

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,  
SEPTEMBER 3, 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, Jim Pflapsen, & Randy Volkmuth. Absent: None.  
Don Simon arrived at 6:01 p.m.

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

Others present were: Tудie Hermanutz, Pat Grelson, Dick Nieters, Dennis Tumberg, Ev Balko, Sharon Sponheim, Mike Hofmann, Jeff Hagen, Dave Volkmuth, Duane Willenbring, Clarence Bloch & George Bechtold.

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

**CONSENT AGENDA: Motion by Member Volkmuth, second by Member Palmer, to approve the consent agenda as presented minus the band boosters,**

- a) **Approve minutes of 8/20/08**
- b) **Approve Treasurer's report of 9/3/08**
- c) **Approve List of Bills and Additions of 9/3/08**  

<b>Accounts Payable CK #010529 to 010564</b>	<b>\$16,611.70</b>
<b>Payroll CK #003181 to 003190</b>	<b>9,997.74</b>
<b>EFT #000146</b>	<b>472.13</b>
- d) **Approve Mary of Immaculate Conception Church raffle 11/23/08**

**AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth**  
**Motion passed on a 7 to 0 vote.**

**BOARD/STAFF REPORTS**

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

REQUEST FOR ACTION: DATA VIEW PURCHASE – Maintenance Department and Administration will each use this device. There are different layers that can be purchased and staff is recommending:

Basic package	\$6450
Option 1	1800
Option 2	450
Option 22	150
Option 26	<u>4000</u>
	<b>\$12,850</b>

We received another bid from WSB and their basic plan was \$10,410.00. This does not include the additional layers. This is also in the 2009 budget.

Member Volkmuth has a number of questions:

- If somebody leaves how easy is it to train new employees? Scott Hedlund reported it is relatively easy to pick up.
- Is it basically to check boundaries?
- Is it a Google map? Scott Hedlund reported the areal photos are in this with data sets.
- Do we get billed every time we use it? No that is part of the service.
- What is the cost of the updates? Scott Hedlund reported the \$1200 is the hosting fee and the cost to update information is \$100 each time it is done.  
Some cities do this once a year, some twice.

Member Becker asked if they are updated very often. Scott explained that is up to the city. All departments can use it?

Member Volkmuth asked where we would use this exactly. Rick Hansen reported that he will use the system to do locates of water/sewer services and mains. This information comes from CAAD data. The Fire Department wants this.

Scott Hedlund reported the proprietary portion is owned by SEH as the hosting agency. Rena Weber reported that Administration would use this system for:

- Planning & Zoning – Option 22 Shoreland Management tool to identify the first 50' of the shore impact zone.
- Public hearing notices – labels are printed to be sent out to anybody within 350' of the specific parcel.

How many cities around here use this? Rena Weber talked to Bill McCabe from St. Augusta who uses it frequently.

Member Pflapsen stated this is this a powerful tool, but not for the city of Rockville when there is not a whole lot of development going on. If someone wants to do something in the lakeshore they still have to bring in certification as to the Ordinary High Water Elevation. Member Pflapsen cited all the areas of shortages:

- Is it a powerful tool for the City of Rockville when the next period of development will not happen for some years?
- He reviewed the Finance Committee reports and sees there is a shortage in the General Fund predicted for 2009.
- The city is looking at \$200,000 per year in shortages on the sewer project
- There are significant legal bills coming in due to the detachment.
- Uncertainty of LGA
- And a \$12,000 software program to facilitate development

Mike Hofmann stated this is a valuable tool. It is the layout of the city and in an emergency this tool can be used on the emergency management end and further can be used by all entities of the city.

Rick reported that Fire Chief Jeff Howe has looked at this too and feels that if there is a big fire he can look at the size of water mains.

Member Palmer asked is this something that we could start with something less and add on in future years? Rena Weber reported that the first 5 layers is the basic package and is listed on page two. Rena Weber reported that services are not included in the water/sewer package.

Member Volkmuth also felt that we should purchase just the basic and see how it goes.

Member Pflapsen feels we are not ready for this and are reaching for reasons to buy it. It does not take satellite imagery to find a grass fire. This product will have a reoccurring expense to it.

