

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, APRIL 16, 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 Brian Herberg, Council members Vern Ahles, Jim Pflapsen, Don Simon & Randy Volkmuth. Absent: None. Susan Palmer arrived at 6:02 p.m.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen, EMS Director Mike Hofmann, Rock Fest Coordinator Kathleen Stanger, Engineer Scott Hedlund & Attorney Jim Mogen.

Others present were: Tудie Hermanutz, Dan Hansen, Liza Fuchs, Sgt. Jon Lentz, Dave Volkmuth, John Koerber, Clarence Bloch, Henry Massmann, John Wicker, Jim Unterberger, Dennis Lowen, Gene Merten, Mike & Ann Hiltner, Roy Loesch, Elmer & Delores Haus & Richard & Lucy Heinen.

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

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

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

- a) **Approve the Minutes of 4/2/08**
- b) **Approve Treasurer’s Report of 4/16/08**
- c) **Approve List of Bills and Additions of 4/16/08**

<b>Accounts Payable Bills CK #010075 to 0010118</b>	<b>\$47,495.48</b>
<b>Payroll CK #003032 to 003061</b>	<b>12,281.32</b>
<b>EFT #000136</b>	<b>513.95</b>
- d) **Recommendation to designate the following:**

**The city received payment for a permit violation fine from C. Bloch on 4/3/08 (R#7818) and this had been previously requested to be designated for water quality type issues once received.**

**\$5,000 designated to Fund 101-General Government.**

**Rockville Fire Department received a \$500 donation from Cold Spring Granite Company on 4/2/08. (R#7821).**

**Request to designate for a future fire department machinery or equipment purchase. 101-42200-540.**

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

**BOARD/STAFF REPORT**

**POLICE DEPARTMENT–** Sgt. Jon Lentz reported the contract hours for March 2008 were 45.5 hours with 19 citations issued.

Mayor Herberg asked if the weight restriction violation was on a county road or city road. Sgt. Lentz reported that it was on a county road.

**MAINTENANCE DEPARTMENT –** Public Works Director Rick Hansen reported on the following: WATER TOWER CLEANING -Requested approval of Caldwell tanks (Dave Webb) to clean and inspect the water tower on Walnut Circle. This is the same company that built the Pleasant Lake water tower and fixed the riser pipe on the old water tower. The price for this is \$1275.00 and includes a full inspection report as well as photos of the interior of the tank. This winter when we turned on the mixer we received water clarity complaints for a couple weeks, and again this week

we received complaints. The tank was last cleaned 5 years ago and should be on a two to three year rotation.

Member Pflapsen asked would it be better to schedule regular cleanings. Rick Hansen reported we were on a schedule to go with Cold Spring & Richmond, but were unable to do so last year.

***Motion by Member Volkmuth, second by Mayor Herberg, to approve the estimate of \$1275.00 by Caldwell Tanks to clean the Walnut Circle water tower.***

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

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

DUST CONTROL - Please approve Ferrell Gas for the 2008 dust control. They are the only company in the area that provides this service and have been doing it for the City for the last few years. The price is the same as last year, \$0.56/ft. We have \$13,000.00 budgeted for dust control. Fund # E101-43100-329

***Motion by Mayor Herberg, second by Member Simon, to approve the bid of Ferrell Gas for dust control in the amount of \$13,000.***

Member Pflapsen asked if private parties can contract to have their roads done. Rick Hansen is to check on this.

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

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

WATERMAIN FLUSHING - Rick Hansen reported that flushing of watermains was pushed back one week due to the snow storm.

**PLANNING COMMISSION** - Rena Weber reported on the following:

DAN HANSEN QUALIFIED MINOR SUBDIVISION – Rena Weber reported that Dan Hansen has a parcel of property abutting Ahles Road (Section 15). Staff has met with Dan Hansen and he has made the corrections necessary. This parcel of land is 132.17 acres in size and may be done without platting as it is rural and contains no lot that is less than 20 acres. City Attorney, Engineer and Administration reviewed the application and had concerns:

Drainage & utility easements along the outer perimeters of the subdivision.

Access locations.

Dedication of 40' Right of Way along Ahles road.

Each parcel will be more than 40 acres.

Parcel A-46.52 acres

Parcel B-45.03 acres

Parcel C-40.22 acres

The Planning Commission approved the Qualified Minor Subdivision as presented as the concerns of the Engineer and Attorney were addressed. No action is required by the Council.

