

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,  
SEPTEMBER 20, 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, Jeff Hagen, Ed Karls, Lloyd Lommel, Don Simon & Greg Simones. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Fire Chief Randy Dingmann, Scott Stenseth, Mike Hofmann, Engineer Scott Hedlund & Attorney James Mogen.

Planning Commission members present were: Jerry Bechtold, Jerry Tippelt, & Susan Palmer.

Others present were: Stacie Kvilvang, John Kirscher, John Koerber, Tудie Hermanutz, Bruce Conrad, Jerry Hettwer, Wade Skaja, Cheryl Lightle, Danny Kron, Brian Hatten, Andrew & Eunice Molitor, Ron & Mary Kron, Ev Balko, Sgt. Joe Litchy, Mike & Joan VanderWeyst, Pam & Jeff Pelzer, Liza Fuchs, Dave Volkmuth, John Larson, Bob & Julene Andrusick, Douglas & Sharon Hodel, Kevin Brink and Margaret Lenarz representative.

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

***Motion by Member Simon, second by Member Ahles, to approve the deletion of the Dan Hansen variance from the agenda per his written request.***  
**AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones**  
***Motion carried on a 7 to 0 vote.***

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

- a) ***Approve the minutes of 09/06/06***
- b) ***Approve the Treasurer's Report of 09/20/06***
- c) ***Approve the List of Bills and additions of 09/20/06***  
***Accounts Payable CK #008349 to 008386      \$25,627.37***  
***Payroll CK #002471 to 002487                      6,703.09***
- d) ***Mary of Immaculate Conception Church raffle 11/19/06***
- e) ***Canvass Election Results of 09/12/06***

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

**ABSTAINING: Herberg**

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

**NEW BUSINESS**

**JOBZ PRESENTATION** – Mayor Herberg announced that consideration would now be given to the transfer of 20 acres of JOBZ from the City of Freeport. Stacie Kvilvang was present to explain JOBZ to the city council which will provide incentives to businesses to locate or stay in a city. Highlights of what JOBZ means:

- 2015 is the year in which the JOBZ period will end
- Retail uses are not allowed
- Minimum wage – is \$10.58 hourly wage plus benefits or whatever is more restrictive – reviewed every year in July

Exemptions include:

- Property tax on commercial & industrial improvement, but the land value is still taxed
- Sales tax exemption on construction and goods and services used in the zone if the goods and services were purchased during the duration of the zone
- Corporate franchise tax (income paid to employees)
- Income tax for operators or investors, including capital gains tax
- Wind energy production tax
- Employment tax credit for high paying jobs

More Information:

- Available once business subsidy agreement is approved
- Constraint – must pay prevailing wages for the construction which may add up to 40% of the construction cost
- Employment goals have to be met during the duration of the agreement which ends in 2015. If they don't meet the two years prior income taxes the incentives would have to be paid back.

**RESOLUTION APPROVING JOBZ SUB-ZONE BOUNDARY MODIFICATION AND REALLOCATION**

*Mayor Herberg introduced the following resolution and moved for its adoption:  
RESOLUTION NO. 2006-27*

**RESOLUTION APPROVING JOBS SUB-ZONE BOUNDARY MODIFICATION AND REALLOCATION**

*(A complete copy of the resolution is hereby attached and marked Exhibit A)  
The motion for the foregoing resolution was duly seconded by Member Simon with the following vote being taken:*

Member Hagen asked if we have to designate where the 20 acres will be located. Stacie Kvilvang indicated not tonight, but before the final approval is given it will need to be identified. Member Simon reported that the EDA has identified a site.

Member Hagen asked is there other financing that is needed? Rena Weber explained the \$229,143 infrastructure grant would be applied to this application. Scott Hedlund reported that the total project cost is around \$400,000 so there is \$170,000 which will be assessed.

Discussion was held on the financing of the improvement and where does the \$170,000 come from.

**AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simon**  
**Motion carried on a 7 to 0 vote.**

**RESOLUTION AUTHORIZING EXECUTION OF A TAX ABATEMENT AND BUSINESS SUBSIDY AGREEMENT** – Stacie Kvilvang reported that action authorizing execution of the tax abatement agreement between the City and the Chip Shoppe would need to be taken.

