

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, MAY 21, 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, Bill Becker, Jim Pflapsen & Randy Volkmuth. Absent: Susan Palmer & Don Simon.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen, Finance Director Julie Zimmerman, Planning Commission Chair Toni Honer, Rock Fest Coordinator Kathleen Stanger, Engineer Scott Hedlund & Attorney Jim Mogen.

Others present were: Tудie Hermanutz, Sgt. Jon Lentz, Ben Wesbur, Dennis Tauber & Mary Lou Lindstrom-Tauber, Gary Gillitzer, Dick Nieters, Kirsten Stanger, Gene Hesse, Jeff Heinen, Michelle Bachman Representative Tara Westsy, Carol Dietman, Vince & Audrey Schaefer, Ray Simon, George Bechtold, Tom Olinger, Joyce Hansen & Earl & Jackie Pierskalla.

ADDITIONS TO THE AGENDA – There were no additions.

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

- a) *Approve minutes of 5/7/08 & 5/14/08*
- b) *Approve Treasurer’s Report of 05/21/08*
- c) *Approve List of Bills and Additions of 05/21/08*

<i>Accounts Payable CK #010195 to CK #010245</i>	<i>\$25,951.36</i>
<i>Payroll CK #003070 to #003080</i>	<i>6,194.53</i>
<i>EFT#000138</i>	<i>397.69</i>
- d) *Graniteman Triathlon – July 12, 2008*
- e) *Stoney’s Outdoor Bash – 8/16/08*

AYES: *Ahles, Herberg & Pflapsen*

ABSTAINING: *Becker & Volkmuth*

Motion passed on a 3 to 0 vote.

BOARD/STAFF REPORTS

POLICE DEPARTMENT - Sgt. Jon Lentz reported there were 44.5 contract hours during the month of April.

MAINTENANCE DEPARTMENT – Rick Hansen reported on the following:

AIR PATCHING – Rick asked for approval to do 1½ days of air patching for the amount of \$3110 from L & M Services – Fund 101-43100-308 with \$15,000 in the budget.

Motion by Member Volkmuth, second by Member Ahles, to approve the request as presented.

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

Motion passed on a 5 to 0 vote.

Member Pflapsen asked who gives direction on what needs to be done. Rick reported that he does that. Member Pflapsen reported that he has been asked if the city is staying away from the streets in the detachment area. Rick Hansen indicated that does not occur.

CRACK SEALING BID – Rick asked the council to approve Hardline Asphalt to do our crack sealing stating he is planning on doing 24,122 lbs. This year the City of Cold Spring, Richmond and Rockville joined together in bidding so we could bid larger quantities and hoped for lower prices. Last year we paid \$1.20 lb and this year we are paying \$1.02 lb. We will be doing crack sealing and seal coating bi-annually each on opposite years in hopes of bidding larger quantities therefore reducing the price.

Bid prices: Hardline Asphalt-\$1.02lb
 Astech Corp.-\$1.15
 American Pavement Solutions-\$1.18
 L&M Services-\$1.245
 Fahrner Asphalt Sealers-\$1.45

There is \$15,000 in the budget for crack sealing and the department proposes to take \$9604.44 out of seal coating due to the fact we are not doing seal coating this year.

Fund # 101-43100-319

Fund# 101-43100-317

Motion by Member Volkmuth, second by Mayor Herberg, to approve the bid as presented in the amount of \$9604.44.

AYES: Ahles, Becker, Herberg, Pfllepsen & Volkmuth

Motion passed on a 5 to 0 vote.

DAMAGE TO DOOR AT CONCESSION STAND GARAGE – Rick Hansen urged the council to report any suspicious activity at the park on any city property.

PLANNING COMMISSION – Chair Toni Honer reported on:

SHADY OAK TERRACE – VACATION OF EASEMENTS AND RE-ESTABLISHING NEW EASEMENT

76.42173.002/001 Owners: Dennis & June Felch

Property Address: 25876 Lena Lane, St. Cloud, MN 56301

76.42173.000/001 Owners: Eric & Andrea Satterstrom

Property Address: 25802 Lena Lane, St. Cloud, MN 56301

REQUEST: City is requesting approval to vacate two easements and re-establish at the new property line.

