

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JULY 2, 2008 - 6:00 P.M. – ROCKVILLE CITY HALL.

The meeting was called to order by Mayor Brian Herberg. Roll Call was taken and the following members were found to be present: Mayor Brian Herberg, Council Members Vern Ahles, Bill Becker, Susan Palmer, Jim Pflapsen, Don Simon, & Randy Volkmuth. Absent: None.

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

Others present were: Tудie Hermanutz, Mike Hoffman, Brian & JoAnn Hatten, Ev Balko, Aaron Cheeley, Gene Merten, Jeff Hagen, Charles Craft, Jennifer Diedrich, Liza Fuchs, Kevin Erkens, Jerome & Donna Karls, Duane Willenbring, Clarence Bloch & George Bechtold.

ADDITIONS TO THE AGENDA – Motion by Member Volkmuth, second by Member Palmer, to approve the additions to the agenda for discussion purposes.

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

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

- a) **Approve minutes of 06/04/08 & 06/05/08 Joint Working Session**
- b) **Approve Treasurer’s Report of 07/02/08**
- c) **Approve List of Bills and Additions of 07/02/08**

Accounts Payable CK #010293 to 010365	\$191,048.42
Payroll CK 003093 to 003114	12,144.78
EFT #000140 & 000141	779.51
- d) **Approve Fireworks Display permits: Pleasant Lake 7/3/08**
Grand Lake 7/4/08
Sommer Family 7/26/08 (Grand Lake)

Member Becker questioned the Sommer Family fireworks permit and wondered if this was common practice. Rena Weber reported this was a special event and the paperwork is in order.

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

BOARD/STAFF REPORT

MAINTENANCE DEPARTMENT – 210th STREET SPEED INVESTIGATION STUDY

Rick Hansen requested approval of a resolution requesting MNDOT to do a speed investigation study on 210th St. This is based on the concern of a citizen.

Member Pflapsen asked who pays for the study. Rick Hansen reported this is a free service. Member Pflapsen indicated it is his understanding there are no signs on the road at present and it is not a safe road.

Rick Hansen reported that MNDOT drives it and determines the speed.

Member Pflapsen asked if we can just put up signs. No it would open the city to liability issues.

Scott Hedlund indicated the city can post advisory speed limit signs (yellow)

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

RESOLUTION NO. 2008-17
RESOLUTION REQUESTING SPEED INVESTIGATION STUDY ON
210TH STREET IN THE
CITY OF ROCKVILLE

WHEREAS, Certain speeding problems have been noticed on 210th Street, and;
WHEREAS, It is in the best interest of the City of Rockville to ensure the safety of its residents.

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

- 1. The City Council hereby requests that a speed investigation study be done on 210th Street in the City of Rockville.**

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

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

PURCHASE 735 GALLON TANK FOR PARK USE – Rick Hansen requested approval to purchase a 735 gallon tank for Park use (From Mimbach Fleet) Cost \$823.19 Code E 101-45122-590 Project code 200402
 From Designated Funds Ballfield Improvements-CIP Balance available is \$9,700.00

Pump and Fittings for 735 gallon tank for Park use (From Mimbach Fleet) Cost \$601.95
 From Designated Funds Bleachers/Ballfield Repair Balance available (after subtracting \$2,500 for Beumer Outdoors bill) is \$379.25.

Code E 101-45122-537 Project code 200402 \$379.25 Use up remainder of Designated Funds for Bleachers/Ballfield Repair

Code E 101-45122-590 Project code 200402 \$222.70 From Designated Funds Ball field Improvements-CIP \$601.95

Motion by Member Volkmuth, second by Member Simon, to approve the request as presented using the designated funds.

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

PLANNING COMMISSION – Chair Toni Honer reported on the following:

LEAL LLC ADMINISTRATIVE PLAT – DAVID SCHLOUGH STAFF REPORT

RE: ADMINISTRATIVE PLAT

76.42170.014 Owners: LEAL, LLC (David Schlough)

Property Address: Intersection of Holly Road & 80th Ave, St. Cloud, MN 56301
 (former mound site for residents on Holly Road)

REQUEST

Approval to sub-divide 1201 Square Feet from Parcel A to Brad Johnson for non-building purposes only.