*Member Simon introduced the following resolution and moved for its adoption:  
RESOLUTION NO. 2006-28*

**RESOLUTION APPROVING PROPERTY TAX ABATEMENTS**

*(A complete copy of said resolution is hereby attached and marked Exhibit B)  
The motion for the foregoing resolution was duly seconded by Member Simon with the following vote being taken:*

**AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simon**  
**Motion carried on a 7 to 0 vote.**

**BOARD/STAFF REPORT**

**POLICE DEPARTMENT-** Sgt. Joe Litchy reported there were 66.5 hours during the month of August and most were normal calls that occurred in the past month. The speed trailer was put out on County Road 8 and there were a high number of incidents. They did some selective traffic enforcement and nailed about 17 in an hour.

**FIRE DEPARTMENT** – Randy Dingmann reported that last week Brian and he met with Gold Cross Ambulance. Gold Cross would like to station an ambulance in the fire hall from 9:00 a.m. to 6:00 p.m. each day. They will respond to Rockville, Cold Spring, Richmond, St. Joe and the surrounding townships. Randy Dingmann reported they don't really pay any rent and the only advantage is advanced lift support. We will be negotiating with them on paying the internet. The Fire Department has not voted on this yet. This will help out during the day and any furniture they need they will provide. Sauk Rapids and Rice do this also. Rockville will still be called out to calls, the same as now.

Member Lommel asked if they would be in the fire hall. Yes, but they will be gone during calls which will last 1 ½ to 2 hours and there will not be anybody present. This will also be 7 days a week. The building is secured when they are gone.

Member Simon questioned if they pay rent? Randy indicated that no they don't pay rent anywhere else.

***Motion by Member Simones, second by Member Ahles, to approve Gold Cross locating an ambulance in the Fire Hall recognizing that the Fire Department still has to approve this proposal.***

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

***Motion carried on a 7 to 0 vote.***

Member Simones indicated the EDA will need to take action on this as well.

**ADDRESSING IN CORE CITY** – Rena Weber reported that Gold Cross is concerned that the addressing has not been addressed. This will be put on the Street Committee agenda.

**EMS DEPARTMENT** – Mike Hofmann reported on the following:

RESOLUTION PROMOTING USE OF INTRASTATE MUTUAL AID AGREEMENTS – Mike Hofmann explained that this is a NIMS requirement. It is also a tool to use where we can call in other cities to help in emergencies.

***Member Simon introduced the following resolution and moved for its adoption:  
RESOLUTION NO. 2006-26***

***RESOLUTION PROMOTING THE USE OF INTRASTATE MUTUAL-AID  
AGREEMENTS.***

***(A complete copy of said resolution is hereby attached and marked Exhibit C)***

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

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

***Motion carried on a 7 to 0 vote.***

**CIVIL DEFENSE SIREN** – Mike Hofmann reported that everything is ready to go and they are waiting for Xcel Energy to install the pole.

**MAINTENANCE DEPARTMENT** –

**SALE OF JOHN DEERE MOWER** – Rena Weber reported that one bid was received from River Power & Equipment in the amount of \$2424.52. The estimated value is double that and staff recommended rejection of the bid.

***Motion by Mayor Herberg, second by Member Simones, to reject the one bid for sale of the John Deere mower in the amount of \$2424.52.***

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

***Motion carried on a 7 to 0 vote.***

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

- Lions Park Clean Up will be held on 10/8 where they will do finishing touches on the ball field
- Request for Eagle Scout project – A scout member will seal coat the court and paint the boards at the community park
- Santa Day will be held Dec 3<sup>rd</sup> at City Hall from 1 p.m. to 3 p.m.
- Seeking grants from Stearns Electric to help fund the summer ball program
- By laws are being updated
- Establishing a code of conduct for participants in the ball program
- 10/5/06 is their next meeting date

Member Simon questioned the stakes in Eagle Park. Scott Stenseth reported that the Board members and BWK met to identify the layout of the walking path.

**PLANNING COMMISSION** - Jerry Bechtold thanked the council for the great tour on 9/16/06 and reported on the following:

**R & M KRON FINAL PLAT** – Jerry Bechtold reported that Ron & Mary Kron have provided the necessary Declaration of Restriction and paid the park dedication fee. The Planning Commission recommends approval of the final plat.

