

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, MARCH 19, 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, Susan Palmer, Jim Pflepsen, Don Simon & Randy Volkmuth. Absent: Jeff Hagen.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen, Fire Chief Jeff Howe, Park & Recreation Chair Scott Stenseth, & Engineer Scott Hedlund.

Planning Commission members present: Chair Toni Honer.

Others present were: Tудie Hermanutz, John Peck, Dave Volkmuth, Mike & Marvin Schneider, Roger Schmidt, Jerry Schmitt, Joe Sponheim, Clarence Bloch, Jon Lentz, Maureen Heiserich, Bonnie Ring & John Koerber.

ADDITIONS TO THE AGENDA – There were none. Rena Weber reported that the business subsidy agreement has been removed from the agenda.

CONSENT AGENDA – Motion by Member Volkmuth, second by Member Simon, to approve the consent agenda as presented.

Member Pflepsen questioned the salt sand bills. Rick Hansen replied that the agreement with Stearns County is for the liquid that we put on with the salt sand.

Member Simon questioned the bill for a manhole cover. Rick Hansen replied that this was installed at the post office.

- a) **Approve minutes of 3/05/08, 3/11/08 & 3/12/08**
- b) **Approve Treasurer's Report of 03/19/08**
- c) **Approve List of Bills and Additions of 03/19/08**

Accounts Payable CK #010005 to 010043	\$22,843.03
EFT #000134	415.06
Payroll CK #003015 to 003022	5,963.74
- d) **Approve Clear Lake Lions 1 day gambling license 6/6/08 – 400 Club Resolution No. 2008-09 (A copy is hereby attached and marked Exhibit A)**

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

BOARD/STAFF REPORT

POLICE REPORT –Sgt. Jon Lentz was present to report that there were 50.5 contract hours for the month of February. In response to Member Palmers question on the year end statistics Sgt. Lentz reported the following for the years 2005 to 2007

- Citations (176) 2005 (196) 2006 (170) 2007
- Total calls (1903) 2005 (1085) 2006 (1992) 2007
- County Road 8 – 7 speeding citations in 2008

MAINTENANCE DEPARTMENT – Rick Hansen reported on the following:

SWEEPING BID – Rick Hansen requested approval of Parking Lot Sweeping bid of \$63.00/hour and there is \$1700 in budget.

Motion by Member Volkmuth, second by Member Palmer, to approve the bid of Parking Lot Sweeping at \$63.00 hour.

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

PLANNING COMMISSION – Chair Toni Honer reported on the following:

RAYMOND SCHNEIDER PRELIMINARY & FINAL PLAT – Chair Honer reported the Planning Commission considered approval of a Preliminary & Final Plat to be known as:

SCHNEIDER ADDITION

Said plat has a legal description of: Tract of land lying and being in the County of Stearns, State of Minnesota, described as follows to-wit:

That part of the SW 1/4, and that part of the SW 1/4 of the SE 1/4 of Section 25, Township 123, Range 29, Stearns County, Minnesota lying Westerly of County Road No. 141. LESS AND EXCEPT the following described tracts:

- 1.) The North 2 rods of the East 82 rods of the SW 1/4 of Section 25, Township 123, Range 29.
- 2.) That part of the W 1/2 of the SW 1/4 of Section 25, Township 123, Range 29 lying North of the following described line: Commencing at the Northwest corner of said W 1/2 of the SW 1/4; thence South 00°00'00" West (assumed bearing) along the West line thereof for 840.51 feet to the point of beginning of the line to described; thence South 90°00'00" East for 583 feet; thence North 45°49'47" East for 165.91 feet; thence South 90°00'00" East for 400 feet to the East line of the West 1102 feet of said W 1/2 of the SW 1/4 and there terminating.
- 3.) The West 16.5 feet of the North 545.00 feet of the South 1060.00 feet of the W 1/2 of the SW 1/4 of Section 25, Township 123, Range 29, Stearns County, Minnesota, together with that part of the West 1102.00 feet of said W 1/2 of the SW 1/4 lying North of the South line 1060.00 feet thereof and South of the following described line Commencing at the Northwest corner of said W 1/2 of the SW 1/4; thence South 00°00'00" West (assumed bearing) along the West line thereof for 840.51 feet to the point of beginning of the line to described; thence South 90°00'00" East for 583 feet; thence North 45°49'47" East for 165.91 feet; thence South 90°00'00" East for 400 feet to the East line of the West 1102 feet of said W 1/2 of the SW 1/4 and there terminating.
- 4.) The North 545.00 feet of the South 1060.00 feet of the West 816.50 feet of the W 1/2 of the SW 1/4, Section 25, Township 123, Range 29, Stearns County, Minnesota.

