

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
SEPTEMBER 5, 2007 – 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, Jeff Hagen, Jim Pflapsen, Don Simon and Randy Volkmuth. Susan Palmer arrived at 6:02 p.m. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Finance Director Julie Zimmerman, Maintenance Person Rick Hansen, Fire Chief Randy Dingmann, Building Inspector Jeff Howe, EMS Director Mike Hofmann & Engineer Scott Hedlund.

Others present were: Tудie Hermanutz, Dave Volkmuth, Florence Benson, Kitty Grant, Liza Fuchs, Gary & Lori Lembeck, Brian Hatten, Bob Froehling, Joel Sponheim, Lynn Ersland, Paul Hoeschen, Jerry Schmitt, Jerry Bechtold, Sharon Sponheim, Vince & Audrey Schaefer, Lt. Jon Lentz, Pat Sell, Jodi Pflapsen, Jane Martineau, Tom & Karen Weber, Corey & Chrissy Schreifels, Jerry Tippelt, Jim Meinz, Paul Fleegel, Virginia Becker, Daniel Bieljeski, Kevin May, Ron Westrup, Kim Klein, Barb Nicol, Scott Palmer, Bob White, Jason Ophoven, Lance Levasseur, Matthew Haubrich, & John Weismann.

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

CONSENT AGENDA – Member Volkmuth questioned the \$40,171.74 bill to the City of Cold Spring. Rena Weber reported the original bill that was presented by Paul Hoeschen in April was \$39,361 and this is now the final bill.

Motion by Member Volkmuth, second by Member Hagen to approve the consent agenda as presented:

- a) *Approve minutes of 08/15/07*
- b) *Approve Treasurer's Report of 09/05/07*
- c) *Approve List of Bills and Additions of 09/05/07*

<i>Accounts Payable CK #009427 to 009491</i>	<i>\$133,271.21</i>
<i>Payroll CK #002811 to 002833</i>	<i>12, 992.58</i>
<i>EFT # 000118 & 000119</i>	<i>788.97</i>
- d) *Liza Fuchs – request approval of outdoor bash 9/8/07*
- e) *Approve Election Judges for 11/6/07 School Board election*
- f) *Res. 2007-27 Approving Gambling License-Rocori Band Boosters*
- g) *Approve one day gambling permit-Mary of the Immaculate Conception Parish Center 11/18/07*

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

BOARD/STAFF REPORTS

FIRE DEPARTMENT - Randy Dingmann was present to report that he still has questions on the following: Rescue van & MVR plan.

PLANNING COMMISSION – Rena Weber reported for the Planning Commission:

FLORENCE BENSON VARIANCE –

Re: Variance Request

76.41634.401: Owner: Florence Benson

Property Address: 23515 County Road 8, Cold Spring, MN 56320

Variance(s) Requested:

1. Variance to construct attached 26' x 28' garage and to locate it 5' and 6' from south lot line **10' required.**

Construction Requests:

1. Construct 26' x 28' attached garage to house 2 boats, 2 trailers, lawn tractor and other equipment and clean up the yard.

Relevant Information:

1. R-1 Single Family District. Existing home is built 33' from CR 8.
2. Existing home has horizontal grey siding and attached 24' x 24' garage.
3. Elevation certificate is not required.
4. The lot to the south of the property is currently wooded with a driveway that leads to Glenn & Mary Heitzman's home.

Recommendations:

1. In the setback from roadway ordinance (under A-40) the city requires a 50' setback from County roads. Until that section gets moved to general regulations we can't require the 50' setback, but I would recommend that the addition stay in line with the present garage which is 39'6" from the right-of-way.
2. Maintain existing drainage patterns over, under, and across their property.
3. Construct a drainage swale along the south line of the property between the garage and property line.
4. No additional driveways will be allowed.
5. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed. It appears there are wetland(s) nearby south and southwest of the property.
6. Approve with these conditions.

Rena Weber reported that the Planning Commission reviewed this request and denied it after review of the findings of fact. Discussion was held and they later reversed their decision.

Member Palmer reported that after reviewing the findings of fact the question of the owner being deprived of reasonable use of the property came into consideration. With the passing of the recommendation there still is a concern of whether or not a drainage swale could be constructed between the garage and the property line.

Scott Hedlund indicated that something could be worked out in this matter.

Member Palmer reported that the owners have a lot of stuff and they were asked to consider something smaller. There are no buildings to the south of this property (on this side).

Rena Weber pointed out the recommendations of staff.

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

RESOLUTION NO. 2007-27A

A RESOLUTION APPROVING VARIANCES IN THE R-1 DISTRICT.

WHEREAS, A request has been received from Florence Benson for a variance from Side yard setback requirements to construct a 26' x 28' addition to an attached garage in the R-1 District, and;

WHEREAS, said structure will be placed 5' and 6" from the side yard lot line, 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 to construct the 26' x 28' addition to an attached garage and to locate it (5') and (6') from the south side yard line.**
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.**
4. **Said approval includes that the conditions as suggested by staff be met.**

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

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

Motion passed on a 7 to 0 vote.