LEGAL DESCRIPTION: Said plat has a legal description of: The N ½ of the SW ¼ of Section 20, Township 123, Range 29, Stearns County, Minnesota, EXCEPT the North 500.00 feet of the West 871.20 feet thereof

AND

The North 10.07 acres of the E of the SW ¼ of the SW ¼ of Section 20, Township 123, Range 29, Stearns County, Minnesota,  
Subject to easements of record.

Subject to the rights of the public in 123<sup>rd</sup> Avenue.

Containing 81.09 acres, more or less

**NEW LEGAL DESCRIPTION: LOTS 1 & 2, BLOCK 1, R & M KRON ADDITION**

*Mayor Herberg introduced the following resolution and moved for its adoption:*

**RESOLUTION NO. 2006-29**

**RESOLUTION APPROVING A FINAL PLAT TO BE KNOWN AS R & M KRON ADDITION**

*WHEREAS, Ron and Mary Kron have submitted a final plat to the council for approval, and;*

*WHEREAS, a public hearing on the final plat was held before the Planning Commission who has recommended approval, and;*

*WHEREAS, The Administrator/Clerk reported that proper notification had been given.*

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

*1. Said final plat to be known as R & M Kron Addition is hereby approved.*

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

**Motion carried on a 7 to 0 vote.**

**BOTZ ESTATE FINAL PLAT** – Jerry Bechtold reported the park dedication fee has not been paid, Stearns County Highway Department has submitted a letter and these issues will be addressed and further that the Planning Commission recommends approval.

Said plat has a legal description of: The South 249.00 feet of the North 909.00 feet of the East 165.00 feet of the Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼) of Section Seventeen (17), in Township One Hundred Twenty-three (123) North of Range Twenty-nine (29) West, LESS AND EXCEPT the North 66.00 feet thereof reserved for public road easement, and subject to public road over the East 33.00 feet thereof.

**NEW LEGAL DESCRIPTION: LOTS 1 & 2, BLOCK 1, BOTZ ESTATES**

*Mayor Herberg introduced the following resolution and moved for its adoption:*

**RESOLUTION NO. 2006-30**

**RESOLUTION APPROVING A FINAL PLAT TO BE KNOWN AS BOTZ ESTATES**

*WHEREAS, James Botz has submitted a final plat to the council for approval, and;*

*WHEREAS, a public hearing on the final plat was held before the Planning Commission who has recommended approval, and;*

*WHEREAS, The Administrator/Clerk reported that proper notification had been given.*

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

*1. Said final plat to be known as Botz Estates is hereby approved subject to the park dedication fees being paid prior to signing.*

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

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

**Motion carried on a 7 to 0 vote.**

**WADE SKAJA VARIANCE REQUEST – FINDINGS OF FACT** – Mayor Herberg announced that consideration would now be given to considering the variance request of Wade Skaja/Cheryl Lightle from lot size requirements.

Said plat has a legal description of: That part of Block Six (6) in LAKESIDE PARK, according to the plat thereof, Stearns County, MN described as follows: Beginning at a point on the North line of said Block Six (6) distant 35.5 feet Southwesterly of the northeast corner thereof (said point also being on the Southerly line of Lake Avenue as shown on said plat); thence Southwesterly along the North line of said Block Six (6) a distance of 95.5 feet; thence Southerly at right angle to said North line to point of intersection with the lower water line of Pleasant Lake; thence Northeasterly along said low water line a distance of 95.5 feet; Northwesterly to the point of beginning and there terminating.

AND

Block Six (6), less the Northeasterly 131 feet thereof, in LAKESIDE PARK, according to the recorded plat thereof, being a subdivision adjacent to Pleasant Lake in Section Two (2), Township One Hundred Twenty-three (123), Range Twenty-nine (29) West.

**The request is to construct a 2052 square foot single family residence on a lot that will require: Variance from Lot Size requirements for adjoining lot. In addition the lot, if variance is approved the petitioner will still need to subdivide said lot.**

Attorney Jim Mogen read a summary of the findings of fact for consideration.