RELEVANT INFORMATION

- Property is zoned R-1
- Property is 1201 SF approximately.
- David Schlough, representing LEAL, LLC is asking approval to square off the NE corner of the vacant lot and convey said triangle to Brad Johnson (abutting property owner). This is in exchange for the Schlough's providing an access easement to Pleasant Lake.
- Schlough's are in the process of selling this vacant lot as a buildable lot.

RECOMMENDATION

Approve as presented. The Planning Commission approved this transaction.

Motion by Mayor Herberg, second by Member Ahles, to approve the Administrative Plat as presented.

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

APS – STORAGE BUILDING – Chair Honer reported that the Planning Commission considered approval of the APS storage building:

RE: SITE PLAN APPROVAL

76.41630.010 Owners: JAGG PROPERTIES, INC (Aaron & Jason Miller)

Property Address: 1495 Broadway Street West, Cold Spring, MN 56320

REQUEST:

Approval to construct 76' x 126' accessory structure in I-1 District.

RELEVANT INFORMATION

1. Property is zoned I -1
2. Property is 15 acres in size
3. The owner is proposing to remove the hoop structure
4. Subdivision 7 – Site Plan – Certificate Survey reads:

Subdivision 7: SITE PLAN - CERTIFICATE OF SURVEY

Prior to the issuance of a building permit for any building within an I-1 District a site plan for the property must be approved by the City Council after review and recommendation by the Planning Commission. The site plan must contain at a minimum the following:

1. *The current and proposed use of the property;*
2. *All structures and their dimensions and location;*
3. *Location of waste facilities including measures used for enclosure and screening;*
4. *Location of the water supply and utilities;*
5. *Elevations and drainage facilities (including storm sewers and ponds);*
6. *Streets and ingress and egress;*
7. *Parking (including typical size and locations of handicap spaces) and loading areas;*
8. *Landscaping (including features and types of materials to be used);*

Screening and fences (including types and heights of fencing);

9. *Lighting locations and types of fixtures;*
10. *Location and size of signs;*
11. *Distances to surrounding buildings and surrounding land uses;*
12. *Certificate of Survey if required by the Zoning Administrator or Planning Commission; and*
13. *Any other information deemed necessary by the Zoning Administrator or Planning Commission.*

RECOMMENDATION

1. Approve as presented.

Discussion was held regarding the hoop structure in the rear of the building presently. It was determined that a permit for the structure was issued in 2004 therefore it is allowed since the present ordinance was not in place.

Building Official Jeff Howe indicated that hoop structure should be able to hold up under a certain amount of snow load. This will be reviewed further at the Planning Commission level.

Motion by Mayor Herberg, second by Member Simon, to approve the site plan for APS Solutions as presented.

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

Motion passed on a 7 to 0 vote.

DENNIS FELCH – INTERIM USE PERMIT – Chair Honer reported that Dennis Felch wishes to put up an accessory structure before the primary structure is built.

RE: SITE PLAN APPROVAL

76.42173.002/001 Owners: Dennis & June Felch

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

REQUEST:

Approval to construct 32' x 56' accessory structure in R-1 District prior to construction of principal structure.

RELEVANT INFORMATION

1. Property is zoned R -1
2. Property is 265.50' x 400' deep.
3. The owner is proposing horizontal siding and standard roofing shingles.

4. New structure cannot be built over sewer easement.
5. New structure will not exceed 25' in height.
6. 14 notices were sent out.
7. Height of proposed structure: 12' with a 4/12 roof pitch

RECOMMENDATION

1. Sewer is available for new house when built.
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. It appears there are wetland(s) in the property.
4. Only one driveway/access off Lena Lane should be allowed for this parcel (i.e. not allow a second access when the home is built).
5. Approve interim use permit with these conditions.

6/10/08 – Dennis Felch has submitted information on where the proposed house would be located and distances from any lot line per the request of counsel at the 5/13/08 meeting.

Motion by Member Volkmuth, second by Member Ahles, to approve the Interim Use Permit File No. 08-01 (a copy of which is hereby attached and marked Exhibit B).

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

Motion passed on a 7 to 0 vote.

ORDINANCE 2008-50 & 51 – Chair Honer reported that the Planning Commission has reviewed both of the proposed ordinances and recommends approval as presented.

Motion by Member Palmer, second by Member Becker, to schedule a public hearing on 7/16/08 at 6:30 p.m. for ordinances 2008-50 and 2008-51.