GARY & LORI LEMBECK SITE PLAN APPROVAL –

RE: SITE PLAN APPROVAL

76.42144.006 Owners: Gary & Lori Lembeck

Property Address: 8504 White Oak Road, St. Cloud, MN 56301

REQUEST:

Approval to construct 30' x 46' accessory structure in R-1 District with toilet facility.

Approval to construct additional driveway from White Oak Road

RELEVANT INFORMATION

1. Property is zoned R -1
2. Property is 1.87 acres approximately.
3. The owner is proposing horizontal siding and roof that will match the house.
4. Additional driveway is approved by Maintenance if new culvert is the same size as existing driveway/culvert.
5. Toilet facility – requests have been received for other garages and were approved, but if the use changes and this were to become more of a residence – then sewer billing would change.
6. New structure cannot be built over sewer easement.
7. New structure will not exceed 25' in height.

RECOMMENDATION

1. Make any necessary soil corrections on the former mound site.
2. Maintain existing drainage patterns over, under, and across their property.
3. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.
4. Approve with these conditions.

Rena Weber reported that the Planning Commission reviewed this request and recommended approval as the structure will match the house in its siding and shingles. The only issue is with the septic mound and its vacation. Rick Hansen had reviewed the request for the additional driveway and gave his approval. The Street Committee has approved toilets in garages as long as they do not become a residence, then the way the city charges for sewer would change.

Motion by Member Volkmuth, second by Member Palmer, to approve the site plan for Gary and Lori Lembeck as presented subject to following the conditions as set forth by the staff report.

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

Motion passed on a 7 to 0 vote.

CHARLES & DIANE DRIVER – SITE PLAN APPROVAL

RE: SITE PLAN APPROVAL

76.41951.000 Owners: Charles Driver

Property Address: 25217 Lake Road, St. Cloud, MN 56301

REQUEST:

Approval to construct 24' x 40' accessory structure in R-1 District.

Approval to use vertical steel siding that will match present house and garage

RELEVANT INFORMATION

1. Property is zoned R -1.
2. Property is 912.39 x 589.15 x 696.69 (Lake Road side) feet long (triangle shape)
3. The owner is proposing vertical steel siding and roof that will match the house in color.
4. The siding on the house and garage is horizontal.
5. Roofing is cedar shakes.
6. This site plan was previously approved by the Planning Commission 5/8/07 & City Council 5/16 without building plans being presented. Again building plans were not drawn up until the owner got approval due to the cost. Owner did attend council

meeting on the night of the Berg discussion. When building plans were presented Jeff Howe flagged them due to the siding and roof.

7. The original plan called for a 30' x 56' structure. The new proposed structure is 24' x 40' and 13' high.

RECOMMENDATION

1. Due to the revised site plan and change in size –a new approval would be required. This is not in conformance with the ordinance as it is proposed to be vertical steel siding and roof. Denial is recommended.

Rena Weber reported that the Planning Commission viewed this site and recommends approval of the site plan as presented.

Member Palmer indicated that the Planning Commission took the following into consideration:

1. Virtually this proposed structure cannot be viewed from the neighboring property.
2. The color will match the house.

Concern was voiced that the council just turned a request down.

Member Palmer read the ordinance regarding item g. "viewed from adjacent property".

Member Hagen voiced concern that the language may open up a situation where somebody's judgment comes too much into play as to what is being viewed by adjacent property. Member Hagen would rather stick as close to black or white as possible.

Member Volkmuth indicated that you can also cut down trees.

It was reported that the Driver's were asked to consider placing horizontal siding on the structure, but declined due to the expense.

Lynn Erslund, representing the Drivers, was present at the meeting to inform the council that this structure would probably still not be viewed from the road in winter due to the fact the house and present garage would be located in front of it. This is a Morton building and is very attractive.

Mayor Herberg questioned the fact that this is a pole barn and cautioned members that this is just what was turned down previously.

Motion by Member Volkmuth, second by Mayor Herberg, to deny approval of the Charles & Diane Driver site plan as presented citing the fact that horizontal siding matching the residence and present unattached garage must be met.

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

Motion passed on a 7 to 0 vote.

MAINTENANCE DEPARTMENT – Rick Hansen and Paul Hoeschen reported on the following: LIFT STATION PUMPS - Paul Hoeschen reported that the two main lift station pumps were installed in 1996 and have not been rebuilt since then. After 5,000 hours of use it is recommended that the pumps be rebuilt. The pumps are at 8,000 hours each. It is expensive to repair at estimated cost of \$5,321. We could be fixing one now and wait until December to fix the other pump. The pumps weigh 1,131 lbs each and it is expensive just to lift the pump out. The cost for a new pump is \$16,500. Electric Motor Service could do the repairs or Quality Flow would sell new KSB pump and replace both for \$10,000 plus tax with a 7 year warranty and that would be good for 5,000 hours. The estimate is complete with changing out controls.