**Mayor Herberg introduced the following resolution and moved for its adoption:**

**RESOLUTION NO. 2006-31**

**RESOLUTION GRANTING A VARIANCE FROM LOT SIZE REQUIREMENTS**

**WHEREAS, A request has been received from Wade Skaja & Cheryl Lightle for a variance from Lot Size Requirements to construct a 2052 square foot home in the Shore Impact Zone in the R-1 District, and;**

**WHEREAS, said structure will be placed 50' from the front yard lot lines, and;**

**WHEREAS, Proper notification and publication had been given, and;**

**WHEREAS, all persons were given an opportunity to be heard on said request.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE,**

**STEARNS COUNTY, MINNESOTA:**

1. **Said request is hereby approved subject to the findings of fact hereby attached and marked Exhibit D).**
2. **Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
3. **That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.**

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

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

**Motion carried on a 7 to 0 vote.**

**PUMPER FINANCING** – Rena Weber reported that she had spoken to Shelly Eldridge who recommended the city go with financing the Pumper through a local bank. Rena further reported that we could secure the money any time and avoid arbitrage as long as we don't earn more interest than what the bank is charging us. No action was taken.

**CITY BUILDING USE POLICY** – Rena Weber reported that the Building Use Policy has been reviewed by the EDA, City Council and staff and should be ready for approval as presented.

**Motion by Member Simones, second by Member Ahles, to approve the Building Use Policy as presented subject to revisiting if the need arises. (A copy of the policy is hereby attached and marked Exhibit E)**

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

**Motion carried on a 7 to 0 vote.**

**123<sup>RD</sup> AVENUE IMPROVEMENT PROJECT** – Mayor Herberg announced that a Public Hearing would now be held to consider an improvement project for 123<sup>rd</sup> Avenue. The hearing was called to order at 7:53 p.m.

Engineer Scott Hedlund explained the project and Option 1 that was chosen. The Total cost of the project is estimated at \$16,540 with the following breakdown:

- Assessment – 80% owners 20% City of Rockville
- 7 parcels will be assessed
- Criteria used for assessing (driveways or land that abuts the project)
- \$1890.29 per parcel

Scott further reported that the School District policy is that they have to be able to pick up within 4 tenths of a mile of a driveway. It is against Bus Company policy to turn around in private property. This is a safety improvement project.

Andrew Molitor – 22942 County Road 140, stated that he was against it and there is no reason to have a bus turn around. 3 buses go up there now. Why should the city only pay 20%?

Doug Hodel - 21956 123<sup>rd</sup> Ave., stated that in light of the economy and everybody is taking cuts, it is ridiculous to put something in. All 7 property owners have agreed they do not want it. Mr. Hodel explained how they are dropping kids off now. It messes up deliveries they get now. Mr. Hodel requested the council scrub the project tonight and get it out of their system.

Jeff Pelzer - 22001 123<sup>rd</sup> Ave., stated that he went on the bus with the Street Committee and the neighbors, they discussed everything, property had to be donated, it would be our baby, and then it turned into \$16,000 for a build up between two driveways.

Scott Hedlund reported that no bids were received and the cost is just based on an estimate.

Mayor Herberg read the estimated numbers and stated that if it comes in less that's all that is assessed.

Jeff Pelzer stated that every year they have frost heaves in the road. This should all be dug out and decent material put in there. Jeff Pelzer stated that he has a perfect turn around for the bus and if he is forced to do it he will do it. He also asked where is Kron's assessment as he gets to use it too.

Jerry Tippelt – 12318 State Highway 23, stated that he had the bus come in his yard for 18 years, there never was a problem, and urged the bus company to give it a try. Pelzer has a very big yard. The only reason this is being done is for the bus driver. Jerry estimated that for \$3000 they could put in a turn around and not get the city involved. They do need a shed for the kids to locate in. Jerry further stated that he talked to Dave Feldhege of Richmond Bus who told him that the only place they can't back up is on school grounds. Jerry stated that this is too much money to be spent and questioned why some gas tax money can't be spent here.

Pam Pelzer – 22001 123<sup>rd</sup> Ave., stated that she really questioned Troy Voigt and the safety issues of not using a private driveway. She sees it all the time. She further stated that she is not sure that Troy is using good judgment on where he is turning around on a hill. She stated she would like a list of who has been assessed.

Member Hagen asked who brought this to the city. It was reported that Robert and Julene Andrusick initially brought this to the city and the Street Committee determined that in order to do this right a public hearing process would be needed.

