

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,  
OCTOBER 3, 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 PflEPSen, Susan Palmer, Don Simon and Randy Volkmuth. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Maintenance Person Rick Hansen & Engineer Scott Hedlund.

Others present were: Tудie Hermanutz, Dave Volkmuth, Ev Balko, Nadine Schnettler, Mike Hofmann, Kathleen Stanger, Jerry Bechtold, Jim & Jennifer Diedrich, George Bechtold, Duane Willenbring & Joe Sponheim.

**DELETION OF ITEM 3e FROM AGENDA** – Lion’s club request for 3.2 on-sale non-intoxicating liquor license.

*Motion by Member Ahles, second by Member Simon, to approve the deletion of Item 3 e from the agenda as requested.*

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

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

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

a) *Approve minutes of 09/19/07 & 09/26/07*

b) *Approve Treasurer’s Report of 10/03/07*

c) *Approve List of Bills and Additions of 10/03/07*

*Accounts Payable CK #009539 to 009589*

**\$260,519.94**

*Payroll Checks CK#002843 to 002851*

**6,784.09**

*EFT CK #000121*

**365.80**

d) *Rockville Lion’s Club renewal of premise permit at Stoney’s & 400 Club*

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

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

**SCHOOL BOARD OPERATING REFERENDUM** – Nadine Schnettler – Rocori School Board Member was present to report on the district’s upcoming operating referendum and the reason why they are seeking the vote of the people. Information was distributed on:

Why do we need it?

How does the referendum help?

What does the referendum cost?

What happens if we don’t pass the referendum?

**BOARD/STAFF REPORTS**

**PLANNING COMMISSION** – Rena Weber asked the council to consider scheduling a public hearing on Ordinance No. 2007-41 – Accessory Buildings.

Member Volkmuth voiced concern on accessory structures being constructed without the principal structure with the exception of A-40.

Member Palmer indicated that if the structure is used for Ag purposes it would not fall under this restriction.

Member Hagen reported that the Planning Commission minutes (page 2) show that Member Tippelt asked if the ordinance refers to R-1 District only and the attorney stated that it applies in all districts.

Member Volkmuth also questioned the removal of accessory structure after a principal structure is removed. It was determined that the intent needs to be cleaned up too.

Member Palmer reported the Planning Commission did talk about this issue and the zoning administrator would then have authority to grant a reasonable time for the resident to rebuild.

Member Hagen asked if somebody wants to put up an accessory structure in which to store materials in anticipation of building a principal structure and if we don't allow them to reside in it or have water/sewer, and we are making the accessory structure materials compatible to what the main structure will be, what are our concerns with having the accessory structure in advance of the principal structure?

Member Hagen indicated that there should be a time limit set.

Member Pflapsen suggested that this could be subject to a variance and time lines agreed to.

Member Volkmuth indicated a year long time frame.

Mayor Herberg voiced concern on the policing issues. How do we handle those?

Member Ahles reported that there are areas of the A-40 district where there is only an accessory structure on it.

Jerry Bechtold reminded the council that the former township had several buildings like this where promises were made. The promise to carry on has never been fulfilled and the home is still not built.

Member Palmer reported that discussion was held even in Ag – what is the purpose of why they are putting the structure up and it should be for Ag purposes and not for some business.

Member Pflapsen stated that if there still are businesses out there operating we have a right to shut them down.

Member Volkmuth asked that there be some stipulation that within one year something must be made.

Member Hagen indicated that if structures were built when this was still a township and they are operating a business out of it then the right to shut them down has transferred to the city.

Member Palmer also voiced concern about the burden of proof then being on the city, that she just wants to make a rule that fits at least 90% of the residents, and that we don't make it harder to administer.

***Motion by Member Pflapsen, second by Member Volkmuth to, send Ordinance No. 2007-41 back to the Planning Commission for change:***

a) ***This should apply to all districts except A-40.***

b) ***The Planning Commission will explore putting a one year time frame limit in allowing the principal structure to be built.***

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

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

**MAINTENANCE DEPARTMENT** – Rick Hansen reported on the following:

TAMARACK COURT DRAINAGE SYSTEM -Rick Hansen provided two bids for the Tamarack Court Drainage System:

Kuechle Underground, Inc.	\$23,635.02
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Kraemer Trucking & Excavating, Inc.	34,310.00
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Discussion was held on the seed Vs sod line item. It was determined that sod would remain in the project.

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

***RESOLUTION NO. 2007-34***

***RESOLUTION RECEIVING BIDS AND AWARDING CONTRACT ON TAMARACK COURT DRAINAGE IMPROVEMENT OF 2007.***

***BE IT RESOLVED by the City Council of the City of Rockville, Minnesota, as follows:***

- 1. All bids on construction of Tamarack Court Drainage Improvements of 2007 are hereby received and tabulated.***
- 2. The bid of Kuechle Underground, Inc., Kimball, Minnesota in the amount of \$23,635.02 for the construction of said improvements in accordance with the plans and specifications and advertisement for bids is the lowest responsible bid and shall be hereby accepted.***
- 3. The Mayor and Clerk are hereby authorized and directed to enter into a contract with said bidder for the construction of said improvements for and on behalf of the City of Rockville.***

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

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

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

ROAD UPDATE – Rick Hansen reported CR 82 would have the east half tarred tomorrow and sidewalk should be poured by Friday weather permitting.