***Motion by Mayor Herberg to approve purchasing of the Data View system in the amount of \$12,850 as presented by staff.***

Member Becker indicated that he saw the demonstration and thought it was good. What is the savings on having to look for it manually instead of using the computer he does not know that, but he was impressed with it.

Member Palmer felt this was a good tool that can be used rather than seeing something sketched on paper.

Member Becker indicated that people have been using CAAD for 25 years and our staff needs to use this, but he is not sure to what degree.

***The motion was duly seconded by Member Becker with the following vote being taken:***

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

***NAYS: Pflapsen & Volkmuth***

***Motion passed on a 5 to 2 vote.***

**GARBAGE PICK UP** – Rick reported that there has been a recent clean up of the Sauk River and the City had to dispose of the refuse. John Peck will follow up on who deposited the refuse on city property as the cost to remove it was \$100.

**RAILROAD CROSSING REPAIR** – Rick reported that the RR crossing was fixed last week.

**OLD BUSINESS**

**PFA LOAN PAY BACK** – Rena Weber reported that the PFA Loan payback has been revised and it appears that keeping \$400,000 would allow for four years of delinquent taxes. Since construction of the Lakes Area Sewer Project is basically complete (except for grinder station issues that are still being resolved), it is now time to pay back the pre-paid Sewer Assessment monies received by the city.

City staff and David Drown met recently to review cash flow information and there is reason to believe that of the approximately \$375,000 of assessments to be collected each year for the sewer project, close to \$70,000 may be delinquent (due primarily to developers at this time). This, combined with some delinquents on Sewer Access Charges (SAC's) could result in the city possibly being short \$80,000 per year. Therefore, while we have 1,200,000 as a fund balance the city should reserve at least 400,000 to help offset the cash flow issues that may result from the delinquents. With this in mind, it is recommended that the city council approve paying back to the PFA the amount of \$800,000 at this time.

This amount would be transferred out of the 4M Plus Fund and deposited electronically to the Public Facilities Authority. Once received a revised amortization schedule will be provided by the PFA to the city which will show the revised repayment schedule.

Rena Weber also reported that Jim Mogen has responded on the legal question regarding delinquent taxes.

***Motion by Member Palmer, second by Mayor Herberg, to approve paying back \$800,000 to the MN Public Facilities Authority from the pre-paid assessments as received by the City of Rockville on the 2004 Sewer Project.***

***AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth  
Motion passed on a 7 to 0 vote.***

**NEW BUSINESS**

**2009 PROPOSED BUDGET, TAX LEVY & SCHEDULE TRUTH IN TAXATION HEARING FOR 12/10/08** – Rena Weber reported that the Finance Committee has met and determined that the tax levy for 2009 is \$1,052,438 which includes the 3.9% tax levy limit.

**FINANCE COMMITTEE** – Randy Volkmuth reported on the following:

TAX LEVY, BUDGET AND SET TRUTH IN TAXATION DATE – There still is \$32,430 shortage due to:

- 10,000 EDA Fund 209
- 17,000 Road Maintenance Fund 215
- 5,430 Rock Fest Fund 408

The Finance Committee recommends the council approve the proposed 2009 Budget as presented, a tax levy of \$1,052,438, reducing the Road Maintenance fund to \$3,000, include the excess \$5,000 of revenues over expenditures making up the difference from the general fund balance.

***Motion by Mayor Herberg, second by Member Ahles, to approve the 2009 proposed budget as presented, schedule the Truth In Taxation Hearing for 12/10/08 – 6 p.m. and the tax levy:***

Revenue-Fund 101-41000	656,489
Certificate of Indebtedness-Pumper 21, 644 & 1 Ton Cert 3,994=25,638	
<b>(Part of Gen Fund Prop Tax but allowed as Special Levy)</b>	
Fire Protection-Fund 101-42200	110,500
Economic Development- Fund 209	10,000
Road & Bridge Maintenance-Fund 215	3,000
Rock Fest-Fund 408	5,430
<b>Special Levies Outside of Levy Limits:</b>	