RELEVANT INFORMATION

1. Property is zoned R -1
2. The property was originally platted by Joey & DeLayne Ruegemer into three lots in 2004. In 2006 Mr. Ruegemer asked to subdivide Lot 2 in half giving each abutting lot 47.5 feet extra.
3. The subdivision was approved; however, the easements were not addressed.
4. 19 Notices were sent out (including the utility companies).
5. Center-Point Energy responded that they have no facilities in the affected area.
6. Both owners are in favor of the vacation and re-establishment.

RECOMMENDATION

1. Approve the vacation of the old easements and establish the new ones as shown.
2. The City will pay the cost to record this matter.

The Planning Commission recommends approval.

Member Ahles introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2008-12

**RESOLUTION VACATING TWO EASEMENTS
 AND RE-ESTABLISHING ONE EASEMENT**

WHEREAS, the two property owners affected by the vacation of the easements between 25876 Lena Lane and 25802 Lena Lane have been contacted by the City of Rockville regarding said vacation, and;

WHEREAS, both owners are agreeable to the vacation and re-establishment as proposed, and;

AND WHEREAS, a public hearing was held on May 13, 2008 before the Rockville City Planning Commission upon the request of the City of Rockville after due published and posted notice had been given, as well as personal notice to the affected property owners by the Administrator/Clerk on the 24th day of April, 2008 and all persons interested were given an opportunity to be heard, and;

AND WHEREAS, any person, corporation, or city owning or controlling easements contained upon the easement vacated were notified and Center-Point Energy responded that they have no facilities in the affected area, and;

AND WHEREAS, it appears that said vacation will be in the best interest of the city to approve, and;

NOW, THEREFORE BE IT RESOLVED, that such request is hereby granted and the part of the easement(s) are hereby vacated: Legal description for the Vacation of Drainage and Utility Easements in the plat of SHADY OAK TERRACE:

Easement Vacation Description 1:

The north 5 feet of Lot 1 and the south 5 feet of Lot 2, Block 1 of SHADY OAK TERRACE, according to the recorded plat thereof, Stearns County, Minnesota. Less and except the west 10 feet and the east 5 feet thereof.

Easement Vacation Description 2:

The north 5 feet of Lot 2 and the south 5 feet of Lot 3, Block 1 of SHADY OAK TERRACE, according to the recorded plat thereof, Stearns County, Minnesota. Less and except the west 10 feet and the east 5 feet thereof.

And further to re-establish such Drainage & Utility easements in SHADY OAK TERRACE: 6 Foot Drainage and Utility Easement 1:

A 6 foot perpetual drainage and utility easement over, under, and across the north 6 feet of the south half, by proportional measure, of Lot 2, Block 1 of SHADY OAK TERRACE, according to the recorded plat thereof, Stearns County, Minnesota.

6 Foot Drainage and Utility Easement 2:

A 6 foot perpetual drainage and utility easement over, under, and across the south 6 feet of the north half, by proportional measure, of Lot 2, Block 1 of SHADY OAK TERRACE, according to the recorded plat thereof, Stearns County, Minnesota.

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

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

GENE HESSE/JEFF HEINEN – QUALIFIED MINOR SUBDIVISION –

RE: SITE PLAN APPROVAL

76.41661.600/001 Owners: Gene & Gordon Hesse

Jeffrey Heinen Property Address: 20635 83rd Ave, St. Cloud, MN 56301

REQUEST

Approval to Combine Parcels A & B, Combine Parcels C & D, and further to establish a new property line to allow both parcels access to a 33' ingress and egress easement

RELEVANT INFORMATION

1. Property is zoned A-40
2. Property is 10.0 acres approximately.
3. The owner(s) are proposing to access the 33' ingress/egress easement by moving the property line.
4. Jeffrey Heinen currently lives on Parcels C & D or the newly created Parcel B.
5. Gene Hesse hopes to build a single family dwelling in the newly created Parcel A.
6. Gene Hesse will provide a copy of the quit claim deed once approved.
7. The subdivision does not provide 75' frontage to either lot.
8. This subdivision is in the proposed detachment area.