Member Hagen voiced concern that this is the reason we need an assessment policy.

Robert Andrusick – 21952 123<sup>rd</sup> Ave., stated that he has four kids. If this assessment had been decided they probably would have had it done on their own by now. The morning bus does something different than the afternoon bus. If this is something they could do on their own it would be done.

Julene Andrusick – 21952 123<sup>rd</sup> Ave., stated that she drops her kids off at Kron's driveway. Troy Voigt has been nothing but professional and is looking out for the kids. She further feels the assessment is more than they expected.

Mayor Herberg indicated that he had to address the assessment issue. Assessments work perfectly in a city where there are lots and blocks and you can assess, but when you get in the rural area, how can you assess some farmer for lineal feet, it is not fair.

Jerry Tippelt stated that if that guy says it is a policy that they do not turn around in private drives talk to Richmond Bus to see if they will pick up the kids. Andy Molitor and he do not have houses up there so this does not really pertain to them. This is where you buy something and never need it.

Kevin Brink stated that he owns the property on the southwest corner. Special assessments are necessary, things come up, and with respect to the legal issue to the bus backing up, and this is why we are here. We are not the bus driver – it is a little different situation for them. Kevin Brink questioned moving the cul-de-sac further north and placing it in the center. He spent \$3000 on his road and wants assurance that this won't affect his road. Kevin further stated that he is respectful of the safety of the kids and respectful of the guy or gal behind the wheel.

Pam Pelzer stated that she had to clarify how this started – her child was supposed to get picked up at Larson's which is over a mile in the dark.

Jeff Pelzer asked if they (the property owners) were to decide (if the bus will not come in) to put in the turn around, would the city donate 20%.

Mayor Herberg indicated that we can't do it. Mayor Herberg asked when you build it will the drainage issues be addressed. If the turn around is private, in the winter who is going to take care of the snow removal?

Member Lommel stated that things were done in the past where easements were not recorded.

Mayor Herberg stated the city should be taking the project on as a city project, but will the two people donate the land. Money is the issue.

Kevin Brink stated that on his portion they don't live there. The way to resolve this that it would be a really nice thing to have. Ask the bus driver to continue to do this one more year, and neighbors should meet with the bus company and see if they can drive into Pelzer's.

Scott Hedlund stated they are close to a point where they can get a quote and if the people would donate the property then we would have hard numbers. The council can still pull the plug.

Doug Hodel stated there is nothing wrong with what we have. He is a truck driver who backs his truck around in this area and he has to deal with what he's got. That is a good working situation.

Sharon Hodel stated that she does not understand as this whole thing is on private property.

***Motion by Member Lommel, second by Member Hagen, to close the public hearing at 8:54 p.m.***

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

***Motion carried on a 7 to 0 vote.***

***Motion by Member Lommel, second by Member Simones, to abandon the project.***

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

***Motion carried on a 7 to 0 vote.***

#### **OLD BUSINESS**

**JOHN KIRSCHER** – 11063 Hubert Lane, presented a written communication stating the reason for his attendance at this meeting is:

- 1) Change assessment for lot from \$7586.66 to \$0.00
- 2) Change bi-monthly charge from \$82.28 to \$41.14

Reason for sewer issue:

Property line dispute with McNamara  
 Prevented sewer and well from being installed  
 Settled property line dispute by buying McNamara property  
 Told by his lawyer that side by side property becomes one property under state law  
 Letter to Administrator regarding grinder installation – no response (*Rena Weber reported that Mr. Kirscher attended the next council meeting 5/3/06 at which time his questions were answered*).

Attorney General's Office regarding sewer issue

Mr. Kirscher stated that he was unfairly assessed because he did not have sewer for 3 years. Further he is being charged for 2 cabins even though he has one parcel

Attorney Jim Mogen stated there is no statutory law stating that two lots next to each other have to be combined. The question precluded from canceling a portion of the assessment that has not been completed. The Council does not have the authority to reduce a portion of the assessment that has been completed. This is stated by law under MN State Statute Chapter 444.

Mr. Kirscher stated that he feels the assessment for two sewer bills is unfair and questioned how some of the residents are being charged. He further added that he can't be assessed until he has the service and we will hear from his attorney.

City staff will review his list of who is paying for service and what they are being charged. No action was taken.