Discussion was held regarding building a reserve fund for such expenses.

Member Hagen recommended approval of rebuilding of the two pumps and later withdrew his motion.

Motion by Member Volkmuth, second by Member Palmer, to approve the purchase of two new lift pumps at a cost of \$10,700 as discussed.

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

Motion passed on a 7 to 0 vote.

COUNTY ROAD 82 UPDATE – Rick Hansen reported that gravelling should occur next week with curb and gutter going in on Wednesday. Completion of the project is 55 working days.

NEW BUSINESS

STEARNS COUNTY ATTORNEY CONTRACT – Rena Weber reported that Stearns County Attorney Janelle Kendall had presented an agreement for Prosecution Services for 2008 & 2009 with a guaranteed rate of \$12,500 per year. This service has been working well and recommended approval of the renewal.

Motion by Mayor Herberg, second by Member Simon, to approve the renewal of the contract for prosecution services with Stearns County for 2008 & 2009 at \$12,500 per year.

AYES: Ahles, Hagen, Herberg, Palmer, Simon & Volkmuth

NAYS: Pflepsen

Motion passed on a 6 to 1 vote.

POLICE REPORT – Lt. Jon Lentz presented the report for July citing 71 contract hours. There were 13 citations issued.

Rena Weber asked about the speeders on County Road 8 now that the road has been tarred. Lt. Lentz indicated that they have set up the speed monitor and will continue to do so.

Mayor Herberg asked if the city gets charged when they are patrolling county roads. Lt. Lentz reported that the city is only charged for contract time on city streets and is not charged for county roads.

Member Hagen asked how much control does the city have in determining the contract hour times that we want to use their services. Lt. Jon Lentz indicated that the council can control the hours and when there are complaints they do more, but does not want to fall into a routine.

Member Hagen questioned so at this time you have not gotten any specific direction from the city as to what time they need to patrol and the response was no. Lt. Lentz indicated they patrol mostly at night and around bar closing time.

2008 BUDGET & TAX LEVY – SCHEDULE TRUTH IN TAXATION HEARING –

Finance Director Julie Zimmerman reported on the following

- In 2003 LGA was \$150,000 and in 2008 it is \$15,792 which is a loss of \$135,000 over the last 5 years
- Revenue budget detailed
- Expense budget detailed
- Summary page
- General fund levy was \$927,343 in 2007 and \$922,498 is proposed for 2008 which is a \$5,000 decrease or a ½% decrease
- Additions to the levy were \$6000 for the road and bridge fund & \$10,000 for the EDA
- Debt Service – Facilities and PIP debt increased from \$224,000 in 2007 to 225,000 in 2008
- Water fund budget – was \$109,000 in 2007 and \$120,000 in 2008
- Sewer fund budget – was \$140,000 in 2007 to \$137,000 in 2008
- Reductions were made in legal, engineering, & capital equipment purchases
- A 5 year budgeting plan is being developed
- Overall levy increase is 2.5% or \$1,013,954 due to the increase debt
- Neighboring cities tax capacity rates for 2007 were reported with Rockville coming in at 44.45
- \$1,341,419 is tax levy limit so a truth in taxation hearing would not have to be held.

Member Palmer reported the Finance Committee did remove a lot of the capital items. There is no doubt that we have to spend some money, but the committee wants to look at the equipment needs/priorities and replacement schedule so there are no huge swings. They have decided to hold off for one year on equipment purchases. 5% & 10% reductions were requested by the department heads so changes were made to the budget.

Member Simon questioned the capital equipment plan stating that the council worked hard to put in these requests into the budget and next year it will get taken out. Member Simon voiced concern about the rescue equipment not working and the Suburban lights did not work citing that this vehicle is being used as the rescue van. If the yellow snow plow breaks down we are done as far as fixing it and the road won't get plowed.

Member Palmer indicated that the Finance Committee just met twice in the last two weeks. They are establishing a time line for the future budgeting process to look at the equipment budgets and further determining what the greatest needs are.

Member Simon voiced concern that the greatest need has been the snow plow replacements and for 5 years we have been putting off projects.

Member Volkmuth stated that no we have not been putting off projects. The budget has been going up by 15% to 20%. Until we can quantify the expenses we can't just let the money sit in the general fund. There is an accountability to the taxpayers. There may be a need out there, but we don't know where that is.

Member Palmer agreed that yes that is what we reviewed.

Member Simon voiced more concern that if the snow plow does not go out and we can't get there with a fire truck for an emergency, he is very concerned that somebody might die.

Member Volkmuth reported that \$21,757/year for ten years is being put aside for capital equipment (new pumper truck payment).