RECOMMENDATION

1. Consider the 75' Frontage requirement and determine if this is an issue.

Chair Honer reported that the only problem is the 75' frontage requirements which will need a variance if and when Mr. Hesse builds.

Attorney Mogen cited the Declaration of Restriction and Transfer of Development Rights forms need to be signed. Rena Weber reported that said forms were signed this evening.

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

RESOLUTION NO. 2008-13

RESOLUTION APPROVING QUALIFIED MINOR SUBDIVISION

RE: Parcel I.D. No. 76.41661.600/001 – Section 35, Township 123, Range 029

WHEREAS, The Rockville City Planning Commission and City Council have reviewed this 3.57 acre split and found it to be in compliance with the standards set forth in the City of Rockville as it is a separate tract of land and can be built upon. This split may be recorded.

WHEREAS, The total property in question is 24.87 acres owned by Jeffrey G. Heinen. Jeffrey G. Heinen wishes to sell a total of 3.57 acres to Gene E. Hesse & Gordon A. Hesse and keep the remaining acres.

TRACT A NEW LEGAL DESCRIPTION – GENE E. HESSE & GORDON A. HESSE – The south 615.00 feet of the Southwest Quarter of the Northeast Quarter, Section 35, Township 123, Range 29, Stearns County, Minnesota.

Containing 18.58 acres more or less.

Together with an easement for the purpose of ingress and egress over and across the north 33.00 feet of the South One-half of the Southeast Quarter of the Northeast Quarter and together with a 33.00 foot easement over and across part of the South One-half of the Southwest Quarter of the Northeast Quarter, the center line of said easement described as follows: Commencing at the northeast corner of said South One-half of the Southwest Quarter of the Northeast Quarter; thence South 00 degrees 25 minutes 54 seconds East, assumed bearing, along the east line of said South One-half of the Southwest Quarter of the Northeast Quarter 16.50 feet to the point of beginning of the centerline to be described; thence South 88 degrees 48 minutes 18 seconds West parallel with the north line of said South One-half of the Southwest Quarter of the Northeast Quarter 80.00 feet; thence South 74 degrees 06 minutes 09 seconds West 114.76 feet to the north line of the south 615.00 feet of the said South One-half of the Southwest Quarter of the Northeast Quarter and said described line there terminating. The side lines of said easement shall be prolonged or shortened to terminate at the north and east lines of said South One-half of the Southwest Quarter of the Northeast Quarter and the north line of the south 615.00 feet of said South One-half of the Southwest Quarter of the Northeast Quarter, all being in Section 35, Township 123, Range 29, Stearns County, Minnesota.

TRACT B NEW LEGAL DESCRIPTION FOR JEFFREY HEINEN – The Southwest Quarter of the Northeast Quarter Section 35, Township 123, Range 29, Stearns County, Minnesota, less and except the south 615.000 feet thereof

Containing 21.30 acres, more or less.

Together with an easement for the purpose of ingress and egress over and across the north 33.00 feet of the South One-half of the Southeast Quarter of the Northeast Quarter and subject to a 33.00 foot easement over and across part of the South One-half of the Southwest Quarter of the Northeast Quarter, the center line of said easement is described as follows: Commencing at the northeast corner of said South One-half of the Southwest Quarter of the Northeast Quarter, thence South 00 degrees 25 minutes 54 seconds East, assumed bearing, along the east line of said South One-half of the Southwest Quarter of the Northeast Quarter 16.50 feet to the point of beginning of the centerline to be described; thence South 88 degrees 48 minutes 18 seconds West parallel with the north line of said South One-half of the Southwest Quarter of the Northeast Quarter 80.00 feet; thence South 74 degrees 06 minutes 09 seconds West 114.76 feet to the north line of the south 615.00 feet of said South One-half of the Southwest Quarter of the Northeast Quarter and said described line there terminating.

