thing and that he does not need to hear the reports. He would like to see this council be a business council and open up the door for people.

Bob Froehling warned that committee reports are going to go away if the council is not going to read them. He asked why do the reports.

Mayor Herberg reported the council spent one hour talking about the 800 MHz at the last meeting. This issue was presented here several times as committee reports and added that no matter which way we are going it is still going to take time. If we are trying to streamline we are doing a poor job at it.

Member Palmer voiced concern that we are trying to be more efficient. Again, if a committee member wants to get up to the podium, we are open to that.

Member Pfllepsen agreed with Member Palmer.

Mayor Herberg indicated that we should leave it like it is, but keep it short.

Member Volkmuth stated that if you are going to keep the reports short, then good.

Duane Willenbring stated this is a timed agenda and if we intend to be done by 9 p.m. as was the policy adopted some years ago then the council needs to keep in mind "accountability and transparency". These are very important to the public and the Mayor and staff should remember this. Committee reports could be moved to the end of the agenda.

***Motion by Mayor Herberg, second by Member Simon, to maintain committee reports in the form that was previously done, but to keep such reports short.***

***AYES: Ahles, Herberg, Palmer, Pfllepsen & Simon***

***NAYS: Volkmuth***

***Motion passed on a 5 to 1 vote.***

#### **NEW BUSINESS**

**ST. CLOUD AREA PLANNING DISTRICT BOARD** – Member Palmer questioned what the dues were for the St. Cloud Area Planning District Board or the APO.

For the record Member Hagen asked the same question. Exhibit A.

Rena Weber reported that membership in the St. Cloud Area Planning District Board is minimal and the only time they asked for money was when they did a comprehensive plan at a cost of \$16,000 which was proportionately split. Membership in the APO is 1.1% of population or approximately \$2952 as reported in the 1/31/07 minutes.

Stearns County Commissioner Vince Schaefer suggested that a few of the council attend the meeting in Waite Park at 4:00 p.m. on 2/22/07.

Mayor Herberg reported on a meeting held with Bill Hanson of the APO who stated they will do short a presentation at a council meeting should the Council wish to have that done.

***Motion by Member Volkmuth, second by Member Palmer, to table action on membership for both organizations.***

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

***Motion passed on a 6 to 0 vote.***

Commissioner Vince Schaefer suggested the council keep the organizations separate.

#### **STEARNS COUNTY COMMISSIONER COMMENTS ON TRANSPORTATION FUNDING –**

Commissioner Vince Schaefer was present to state his views on transportation funding and how this affects Rockville. He had concerns regarding comments made at the 2/7/07 meeting and wished to address them. (A handout was presented and is hereby attached and marked as Exhibit B).

Mayor Herberg stated that where we are short is on our roads.

**COUNTY ROAD 82 – PLANS AND SPECS** – Mitch Anderson and Jodi Teich from Stearns County Highway Department were present at the meeting and reported that they met with the Rocori Trail Committee last Wednesday. This is a 52' wide roadway and the Trail Committee would like to use the 52 foot roadway section as noted: 9' for parking, 12' for the thru lane – and bike lane with the rest. Mitch Anderson indicated that an Alternate plan was reviewed and they could narrow up the roadway curb to curb with a 2-way trail on the north side.

Jodi Teich presented a different plan for review and reported that the cost would be: Sidewalk - same as sidewalk with 90% being turn back funds and 10% - City of Rockville Council would have to consider if they want sod in the 4' boulevard or green space. The County would not cover cost of pavers. This change would not delay the project.

Member Volkmuth voiced concern of the boulevard maintenance.

John Peck – speaking on behalf of the Trails Task Force Committee reported that group generally likes a 10' lane; however, in town traffic will be slower so an 8' lane is acceptable. Narrowing of the road promotes traffic slowing down and we have to get on County Road 82 someplace because we have to get around the Granite Company. He hopes to keep the boulevard pretty.

***Motion by Member Volkmuth, second by Member Ahles, to approve the typical section as presented this evening, further to continue to get estimates on the proposed cost and to come back to the council for final approval.***

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

***Motion passed on a 6 to 0 vote.***

Mayor Herberg reported that he had two issues with the plans:

- A) Tabulation of quantities – there is an estimate for salvage of brick pavers and asked where these were located. *It was determined this is in front of Maselter Cabinets.*
- B) Other changes – Mayor Herberg reported that right next to the concession stand there was a storm drainage system that was wrecked during the sewer project and he wanted to know if we could tie into this. Jodi Teich will look into this.