NEW LEGAL DESCRIPTION: LOTS 1 & 2 – BLOCK 1 – SCHNEIDER ADDITION

Chair Honer reported that the parcel is 108.89 acres. The proposal is to subdivide into 2 lots. Lot 2 will need a declaration of restriction which means that they need to restrict 30 acres on their property. Lot 1 only has a total of 10 acres. The Zoning Code requires a total of 40 acres. For the record 11 notices were sent out.

The Planning Commission recommends approval of the Preliminary and Final Plat to be known as Schneider Addition provided that documentation of the de-certification of the feedlot is provided, further that a declaration of restriction be placed on 30 acres and finally that Lot 1, Block 1 be changed to 10 acres.

Member Pflapsen questioned if there is going to be another house in this area. It was reported that the farm house is located in the 10 acres and that is being sold to the grandson of the Schneider's. There is no plan for an additional house on Lot 2, Block 1 at this time.

Member Pflapsen referred to the notes from the city engineer requiring right of way, drainage easements, and it being platted? It was reported that platting is what they actually did.

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

RESOLUTION NO. 2008-10

RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT TO BE KNOWN AS SCHNEIDER ADDITION

WHEREAS, Raymond & Irene Schneider presented a preliminary and final plat to be known as Schneider Addition, and;

WHEREAS, concerns of the Planning Commission were noted, and

WHEREAS, persons wishing to address the Planning Commission were given an opportunity to do so.

WHEREAS, proper notification and publication had been given.

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

1. **Said preliminary & final plat is hereby approved as presented and recommended by the Planning Commission with the following conditions:**
 - a) **Lot 1, Block 1 shall be a total of 10.0 acres**
 - b) **A Declaration of Restriction in the amount of 30 acres be placed on a portion of Lot 2, Block 1.**
 - c) **The decertification of the feedlot is made a part of the record.**

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

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

Motion passed on a 6 to 0 vote.

MIKE NISTLER - Chair Honer reported that Mike Nistler came to them looking at the possibility of changing the use of their barn into a reception hall and a sub-committee did meet with him at the site on 3/18/08. The group will get a report together on their findings.

SHORELAND COMMITTEE – Chair Honer reported that the Shoreland Committee met with the Council again and reviewed the ordinance more in depth. They were encouraged to do a more stringent change to the ordinance in two areas:

- 1) Strengthen up 50' boundary so language is more strict
- 2) Full tear downs require vegetation and come up with some other improvement where larger additions require vegetation

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

Summer Ball Program Sign up – 3/29/08 from 9 a.m. to 10 a.m. at City Hall

9th annual Easter Egg hunt – 3/22/08 Ages 0 -10 with prizes for each age group

Request for Council Action – Trails Task Force Member John Peck was present.

The Park and Recreation Department would like to request from the City Council permission to spend \$650 for a Purple Martin House to be installed in Eagle Park. The Purple Martin house will be purchased from Clarence Legatt, from Designated Funds (Eagle Park) for the Trails Task force E 202-45122-511. It will be maintained for the foreseeable future by members of the Trails Task Force. Mr. Peck went on to explain the construction of the bird house and that it will house a colony of 15 purple martins.

Member Simon voiced concern that this is a lot of money for a bird house. \$650 is excessive.

Member Pflepsen questioned if the Martin's are even going to come? What interaction will there be with the eagle? John Peck indicated there is no guarantee and more than likely there won't be any birds the first year. The Trails Task Force brought in an expert from the Mille Lacs Band of Ojibwa to show them where to place the bird house.

Member Palmer asked what amount of money is in the designated fund. John Peck indicated there is \$13,000. Member Palmer asked if there is a plan. Yes, there is a master plan, but it does not include martin houses.

Member Volkmuth stated that he too has concerns with the \$650. The Council will most certainly get bad press if we approve this.

Scott Stenseth asked what is the point on having designated funds if you don't spend it on the park. The developer's have paid for the park land dedication and a portion has been set aside for the Eagle Park.

Member Pflepsen indicated that it is our job to approve expenditures that are justified, not just because it is designated, but is there a policy and what are the goals?

Member Simon suggested they start with a smaller unit first.

Member Pflepsen indicated that he would like to discuss this more.