The side lines of said easement shall be prolonged or shortened to terminate at the north and east lines of said South One-half of the Southwest Quarter of the Northeast Quarter and the north line of the south 615.00 feet of said South One-half of the Southwest Quarter

of the Northeast Quarter, all being in Section 35, Township 123, Range 29, Stearns County, Minnesota.

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

1. **Said Certificate of Compliance is hereby approved pending recording of the Declaration of Restriction and Transfer of Development Rights documents are also signed and recorded.**

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

AYES: Ahles, Becker, Herberg, Pflepsen & Volkmuth

Motion passed on a 5 to 0 vote.

TAUBER/WESBUR ADMINISTRATIVE PLAT –

RE: LOT SPLIT APPROVAL

76.41656.500/001 Owners: Dennis & Mary Lou Tauber

Bernard Wesbur owns adjoining farmland property in Wakefield Township

REQUEST

Tauber's and Wesbur's are seeking approval to subdivide 13.22 acres from the Tauber property located in the City of Rockville to Ben Wesbur in Wakefield Township. This subdivision will also provide an easement for the Tauber's to access their remaining acreage in the City of Rockville.

RELEVANT INFORMATION

1. Property is zoned A-40
2. Property is 40.0 acres approximately.
3. The Tauber's were granted a CUP in 2005 to construct a new home which was not built.
4. Ben Wesbur had signed an agreement with the Tauber's on 7/24/98 in which Wesbur sold acreage to the Tauber's with some stipulation that he could lease the property and possibly get that property back in 10 years. Mr. Wesbur signed an acknowledgement stating that he knew that in selling the property he may not get approval to sub-divide the property at a later date.
5. This subdivision is in the proposed detachment area.
6. This subdivision has been in the works since last summer as a concern of the Zoning Administrator was that the Tauber's did not sign the original application, and that I needed to know they would not lose their building rights.

RECOMMENDATION – Toni Honer reported the Planning Commission reviewed this request and recommends approval of the Administrative Plat.

Motion by Mayor Herberg, second by Member Ahles, to approve the Certificate of Compliance (A copy is hereby attached and marked Exhibit A).

AYES: Ahles, Becker, Herberg, Pflepsen & Volkmuth

Motion passed on a 5 to 0 vote.

LAVERNE HANSEN – ISD 750 ADMINISTRATIVE PLAT – Chair Honer reported on the following:

RE: SITE PLAN APPROVAL

76.41613.600/001 Owners: Luverne C Hansen & Jeanne Novak

Property Address: 201 4th Street West, Rockville, MN 56369

REQUEST

Approval to sub-divide the 15.28 parcel by donating 13.96 acres to School District #750.

RELEVANT INFORMATION

1. Property is zoned R-1 with Tract A being in a conservation easement.
2. Property is 15.28 acres approximately.
3. Luverne C Hansen has passed away therefore her daughter Jeanne Novak has inherited it.

4. Jeanne wanted to donate this to the city for a park originally and staff advised Ms. Novak (through John Peck) that the School would be better served with this property as they would need acreage in order to add on to the present school.

RECOMMENDATION

1. Approve as presented.

Member Pflapsen voiced concern that this property be used as a school and not sold further down the road. It was reported that this property is in a conservation easement and cannot be built upon. Further, the School District would need the acreage in order to add on to the present structure.

Motion by Member Volkmuth, second by Mayor Herberg, to approve the Administrative Plat Certificate of Compliance as presented. (A copy is hereby attached and marked Exhibit B)

***AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth
Motion passed on a 5 to 0 vote.***

APPROVAL TO AUTHORIZE ATTORNEY TO DRAFT ORDINANCE – Chair Honer reported of the request to draft an ordinance allowing barns to change to dance/dining halls.