Member Pflapsen stated that in 2002 pre consolidation \$927,000 was in the budget for the 3 entities. Voters were sold on the consolidation that it would be a cost benefit. In 2008 it is \$942,000 which is at about even. Member Pflapsen does not see the cost benefit thus far to the taxpayers. There needs to be a systematic approach to the purchase of capital equipment in the future. These trucks are not being driven every day. Member Pflapsen asked Rick Hansen if he has a back up plan with contract companies for snow plowing.

Member Simon reported that maintenance costs are catching up. Road projects just have not happened. A siren is needed at Pleasant Lake and when the wind was blowing in another direction he could barely hear the siren downtown.

Motion by Member Volkmuth, second by Member Palmer to approve the Proposed 2008 Budget and Tax Levy as presented:

Change in General Fund Expense Budget vs. Prior Yr.	Final Prelim	After	2008 Proposed
	Adopted Budget 2007	Design Fds Adj-2007	
DEPARTMENT			
General Government	140,673	140,673	138,965
Council/Mayor/Boards	30,015	30,015	26,100
Elections-2007 was non-elect yr, but, maint agmt/op exp	700	700	3,050
City Administration	215,150	215,150	219,395
General Govt Bldgs	51,635	51,635	47,460
Fire Protection	146,560	187,921	158,038
Civil Defense	10,625	21,537	6,125
Police Protection	35,000	35,000	22,000
Hwys, Streets, & Roads	242,230	258,230	228,545
Snow Removal	20,145	20,145	25,250
Summer Ball Program	12,440	12,440	12,590
Parks & Recreation	22,170	34,570	34,980
General Fund Grand Totals	927,343	1,008,016	922,498
Total Special Funds requiring a levy (200 # Funds) & Fund 408	14,000	14,000	20,175
Total Debt Service Funds requiring a levy (300 # Funds)	224,464	224,464	225,135
Water Fund Expenses Fund 601	109,830	114,830	120,291
Sewer Fund Expenses Fund 602	140,145	140,145	137,905

2008 Tax Levy	
Revenue	\$640,638
1997 Imp. Bonds	9,780
1998 Imp. Bonds	7,938
Fire Protection	110,288
E.D.A.	10,000
2004 Prairie Industrial Park	6,000
Rock Fest	4,175
City Facilities	219,135
Road & Bridge Maintenance Fund	6,000
TOTAL	\$1,013,954

AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen & Volkmuth

NAYS: Simon

Motion passed on a 6 to 1 vote.

Motion by Member Volkmuth, second by Mayor Herberg, to schedule the Truth in Taxation hearing for 12/12/07 – 6:00 p.m. – Rockville City Hall.

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

Motion passed on a 7 to 0 vote.

PUBLIC HEARINGS

ORDINANCE NO. 2007-40 (ACCESSORY STRUCTURE AMENDMENT) - Mayor Herberg announced that a public hearing would now be held to consider approval of an amendment to the Accessory Structure ordinance of the Zoning Code.

Rena Weber announced the change that is addressed in the resolution:

- a) Detached accessory structure shall maintain rear & side yard setbacks of not less than 5 feet.

Julie Zimmerman questioned Item L A-40 District Exemptions regarding hoop structures. She indicated that this allows hoop structures in Ag – 40, but only if it does not exceed the 120 square feet. Julie Zimmerman felt this does not allow for much area for farmers to store equipment.

Motion by Member Palmer, second by Member Ahles, to close the public hearing at 7:17 p.m.

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

Motion passed on a 7 to 0 vote.

Member Hagen questioned the process in amending an ordinance with another amendment page. This is being discussed as part of the public hearing and will be addressed in the final document.

Member Simon questioned the allowance for accessory structures being allowed while a principal structure is being built. This is in the ordinance.

Member Volkmuth introduced the following resolution 2007-28, Ordinance 2007-40, and the amendment striking out L2 (and does not exceed 120 square feet) and moved for its adoption:

(A complete copy is hereby attached and marked Exhibit A).

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

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

Motion passed on a 7 to 0 vote.

LAKE IMPROVEMENT DISTRICT – Mayor Herberg announced that a public hearing would now be held to consider adoption of a Lake Improvement District for Grand Lake. Rena Weber read the notice of public hearing.

Scott Palmer – 21108 Fowler Road stated that he is the current President of the Grand Lake Association and the Board is asking the council to approve the LID.

Discussion was held on Changes to Resolution 2007-22:

1. The Board would like the last sentence of 2.0 Composition of Board of Directors to read: "Five of the board members shall own property within the Grand Lake Improvement District.

2. They would like Subd. G of 7.0 Duties and Functions to read: The development and recommendation of an annual budget for the operation of the Grand Lake Improvement District, which annual budget may be modified, but not increased by the Rockville City Council.

Rena Weber reported that Attachment A 4.0E would need to change reflecting that five of the board members shall own property within the Grand Lake Improvement District as well.

Scott Palmer reported that there was a bumper crop of curly leaf pond weed this year, algae increased and there is a need to reduce the phosphorus.