#### **NEW BUSINESS**

**ORDINANCE AMENDING MAYOR/COUNCIL PAY** – Mayor Herberg indicated that a public hearing to consider an amendment to the ordinance setting the Mayor/Council pay should be scheduled.

#### **PROPOSED ORDINANCE NO. 2006-35**

AN ORDINANCE AMENDING THE COMPENSATION OF MAYOR & COUNCIL MEMBERS FOR THE CITY OF ROCKVILLE, MINNESOTA:

The Rockville City Council amends Basic Code Section 30.08 Compensation of Mayor & Council Members to read:

Subd. 1 The Mayor for the City of Rockville shall be compensated at:

- a) \$500 per month to include all regularly scheduled council meetings and general business of the city.
- b) \$ 25 per in city special meeting.
- c) \$ 20 1<sup>st</sup> hour. Thereafter \$10.00 per hour with maximum paid a total of \$100.00 per day for out of town meetings.

Subd. 2 The Council members for the City of Rockville shall be compensated at:

- a) \$300 per month to include all regularly scheduled council meetings and general city.
- b) \$ 25 per in city special meeting.
- c) \$ 20 1<sup>st</sup> hour. Thereafter \$10.00 per hour with maximum paid a total of \$100.00 per day for out of town meetings.

***Motion by Mayor Herberg, second by Member Simon, to schedule a public hearing for 10/18/06 at 8:00 p.m.***

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

***NAYES: Hagen & Simones***

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

**TRANSFER OF STONEY'S BAR & 2:00 A.M. LICENSE RENEWAL**

Liza Fuchs was present at the meeting to request approval to transfer the liquor licenses for Stoney's Bar from Kirk Sauer/Liza Fuchs to Liza Fuchs only, effective 10/1/06. The paperwork for the transaction is not complete at this time, but should be shortly.

***Motion by Mayor Herberg, second by Member Hagen, to approve the transfer of the on-sale, off-sale and 2:00 a.m. licenses effective 10/1/06 contingent upon the proper paperwork being filed and the liability insurance being provided.***

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

***Motion carried on a 7 to 0 vote.***

**MAYOR'S REPORT** – Mayor Herberg reported that the terrorist dog issue is still occurring and reported that he has contacted the owners.

**ADMINISTRATOR'S REPORT** – Rena Weber reported on the following:

TOM VAN LITH SEWER HOOK UP - Rena Weber explained how the hook up could occur through the Jack Kipka property and that Mr. Kipka provided information that concurred with what information the city had regarding where the easement ends. Mr. Kipka is okay with the installation as long as the lawn is restored to the same condition as it is now. The only question for council to consider is whether the length of the line could exceed 350'. Rena Weber also reported that there may be an interest in developing the property into 5 acre lots.

Mayor Herberg voiced concern that this would cost more than the \$14,387.90 and suggested that we wait until the other project would become an issue.

Member Simones suggested that we delay hook up and if the system fails then he would have to hook up.

***Motion by Mayor Herberg, second by Member Karls, to not require Tom Van Lith to hook up to the sewer system unless his property develops.***

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

***Motion carried on a 7 to 0 vote.***

**ROCORI TRAIL - SAFETEA LU LOCAL MATCH** – Rena Weber reported that MNDOT would like an updated resolution from the city recognizing that since the SAFETEA LU grant was given the local match would increase to \$43,913.67 for each entity: Rockville, Cold Spring & Richmond. This was originally at \$30,000 and can be covered with park land donations or fund raising events.

***Mayor Herberg introduced the following resolution and moved for its adoption:***  
***RESOLUTION NO. 2006-32***

***(A complete copy of said resolution is hereby attached and marked Exhibit F).***

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

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

***NAYS: Lommel***

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

**OPEN FORUM**

John Koerber –25722 Lake Road, stated that on Tuesday he went to the 400 Club and it smelled like “----”. Mayor Herberg reported that the city is aware of the problem and there is a filter on order which will be installed when it is received.

**ADJOURNMENT** – ***Motion by Member Simones, second by Member Ahles, to adjourn the meeting at 9:41 p.m. Motion carried unanimously.***

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VERENA M. WEBER-CMC  
ADMINISTRATOR/CLERK

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BRIAN HERBERG  
MAYOR

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