

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, AUGUST 2, 2006 – 7:00 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, Ed Karls, Lloyd Lommel, Don Simon, and Greg Simones. Absent: Jeff Hagen.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Greg Stang, Engineer Scott Hedlund, & Attorney James Mogen.

Planning Commission members present were: Jerry Bechtold, and Dan Hansen.

Others present were: Cheryl Lommel, Mike Lutgen, Donald Rieder, Tудie Hermanutz, Ev Balko, Kathleen Stanger, Duane Willenbring, Steve Heying, Lori Anderson, Henry Hansen, & Scott Stenseth.

**ADDITIONS TO THE AGENDA:** There were none.

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

- a) *Minutes of 07/19/06*
- b) *Treasurer's Report of 08/02/06*
- c) *List of Bills and Additions*

<i>Accounts Payable CK #008200 to 008245</i>	<b>\$542,208.65</b>
<i>Payroll CK #002436 to 002445</i>	<b>\$ 6,657.15</b>

**AYES:** *Ahles, Karls, Lommel, Simon & Simones*

**ABSTAINING:** *Herberg*

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

Don Simon questioned if Delta Electric breaks down the grinder station repair calls so the city can be reimbursed. Greg Stang reported that he does.

**FIRE DEPARTMENT** – There was no report. For the record the Fire Relief Association annual report was in the packets.

**MAINTENANCE DEPARTMENT** – Greg Stang reported on the following:

**REQUEST FOR COUNCIL ACTION – WALNUT STREET REPAIR** - Greg Stang reported that the following bids were received:

Caldwell Asphalt Co.	\$11,944.08
Hardrives, Inc.	14,862.35

Greg asked approval to accept the low bid and further that funds would need to be expended from two designated funds to cover this expense.

101.43100.308 200402	\$8,740.50	(Designated Road Patching Walnut St)
101.43100.308 200402	3,203.58	(Designated 2005 Road Patching)

**Motion by Mayor Herberg, second by Member Simon, to approve the request as presented to hire Caldwell Asphalt Company to repair Walnut Street per the bid specifications.**

**AYES:** *Ahles, Herberg, Karls, Lommel, Simon, & Simones*

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

Greg asked for council approval to expend additional funds should field problems come up. Rena Weber and Mayor Herberg have authority to grant approval up to \$1000 should this be necessary. Greg reported that only one core sample was done per the Street Committee.

**GRAVEL HAULING** – Greg reported the project went well last week. There is a small pile of gravel left. Greg reported that they did one extra road (131<sup>st</sup> Avenue) which is scheduled for next year so they did this also and should still be within the budget.

MAINTENANCE TRUCK – Greg Stang reported that the red truck is in the shop with a bent exhaust valve. The engine is still under warranty so the most it should cost out of the city pocket is anything over \$400.

GRINDER STATIONS – Greg Stang reported that 11 calls for grinder stations occurred in July and 1.4 million gallons of sewage was pumped to Cold Spring from the lakes area. If you divide that by 35 gallons = 40,000 times a day where the pumps started and stopped so putting this in perspective the calls are going down. The switch manufacturer still has not filled the entire order to replace all of the switches. Maintenance is finding plugged pumps which occur when the grinders are chopping things up and the pump stops so they are experiencing problems. Greg Stang will send out another reminder about the dos and don'ts.

**ROCK FEST** – Kathleen Stanger reported on the following:

The Rock Fest Committee did not meet last month. They are compiling a list of pros and cons. Kathleen reminded all of the Thank You party coming up on 8/19/06 – 5 p.m. The committee would like to have confirmation and urged all to call Adeline Boucher.

FINANCIALS – Kathleen anticipates that the financials come out \$11,000 to the plus. They will be holding fund raisers yet this year and hoping for \$15,000 in the end. Kathleen stated that it helped to have it down at the park, charging at the gate, the fire fighters helping, as well as the Lion's Club.

**PLANNING COMMISSION** – Chair Jerry Bechtold reported on the following:

BUS TOUR – Jerry Bechtold reported 9/16/06 is the date scheduled for the joint city council/planning commission bus tour. No time has been set though.

URBAN CONSERVATIONIST – Jerry Bechtold urged the council to reconsider the tie vote on the Urban Conservationist position. He indicated this would be a plus for the city i.e. if people have a question on storm water management this person could help.

It was determined that since this was a tie vote it would have to be brought up by somebody who voted against it and further it needs to be in the budget.