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

Motion passed on a 7 to 0 vote.

FIRE DEPARTMENT – Chief Jeff Howe was present to request council approval to set a fee for use of the fire trucks to fill swimming pools within the jurisdiction. \$150.00 would pay for 3000 gallons of water and fire fighters time that need to go. It is good customer service and provides training for new Fire Fighters.

Motion by Member Volkmuth, second by Member Simon, to establish a fee for use of Fire Truck equipment to fill swimming pools at \$150.00 for 3000 gallons of water with the funds being broken down to various departments.

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

Motion passed on a 7 to 0 vote.

PUBLIC HEARING – 260TH STREET 6:23 P.M. Mayor Herberg announced that a public hearing would now be held to consider the reclaim improvement to 260th Street.

Engineer Scott Hedlund presented a report on the project, the project limits, there will be no changes to the road, 50/50 split with St. Joseph Township as it is St. Joseph Township's request. Scott indicated that 260th Street has been identified by the Public Works Director and Engineer as a high priority need of the city.

\$195,000 – Total estimated cost for Engineering, soil borings & contingency
 Overlay on this street is not a good fix. Scott Hedlund is proposing to assess according to the assessment policy per schedule of costs. There are three parcels, two by the same property owner –SP-1 District. Scott explained the assessment policy and how it is applied to the district \$97,500 city costs with \$5,363.42 being assessed.

The City would not borrow for this and use Fund 215 monies.

76.41609.010	Hansen	\$ 846.86
76.41607.700	Karls	\$3,782.04
76.41607.800	Karls	<u>\$1,129.14</u>
		\$5,363.42 total

Jerome & Donna Karls, 12213 260th Street were present to ask:

- Donna asked what is wrong with the road.
- Jerome Karls drives it every day and wants to see one spot that is bad. There are no holes and not one pothole. Compared to 270th Street in St. Joseph this is a good street
- Why doesn't St. Joseph Twp. cut the weeds?
- Jerome is concerned that the road was moved on his side as there should have been 33' on both sides.
- Jerome would like to take somebody out there to see it.
- What kind of traffic is going to be on the road that would warrant a change?

Scott Hedlund reported this is a fairly well used road and acts as a cut through.

- Donna indicated there are other roads in Rockville that need more attention than this.

Rick Hansen stated this road is to the point that we will not spend any more money on crack filling/seal coating.

- Donna asked how many times the city would have to fill the cracks to make up the \$92,000. Brian Herberg indicated it is a little more complicated than that.

Scott Hedlund explained the length of time and how a road deteriorates.

Member Becker asked on the priority list for the city when we would have done the project? Not for 5 to 10 years was reported.

Member Becker stated the reason he asked was because 5 years from now the cost would be higher and would the Township be willing to cover ½ the cost.

Member Palmer stated that maybe there should be a discussion with St. Joe saying not this year and set a time. We have a lot of street issues and suggested we meet with St. Joseph Township and put it on the list.

Mayor Herberg thought it would be prudent to sit down with all of our neighbors and discuss all shared roads.

Member Pflapsen stated he agrees with Donna & Jerome Karls. The road is not in bad shape, he doesn't hit a pot hole, but that does not mean it is too bad. The city did not recognize it as a top priority. We are in an overall financial status where people cutting back on spending should make the city cut back too so he can't support it.

Donna Karls stated that if you fix up the road hot rodding will occur and there are children right next to that road.

Jerome Karls stated that with the price of fuel as it is people will cut back on their driving.

Rick Hansen stated it is not economically feasible to stick any maintenance money in it.

Duane Willenbring, 25123 County Road 139 stated he does drive it periodically. With \$5,363.42 as the portion that is assessed, so \$91,540.00 goes to the taxpayers of the city and the Karls will pay a portion again. We are not in the position to squander spending that kind of money. There is nothing wrong with this road.

Motion by Member Volkmuth, second by Member Palmer, to close the public hearing at 6:45 p.m.

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

Motion passed on a 7 to 0 vote.

Motion by Member Volkmuth, second by Mayor Herberg, to deny the request from St. Joseph Township to reclaim 260th Street.

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

Motion passed on a 7 to 0 vote.

Member Palmer suggested the city talk to St. Joe Township about long term planning.

Member Ahles asked does St. Joe have that good of roads.