Scott Palmer reported that 16 people indicated interest in being on the Board:

John Knutson, Bruce Conrad, Walter Jones, Joe Sponheim, Don Landwehr, Jerry Schmitt, Curt Steil, Georjean Fabel, Ron Westrup, Dan Klein, Jim Pflepsen, Scott Palmer, Paul Ludwig, Jim Hall, Terry Rothstein, & Bob White.

Scott Palmer reported the Board chose representation for the different roads around the lake. The biggest criteria were in choosing people who have been involved in the lake association and the lake improvement projects. Very clearly there are people who have not been members of the Association in the past nor have they worked on any projects.

The Grand Lake Association Board recommends:

Dan Klein

Jim Pflepsen – non property owner

Scott Palmer

Paul Ludwig

Jim Hall

Terry Rothstein

Bob White

Other candidates are welcome to work on sub-committees:

- Aquatic vegetation,
- Watershed to Byer Lake by Cold Spring
- Education committee – Fertilizer use & Best Management Practices

Jerry Tippelt – 12318 235th Street asked where does the money come from to support this. Scott Palmer stated this would come by way of property tax which is based on valuation. Everybody who lives on the lake will be impacted by this.

Jerry Tippelt stated so none of that money will come out of the city taxes. Scott Palmer indicated that no, this will not come out of the city budget.

Jerry Schmitt 21492 County Road 8 asked why he is not on the committee. Scott Palmer stated there was criteria identified, they looked at who has been involved and it was a committee decision.

Jerry Schmitt questioned Scott Palmer how much he put into Grand Lake. Scott Palmer replied quite a bit.

Mayor Herberg stated that that question was irrelevant.

Jerry Schmitt stated that he used to come to the meetings 20 years ago and all they talked about was suing the farmers. The last meeting he went to they talked about planting trees. He planted trees himself. Scott Palmer reported that there will be an election every year.

Mayor Herberg indicated that he understands how they came up with recommending members, but the people affected that weren't active with this should be considered. Scott Palmer encouraged people who weren't involved to get involved with sub-committees. We need all the help we can get. Mayor Herberg is looking at the fairness issue. Scott Palmer indicated that the first Board should be a cohesive Board who will work together and get some projects done.

Bruce Conrad – Hubert Lane stated he is not totally against this. He was at the first Grand Lake Association meeting in 1982 and for 30 years they have been talking about cleaning up the lake. Questions/concerns he has are:

- What has been done with the money they have collected except the fireworks shows?
- Whoever is doing the checking with secchi dish, water quality depth; it still looks like a sewer out there right now. You can damn near walk on the weeds.
- Business plan? List of projects he has yet to see it, where is it?
- When you first started the Association you said sold raffle tickets to avoid taxes.
- Wants to make sure the money is not going to fireworks, but to lake quality projects.
- Wants to know what property you are intending to buy.
- At what point if they become an entity of the city, do they have eminent domain?
- Budget set? \$30,000 to \$40,000 per year – can't do much with that?
- How they changed the house counts – They did not have enough property to get the appropriate amount, but somehow this was changed. Every other house did not sign the petition. That's why people are complaining.
- How did they choose the board members – Sauk River Watershed has authority already.
- Endorse those who have been active and putting money into projects seems to be stacking the deck.
- No representation for the 49% that did not. They are going to pass everything they want. Member Volkmuth reported that elections are held every year.

Member Palmer reported that a budget is voted on every year and for the record the fireworks are totally paid by donations.

Bruce Conrad questioned what it means to return the lake to its natural state and what will that cost. You are not going to do any good unless you get the stuff in the lake out of there. The weeds are there because of fertilizer. The Lake is full of crap and stinks like a sewer.

Joseph Sponheim - 21556 County Road 8 questioned the original petition with 188 cabins or year round homes and the majority requires 96 signatures. The petitions signed totals up to 92 and the Administrator rejected two and in the mean time 3 properties sold, so this does not add up to the majority. We are wasting our time.

Rena Weber disputed the fact that 3 three of the signatures were for people who owned two parcels and it has to be taken on the day it was received.

Joseph Sponheim asked how come the list shows 188 on the first one and this list shows 177 from the map. Things just don't add up. Properties have been sold and those people did not sign up. Are they up to date? Everything has to be current as of this date. Harold Rosenow sold his house before this date. Rena Weber disputed this fact. Joseph Sponheim claims they had 92 and Rena rejected two. The number is down to 89 and there are only 87 signatures.

Rena Weber mentioned the date of July 25th as the date of the petition stating that she did not have the information in front of her. (*The actual date of the petition was 6/6/07 & 7/25/07 was the first public hearing*).

Member Pflepsen indicated that the petitioners stopped at the time they reached 55% so they did not contact everybody. It was certified at the time it was received by the city. I have looked at those numbers. Joseph Sponheim indicated that they have the papers.

Rena Weber indicated she was not prepared to answer these types of questions so she did not want to say anything wrong.