Attorney Mogen indicated this could be done in one of two ways:

- Add Conditional Use Permit to Ag zone
- Develop a new zone to allow such uses

Member Pflapsen asked if we create a vehicle for business to open on a farm are we totally comfortable with allowing this. This might allow a number of types of businesses that we may not want.

Mayor Herberg indicated that by law we are only allowed four on-sale liquor licenses.

Member Volkmuth asked if this is just going to be for a party could it be a vehicle to move in that direction.

Attorney Mogen stated this is a concern of the Planning Commission as well. The ordinance could set limitations on size, volume, frequency, etc.

Member Volkmuth asked if we could limit the types of events. Attorney Mogen indicated that we could not limit to only weddings, but set standards such as the event has to be done at 10 p.m.

Member Pflapsen questioned spending \$3000 and then we don't go ahead with it – then what. He understands it is an off the beat type of request, but may be allowed due to mainstream parking in place, city water, sewer, etc.

Member Volkmuth asked how this is zoned. It is zoned A-40 and we could add a Conditional Use condition under A-40.

Member Ahles indicated that he viewed the site and it is a unique site.

Member Volkmuth asked is there any type of licensing? Currently there is no business license required. If such license were granted it would need conditions.

Rena Weber reported that Member Becker has expressed concern to her about adopting a body piercing ordinance.

Motion by Member Volkmuth, second by Member Becker, to approve spending money to draft the ordinance and further to restrict the sketchy stuff.

Member Pflapsen asked Chair Honer if the Planning Commission's hands are full. Maybe the Commission needs to concentrate on things you are currently doing.

Tudie Hermanutz – 211 1st St W –stated that she is worried about the entertainment business and suggested we call Eden Valley to hear about what they went through. There was no liquor license involved and that's how they got around that.

AYES: Ahles, Becker, Herberg, Volkmuth

NAYS: Pflapsen

Motion passed on a 4 to 1 vote.

SHORELAND COMMITTEE UPDATE – Chair Honer reported that within the next month the Shoreland ordinance should be completed as they are having their final meeting tomorrow morning.

PARK & RECREATION – Rena Weber gave the report for Scott Stenseth:

1. Summer ball program. Things are going very well into the season. We have teams for minor and major softball, minor and major baseball. T-ball signup is going well. If anyone still wants to sign up for T-ball they should contact Steve Heying. We do not have a Babe Ruth team this year.
2. The long term Park planning survey is going out in this month's newsletter. We will summarize the information collected from the surveys, formulate a plan and report back to the city council.
3. Next Meeting – Thursday, June 5th at 7:00 p.m. – City Hall.

REQUEST FOR ACTION – CLASS 5

Recommend to approve purchase of Class 5 from Knife River for Eagle Park walking path.
Recommend to pay from Eagle Park Designated Fund 202-45122-511 Project code 200402.
Current balance available \$16,729.26.

Motion by Mayor Herberg, second by Member Ahles, to approve the purchase of Class 5 in the amount of \$663.60 as presented.

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

REQUEST FOR ACTION – EAGLE PARK WALKING PATH & 200 AMP BREAKER AT CONCESSION STAND

Request to approve purchases/expenditures from designated funds for the following:

Eagle Park walking path

Fuel for volunteer equipment to place gravel on final segment of the path.

Corky's Gas and Bait \$107.56 to come from Designated Fund 202-45122-511 Project code 200402

Current designated fund balance for Eagle Park is \$16,729.26

Request to approve Delta Electric cost to install 200 amp breaker panel and wire for new water heater in Concession Stand. \$923.83

Expense to come from Designated Fund 101-45122-537 (Bleachers/Ball field Imp.) Project code 200402.

Current designated fund balance for this designation is \$3,803.08.

Motion by Mayor Herberg, second by Member Ahles, to approve the purchase of Fuel for Eagle Park walking path in the amount of \$107.56 as presented. Further approval is given to install a 200 amp breaker and wire for the new water heater in concession stand in the amount of \$923.83

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

ROCKFEST UPDATE – Kathleen Stanger presented two written documents regarding the Rock Fest events. (A copy is attached and marked Exhibit C)

There is a request to close County Road 82 from 1 p.m. to 4:30 p.m., again for the parade and then from 8 to Midnight.