DENNIS BACKES PROPOSED PLAT – Rena Weber reported that Mayor Herberg, Jim Mogen and she met with Dennis Backes and Dave Hagen to discuss the status of his property north of Grand Lake. Mr. Backes is unfamiliar with conservation design and it is hoped that a task force can be formed to work with him and hopefully a design can be planned that will work for both parties. The Planning Commission appointed Dan Hansen, Jerry Bechtold & Toni Honer to serve on the task force. Susan Palmer and Jim Pflapsen volunteered to represent the council.

SCHNEIDER TERRACE – Rena Weber reported that the Raymond & Irene Schneider plat could not be named Schneider Addition as that name has been used already. They are proposing the name "Schneider Terrace". This needs approval of the council.

***Motion by Member Volkmuth, second by Member Pflapsen, to approve the name change to "Schneider Terrace" instead of Schneider Addition as originally approved on 3/19/08.***

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

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

**PARK & RECREATION** – Scott Stenseth reported on the following:

SUMMER BALL PROGRAM – Sign up was held on 3/29/08 and the response was good, but Minor and Major Baseball teams need more members

- T-ball is for any age up to 6 years old (*actually ages 5 – 7*)
- Minor League Baseball is for ages 6 to 8 (*actually ages 8 to 10*)
- Major League Baseball is for ages 8 to 11 (*actually 11 to 13*)

A restaurant grade refrigerator was donated from Electrolux and this will be set out front of the concession stands.

Long term plan – The Park & Recreation Board will place a survey in the next newsletter.

The Board will meet with the Lion's Club for their input on Lion's park.

They will compile the survey results and give a report to the council.

REQUEST FOR ACTION - The Park and Recreation Department would like to request from the City Council permission to spend approximately \$1,475 for two tether balls and 3 Rows 30 feet wide Alum. Bleachers for Lions Park. The tether ball(s) will be installed in the playground area and the bleachers behind the softball field backstop. All items will be purchased from BSN Sports, from Designated funds for the Bleachers/Ball field repair account E 101-45122-537.

***Motion by Member Volkmuth, second by Member Palmer, to approve the purchase of tether balls and some bleachers in the amount of \$1475.00.***

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

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

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

Web-Site – They have created a new web-site where vendors can fill out a vendor application, click and it goes to her. This is also a way to e-mail her, and all is very brand new, created in the last two weeks.

Teen Dance – this Friday night 4/18/08 from 6:30 p.m. – 9:30 p.m. at the Parish Center.

Chicken Dinner – 4/26/08 –at the Granite Edge Café. Kathleen needs waiters/waitresses or even dish washers to help out. It is a fund raiser and runs from 4 p.m. to 7 p.m. Cost is: Age 13 + \$7.00 Ages 6 -12 -\$4, Ages 5 and under are free. People can bid on some homemade wine.

Ice Cream Social – May 30<sup>th</sup> – she will be using the same DJ outside by the Granite Edge Café. Rena Weber will check on liability insurance. The event will run from 6:30 p.m. to 9:30 p.m. or 7 p.m. to 10 p.m.

Member Volkmuth asked about the attendance at the teen dances. Kathleen reported there were 73 in attendance one month ago. She is afraid they will outgrow the space. Cost is \$8.00 to get in which includes your ticket to get in plus pizza. The last dance netted \$31.10.

1K and 5K run - This will be a new event that will begin at John Clark Senior Housing and end at the Suburban Racquetball Club. They will only do this if it is approved by the county.

Beer gardens will be open all day long and they would like to move the event to the Granite Edge. Rena Weber voiced concern of people crossing the roadway and will refer this matter to Sheriff Sanner.

Fireworks –Kathleen reported fireworks will cost \$3500 this year which is a \$500 additional cost. Rock Fest will pick up the additional \$500.

**OLD BUSINESS** – There was no old business.

**NEW BUSINESS** – There was no new business.

**ENGINEER** – Scott Hedlund had nothing to report.

**ATTORNEY**

**DETACHMENT** - Attorney Jim Mogen reported that the 3<sup>rd</sup> detachment meeting is being held tonight. There has been more investigation and he would like the council to set up a special council meeting to determine the city's position. Jim Mogen stated that he needs direction and further recommends the meeting be a closed meeting to discuss potential litigation and discuss strategies.