Joseph Sponheim stated they are going to get taxes to do projects from here to Byer Lake. They are going to build a pond for one individual and he does not have to pay for it. It was emphasized by the lawyer that it is a benefit to the city so the whole city should pay. It might be a smaller amount, but there are a lot more people.

Bob White - 10583 Mitchell Lane thinks that people are confused of what the process is. There is no plan or budget for this LID. They are looking for approval to create a plan to present. It would be ludicrous to present a plan that assesses lake property owners that will put people out. We would welcome information from property owners. He has not used the lake since June.

1. Attempt to present a plan to the homeowner – does it make sense
2. Present to the owners
3. Can we do something that is logical and effective

The first year is to try and see if it will work. Look at the lake today, it is the single biggest water source, is an asset to the city and it is critical to be maintained.

Member Pflapsen stated he had good points and people who fear this don't want to go to the meeting.

Tom Weber stated that he grew up on the Sauk River and participated in copper sulfate programs in a number of lakes in the area. This whole issue of the future of water in the State of MN is huge. This is a fantastic opportunity. Working together under controls that you have you will see results. They have a group of people who do not see the future and have no authority. In this case you do. The future will change and there are sacrifices to be made. The fear of setting precedent or maybe having to change our lifestyle is at issue. He has a big boat and does only no wake. Human beings can change, but it is time to change.

Jerry Schmitt – 21492 County Road 8 stated that people on Grand Lake know the problem, but don't know how to solve them. With all of the education that is out there he knows there is zero fertilizer going into the lake from the farmers. This goes from the people living around the lake. When he first came here the meadow was about that high and now it is higher. Bloch's and Schmitt's don't do any fertilizing as you do not waste fertilizer at the cost of it. Why do you still fertilize your lawn? Why do you keep sucking water out of the lake and he urged people to leave the lake alone.

Mayor Herberg urged Mr. Schmitt to address the council with his concerns not the people.

Jerry Tippelt – 12318 235th Street questioned how much authority are you creating here or does the council have the ultimate say.

Mayor Herberg stated that the Council has the ultimate say and this is a recommending body.

Member Palmer asked for clarification what he means by creating the authority.

Jerry Tippelt said that people have property around the lake, it is everybody's lake. You know we are just letting you live there. Everybody can use the lake. It is a lot of other people who are contributing to the lake and he is wondering how far this will go. If we just let the lake people on this Board that can give a lot of thought into their needs.

Member Volkmuth asked if everybody in the city should be taxed because everybody can use it.

Jerry Tippelt said it is your choice to live there. If it is going to depend on eminent domain he does not want to see this little government pick on somebody who has farmland so they can own them and make their lake look better so their property value can go up. It is everybody's lake.

Member Volkmuth questioned that cleaning up the lake is benefiting everybody in the city so then everybody should be taxed? What you need to understand is that the lakes are an asset to the city and he would love to see Pleasant Lake do something like this as he lives there. If the owners are willing to do this, it is a huge asset to the city.

Jerry Tippelt voiced concern that the council should look at who will be on this board, but if the city council has the ultimate authority then okay.

Corey Schreifels – 12450 235th Street asked who is liable at the point of something going wrong. Not sure. *(In checking with the insurance agent it will ultimately be the city liability as this is a division of the city).*

Motion by Member Volkmuth, second by Mayor Herberg, to close the public hearing at 8:20 p.m.

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

Motion passed on a 7 to 0 vote.

Mayor Herberg asked that no action be taken until Rena Weber could verify the authenticity of the petition.

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

RESOLUTION NO. 2007-22

(A copy of the amended resolution is hereby attached and marked Exhibit B).

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

AYES: Ahles, Hagen, Herberg, Palmer, Simon & Volkmuth

ABSTAINING: Pflepsen

Motion passed on a 6 to 0 vote.

LID BOARD MEMBERS – Motion by Member Volkmuth, second by Member Hagen, to appoint Dan Klein, Jim Pflepsen, Scott Palmer, Paul Ludwig, Jim Hall, Terry Rothstein & Bob White as the Board Members for the first year with the reasoning being that you do need people who are involved as this is a grass roots effort, this is a minimal budget, and they have to prove to the property owners that they can make this viable.

Member Simon wished to add that those who were not picked for the Board get in contact with the board and serve on sub-committees.

AYES: Ahles, Hagen, Herberg, Palmer, Simon & Volkmuth

ABSTAINING: Pflepsen

Motion passed on a 6 to 0 vote.

Member Ahles stated that he hopes the Sauk River Watershed District will be used as we all pay taxes to them and so far they have been spending money on Sauk Lake. They need to filter money down here to Grand Lake.

ENGINEER REPORT – Scott Hedlund had nothing to report.

COMMITTEE REPORTS

MAYOR – Mayor Herberg had nothing to report.