Member Becker indicated we should be proactive and show that we have access routes for emergency vehicles to use.

Motion by Member Pflapsen, second by Member Volkmuth, to approve the request to close County Road 82 from 1 p.m. to Midnight on August 23, 2008 pending County approval.

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

Spring Fling – 5/30 Friday from 6:30 p.m. to 9:30 p.m.

- Cost is \$8.00 per student, includes games, food, pop & water.

Last supper held last weekend netted \$79.50 and the ice cream social was nixed at Georges. 1K & 5 K Run - Kathleen reported that the roads will not have to be closed for these events.

2007 ANNUAL AUDIT – Tom Olinger, Abdo, Eick & Meyers LLP, was present to review the 2007 audit. Mr. Olinger reviewed the Management Letter:

- Internal controls – These should not be a major deal to change and asked the council to not look at this as a negative aspect.
- Financial Report Preparation – because they produce the financial statement for all cities our size they have to note that.
- Training on financial statement disclosure – can eliminate this comment in the future.
- Journal Entries – 9 were due to GASB 34 – These same types of entries are done for 90% of the cities they audit. This is not affecting the financial statements you see throughout the year.

Member Pflapsen asked if these journal entries were due to their firm taking over. Tom Olinger reported that some were.

Other items reviewed were:

- Spend down of general fund – This was mostly due to purchase of pumper truck from reserve funds
- Benchmark comparison – 2 year
- Debt per capita – This is high at \$5271, but it will be reduced once the 1.7 million is paid back to PFA in August
- Taxes per capita – below average
- Expenditures – lower than average
- Unrestricted net assets – will come down when the 1.7 is paid back
- Training would be at \$150/hour

Motion by Mayor Herberg, second by Member Ahles, to accept and approve the 2007 Financial Audit as presented.

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

SPECIAL ASSESSMENT POLICY - Discussion was held on the deferred assessment for properties zoned A-40. Mayor Herberg indicated he thought we did not agree to the 10 year deferral for Ag-40 and would like to see it go away until development occurs.

Member Pflapsen voiced concern that the 27% should be changed back to 30% and 60% & wording as discussed.

Mayor Herberg also thought that in the SP-1 District assessments differ for road projects only. The assessments are per 40 acre parcel and in looking at the 260th Street Assessment one farmer could be assessed \$7,000 – The farmer will not like this and he thought it should only be 200'.

Member Pflapsen thought 30 years deferrals just about can't be tracked.

Rena Weber reported that she would look back to the assessment committee minutes from last year.

Member Volkmuth – would be in favor of a 15 year deferral

Member Pflapsen – would be in favor of a 15 year deferral

Mayor Herberg – would be in favor of a 15 year deferral with the option to request an extension, but the property owner would have to ask for the extension before the 15 years is up.

Motion by Mayor Herberg, second by Member Pflapsen, to table action on the changes to the assessment policy until the next meeting with the full council present.

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

COUNTY ROAD 82 ASSESSMENT– ***Motion by Mayor Herberg, second by Member Ahles, to table action on the assessment as the policy had not been amended.***

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Herberg reported that he attended the Stearns County Municipal League meeting at Kimball on 5/20 where we discussed the county feedlot ordinance and the new domestic abuse court. The County received a \$300,000 domestic abuse court grant which will work with individuals who are repeat offenders and can accept help. Also discussed was the county body piercing show ordinance.

Member Becker voiced concern that the city should be looking into such an ordinance.

Commissioner Vince Schaefer indicated that the county could possibly cover the enforcement of this ordinance under their ordinance due to this being a public health issue.

Motion by Member Becker, second by Member Ahles, to have the council look at establishing an ordinance prohibiting body piercing shows in the city pending enforcement issues with the county due to this being a public health issue.

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

JUNE 5TH JOINT WORKING SESSION – Mayor Herberg reported that he would like to hold the joint working session with all council members, planning commission, staff and department heads on 6/5/08 from 6 p.m. to 8 p.m.