Motion by Mayor Herberg, second by Member Volkmuth, to start negotiations with all neighbors that we join roads with so we come up with a long term plan.

Member Pflapsen stated they must be on a 50/50 basis.

Member Palmer stated she agrees with Mayor Herberg in that we need to look at their things in terms of priorities.

Member Pflapsen stated that St. Joseph Twp. does have worse roads, but if half gets paid by somebody else it makes it easier.

Member Ahles stated that sooner or later we have to fix some roads.

Member Palmer indicated we are working on a plan. There is no time frame set for the priorities. We don't have any idea when we will do our top priority road so we have to get our ducks in a row.

Member Simon indicated that priority one roads should be looked at.

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

NAYS: Pflapsen

Motion passed on a 6 to 1 vote.

ENGINEER/ATTORNEY REPORT

400 CLUB DRAINAGE PROJECT – Attorney Jim Mogen stated that in regards to the 400 Club Drainage project we need to work with the DNR on the access property. He has been trying to get in contact with Trygve Hanson as there is an easement that burdens the access. There is no easy way of cleaning that up and Jim recommends taking quiet title action, hopefully nobody fights it. The DNR has to step up and take this action with the St Paul group.

Scott Hedlund stated that he talked to the same representative and the DNR will work with us.

DETACHMENT PETITION – Attorney Mogen reported that a Scheduling Conference has been set for August 19th with a follow up date on August 22ND at 9:00 A.M. in Rockville City Hall. They are requesting sound and recording capabilities.

COUNTY ROAD 82 ASSESSMENT –Attorney Mogen indicated that at the last council meeting the council directed the engineer to draft the assessment roll according to the new amended assessment policy. The council also approved the assessment roll. He recommends the council re-adopt the assessment roll as amended and today will start the clock for the 30 day. The city is able to adopt an assessment without another public hearing as long as the assessment is changed and lowered.

Member Becker asked have the residents been notified. Jim Mogen stated this has been a 1 ½ year process and people were notified as part of the process.

Scott Hedlund explained the two shaded columns, one being the Schedule of Costs, and what was actually assessed based on costs not covered by another entity per the recent changes to the assessment policy.

Costs for Elm Street, the storm sewer by the Ball Park, the trail, and Birch Street were taken out. He took out the contentious issues and further took the lesser costs of column A or B.

Member Pflapsen stated this assessment was basically approved by the Special Assessment Policy Committee and only the actual costs were assessed.

Scott Hedlund cited the following:

FUNDING USES

City Share of Participating Project Street & Storm Sewer Costs	\$111,120.22	
City Share of Project Concrete Sidewalk Costs	13,188.29	
City Share of Project Concrete Curb & Gutter Costs	0.00	
City Requested Additional Work Outside Project	<u>61,531.60</u>	
Subtotal - City Construction Costs		\$185,840.11
Engineering - City	\$ 13,768.11	
Legal - City	4,078.00	
Administrative - City	48.29	
ROW - City	0.00	

Financing - City	10,000.00	
Contingency (5%)	<u>5,000.00</u>	
Subtotal - City Soft Costs		\$32,894.40
Total City Project Cost		\$218,734.51
FUNDING SOURCES		
Assessments *		129,802.11
City Ad Valorem Taxes		<u>88,932.40</u>
Total City Project Funding		\$218,734.51

*Assessment Methodology:

1) Calculate the assessment of the street & storm sewer, concrete sidewalk, and concrete curb & gutter costs per the City's Schedule of Costs.

2) Calculate pro rata assessment of City's share of the Project street & storm sewer costs by dividing said cost by the total assessable footage of the project (including City owned parcels). Project street & storm sewer costs are the City's share of the participating Project storm sewer construction cost plus the pro rata share of the total City soft costs.

3) Calculate pro rata assessment of City's share of the Project concrete sidewalk costs by dividing said cost by the total assessable footage of the project (including City owned parcels). Project sidewalk costs are the City's share of the Project concrete sidewalk construction cost plus the pro rata share of the total City soft costs.

4) Calculate pro rata assessment of City's share of the Project concrete curb & gutter costs by dividing said cost by the total assessable footage of the project (including City owned parcels). Project concrete curb & gutter costs are the City's share of the Project concrete curb & gutter construction cost plus the pro rata share of the total City soft costs.

