

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,  
FEBRUARY 7, 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, Jeff Hagen, Susan Palmer, Jim Pflapsen, Don Simon, & Randy Volkmuth. Absent: None.

Staff Members present were: Administrator/Clerk Rena Weber, Maintenance Worker Rick Hansen, Fire Chief Randy Dingmann, EMS Director Mike Hofmann, Rock Fest Director Kathleen Stanger, and Engineer Scott Hedlund.

Planning Commission members present were: Toni Honer

Others present were: Brian Hatten, Pat Grelson, Mary Ann Hermanutz, Gabe Arntson, Harold Rosenow, Clarence Bloch, Bob Froehling, Vince & Audrey Schaefer, Janelle Kendall, Matthew Quinn, Jodi Teich, Mike & Joan VanderWeyst, John Koerber & Dave Volkmuth.

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

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

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

a) ***Approve minutes of 01/17/07 and 01/31/07.***

b) ***Approve Treasurer's Report of 02/07/07.***

c) ***Approve List of Bills and Additions of 02/07/07.***

***Accounts Payable CK # 008751 to 008809 \$239,255.88***

***EFT Transaction # 000101 to 000104 2,583.04***

***Payroll CK # 002615 to 002629 10,991.65***

d) ***1 day Gambling License-St. Wendelin Church of Luxemburg @ 400 Club on 4/2/07.***

e) ***SCML Ad Hoc Committee report and recommendations***

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

***Motion passed on a 7 to vote.***

**BOARD/STAFF REPORTS**

**FIRE DEPARTMENT** – Randy Dingmann reported on the following:

**PURCHASE 800 MHZ RADIOS** – Randy Dingmann requested approval to purchase the 800 MHz radios of which 9 will be portable radios and 1 mobile unit. Randy reported the Fire Department had received a \$20,200 grant through Stearns County and is requesting approval to spend \$20,188.59. Discussion was held regarding the yearly maintenance contract on the radios. Randy indicated it could be \$300 per radio, but that is still unknown. Randy Dingmann reported that he had budgeted \$3500.00 for this purpose.

***Motion by Member Simon, second by Member Pflapsen, to approve the purchase as requested.***

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

***Motion passed on a 7 to vote.***

**FIRE DEPARTMENT RAFFLE** – Randy Dingmann requested approval for their annual Fire Department Raffle on 3/23/07

***Motion by Mayor Herberg, second by Member Ahles, to approve the Fire Department Relief Assn. raffle on 3/23/07.***

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

***Motion passed on a 7 to vote.***

**MAINTENANCE DEPARTMENT** – Rick Hansen reported on the following:

HOT WATER PRESSURE WASHER – Rick Hansen reported that he did the research on hot water pressure washers and found the following:

Mies – John Deere-2,000 psi with electric motor	\$2,130 including tax
Northern Tool – Northstar – 2,000 psi	\$2,199 plus tax
Grainger – 2,000 psi	\$3,854 plus tax

Member Volkmuth asked if the Fire Department had a hot water heater that could be used instead. Rick explained the Fire Department has a 50 gallon hot water heater that produces water at 120°. Questions were raised on whether or not this is necessary.

***Motion by Member Palmer, second by Mayor Herberg, to approve the purchase of a hot water pressure washer from Mies at a cost of \$2130.00.***

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

***NAYS: Hagen, Pflapsen & Volkmuth***

***Motion passed on a 4 to 3 vote.***

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

Next meat Raffle will be held at Stoney's on 2/16/07 at 6:00 p.m.

Buttons – The committee considered eliminating the button sales, but may be keeping them.

Location of Event – It was determined that they will keep most of the event at the School.

Car Raffle – 7/7/07 – Kathleen reported that the Rock Fest is working with Jeff Lahr on a car raffle. Toni Honer will be in charge of the event.

***Motion by Member Volkmuth, second by Mayor Herberg, to approve the car raffle application for Rockville Area Sportsman's Club on 7/7/07.***

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

***Motion passed on a 7 to vote.***

Next Meeting 2/28/07 – 7:10 p.m. at City Hall

**OLD BUSINESS**

**COMMITTEE REPORTS** – Member Hagen indicated he would like to shorten the meetings by having staff put their reports in writing and have the Administrator present them for approval. In regards to public hearings there is too much repeating and he would rather see one or two persons voice their concern and then have people raise their hands to get a count. If someone wants to add something different then okay. People can come if they feel there are going to be questions regarding specific requests.

Member Volkmuth added that he agreed with Member Hagen and that any reports should be in writing and unless council action is needed they should not have to show up at the meeting.