Motion by Member Volkmuth, second by Member Simon, to deny the request and go with something smaller.

Discussion was held regarding the following:

- Copies of the plan for the park to the council
- Discussed five year plan for all of the parks to allow for changes reviewed annually
- Survey on what people would like to see go in the parks

Member Pflapsen suggested the Park Board draft a 2008 improvement plan which creates a list with the amounts.

Mayor Herberg indicated that the thought process was that Eagle Park would be a learning park. We have all kinds of people in this that have different ideas for what they appreciate.

Member Pflapsen commented that there were an awful lot of people who volunteered their time to this park. People need to look at the hardware that is there and justify it. He wants to be very careful, but continue to support the people who have a driven interest in supporting Eagle Park

John Peck indicted that Eagle Park is indeed a learning park.

Member Palmer indicated sometimes you have to spend money to make the city an attractive place to live.

Dave Volkmuth – 25754 Lake Road indicated that this is unique and a good thing for the community. Mr. Volkmuth stated that he would pay $\frac{1}{2}$ the cost and if the city paid $\frac{1}{4}$, he will get somebody else to help out with the remaining $\frac{1}{4}$.

Member Volkmuth rescinded his motion, Member Simon rescinded as well.

Member Pflapsen offered that if Mr. Volkmuth will pay for $\frac{1}{2}$, the city should pay the other $\frac{1}{2}$.

Motion by Member Palmer, second by Member Ahles, to accept Dave Volkmuth's offer of paying $\frac{1}{2}$ the cost and further that the city will pay the other $\frac{1}{2}$ (\$325 each).

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

Motion passed on a 6 to 0 vote.

Next meeting is the first Thursday in April.

Member Simon asked John Peck (Stearns County Park Board member) if there will be a sledding hill in the county park. Mr. Peck was not aware of one.

NEW BUSINESS

PICKUPS'N POWER SPORTS – Maureen Heiserich was present to request deferment on their sewer/water hook up. They are in the process of selling their family business as it has not been financially good for them.

Member Pflapsen questioned who is selling it for them? Maureen Heiserich stated they are trying to sell it on their own.

Mayor Herberg requested that in the sale agreement that the new owner must hook up or they will have to do it. We do not want to have to deal with the new owner.

Motion by Member Volkmuth, second by Member Palmer, that due to extenuating circumstances of a family business the council hereby defers the hookup for one year or until the sale of the building occurs, but hook up is mandatory then and SAC/WAC is included in the sale agreement.

Member Pflapsen indicated that normally special assessments will have to be paid up front or the new owner can assume the assessments.

AYES: Ahles, Herberg, Palmer, Simon & Volkmuth

NAYS: Pflapsen

Motion passed on a 5 to 1 vote.

JEFF HAGEN RESIGNATION - Mayor Herberg reported that Jeff Hagen has submitted a letter of resignation dated 3/7/08. He and the Administrator both researched the replacement with the League of MN Cities and this seat will have to be filled by way of council appointment.

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

RESOLUTION NO. 2008-08

RESOLUTION ACCEPTING RESIGNATION & DECLARING VACANCY IN CITY COUNCIL

WHEREAS, Jeffrey S. Hagen submitted a letter of resignation on March 7, 2008 from the Rockville City Council and any related committee that accompanied that seat, and;

WHEREAS, approximately 10 months remain to be filled in said position which could be filled by appointment of the City Council.

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

- 1. Said resignation of Jeffrey S. Hagen is hereby accepted.**
- 2. The Council hereby declares a vacancy in this position effective immediately.**

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

Motion passed on a 6 to 0 vote.

Discussion was held regarding filling the seat: advertise or go back to the last election results.

Mayor Herberg indicated it is not an option to reduce the size of the council at this time. Mayor Herberg suggested the council go back to the last election. Rena Weber read the results of the 2006 election:

Jeff Howe	440
Ed Karls	394
Duane Willenbring	385

Jeff Howe indicated that he was not interested.

Tudie Hermanutz indicated that Bonnie Ring is interested.

Member Pflapsen wanted to sit on it and talk to other people.

Mayor Herberg urged the council to set some time by when a decision would be made.

Motion by Member Pflapsen, second by Member Volkmuth, to schedule discussion on the replacement at every meeting between now and May 7th, and further to solicit applications.

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

Motion passed on a 6 to 0 vote.

ENGINEER REPORT – Scott Hedlund had nothing to report.

COMMITTEE REPORTS

MAYOR'S REPORT - Mayor Herberg reported that he will update residents on what is going on at the legislature once he hears back from our representatives.