Mayor Herberg suggested that this meeting occur after the Finance Committee meeting and after the SAP meeting at 7:30 p.m. and then the closed meeting could be held.  
FINANCE COMMITTEE – Discussion was held regarding the schedule since the Finance Committee meeting was originally scheduled for 4/22/08.

**Motion by Member Volkmuth, second by Member Palmer, to schedule the following on 4/30/08:**

- **6 p.m. – Finance Committee**
- **7:30 p.m. – Special Assessment Policy and full city council**
- **8:00 p.m. (approximately) Special Closed meeting regarding detachment and potential litigation**

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

**ALCOHOL COMPLIANCE** – Attorney Jim Mogen reported that Stoney's Bar was fined a second time and in the past administrative penalties have been postponed by the council. In order to assess the penalty due process would need to occur which includes a notice of violation being sent to the license holder, who has an opportunity to talk to council, and Rockville will be their own hearing judge. This can be during the regular meeting.

Member Pfllepsen voiced concern that for us to go through this process and until we see a significant change he would rather not assess a penalty.

Mayor Herberg reminded the council that this is the 2<sup>nd</sup> violation with the first being in January and the second violation in March. The council previously determined that if there is a second violation the penalty would be \$1000 plus \$500. We are setting precedence.

Member Pfllepsen stated he would not support that type of action as they are already penalized by the State.

Member Palmer stated that she disagrees with Member Pfllepsen and indicated that we need to follow through with due process and assess a penalty.

**Motion by Member Pfllepsen, second by Member Volkmuth, to look the other way and wish the license holder well.**

Member Simon indicated that she may very well be forced out by the State.

Mayor Herberg reminded the council of past history and the fact that other establishments will watch us. The license holder is making good with the State by Friday.

Member Ahles also voiced concern and further that we need to look into the situation as other bars are looking into this too.

Mayor Herberg suggested the council start the due process procedure and if the establishment does everything she is supposed to do, then the council can discuss a plan of action at that time.

**AYES: Pfllepsen, Simon & Volkmuth**

**NAYS: Ahles, Herberg & Palmer**

**Motion failed on a 3 to 3 vote.**

**Motion by Mayor Herberg, second by Member Palmer, to initiate the due process procedure, see if everything promised takes place, and further to schedule the hearing for the next regular council meeting.**

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

**NAYS: Pfllepsen, Simon, & Volkmuth**

**Motion failed on a 3 to 3 vote.**

**Motion by Member Ahles, to table action until another council member is appointed. Motion died for a lack of a second.**

***Motion by Member Pflapsen, second by Member Volkmuth, to assess no penalty, city staff to set up a meeting with the violator and explain the rules on what to do and what not to do. Furthermore if there is a third occurrence then due process procedures will take place.***

Member Palmer questioned what is expected of staff.

Member Volkmuth indicated that he does not agree with what is in the ordinance.

Member Pflapsen stated that there is so much over-site from the state that this will remedy itself and we should close the file.

Member Volkmuth stated that he will go on record that if there is a 3<sup>rd</sup> time and if the state does not take care of it, he will vote to do what the ordinance requires.

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

## COMMITTEE REPORTS

**MAYOR'S REPORT** – Mayor Herberg had nothing to report.

**SPECIAL ASSESSMENT POLICY COMMITTEE** – Tудie Hermanutz reported the committee met and finished up their work. 7 of 10 members were there, changes are indicated in red and they will be ready to discuss the changes on the 30<sup>th</sup>.

**STREET COMMITTEE** – Chair Don Simon reported the committee met 04/10/08. Issues discussed were:

**400 CLUB DRAINAGE ISSUE** – Chair Simon reported the history of what transpired with this area in that about one year ago Stearns County and the City were going to collaborate and do a big storm water drainage project along the west side of Pleasant Lake. That did not occur as the residents did not want to expend any money. Since that time Cherie Verkinnes has met with Greg Berg and requested that something be done with the storm water outlet that drains into Pleasant Lake on the north side of her building.

Greg Berg met with Cherie and has a proposal to divert some of the water behind the 400 Club garage and into a created pond. The City would be asked to commit to removing the drain under the 400 Club patio and obtain an easement from John Koerber (owns 30' along the west side of the public access). The estimated cost for the city portion is anywhere from \$5,000 to \$20,000. Scott Hedlund presented an estimate he did back in 2005. \$13,000 actual bid and soft costs (just under \$19,000).