5) Note: Costs for City-requested drainage improvements off County Road 82, Elm Street Street & utility improvements, and the Rocori Trail are not included in the Project costs used for the assessment calculations in 2, 3, and 4 above.

6) Net Assessment is the lesser of the Schedule of Cost or Actual Cost After Outside Financial Assistance calculations.

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

RESOLUTION NO. 2008-18

**RESOLUTION RE-ADOPTING ASSESSMENT FOR THE COUNTY ROAD 82
TURNBACK IMPROVEMENT PROJECT.**

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed assessment for 2007 County Road 82 Improvement Project, and has amended such proposed assessments as it deems just;

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

- 1. Such proposed assessment, a copy of which is attached hereto and made part hereof is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land there is hereby found to be benefited by the proposed improvements.**
- 2. Such assessment is hereby attached and marked Exhibit A.**
- 3. The remaining assessments shall be payable in equal annual installments including principal and interest extending over a period of 10 years, with interest rate of five percent (5.0%) per annum, in the amount annually required to pay the principal over such a period at such a rate, the first of said installments to be payable with general taxes for the year 2009, collectible with such taxes during the year 2009. Interest shall accrue from and after August 2, 2008.**
- 4. The owner of the property so assessed may at any time prior to the certification of the assessment to the County Auditor, pay to the Administrator/Clerk, and thereafter at any time prior to November 15 of any year pay to the County Auditor or Administrator/Clerk, the whole of the principal amount of the assessment on such property provided that no such prepayment shall be accepted without payment of all installments due to and**

including December 31 of the year of the prepayment, and the original principal amount reduced only by the amounts of principal included in such installments computed on an annual amortization basis.

- 5. *The Administrator/Clerk shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.***

The motion for the adoption of the foregoing resolution was duly seconded by Member Simon and upon a vote being taken thereon, the following voted in favor thereof:

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

Motion passed on a 7 to 0 vote.

ROCK FEST – Kathleen Stanger reported on the following updates for Rock Fest:

- Bill Becker is in charge of the cow chip contest.
- Looking for volunteers, hay pitching contest still needs someone in charge
- Dan Winters is coordinating the western re-enactment theme and for the council's information the guns used in the scene will be shooting blanks
- Council approval was given, but Kathleen must notify the sheriff
- Next meeting – 7/30/08 – Granite Edge 7:10 p.m.

STONE'S & DOUBLE DEUCE STREET DANCE – Liza Fuchs and Jennifer Diedrich were present to seek approval to close the street (County Road 82) on 8/22/08 to sponsor a beer garden. They will have one band – The Muffin Man will play from 6 p.m. to midnight.

Member Palmer asked if this has been reviewed by the Fire Department.

Member Becker questioned if the road will be barricaded off to the people so that the emergency vehicles can get through. Liza Fuchs indicated the road would be blocked and emergency vehicles will have to use Hwy. 23.

Mayor Herberg explained how the road was closed for the Centennial so there will be a lane open so that the emergency vehicles can get through.

Fire Chief Jeff Howe asked if the road could be split 50/50.

Rena Weber asked about the security that evening. Liza Fuchs indicated they will pay for it.

Mayor Herberg asked about additional toilets and clean up of street. Liza Fuchs stated they will take care of both items and pay for it.

Member Becker questioned if there would be any body piercing and was informed that there would be none.

Mayor Herberg asked is this going to be a family oriented event and will the workers wear adequate clothing. Liza indicated this will not be a problem.

Motion by Member Palmer, second by Member Ahles, to approve the street dance with street blocked off, pending county approval. Further if the street is not cleaned the city will clean it and bill the two bar owners. Further still the event has to be family friendly. Said approval also includes approval of the one day on-sale malt liquor license.

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

Motion passed on a 7 to 0 vote.

APO MEMBERSHIP VS MAOSC – Mayor Herberg asked for council consideration in approving membership with the Area Planning Organization (APO) as the City of Rockville no longer falls under the Region 7W authority which seeks federal funding for road/trail projects.

Mayor Herberg indicated that the MN Association of Small Cities (MAOSC) is a lobbying organization only. If we are not members of the APO, who is our funding source, we will not get any funding. City officials he talked with had been skeptical of joining the APO, but were okay with it in the end. Dues for each organization are:

\$2,658 – APO +\$500 for lobbyist

1,384 – MAOSC

Member Palmer asked if the MAOSC lobbies for the LGA. Yes.