PERSONNEL – Chair Randy Volkmuth reported on the following:

PLANNING COMMISSION MEMBER – Chair Volkmuth reported that the committee interviewed Steve Dietman and unanimously recommends approval to appoint Steve Dietman to the commission.

Motion by Mayor Herberg, second by Member Simon, to appoint Steve Dietman to the Planning Commission effective immediately replacing Roger Schmidt.

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

Motion passed on a 7 to 0 vote.

FIRE MARSHALL – Chair Volkmuth reported this position is paid through fees and the committee recommends Jeff Howe be contracted with for a two year term with the option that it is reviewed yearly (same time lines as the building official).

Motion by Mayor Herberg, second by Member Palmer, to approve contracting with Jeff Howe as Fire Marshall for a two year term with the option that this is reviewed yearly.

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

Motion passed on a 7 to 0 vote.

MOTOR VEHICLE RECORDS – Rena Weber reported that as part of the safety program the city should adopt an evaluation program in reviewing the driving records. The Fire Department voiced concern that item 9 “citation for traveling at a speed in excess of the posted speed limit” should not fall under a major citation or conviction.

Motion by Mayor Herberg, second by Member Palmer, to table action on this program until it is further reviewed.

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

Motion passed on a 7 to 0 vote.

LONGEVITY PAY - Chair Volkmuth reported that employees who reach the 11th step would no longer receive any increases in pay other than cost of living. The following change to the policy was proposed. “Employees will receive \$500 per year for Longevity Pay after they have completed the number of years to reach the top of the step program for their assigned Pay Group. Payment will be made closest to the employee’s anniversary date in the year at which the

longevity pay was earned.” Chair Volkmuth thought that the Personnel Committee needs to approve this pay when it comes up each year.

Motion by Member Volkmuth, second by Mayor Herberg, to approve the employee policy manual change as presented with the understanding that the Personnel Committee needs to approve such pay each year.

AYES: Ahles, Hagen, Herberg, Palmer, Simon & Volkmuth

NAYS: Pflapsen

Motion passed on a 6 to 1 vote.

COURT APPEARANCE PAY – Chair Volkmuth reported that no action was taken at the Personnel Committee meeting as there was not a full committee. Chair Volkmuth stated he would like to see something that is workable while respecting the fire department’s wishes and go by a case by case basis with the understanding the Personnel Committee would work with the loss of wages. \$55.00/hour is more than he would want to pay.

ORIGINAL PROPOSED LANGUAGE

Employees will be paid their regular wage to testify in court for City-related business. Any compensation received for court appearances (e.g. subpoena fees) arising out of or in connection with City Employment, minus mileage reimbursement, must be turned over to the City.

FIRE DEPARTMENT SUGGESTED CHANGE:

Any member subpoenaed to testify on behalf of the City of Rockville shall be paid their regular occupational hourly wage (i.e. they will be paid the difference between the fire fighter wage – currently \$9.00 per hour and their normal wage). The member must submit a pay stub or tax statement showing the amount currently earned in order for Administration to compute the difference. The person submitting the request shall be reimbursed at the next pay period.

Mayor Herberg stated the Fire Department is not looking to get reimbursed at \$55 hour. He would not like to go on a case by case basis, but make it a set number such as \$25.00/hr. or an amount not to exceed \$125.00/day.

Member Palmer stated that she supports something other than \$9.00/hr, but there has to be an amount not to exceed.

Member Ahles stated these people are volunteer fire fighters, they are defending us. If they are making \$50 hour they should get paid the same and money should not be an object.

Member Simon stated that you are not going to get people to volunteer for this job. He suggested the committee get an average of what people make.

Discussion was held regarding researching what other cities do and what would the Fire Department be okay with.

Motion by Member Palmer, second by Mayor Herberg, to table action on this policy until research is done to find out what other cities do and the Personnel Committee comes back with a recommendation.

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

Motion passed on a 7 to 0 vote.

7.8 EMPLOYEE POLICY CHANGE – Rena Weber reported that this policy is needed to clean up payment for regular full-time or part-time employees responding to a call during the normal working hours so that there is no inequity of payment in regards to PERA.

Motion by Member Volkmuth, second by Member Hagen, to approve the following language change to 7.8 as presented:

Proposed Language Change to Employee Policy Manual Section 7.8

When a regular full-time or part-time city employee (who is a volunteer fire fighter) is called to respond to a fire/rescue calls during normal working hours (8:00 a.m. to 4:00 p.m.), they shall be compensated in the following manner. They will receive the fire department rate of pay (currently \$9.00/hr.) for the hours worked between 8:00 a.m. to 4:00 p.m.). The affected employee will include these response hours on the fire department annual pay report but will not receive pay for these hours at year end (since they will have already been paid). The difference between the city employee regular work day rate of

pay, minus the fire department rate of pay, will be paid through the streets department wages. If the response time exceeds the 4:00 p.m. end of shift, they shall be compensated at the rate of pay as a fire fighter (for the time after 4:00 p.m.). At no time will the employee be paid double.