Cherie Verkinnes would have to agree to do storm water corrections behind the curb on the west side of Lake Road.

The Street Committee recommends the city commit to expending up to \$20,000 and let Greg Berg determine the viability of the entire project.

Member Pflapsen questioned the amount of storm water coming off of the parking lot. Mayor Herberg indicated that both Cherie Verkinnes and the Lake Association would contribute to the project. Mayor Herberg explained that Stearns County will not participate if the City doesn't commit a set amount to the project. Mayor Herberg also indicated that if the city donates the land for the pond for this project it would be part of our contribution to the project.

Member Palmer asked if there is some responsibility on Stearns County and have we identified where this will be paid from.

Member Pflapsen stated that he is for cleaning up the problem.

Member Volkmuth recognized that this has been an issue for years and if we make the land donation of at least \$10,000 our in-kind will be met.

***Motion by Member Volkmuth, second by Member Palmer, to allow an expense up to \$20,000.***

Attorney Jim Mogen asked the council if they are going to assess any of the cost. The council determined no they will not, but will bid out.

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

COUNTY ROAD 138 TURNBACK – Chair Simon reported the Committee met with Mitch Anderson, Stearns County Highway engineer and further that this is for their information only at this time.

CRANE PUMP – This is for information purposes only.

HALFMAN ROAD REPAIR – Chair Simon reported that there are three soft spots near the Stanger/Eikmeyer residences that need to be repaired. Bids were received from:

KRAEMER TRUCKING & EXCAVATING	\$ 708.00
KRIPPNER TRUCKING & EXCAVATING	1,180.00
STEVE'S EXCAVATING	1,350.00

Discussion was held regarding the bids and the differences – what is not included and what is – apples to apples. The Kraemer bid had items missing and the Committee is recommending approval of the bid from Krippner Trucking in the amount of \$1,180.00 .

***Motion by Member Volkmuth, second by Member Ahles, to approve the bid of Krippner Trucking and Excavating in the amount of \$1180.00 as presented.***

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

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

SPODEN ROAD CULVERT – Rick Hansen is to replace the culvert and the cost is under \$1000 so no council action is needed.

DATA VIEW – Chair Simon reported that the Street Committee has reviewed this request and it is in the 2008 budget and furthermore recommends the Finance Committee review this request.

Member Palmer indicated the Committee needs more information. Scott Hedlund is to give a presentation to the council.

GRINDER STATION POLICY – Chair Simon reported there is a need for a grinder station policy as there are a number of repeat calls for private property owners where the problem is not on the city side. Staff will look into drafting a policy.

DIRT IN DITCHES – Chair Simon reported that there is an unusually large amount of dirt in the ditches this year and Rick will get Sentence to Service people to help clean up.

#### **ADDITION TO THE AGENDA**

BRIGGS & MORGAN PROSPECTIVE CONSENT– Rena Weber reported that Briggs & Morgan will be representing Xcel Energy in Utility Franchise matters and the council would need to sign off on them doing that.

***Motion by Mayor Herberg, second by Member Simon, to authorize the Administrator/Clerk to sign the consent form for Briggs & Morgan to represent Excel Energy in Utility Franchise matters.***

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

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

#### **ADMINISTRATOR'S REPORT**

**JOINT LAKE ASSN. MEETING** – Rena Weber reported that the Grand Lake Association and Pleasant Lake Homeowner's Association will be meeting at City Hall on Saturday, April 26<sup>th</sup> at 9:00 a.m. to hear information about the proposed Shoreland ordinance.

**STATE BONDING** – Rena Weber reported that the city of Rockville was awarded \$372,000 in state bonding money for the Rocori Trail.

#### **OPEN FORUM**

Tudie Hermanutz - 211 1<sup>st</sup> St W voiced concern that the Cable TV presentation is not a very clear presentation. Rena Weber reported that she had talked to Pat Grelson this very evening to discuss how this can be fixed.

**ADJOURNMENT** – ***Motion by Member Volkmuth, second by Member Palmer, to adjourn at 7:34 p.m. Motion carried unanimously.***

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

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**BRIAN HERBERG  
MAYOR**