Member Palmer reported the LMC lobbies for LGA too.

Mayor Herberg indicated the city can keep both memberships.

Member Pflapsen stated he has contacted the APO and their list of projects goes out 20 years. He is not sure that Rockville will ever get any funding.

Mayor Herberg explained that by Rockville joining, Stearns County is a big advocate of the Rocori Trail, and that puts two votes in for this project only.

Motion by Member Volkmuth, second by Member Ahles, to approve membership with the APO and deny membership with the MAOSC.

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

Motion passed on a 7 to 0 vote.

JEFF HAGEN REQUEST FOR INFORMATION - Rena Weber went through the request and how it is covered.

1. Accounting of all expenses for Special Assessment Committee meetings 2007 & 2008 – This was provided and can be completed now that the policy is amended.
2. Budget for fighting the secession – The council approved \$60,000 from the general fund balance.
3. Where is the money coming from – General fund balance of \$922,962 (12/31/07).
4. Monthly accounting of money spent on the secession – Staff to update monthly.
5. Where is the city budget-wise – Monthly reports are given to the council for approval and will continue to be done.

ADDITIONS TO THE AGENDA: Kevin Erkens and Jennifer Diedrich were present to request: ROCK FEST OFF-SITE GAMBLING PERMIT – Kevin requested approval of the one day off-site permit for gambling at the Granite Edge on 8/23/08.

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

RESOLUTION NO. 2008-19

RESOLUTION APPROVING A ONE DAY GAMBLING LICENSE

WHEREAS, The Rockville Lion's Club has requested a one day gambling license at: Granite Edge Cafe, 244 Broadway Street West, Rockville, MN 56369 on August 23, 2008, and;

WHEREAS, No objections were raised.

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

1. ***Approval of said license is hereby granted.***

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

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

Motion passed on a 7 to 0 vote.

SWITCHING THE GAMBLING LICENSE FROM THE ROCORI BAND BOOSTERS TO THE ROCKVILLE LION'S CLUB – Jennifer Diedrich asked approval to switch the gambling license from the Rocori Band Boosters to the Rockville Lion's Club effective 9/1/08.

Kevin Erkens indicated there was no issue with the gambling board.

Jennifer Diedrich stated she has informed the Rocori Band Boosters of the change.

Rena Weber requested a copy of the new lease agreement for approval.

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

RESOLUTION NO. 2008-20

RESOLUTION APPROVING A GAMBLING LICENSE

WHEREAS, The Rockville Lion's Club has requested a gambling license at: The Double Deuce, 201 Broadway Street East, Rockville, MN 56369 and;

WHEREAS, No objections were raised.

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

1. ***Approval of said license is hereby granted effective 9/1/08.***

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

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

COMMITTEE REPORTS

MAYOR REPORT – Mayor Herberg reported that he attended the following events:

LMC CONFERENCE – Mayor Herberg reported that in attending the LMC Conference he met with a representative from the Office of Administrative hearings and also heard issues from other cities regarding annexation. Also discussed/learned at the conference were: staffing issues, dealing with the media, small city financial viability and keynote speaker – Tom Kelly.

5TH MONDAY – School District 750 is planning on a building referendum in 2010. By 2011 the school bonds will be paid in full. The district completed a major strategic planning course.

STREET COMMITTEE – Chair Don Simon reported on the following:

MINNERATH/KRAEMER ASSESSMENT –Don reported that Loren Minnerath had requested price quotes for water/sewer extension to the Kraemer property as he intends to purchase it from Mrs. Kraemer. Two quotes were given:

- Based on the CR 82 Frontage and 2008 Schedule of Costs with trunk fees
\$50,871.04
- Based on Prairie Industrial Park methodology – no trunk – no additional WAC/SAC
\$59,706.28

Chair Simon reported that the Street Committee recommends approval of a \$55,000 assessment pending a signed agreement, further that WAC/SAC would still apply at the time of change.

Member Palmer questioned what would the trunk fee have been for Prairie Industrial Park.

Scott Hedlund reported there was no trunk fee in place at the time PIP was developed. Scott explained the process and with this being a corner lot, how he got to the two estimates.

Member Pflapsen indicated that since very few of the assessments are being paid in the Industrial Park this will be a good deal.

Mayor Herberg stated this assessment will include 1 sewer/water stub coming in from CR 82 and any more is over and above that.