**ROCK FEST** – Kathleen Stanger reported on the following:

2007 RESULTS – Kathleen reported that she provides the city with documentation on:

- Computer disk backup of the manual, labels, letters, and all information as if she was starting a brand new business
- Revenues
- Expenses

Sportsman's Club – Checkbook has \$19,798.21 balance to the good.

Next meeting – October 30 – 7:10 p.m. Rockville City Hall.

Council members all thanked Kathleen for a job well done.

**DOUBLE DEUCE – 2 A.M. LIQUOR LICENSE** – Jim & Jennifer Diedrich were present to request approval of a 2 a.m. liquor license for the Double Deuce. Rena Weber reported that certain paperwork needs to be provided.

***Motion by Member Volkmuth, second by Member Hagen, to approve the request of Jim and Jennifer Diedrich (DBA The Double Deuce) for a 2 a.m. on-sale liquor license pending State of MN approval.***

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

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

**ENGINEER'S REPORT** – There was none.

**MAYOR'S REPORT** – There was none.

**STREET COMMITTEE** – Chair Don Simon reported on the following:

BAYOU LATE FEES – Rena Weber reported that actually the Sportsman Club owned the building that the Bayou was located in for a period of time and ultimately was responsible for paying the water bill. In light of this the Street Committee is recommending deletion of the late fees in the amount of \$285.12 plus the September late fees. This does not delete the actual water/sewer bill.

***Motion by Member Volkmuth, second by Member Palmer, to approve the deletion of the late fees for the Bayou/Sportsman's Club in the amount of \$285.12 plus the September late fees.***

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

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

SHUT-OFF POLICY CHANGE – Rena Weber asked council consideration of amending the Shutoff Policy by eliminating one step (a reminder notice). This does cost the city extra expense in staff time to create the reminder notice, plus the cost of copies, envelopes, stamps, etc. Staff and the Street Committee are recommending that the reminder step be eliminated and that a shut off notice is sent by the 1<sup>st</sup> of the month giving the resident until the 10<sup>th</sup> of the month to pay or their water would be shut off at 8:00 a.m. on the 10th or working day nearest to the 10<sup>th</sup>.

Member Hagen suggested adding a \$25.00 administrative charge to take care of the cost of this mailing. There is a \$50.00 re-connect charge. No action was taken on this.

***Motion by Member Palmer, second by Member Pflepsen, to approve amending the shut-off policy to eliminate the "one month reminder" notice effective immediately.***

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

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

BLUE 911 ADDRESS SIGNS – Chair Simon reported the Committee discussed the replacing of Blue 911 signs due to the addressing change on Broadway Street West. It was determined that the will city take care of the sign at no cost to the resident.

SNOW PLOWING PROPOSAL FROM WAKEFIELD – Chair Simon reported that the proposal from Wakefield Township to swap plowing 210<sup>th</sup> Street (the whole distance) every other year was turned down. It was determined that Rick Hansen will build a bigger turn around at the end of our portion.

GRINDER PUMP REPLACEMENT – Chair Simon reported that the Administrator/Clerk is working with Quality Flow on the replacement of the pumps and the payback for our labor to replace pumps.

BILL FOR TRIMMING TREES – Chair Simon reported that a bill was received and rejected for trimming trees as there was no agreement made prior to commencement.

#### **ADMINISTRATOR REPORT**

**ASSESSMENT POLICY CHANGE** – Rena Weber reported that Member Hagen is asking the city to consider an assessment policy change regarding commercial/industrial and how the rate is established. She has referred this to the city attorney who will put together a memo to be discussed at the 10/17 meeting.

**NUISANCE LETTERS** – Rena Weber reported that the notices were sent out based on prior complaints. This was for their information only.

Member Simon voiced concern that the Seelen building should be looked at in that this is a fire hazard. Member Simon asked if we should have the Fire Marshall and Fire Chief look at it. Rena Weber will check on legality issues.

#### **OPEN FORUM**

Bruce Brown (realtor) & Tom Van Lith – 8949 County Road 6 were present to discuss the 20 acres owned by Mr. Van Lith. Bruce Brown indicated that they would like to have an open discussion to see if the city can forgive any of the consultants fees currently listed as a lien on the property.

Tom Van Lith stated that the minutes should say assessments are deferred until Water is available in five years or until water is available to the property.

Mayor Herberg stated that Mr. Van Lith must mean “sewer” as it costs \$500,000 to get the water to his property and the city is not willing to fork out the \$250,000 for water.

Tom Van Lith stated that it was his understanding water was going to be there. They would like to have the city waive the late fees.

It was determined that information needs to be provided before the council could give such consideration.

Duane Willenbring - 25123 County Road 139 asked what the difference is between an ordinance and an assessment policy. Rena Weber explained that an ordinance requires public hearings and a policy does not.

Schedule of Costs – how is that derived? Scott Hedlund reported that a lot of effort goes into the schedule. A detailed analysis was done and the council also compared the proposed schedule to area cities. It was determined that Scott Hedlund would provide Mr. Willenbring with the breakdown of the analysis.

**ADJOURNMENT – Motion by Member Volkmuth, second by Member Ahles, to adjourn the meeting at 7:27 p.m. Motion carried unanimously.**

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

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**BRIAN HERBERG  
MAYOR**