SPECIAL ASSESSMENT POLICY – Representative Tudie Hermanutz reported the committee met on 3/12/08 at which time 8 of the 10 committee members were there. She reported that they are done with the educational portion and now was time to get into the nitty gritty of the policy.

- 1) We would add to line item #4 “not to assess for anything that we did not spend money on.”
- 2) She noted there is a clause in the policy that talks about unique situations that would have to be handled by the council.
- 3) She urged the Council to look at Main Street as the unique situation.
- 4) They hassled over the schedule of cost Vs actual cost – ended in a deadlock.

Member Pflapsen questioned the fact that Don Landwehr is gone quite a bit. Mayor Herberg reported the committee talked about that at the beginning and the committee was okay with it.

Mayor Herberg indicated that they should have this wrapped up in one or two more meetings.

Member Pflapsen questioned why were people abstaining? Tudie indicated that some had more questions regarding the issue.

Member Palmer stated that she wants a chance for conversation to discuss this more.

PERSONNEL COMMITTEE – Chair Volkmuth reported the committee met on 3/10/08 and discussed the following:

2ND ASSISTANT JOB DESCRIPTION – The Personnel Committee met and reviewed the revised job description for 2nd Assistant which includes the duties of Secretary and recommends approval.

Motion by Member Volkmuth, second by Member Ahles, to approve the 2nd Assistant Job Description as presented.

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

Motion passed on a 6 to 0 vote.

AUTHORIZE IN HOUSE ADVERTISEMENT – The Committee also recommends in-house advertisement to fill this position.

Motion by Mayor Herberg, second by Member Ahles, to authorize in-house advertisement for 2nd Assistant.

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

Motion passed on a 6 to 0 vote.

FULL-TIME MAINTENANCE POSITION – Chair Volkmuth reported that the part-time employee would like to go full time and the Committee is under the understanding that Rick is putting in overtime because of this. The additional cost to go to a full-time position is approximately \$9,984. The City spent \$10,020 contracting with Paul Hoeschen in 2007 which will now be saved with Rick Hansen getting his licenses. There is \$5,000 in the 2008 water/sewer budgets leaving a \$5,000 deficit. The \$5,000 could be covered by the decrease in OT, but the Personnel Committee would like the Finance Committee to review this.

Member Palmer stated she did not like the way it was introduced, but liked the follow up with the reductions.

Member Ahles voiced concern that there is a safety issue too. Some jobs require that there should be two people on site. Nick Pung performs maintenance on fire trucks so there is a saving of costs there.

It was reported that he takes care of all the trucks and is a valuable employee.

Member Simon reported that the new trucks require different maintenance so the Fire Department only does truck checks.

Member Palmer questioned the budget amendment to take care of this.

Member Volkmuth indicated that we need to send this back to the Finance Committee.

Motion by Member Palmer, second by Member Volkmuth, to table action on this request, send it back to the Finance Committee for a recommendation at the 4/2/08 meeting.

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

Motion passed on a 6 to 0 vote.

Member Volkmuth indicated that the job description should be reviewed.

A Finance Committee meeting was scheduled for 3/24/08 – 6:00 p.m. to discuss this matter.

ADMINISTRATOR REPORT

CRIMINAL ATTORNEY REPORT – Rena Weber reported that the Janelle Kendall report shows the numbers are up, but is still within the contract.

Member Pflapsen noted that of the 137 cases 110 are motor vehicle related. 27 were cases relating to noise, fireworks, fishing, etc. All in all it was a pretty quiet year in Rockville.

SMALL CITIES DEVELOPMENT PROGRAM – Rena Weber reported that Heidi Peper received word this morning that Rockville's joint application for SCDP funds was not funded along with 11 other applications. Heidi will contact each of the applicants to inform them of the situation.

MCFOA – Rena Weber reported that she attended the MCFOA conference and cited a few of the things she learned regarding lawful gambling, liquor licensing, etc.

OPEN FORUM

No one came forward.

BUSINESS ASSOCIATION MEETING – Member Ahles reported that he attended the Business Association meeting on 3/18 and there was discussion on using the Freedom Auto sign to advertise downtown businesses. Rena Weber reported that a variance was granted for this sign and she would need to review the sign ordinance.

ADJOURNMENT – *Motion by Member Volkmuth, second by Mayor Herberg, to adjourn the meeting at 7:38 p.m. Motion carried unanimously.*

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

BRIAN HERBERG
MAYOR

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