Motion by Member Palmer, second by Member Ahles, to approve a \$55,000 assessment for water/sewer mains/services and one WAC charge to the Kraemer parcel pending a signed assessment agreement with a 5% annual increase if not paid.

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

CELL TOWER LEASE AGREEMENT – Chair Simon reported that Northern PCS Services LLC is requesting renewal of a lease agreement to use the water tower for a cell tower at 423 Maple Street. This is a 5 year renewal with an option for another 5 year renewal at 4% increase in rent each year. The Street Committee recommends approval of the lease agreement, but would like to see termination language in the agreement in the event the city discontinues use of the tower.

Motion by Mayor Herberg, second by Member Ahles, to approve the renewal lease agreement with Northern PCS Services, LLC effective 1/1/09 provided that termination language is added to the agreement by the city attorney.

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

CRANE PUMP – Chair Simon reported the Committee reviewed the letter from Crane Pump and the proposal to delete the late fees from the Crane Pump bill.

Rick Hansen reported that Ralph Walz has been hired to complete the replacement of the remaining 210 pumps. Rick suggested that this be done at more than 30/month in order to be done by December. Discussion was held regarding the installation of the pumps and how this will more than like not be completed by December 2008. The committee would like to see these done by November 2008.

Warranty starts the date of the manufacturer of the pump. As long as the pumps are made in 2008 and the warranty starts there – okay.

Concern was also voiced regarding city staff replacing these during the day during the warranty period and the city getting reimbursed. This needs to be clarified in a new agreement.

Deletion of Late fee – Brian Herberg suggested that a 25% reduction be given = \$1200 as a good faith gesture.

Motion by Member Volkmuth, second by Chair Palmer, to approve bumping up the number of pump replacements up so that all are installed by the end of November 2008 and further grant a 25% discount on the late fees based on the recommendation of the Street Committee.

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

BOWMAN SMALL CLAIMS COURT – Don reported the Street Committee reviewed the information regarding the claim for driveway replacement as part of the sewer project. No action was taken.

ADMINISTRATOR'S REPORT

ROCKVILLE COUNTY PARK MASTER PLAN – Rena Weber reported that Chuck Wocken from Stearns County Parks is seeking a Council appointment to serve on the committee developing the master plan. Don Simon volunteered.

Motion by Member Palmer, second by Member Ahles, to appoint Don Simon as the representative from the City of Rockville on the committee.

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

MDH – LETTER REGARDING LEAD & COPPER RESULTS – Rena Weber reported that a letter regarding the lead and copper results was included in the packets for council review and acceptance.

Motion by Mayor Herberg, second by Member Ahles, to approve and accept the results from the lead and copper testing done in the City of Rockville per the MDH letter dated 6/20/08.

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

CENTRAL MN INITIATIVE FOUNDATION – DONATION – Rena Weber reported that CMIF requests a donation annually and the city has donated \$500/yr in the past.

Motion by Mayor Herberg, second by Member Pflapsen, to approve the donation of \$500 to the CMIF for the 2009 budget.

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

OPEN FORUM

Tudie Hermanutz – 211 1st Street West asked what was happening with the railroad crossing stating it is worse than before. She would like the council to ask the county to fix it on her behalf as the city would have more pull.

Mayor Herberg indicated they have been out and told us it is good enough. Tudie was instructed to contact Commissioner Schaefer. The City will lean on the Commissioner as well.

Duane Willenbring – 25123 County Road 139 asked what the venue was for the County Road 82 assessment for 82 in regards to senior citizens. It was reported the city does have a deferment policy, however, the John Clark senior housing has one tax parcel # for 24 units and Mr. Willenbring was referred to the county for how that would be divided out. People still have to apply for deferment.

Bill Becker asked who owns the crosswalk by the 400 Club. The crosswalk is not really a crosswalk. The sign is set over from the crosswalk. Cherie Verkinnes will pay for the painting of

the crosswalk but, she would like something solid instead of diagonal lines. It was reported that the city does their part in painting the crosswalk

Don Simon asked Tудie Hermanutz who is taking care of the thistles in Eagle Park.

ADJOURNMENT – Motion by Member Ahles, second by Member Volkmuth, to adjourn the meeting at 8:11 p.m. Motion carried unanimously.

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

**BRIAN HERBERG
MAYOR**