Based on interpretation from PERA, the affected city employee fire fighter wages portion (during normal working hours) would not be subject to PERA withholding (or this would be seen as double dipping by PERA since that employee is also eligible for a retirement pension through the Fire Relief Association).

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

STREET COMMITTEE – Chair Simon reported on the following:

TAMARACK COURT DRAINAGE PROJECT – Chair Simon reported that 4 of the 5 people who attended the information hearing were in favor of the project, but they would like to see the city pick up 50% of the cost.

Mayor Herberg reported that there is a history of this issue. When the sewer line went in 1996 it interfaced with the drain tile and created problems. The City approved the development, but if it were brought forth today it may not have been approved. It is in the city easement now, and the city has been maintaining it.

Member Volkmuth indicated that he does not want to pay for a private storm sewer project to help out.

Kevin May – 514 Tamarack Court stated the city did grant approval of the development and they set a precedence in fixing and maintaining the drainage tile. He would like to see a reasonable resolution to the problem. He is also worried that once the tile is blocked up and the water backs up into his house what can he do.

Mathew Haubrich – 521 Ptarmigan Lane stated he has been a resident for 3 ½ years and does not have any water problems. The tile line does not go through his property. His concern is that the drainage tile (if there is any) that comes from County Road 8 needs to be looked at too. As to Tamarack Court this is a cul-de-sac with many children playing on it and he is concerned for their safety

Jason Ophoven – 502 Tamarack Court stated he has not had any water problems and he is at the end of the chain. Mr. Ophoven's yard has been dug up two times and he urged the council to fix it right, but he would support only paying 50% of the cost.

Daniel Bielejeski – 571 Ptarmigan Lane stated the back side of his lot abuts Kevin May's house. There is always water setting in the back of the lot and there are a lot of children playing back there. Mr. Bielejeski would be willing to pay 50%.

Lance Levasseur - 515 Tamarack Court stated he has not had any problems with water yet. His understanding was that when the sewer was installed the drain tile line was broken. He is concerned that the drain tile may back up sometime and affect him and questioned who would be liable if it breaks again.

Member Volkmuth stated that he would like to go out to see the project and get background information before he makes his decision.

Rick Hansen reported that the city has it roto rooted and repaired at approximately \$2,000 year.

The question was asked "Can the city give up liability on this?"

Member Palmer suggested that we can fix it now and give up any future liability.

Member Simon encouraged council members to meet with Rick Hansen soon to look this over.

Discussion was held regarding the time frame in which this can be accomplished.

Motion by Mayor Herberg, second by Member Volkmuth, to schedule a public hearing on 9/26/07 at 6:30 p.m.

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

Motion passed on a 7 to 0 vote.

V-PLOW FOR THE ONE TON TRUCK – Chair Simon reported that the Street Committee also reviewed a request to purchase a V-plow for the one-ton truck. This can be used to clean up alleys, parking lots and cul-de-sacs. A new plow costs \$5600 and the city could purchase a used one from Denny Hecker's for \$3500. The Street Committee recommended approval of the V-plow.

Motion by Member Pflapsen, second by Mayor Herberg, to approve the purchase of the V Plow at a cost of \$3500 as presented.

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

NAYS: Hagen

Motion passed on a 6 to 1 vote.

Chair Simon reported there is another issue in regards to a road not being wide enough for the fire trucks to pass and access the new Lutgen home. A letter is being drafted to require the owner of the property abutting the road to trim his trees.

FINANCE COMMITTEE – Motion by Member Volkmuth, second by Member Ahles, to appoint Susan Palmer as the Chair.

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

Motion passed on a 7 to 0 vote.

EDA – A written annual report was presented for the record.

The EDA was urged to look at reimbursing the approximately \$48,000 to the Fire Department for tarring of the parking lot and also letting other people use city hall.

Randy Dingmann was given approval to look for a rescue truck.

OPEN FORUM –

Jerry Bechtold - 24353 125th Avenue thanked the council for flying the MIA flag. He also reminded all that 9/14/07 is a day of recognition for those missing in action.

Mr. Bechtold's second concern regards the verbal assault of city staff stating that someone was bragging about that issue and this was confirmed by staff. Mr. Bechtold thinks we should have a plexi glass window with a pass through. The city also needs a policy in place for lock down situations. Stearns County Soil & Water District has a policy that once you lose your right to come to the window to discuss matters they are sent a registered letter stating they now have to make an appointment and they have a deputy present. You can't take these threats lightly.

The Council agreed that nobody should have to take threats.

Dave Volkmuth –25754 Lake Road stated this is the best council meeting they ever had. Mr. Volkmuth voiced concern that the city is spending too much money for a four color newsletter.

ADJOURNMENT – Motion by Member Volkmuth, second by Mayor Herberg, to adjourn the meeting at 9:26 p.m. Motion carried unanimously.

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

**BRIAN HERBERG
MAYOR**