Member Palmer agreed with this concept.

Member Simon voiced concern regarding if there are questions who can we ask.

Member Pflapsen warned that we still have to be careful so that people who still want to be heard can be heard.

Mayor Herberg reported that this was one of the topics put on by the LMC at the Leadership Training. He reminded all that this is a public forum and people are watching us. Mayor Herberg cautioned members not to do this if you trying to streamline your time. The Mayor has the authority to cut people off, but he also believes people have the right to be heard.

**NEW BUSINESS**

**JANELLE KENDALL – ANNUAL REPORT** – Attorney Janelle Kendall was present to review the annual report for prosecution contract services 2004 – 2006

Prosecution Numbers:

2004	78		
2005	78		
2006	109	Misdemeanors	6 Gross Misdemeanors 115 Total

No action was taken and a copy of the report is hereby attached and marked Exhibit A.

**SUSPENSION OF LIQUOR LICENSE** – Rena Weber explained that one of the liquor establishments has been fined twice because liquor was purchased at retail for the purpose of resale. The person hopes to get back on her feet by the end of February. Sheriff Sanner recommended the City should at least impose a one day suspension in order to send out a message to the public.

Member Pflapsen stated that he would not support any action from the city.

Member Simon stated that in the past the city has given a one day suspension.

***Motion by Member Pflapsen, second by Member Volkmuth, to take no action on the suspension of the liquor license.***

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

***NAYS: Simon***

***ABSTAINING: Hagen***

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

**PUBLIC HEARING – ORDINANCE NO. 2007-36 MORATORIUM ON TRANSFER OF DEVELOPMENT RIGHTS.**

Mayor Herberg announced that a public hearing would be called to order at 7:57 p.m. Rena Weber read the notice of public hearing. No person appeared before the council to be heard.

***Motion by Member Ahles, second by Member Palmer, to close the public hearing at 7:58 p.m.***

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

***Motion passed on a 7 to vote.***

***Member Palmer introduced the following ordinance and moved for its adoption:***

***ORDINANCE NO. 2007-36***

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

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

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

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

***Motion passed on a 7 to vote.***

**ADDITIONS TO THE AGENDA**

**RESOLUTION 2007-05 – TRANSPORTATION FUNDING RESOLUTION** – Mayor Herberg indicated the changes he would recommend:

Delete: An increase in the gas tax

Delete: Increases in vehicle registration taxes (A.K.A. license tab fees)

Add: Cities under 5,000 receive their fair share of transportation funds especially cities who have consolidated to be more efficient and have numerous miles of roads to maintain.

Member Volkmuth added that he would like to strike indexing of the gas tax, provided there is a limit on how much the tax can be increased for inflation in a given amount of time due to the fact that the gas tax gets spent in the metro area.

***Motion by Member Volkmuth, second by Mayor Herberg, to strike all three of the top items and further to add the statement for cities under 5,000.***

Member Hagen stated he was not sure that we should strike them as we are short on funding for roads and somebody has researched this. He is not in favor of raising taxes and suggested we amend the resolution to say we could support the top three if we see something happen locally.

Member Pflapsen stated that he would like to see the “added” line in its own “be it resolved” category so that it would stand out more for Rockville.

***Member Volkmuth amended his motion to have the statement regarding cities fewer than 5,000 moved up to its own “be it resolved. Mayor Herberg approved the amendment.***

***(A complete copy of Resolution No. 2007-05 is hereby attached and marked Exhibit C).***

Member Palmer suggested we leave the 1<sup>st</sup> three in as we should not limit the options  
**AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen, Simon, & Volkmuth.**  
**Motion passed on a 7 to vote.**

**MAYOR'S REPORT** – Mayor Herberg reported that Senator Tarryl Clark will be at the Whitney Senior Center at 10:00 a.m. on 2/10/07.

**PLANNING COMMISSION APPOINTMENT** – Rena Weber reported that no applications were received and the council had talked about making one member of the council a voting member of the Planning Commission and also that this position would be rotated on an annual basis.

**Motion by Mayor Herberg, second by Member Simon, to appoint Vern Ahles to Planning Commission as a voting member and on a rotating basis annually.**

Member Hagen suggested we get applications from council members, the same as the applications from the public.

Member Volkmuth suggested that we make the rotating every 6 months.

Member Palmer agreed

Member Pfllepsen voiced concern that 6 months is a little too quick.