JUNE 18TH MEETING CANCELLED – Mayor Herberg asked that the June 18th meeting be cancelled due to the fact that he and member Ahles will be on vacation.

Member Volkmuth asked if it would be possible to go to one meeting per month in the summer. No action was taken.

Motion by Member Ahles, second by Mayor Herberg, to approve cancelling the June 18th meeting.

AYES: Ahles, Herberg, Pflapsen & Volkmuth

ABSTAINING: Becker

Motion passed on a 4 to 0 vote.

STREET COMMITTEE REPORT – Rena Weber reported for the Street Committee:

260TH STREET RECLAIM PROJECT – Rena Weber reported that Anne Reischel, St. Joseph Township Clerk, informed her that they received a bid to reclaim 260th Street at \$123,850. This in addition to the \$8,000 bid to engineer the project would equal \$131,850. The agreement would be the City pays 50% and the Township 50% or \$65,925.00 each. There is currently \$145,246.46 in the 215 Road Maintenance Fund. Rick Hansen reported that he has \$70,000 in an overlay designated fund as well.

Scott Hedlund voiced concern that city specs call for 3½" thick tar and he heard that the township is looking at 3". The estimate would be \$160,000 mile.

ASSESS OR NOT TO ASSESS? Engineer Scott Hedlund reported that according to the assessment policy an assessment would be in order. Scott presented an estimate of the possible assessment.

Mayor Herberg indicated that he thought the formula was different for SP-1 in that you only get charged for one 200' on the homestead property.

The Street Committee recommends that a clarification on the assessment policy occur first, and further if it is going to be at the 3 ½" quote then it should be paid \$50,000 out of the overlay designated fund with the remainder from fund 215 – Road Maintenance

Member Volkmuth had expressed concern that we spend no money on road projects until it is determined how we will pay for the secession.

82ND AVENUE, 263RD STREET, 83RD AVENUE RECLAIM PROJECT - Rena Weber also reported that the St. Joseph Twp. Board would rather do 82nd Ave, 263rd Street, & 83rd Ave (north of the 400 Club). This is estimated at \$100,000.

It should be noted that 82nd Avenue is totally in city limits, whereas, 263rd Street and 83rd Avenue are split 50/50. Arcon Construction is to replace 82nd Avenue when they do the phase abutting the roadway.

The Street Committee recommends doing nothing with this road at this time.

Motion by Mayor Herberg, second by Member Volkmuth, to take no action on this request.

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

DETACHMENT ISSUE – The Street Committee recommends that cost occurring from the detachment petition be paid out of the general fund. Member Volkmuth asked that this be discussed due to concern on how the secession matter comes out.

Mayor Herberg indicated that there are issues that come up that unfortunately we have to spend money to protect the city. This is not a one year deal. If this goes, there are six more standing in line.

Motion by Member Volkmuth, second by Mayor Herberg, to approve such costs to be paid out of the general fund to defend the city in the detachment petition.

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

260TH STREET – Discussion was held regarding the next step as this would fall under the assessment policy.

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

RESOLUTION NO. 2008-14

RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT

WHEREAS, It is proposed to improve 260th Street between County Road 139 and County Road 2 and to assess the benefited property for a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

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

That the proposed improvement be referred to Scott Hedlund (SEH) for study and that he is instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

The motion was duly seconded by Mayor Herberg with the following vote being taken:

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

400 CLUB DRAINAGE – Rena Weber reported that Scott Hedlund discovered that in reading the easement document provided by John Koerber it appears there may be more people involved in the easement and they may have to sign off on the legal documents. A real estate attorney should look at this to determine if they have rights to the easement even if it is not recorded on the deeds.

Attorney Mogen indicated the council could institute quiet title action in this matter.

The Street Committee recommended that staff check with the LMC or the city attorney if the property owners need to sign off on this.

Motion by Member Ahles, second by Mayor Herberg, to have counsel and staff look into the legality of this issue and report back.