1997 Sewer Disposal Imp. Bond-Fund 301	9,575
1998 Sewer Disposal Imp. Bond-Fund 302	7,788
2004 Prairie Ind. Park Imp. Bond-Fund 305	2,800
City Facilities-City Hall/Fire Hall-Fund 304	222,291
CR 82 Imp (& SJ Louis) Bond Fund 308	10,065
Lake Improvement District-Fund 221	14,500
<b>TOTAL CERTIFIED LEVY</b>	<b>\$1,052,438</b>

**AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth**  
**Motion passed on a 7 to 0 vote.**

**MAYOR/COUNCIL RAISE** –Member Volkmuth reported the Finance Committee discussed a pay raise for the Mayor/Council. There has not been a raise since 1996 and the Committee recommends: \$250/month for the Mayor \$175/month for the council

Member Becker stated he looked at the survey and with our proposed increase we are still 2/3 short of other cities.

This would require an ordinance change approved before the November 4<sup>th</sup> election.

**Motion by Member Ahles, second by Member Volkmuth, to schedule a public hearing for 10/1/08 – 6:30 p.m. to consider an ordinance amendment to pay the Mayor \$250/month and the Council \$175/month.**

Member Pflapsen voiced concern in regards to raising the wage citing the same reasons stated earlier for not purchasing the Data View system. In addition he noted that Administration budget was up 9.2% and Fire up 2.3%

Member Simon suggested that people look at other cities, even the school board gets \$200.

Member Pflapsen indicated that he will discuss these issues at the same public hearing, but wonders if citizens would rather see a 5 member council.

Mayor Herberg warned people of the consolidation agreement and the fear that people could stack the deck.

Member Palmer disagreed with the Mayor indicating she did not ever hear anyone talking about this.

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

**NAYS: Pflapsen**

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

**ROAD IMPROVEMENT FUND** – Randy Volkmuth reported the Finance Committee discussed a special levy for road improvements. The committee discussed a levy as low as \$50,000/year and up to \$200,000/year, but needed input from the whole council.

Member Palmer reported that there is nothing in the budget for capital improvement for 2009.

Rena Weber asked the council to discuss a time period as to how long they wished to have the levy in place if approved.

2 questions were discussed:

- \$175,000 and in 2 years \$150,000
- \$100,000 or \$150,000 and in 2 years increase

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

**RESOLUTION NO. 2008-23**

**RESOLUTION CALLING FOR AN ELECTION ON A PROPERTY TAX LEVY FOR ROAD IMPROVEMENTS**

**(A complete copy is hereby attached as marked Exhibit A)**

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

**NAYS: Pflapsen**

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

### MAYOR'S REPORT

**APO MEETING** – Mayor Herberg reported that he attended the recent APO and they are in the process of adopting a future land use map of the area comprised from information received from the area including townships and cities. Other issues include finding funds for road projects.

**LOCAL GOVERNMENT AID** - Mayor Herberg and Rena Weber will attend a summit meeting regarding LGA in Brainerd on 9/4/08.

**ST. CLOUD REGIONAL LIBRARY OPENING** – St. Cloud Mayor Kleis invites all to the new library opening day ceremony on 9/12/08 at 9:00 a.m.

### ADMINISTRATOR REPORT

**PERSONNEL COMMITTEE** – Rena Weber asked the Personnel committee to schedule interviews for the Finance Director position on 9/15/08 at 5:00 p.m.

***Motion by Member Volkmuth, second by Mayor Herberg, to schedule the Personnel Committee meeting on 9/15/08 at 5:00 p.m. to interview applicants for the Finance Director position.***

***AYES: Ahles, Becker, Herberg, Palmer, Pflapsen, Simon & Volkmuth***  
***Motion passed on a 7 to 0 vote.***

### OPEN FORUM

Member Becker indicated that he has been contacted by a number of individuals regarding rental owned properties citing a boat the size of a tanker on Pleasant Lake recently. This residence is rented for a couple of days. The city has a rental ordinance, but it does not cover such situations.

Member Pflapsen cautioned the council of eroding individual property owner rights. Something like this should require a public hearing.