**AYES: Herberg, Simon, Pfllepsen**

**NAYS: Hagen, Palmer, Volkmuth**

**ABSTIANING: Ahles**

**The motion failed on a 3 to 3 vote.**

**Motion by Member Volkmuth, second by Member Palmer, to appoint someone else for a one year change to be determined.**

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

**ABSTAINING: Ahles**

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

Susan Palmer volunteered for the position for 2007.

**Motion by Member Hagen, second by Member Volkmuth, to appoint Susan Palmer as a voting member of the Planning Commission for the year 2007.**

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

**ABSTAINING: Ahles**

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

**EMS DIRECTOR** – Mike Hofmann requested approval to purchase one 800 MHz radio and 1 mobile base Total - \$6779.84 of which funds to pay for the purchase would come from:  
 \$6600.00 E101-42500-218 Radio

179.84 E101-42500-540 Machinery

Mike Hofmann stated that this has been in his budget for three years and that he would like to purchase the equipment now in order to get the radios programmed at the same time as the fire department as well as receive the discount.

Concern was voiced about the cost and whether grants were researched. Member Pfllepsen asked if the City Administrator could help write grants to which Rena Weber agreed to do.

Discussion was held regarding the need for base station which would be placed at the Fire Hall and will be used by all departments.

Member Volkmuth suggested that we explore any grants for 6 months and then come back if this does not work.

Randy Dingmann reported that the Fire Department has explored FEMA grants for the past 3 years. Cold Spring got \$75,000 grant recently.

**Motion by Member Simon, second by Mayor Herberg, to approve the purchase of the MHz portable radio and mobile station as requested.**

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

**NAYS: Hagen**

**Motion passed on a 6 to 1 vote.**

### ENGINEER REPORT

**COUNTY ROAD 82 RESOLUTION / UPDATE** - Jodi Teich, Assistant Stearns County Engineer, indicated that she met with Scott Hedlund gave him the worst case scenario of potential cost to the City of Rockville at \$245,000 and now it looks like it will be \$186,000. The breakdown is:

Sidewalk	\$ 11,000
Storm Sewer	140,000
Right-of-way costs	4,000
Curb & Gutter –east of city hall	31,000

Rocori Trail – Jodi Teich indicated they are uncomfortable with striping a dedicated bike lane whose user target is families and school aged kids due to insurance liability issues. The additional cost to re-design and shift the road could be picked up by the county. Discussion was held on how the trail designation could be accomplished: narrow up the street and shift the road  
Member Pflapsen suggested the city put the pressure on to ensure the trail is built.  
Member Volkmuth agreed.

Member Simon indicated that we don't need a designated trail, people should use the road.

Tudie Hermanutz – 211 1<sup>st</sup> St W, stated that in order to get the funding the trail has to be striped.

Jodi Teich indicated the County would be looking for approval from the city council at the 2/21/07 meeting.

**CR 82 RESOLUTION 2007-04** – Jodi Teich did request council approval to accept the designation of old Highway 23 as CSAH #82 (Broadway Street).

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

**RESOLUTION NO. 2007-04**

**RESOLUTION DESIGNATING CSAH #82 – CITY OF ROCKVILLE**

***(A complete copy of Resolution No. 2007-04 is hereby attached and marked Exhibit***

***D).***

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

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

***Motion passed on a 7 to vote.***

### COMMITTEE REPORTS

**ASSESSMENT POLICY SUB-COMMITTEE** – It was determined that the Special Assessment policy committee that was established at the 1/31/07 special meeting would meet on 02/13/07 at 5:00 p.m. – Rockville City Hall.

**MAYOR'S REPORT** – Mayor Herberg read a prayer that he heard at a recent LMC training seminar.

**STREET COMMITTEE** – Chair Simon reported that the Street Committee is recommending approval of the following snow plowing policy: Snow plowing will not occur until snow has accumulated to 1 ½" thickness on tarred roads and 3" on gravel roads. Also, if the wind is blowing and the operator cannot see – they will not be going out. Priority roads will be plowed first.

**SNOW PLOWING POLICY** – ***Motion by Member Volkmuth, second by Member Palmer, to approve the snow plowing policy as recommended by the Street Committee.***

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

***Motion passed on a 7 to vote.***

Next Street committee meeting – 2/12/07 – 4:00 p.m.

**OPEN FORUM**

Clarence Bloch – 21990 County Road 8 asked what is happening with Hubert Lane and the fact that the road was moved. Mayor Herberg informed Mr. Bloch that this is in the hands of the attorney and surveyor. He needs to contact them.

***ADJOURNMENT – Motion by Member Ahles, second by Member Volkmuth, to adjourn the meeting at 9:40 p.m. Motion carried unanimously.***

---

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

---

**BRIAN HERBERG  
MAYOR**