***Motion by Member Simon, second by Member Simones, to approve contracting for the Urban Conservationist position through Stearns County Soil & Water Conservation District for 2007.***

***AYES: Ahles, Herberg, Simon, & Simones***

***NAYS: Karls & Lommel***

***Motion passed on a 4 to 2 vote.***

***Motion by Mayor Herberg, second by Member Ahles, to budget \$1,000 in the 2007 Budget for the Urban Conservationist position.***

***AYES: Ahles, Herberg, Simon, & Simones***

***NAYS: Karls & Lommel***

***Motion passed on a 4 to 2 vote.***

STORMWATER MANAGEMENT PLAN – Jerry Bechtold reported that there is grant money available from Stearns County Local Water Management Advisory Committee to fund a community stormwater management plan. Rena Weber asked for council support in seeking a grant to fund hiring of a consultant to conduct a storm water management plan for the Pleasant Lake area. Rena cited a potential plan to divert water from entering Pleasant Lake from the park or ditch area along Lake Road.

***Motion by Mayor Herberg, second by Member Simones, to approve the Administrator/Clerk in seeking a grant to explore a Stormwater Management Plan.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

PLANNING COMMISSION MEETING CHANGE – Jerry Bechtold requested council consideration of changing Planning Commission meetings back to one meeting a month. Jerry was instructed to take this request back to the Planning Commission for input. No action was taken.

**PUBLIC HEARING – ORDINANCE NO. 2006-32 – REGULATING THE USE OF PARKS**

Mayor Herberg announced that a public hearing would now be held to consider adoption of Ordinance No. 2006-32 Regulating the Use of City Parks. Rena Weber read the notice of public hearing.

Park & Recreation Board Chair Scott Stenseth reported on the four changes that are recommended by the Park Board.

Section 5.6 – Add “unless a special permit is obtained”.

Section 6.2 – Add It shall be unlawful for members of the public to pick or dig up native plants within city Parks.

Section 7.3 – Add Fires by authorized personnel will be allowed as a management tool for parks with prairies.

Section 12.7- Add A permit to park greater than 24 hours is required from the City should people be on an extended canoeing excursion on the Sauk River (a MN DNR designated canoe route).

Dave Volkmuth – 25775 Lake Road, questioned in regards to parking for residents who have an overflow situation if they need to get a permit. It was reported that they don't, but the people who have a permit may take precedence over the residents with overflow. We need to clarify this.

Lori Anderson – 25766 Lake Road, stated that she uses the parking lot also. The only time she foresees a problem is if it is rented and somebody has an overflow, but this should hardly ever happen.

Scott Stenseth stated that we are renting the picnic shelter, not the parking lot. Scott stated that he does not see an issue with it.

Member Lommel questioned park hours between 7 a.m. and 10:00 p.m. and what if the person exceeds that time. Scott Stenseth reported that Section 3.4 allows for a permit.

Member Simon asked why we need an ordinance for the parks. Scott Stenseth asked do we wait for a problem or should we be proactive on this. This is a combination of other ordinances, and it gives us guidelines on what should and should not happen in the parks.

Tudie Hermanutz –211 1<sup>st</sup> Street W, stated that she remembers that the Sheriff could not follow through on complaints because we did not have an ordinance. Tudie suggested the city give a copy of the ordinance to those who rent and also to post it.

***Motion by Member Lommel, second by Member Simones, to close the public hearing at 7:48 p.m.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

Mayor Herberg stated that he wanted to go on record to state that he feels the same as the Park Board and this ordinance is needed.

Member Karls voiced concern that managed burns are allowed for the city.

***Member Simones introduced the following Ordinance including the changes presented at the hearing and moved for its adoption:***

***ORDINANCE NO. 2006-32***

***AN ORDINANCE REGULATING THE USE OF CITY PARKS, PROHIBITING CERTAIN CONDUCT THEREIN AND PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE.***

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

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

***AYES: Ahles, Herberg, Lommel & Simon***

***NAYS: Karls & Simon***

***Motion passed on a 4 to 2 vote.***

**PARK RENTAL AGREEMENT** – Mayor Herberg read the park rental fees explaining who would be affected and how much it would cost.

Member Ahles questioned how we handle people not picking up dog droppings. Scott Stenseth reported that is covered in Section 8.1 of the ordinance.

***Motion by Mayor Herberg, second by Member Simones, to approve the Park Rental Agreement as presented. (A copy is hereby attached and marked Exhibit B).***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

**OLD BUSINESS** – There was none.

## **NEW BUSINESS**

### **SEWER HOOK UP REQUESTS**

Mike Lutgen – 21225 Grand Lake Court, was present to report that he intends to remove his structure and build a new structure in April of 2007. Mr. Lutgen cited health problems and that he will be the main contractor who will do it all.

Discussion was held regarding the administrative penalty:

Member Simones indicated that it is a cumulative penalty - \$100 for the first month, \$200 plus \$100 for the 2<sup>nd</sup> month and so on. Each month it goes up \$100 plus what is outstanding.

***Motion by Member Simones, second by Mayor Herberg, to waive the administrative penalty contingent upon Mike Lutgen obtaining a building permit within a reasonable time. Further this is subject to a building permit being pulled by 5/15/07 and if not, the entire cumulative administrative penalty is reinstated.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

Clara Hall/Peggy Hall – 21776 County Road 8

Rena Weber read Peggy Hall's letter requesting a deletion of the penalty and of her intentions to build should her house sell.