**MITCHELL LANE UPDATE** – Jim Mogen reported that this was originally on the agenda for a property owner who asked to be pulled off of the agenda. Jim reported that this project had a caveat that all owners participate and so far he got positive responses from over half of the property owners.

Objections are: Signing up to agree to pay before knowing what the final settlement will be, but he can't incur the cost until owners have signed on.

Another owner stated the city does not have any interest in either of the roads and this is wrong.

There are two options – continue with project on piece meal basis and see if people will cooperate or have the city assume the entire cost of the project. The cost is only going to be more expensive in the future in obtaining right of way. For the property owners there is benefit in cleaning up the title on property and the road will be changed.

6 property owners:

2 are positive

1 more is positive but has not sent in the letter

1 is positive but will send in the paperwork later on

1 is negative

1 he has not heard from

Member Pfllepsen voiced concern that there would be a question of the cloud on the title. Do we spend the money to get right of way for a project 10 years from now? Attorney Jim Mogen indicated that costs for a later project could include condemnation.

Member Volkmuth asked why we should incur funds if we don't have their participation.

Member Pfllepsen agreed.

Rena Weber reported that Jack Tamble was supposed to be on the agenda tonight to speak against this project.

*Motion by Member Pflapsen, second by Member Palmer, to allow Jim Mogen to continue with his efforts and talk to the neighbors, but to pull the project this summer if we don't get resolution.*

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

*Motion passed on a 6 to 0 vote.*

#### **ENGINEER REPORT**

**WEST BROADWAY STREET PLANS & SPECS** – Scott Hedlund presented plans and specs for the West Broadway (SJ Louis) Water and Sewer Improvement Project. Scott also presented an updated schedule of the project whereby bids should be awarded on 4/4/07 and start construction in May of 2007.

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

**RESOLUTION NO. 2007-06**

#### **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS**

*WHEREAS, pursuant to a resolution passed by the council on Wednesday, December 20, 2006 the city engineer (consulting engineer retained for the purpose) has prepared plans and specifications for the West Broadway Street (CR82) Sewer and Water Improvements and has presented such plans and specifications to the council for approval;*

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

- 1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.*
- 2. The city clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 21 days, shall specify the work to be done, shall state that bids will be received by the clerk until a time and date selected by the city engineer, at which time they will be publicly opened in the council chambers of the city hall by the city clerk and engineer, will then be tabulated, and will be considered for award at a future City Council meeting. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashiers check, bid bond or certified check payable to the clerk for 5 percent of the amount of such bid.*

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

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

*Motion passed on a 6 to 0 vote.*

#### **COMMITTEE REPORTS**

**MAYOR REPORT** – Mayor Herberg reported that he had nothing to report.

**ADMINISTRATOR CORRESPONDENCE** – Administrator/Clerk Rena Weber reported that she had no more to report.

#### **OPEN FORUM**

Susan Palmer asked if we could move Open Forum to the beginning of the meeting. Member Volkmuth reported that this was talked about 2 years ago and people did not want to change it. No action was taken.

Mike Hofmann reported that NIMS training is mandatory for all elected officials and this can be completed via the internet. Mike reported the reason training is needed is if we get into a situation FEMA wants everybody to understand how all organizations work together (chain of command). Further FEMA will watch to see how Rockville responds. When you call in the federal government for a flooding situation the city will need to have people trained in the administration of the disaster. IS100, IS 200 & IS 700 are to be taken by all officials and Mike is willing to get the officials to the right web-site.

Rena Weber read Member Hagen's comments into the record.

Bob Froehling stated that for the record the city has received \$250,000 in grants and there is also training for the grant writing that is coming up.

Duane Willenbring – 25123 County Road 139 voiced concern regarding the conflict of interest issue that was cited and stated the council got the same training he got just recently. The Mayor opted not to vote which was the right thing to do, but using conflict of interest for this was contrary to the training. By disallowing a bid you may be subject to a suit. The bidder is related to the Mayor.

Member Pflapsen stated that Duane Willenbring is completely wrong and opposes his position.

Member Volkmuth agreed and asked if he (the Mayor) is not enriched by acceptance of the bid.

Duane Willenbring asked people to speak up once again and further informed the council on the time spent on each topic.

Mayor Herberg stated that he donates his time and is absolutely not employed by his dad.

Member Pflapsen stated that he takes offense that he voted incorrectly and that he does not understand the law.

Member Palmer stated that she made her decision based on the same pricing and a two year bid.

**ADJOURNMENT – Motion by Member Palmer, second by Member Volkmuth, to adjourn the meeting at 9:03 p.m. Motion carried unanimously.**

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

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**BRIAN HERBERG  
MAYOR**