AYES: Ahles, Becker, Herberg, Pflapsen & Volkmuth

Motion passed on a 5 to 0 vote.

CRANE PUMP - Rena Weber reported that Jim Mogen has been in contact with Crane Pumps and reported that the president Vince Buffa did respond to his letter(s). Crane Pumps is working with Quality Flow to pull together a plan. Rick Hansen reported that there are 210 pumps to replace. The last set did not have the right flanges and those have since been replaced. It appears that things are finally occurring.

DUANE WILLENBRING – WATER PONDING PROBLEM AT JOHN CLARK SENIOR HOUSING – Rena Weber reported this is what affectionately is known to Duane as Lake Rockville. Stearns County is going to raise the manhole, cut back part of the parking lot and street to allow for proper drainage. The estimate given was \$1500. Duane Willenbring tarred up to the roadway so it matched. The County was supposed to cut the tar back further and didn't so the low spot will not be corrected. The County proposed to cut Duane's driveway 5' and reshape the roadway to run to the storm manhole.

The Street Committee recommends the city try and split the cost with Stearns County and further to authorize Mayor Herberg to do that.

Motion by Member Volkmuth, second by Member Ahles, to authorize the correction and further authorize the Mayor to negotiate the city paying ½ of the cost.

AYES: Ahles, Becker, Herberg, Pfllepsen & Volkmuth

Motion passed on a 5 to 0 vote.

PAVERS FOR COUNTY ROAD 82 – Rena Weber reported that Jodi Teich submitted an estimate for pavers at \$57,420 plus mark up = \$60,000 and the Street Committee recommends not placing the pavers due to the cost.

Motion by Member Volkmuth, second by Member Ahles, to deny the request to install paver instead of sod on the County Road 82 project due to the cost.

AYES: Ahles, Becker, Herberg, Pfllepsen & Volkmuth

Motion passed on a 5 to 0 vote.

SJ LOUIS LATE PAYMENT – Rena Weber reported that the city has sent a notice to SJ Louis informing them that they paid late and now owe a 10% late fee in the amount of \$4200 for the park land dedication. The company signed an agreement when they received the subsidy (\$3,000,000 +) that they would pay ½ of 84,000 or \$42,000 at the time they were issued a certificate of completion (January). On April 9th staff mailed out a notice that the \$42,000 was due within 30 days. 5/9/08 came with no payment so a second notice was sent out with a 10% late fee of \$4200. On 5/16/08 payment was received for the water bill and \$42,000. Their check references a 4/9/08 date of receipt. Staff has dropped late fees for the firm on a monthly basis, but it was felt that authority to delete \$4200 is not something that can be done.

Motion by Member Volkmuth, second by Mayor Herberg, to authorize Mayor Herberg to talk to S J Louis to rectify the late fee issue and waive said fee upon an agreement understanding the due dates.

AYES: Ahles, Becker, Herberg, Pfllepsen & Volkmuth

Motion passed on a 5 to 0 vote.

Member Becker asked is this common practice? It is not common practice, but one that staff can't waive.

OPEN FORUM –

Tudie Hermanutz – 211 1st St W expressed her concern that the attorney changed the language in the assessment policy Section 10-A #3 which is not clear. The Special Assessment Committee would like this section to read "Assessments can be made only on expenses actually incurred by the city for a project".

Vince Schaefer – as Stearns County Commissioner –voiced concern that Don Simon brought up 2nd soil boring costs approved by Stearns County that needed to be addressed. *(A copy of the written e-mail from Commissioner Schaefer is hereby attached and marked Exhibit D).*

Mayor Herberg questioned Commission Schaefer in that the soil boring has to be left open at the time of inspection. Commissioner Schaefer indicated that the 1st initial soil boring has to be done to design the septic system. Then the County has to come out twice and this should be a cost borne by the property owner.

ADJOURNMENT – *Motion by Member Ahles, second by Member Volkmuth, to adjourn the meeting at 8:39 p.m. Motion carried unanimously.*

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

**BRIAN HERBERG
MAYOR**