Member Becker questioned the status on 400 Club drainage easement on Pleasant Lake. Scott Hedlund reported that SEH recently did a topographical survey of the area. Greg Berg is to meet with SEH and Rena Weber next week to discuss a resolution. Scott Hedlund reported also that the DNR feels that quiet title action not necessary. The project won't get done this year as the DNR said it has to go through a lengthy process on their end.

Dave Volkmuth – 25754 Lake Road indicated this has been an interesting meeting. He would like to have seen the council take a much tighter roll on spending. He warned members to personally be scared. He looked at what he started with in Pleasant Lake. Rockville had run away spending. Somewhere you people have to pay the price. The amount of money you are increasing the taxes. The school board is asking for \$10,000,000. Pawlenty set 3.9% levy limits. Do we need all the things we are doing? It is a bad time to increase wages. What can our citizens afford to pay and how much do they want to pay?

Tudie Hermanutz – 211 1<sup>st</sup> Street West asked if there will be another newsletter before the election. The city might want to put information in it regarding the levy referendum.

Duane Willenbring – 25123 CR 139 stated he needed to address an issue regarding the International Code Council. The City should be receiving a letter from the CMBA regarding the proposed adoption of mandatory sprinkling systems in new residences. The City of Rockville has 4 representatives who could vote at an upcoming ICC meeting in Minneapolis on 9/17 to 9/23 since we are members. Mr. Willenbring would like to be appointed to represent the city and vote against mandatory requirement due to the added expense. The cost may be warranted in southern states, but not the northern states.

Member Pflapsen asked Duane Willenbring if he would represent the city at his expense. Duane indicated that he would, however, felt that he could represent the city as a member of the EDA.

Member Pflapsen indicated that he feels the city should oppose such legislation.

Member Becker felt that sprinklers save lives and protect property.

Member Volkmuth stated that he is in favor of appointing Duane to represent the city as \$4800 for a 2400 square foot home is spendy. We need to weigh the cost benefit.

Member Palmer stated that at St. Ben's sprinklers are required in every dorm. It makes sense here, but may not be necessary in a home.

***Motion by Member Pflapsen, second by Member Volkmuth, to approve a resolution stating that the city of Rockville is opposed to mandatory sprinkler requirement in single family dwellings, authorized Duane Willenbring to attend on behalf of the City to vote against such action at the ICC meeting, further to appoint Ralph Walz in lieu of Julie Zimmerman as a representative.***

Rena Weber is to send a letter to ICC with such changes before 9/5.

***AYES: Pflapsen, Simon & Volkmuth***

***NAYS: Ahles, Becker & Palmer***

***Mayor Herberg voted in favor.***

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

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

***RESOLUTION NO. 2008-24***

***RESOLUTION NOT IN SUPPORT OF MANDATORY SPRINKLING SYSTEM  
INSTALLATION – SINGLE FAMILY DWELLINGS***

***WHEREAS, The Rockville City Council, Stearns County, Minnesota, has reviewed the proposed requirement of mandatory sprinkling system installation in new single family dwellings, and;***

***WHEREAS, The Rockville City Council has discussed the added cost to the construction of a home in the State of Minnesota, and;***

***WHEREAS, The cost of such mandatory requirement could add approximately \$4800 to a new 2400 square foot home, and;***

***WHEREAS, The rural nature of the city of Rockville would severely affect the mandatory requirement as city water is not available to the outer regions of the City.***

***NOW, THEREFORE, BE IT RESOLVED by the Rockville City Council, Stearns County, Minnesota:***

- 1. The City of Rockville hereby wishes to go on record as being opposed to such Code change requiring mandatory installation of a sprinkling system in a new single family dwelling.***

Member Palmer questioned if this creates a liability issue for the city?

***AYES: Pflapsen, Simon & Volkmuth***

***NAYS: Ahles, Becker & Palmer***

***Mayor Herberg voted in favor.***

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

***ADJOURNMENT – Motion by Member Pflapsen, second by Member Becker, to adjourn the meeting at 7:40 p.m. Motion carried unanimously.***

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

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**BRIAN HERBERG  
MAYOR**