***Motion by Member Simones, second by Mayor Herberg, to offer the same terms as with Mike Lutgen, and further to send her a letter stipulating the terms of which we will allow them to build & have her sign the letter within 30 days or the fine continues.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

Don Rieder– 25732 Lake Road, stated that he is in the same boat as the other two residents. His place has been gutted out; it does not have water, no toilet, and no running water. Mr. Rieder is not willing to set a date for when he will build and wants to be exempt. He has asbestos on the outside and somebody with a backhoe would have to tear it down.

***Motion by Member Simones, second by Mayor Herberg, to grant a reprieve of the penalty contingent that the structure is removed by 5/15/07, if not the penalty is put back on as if there was not a waiver.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

Henry Hansen –9157 Athman Road, stated the he does not have any of the other guys' issues, but he still does not think it is right. Mr. Hansen asked Steve Voigt today to get a sewer permit and Ralph Walz to do the electrical wiring. Mr. Hansen stated that he can't understand how the city can charge for use when they didn't use the sewer. Mr. Hansen is asking for deletion of the \$100.

***Motion by Mayor Herberg, second by Member Simones, to grant the reprieve of the \$100 penalty, give Mr. Hansen to August 31<sup>st</sup> to get hooked up and further that Mr. Hansen pays the outstanding sewer bill in full.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

### ENGINEER REPORT

Scott Hedlund stated that he echo's the need for the storm water management plan and funding for such.

### COMMITTEE REPORTS

**MAYOR'S REPORT** - Mayor Herberg had no report.

**STREET COMMITTEE** - Don Simon read through the list if issues discussed at the 6/29 meeting:

1) Pay Wade Skaja \$1000 from sewer project and deduct from Barbarossa for retaining wall.

***Motion by Mayor Herberg, second by Member Simon, to approve payment of \$1,000 to Wade Skaja as presented.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

2) Award contract to Beumer Outdoors for restoration of lawns (Lauerma & Bowman) \$2270 to be deducted from GM Contracting final contract.

***Motion by Mayor Herberg, second by Member Simones, to approve the contract with Beumer Outdoors for Option 1 to repair the lawns as presented.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

3) Lena Lane – recommend the city clean out the blow areas; fill with 1' of gravel, place geo-textile material and tar. This is a fix only. Greg Stang will have a cost estimate for this on Wednesday. No action was taken as there were no estimates.

4) 400 Club – approve the installation of water trap that is well insulated and further take care of maintenance provided that Cheri Verkinnes gives the city an easement to work on a private line. Cost: \$2500 possibly, but not really known. No action was taken.

5) 123<sup>rd</sup> Ave Bus Turn Around – Approve the installation of a connecting road between two private driveways. Greg and Scott Hedlund are putting together a cost estimate. No cost estimates were available so no action was taken.

6) Approve payment to Dave Volkmuth for lawn restoration \$1050, pay from the sewer project and deduct from GM Contracting final bills.

***Motion by Mayor Herberg, second by Member Simones, to approve payment of \$1050 to Dave Volkmuth as presented.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

7) Daryl Steil – Rent of building. The Committee recommends that we honor the contract and pay rent until 11/29/06.

***Motion by Mayor Herberg, second by Member Simones, to honor the rental agreement with Daryl Steil until 11/29/06.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

8) Approve payment of \$5,325 to Cold Spring Granite for gravel. Assess Cold Spring Granite when Rausch Lake Road is improved to 10 ton standards.

***Motion by Mayor Herberg, second by Member Simon, to approve payment of \$5,325 to Cold Spring Granite Company for gravel.***

***AYES: Ahles, Herberg, Karls, Lommel, Simon, & Simones***

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

Next Street Committee meeting - 8/7/06 – 4 p.m.

**ADMINISTRATOR/CLERK REPORT**

2007 BUDGETS – Rena Weber reminded all council members to bring in their budget books to be updated with 2007 information.

COUNCIL WAGE INCREASE – Rena Weber reminded the Council that if they wish to increase their wage an ordinance amendment needs to be passed before the election

WATER QUALITY – Rena Weber reported that she has good news on water quality at Grand Lake and Pleasant Lake. Pleasant Lake secchi dish readings improved by being 2' better this year. Grand Lake reported improvement as well.

**OPEN FORUM**

Duane Willenbring – 25123 County Road 139, stated that he is requesting a policy of what government centers should be used for. Duane did some research and will present this information to the EDA.

**ADJOURNMENT – *Motion by Member Ahles, second by Member Simonos, to adjourn the meeting at 8:48 p.m. Motion carried unanimously.***

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

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**BRIAN HERBERG  
MAYOR**