

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY JANUARY 19, 2011 - 6:00 P.M. – ROCKVILLE CITY HALL.

The meeting was called to order by Mayor Jeff Hagen. Roll Call was taken and the following members were found to be present: Mayor Hagen, Council Members: Bill Becker, Jerry Schmitt, and Randy Volkmuth. Absent: Duane Willenbring.

Staff members present were: Administrator/Clerk Rena Weber & Public Works Director Rick Hansen.

Others Present were: John Koerber, Susan Palmer, Ed & Irene Karls, Tудie Hermanutz, Toni Honer, Dan Hansen & George Bechtold.

OATH OF OFFICE – Administrator/Clerk Rena Weber issued the oath of office to newly elected council members: Randy Volkmuth, Jeff Howe & Don Simon. Upon completion the new members took their seats on the dais.

Roll Call was taken again and all were found present except Member Willenbring.

PLAQUE PRESENTATIONS – Mayor Hagen and Administrator/Clerk Rena Weber presented plaques to John Koerber in recognition of 34 years of service and to Irene Karls for 26 years of service to the Rockville Community.

ADDITIONS TO THE AGENDA – Rena Weber reported that she would have two letters to discuss under her report.

OPEN FORUM – None

CONSENT AGENDA –

Approve minutes of 12/15/10

Approve Treasurer's Report of 01/19/2011

Approve List of Bills and Additions of 01/19/2011

♦ Payroll Ck #003917 – 003943	\$ 15,198.12
♦ Accounts Payable Ck #012598 to 012694	495,790.95
♦ EFT #000387 – 000395	9,134.56

Approve the 2011 Fees & Calendar

Approve Reimbursement Resolution No. 2011-01

Rockville Sportsman's Club raffle – 7/9/11

Rockville Fire Fighter's Fish Fry/Raffle 4/8/11

Member Simon questioned Ck #012682 BNSF Railway Lease - \$500 for five years.

Rena Weber explained that she too questioned this bill and reported that even if the railroad is vacated there still will be a lease assigned to whoever takes over the property.

Motion by Member Becker, second by Member Volkmuth, to approve the consent agenda as presented.

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

STAFF/ REPORT

POLICE – No one was present for the meeting, however a monthly report was submitted showing 40.5 contract hours.

PLANNING COMMISSION – Toni Honer was present to report on:

PLANNING COMMISSION OFFICER APPOINTMENTS – Toni Honer reported the Planning Commission voted Toni Honer as Chair and Susan Palmer as Vice-Chair for 2011.

Motion by Member Simon, second by Member Howe, to approve the appointments of recommended Planning Commission officers for 2011 as presented.

Member Volkmuth asked if there was any discussion at the meeting regarding the appointments.

Rena Weber reported that Susan Palmer nominated herself as Chair, but there was no second. This may have occurred as Rena incorrectly indicated one could not nominate themselves

AYES: Becker, Howe, Schmitt & Simon

NAYS: Hagen & Volkmuth

Motion passed on a 4 to 2 vote.

MOLITOR TO RIELAND ADMINISTRATIVE PLAT – Toni Honer reported that the Planning Commission reviewed the Molitor/Rieland Administrative Plat approval and all was in order. No council action is needed.

CLEAN UP ISSUES – Staff and the Planning Commission reviewed a list of issues that need to be dealt with such as:

- ◆ CHRIS & BRIAN DROWN-VOIDED BUILDING PERMIT: Building Official will send a letter.
- ◆ PEGGY HALL-FOUNDATION-Conditional Use Permit is voided: Building Official will send a letter.
- ◆ TOM MASELTER-ENCLOSED AN AREA (LEAN TO) WITHOUT APPROVAL: Building Official will send a letter.
- ◆ 400 SUPPER CLUB-OVER HANG (VARIANCE): Not creating any new impervious surface, but is not meeting setback. They would still need to go through the variance process.
- ◆ MRS. SEELEN-UPDATE ON CLEANING UP THE BUILDING: Building Official will send a letter.
- ◆ SJ LOUIS-FENCE-Planning Commission will do a site visit.
- ◆ B-1 RESIDENTIAL & IMPERVIOUS SURFACE-Amend the Ordinance
- ◆ SHOOTING RANGE-Give Mr. Merten until January 31, 2011 to provide the City with the information.
- ◆ COLD SPRING GRANITE IUP-Chair Honer will call Cold Spring Granite.
- ◆ MUELLER PIT-RESTORATION-They need to come in and ask for an extension.
- ◆ JACK TAMBLE-CALF SHED-Needs to apply for a permit.

Mayor Hagen asked if we have something in place that says the building permit expires. Rena reported that people have 6 months to complete, but can ask for an extension.

Mayor Hagen asked if the Peggy Hall foundation would be addressed. This will be addressed by the Building Inspector.

Rena Weber reported that in regards to the A-10 zoning, she did contact Chelle Benson of Benton County who has worked with A-10 zoning. Chelle is willing to attend the 2/8/11 Planning Commission meeting to discuss the pros and cons of such zoning. The City Council and task force will be invited to attend.

400 CLUB ISSUE – Mayor Hagen and Member Volkmuth want to bring this issue to light. Cherie Verkinnes wants to extend an existing overhang and not bring it any closer to the road than the existing overhang on the front of the building (just north of the rear door). Construction cost is

\$200.00 and the council can waive the fee, but Mayor Hagen feels it is such a minor issue and approving this tonight could save the Planning Commission some time as well.

Member Volkmuth indicated that it is a safety issue and they need to re-direct the water running from the roof.

Mayor Hagen stated that they will get a building permit.

Toni Honer indicated that a variance would still be necessary; however, the council may decide to waive the fee.

Motion by Member Volkmuth, second by Member Becker, to waive the variance fee and further to have Cherie Verkinnes apply for a variance.

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

Toni Honer indicated they would review this at the 2/8 meeting.

CONTINUED PUBLIC HEARING – XCEL FRANCHISE AGREEMENT – Rena Weber reported that this has finally been worked out between the two attorneys. Rena asked Adam Ripple to review our agreement along with Richmond and Eden Valley at the same time – to save costs for all and he agreed to do so.

No person appeared before the council in regards to the franchise agreement.

Motion by Member Volkmuth, second by Member Schmitt, to close the public hearing and further to approve the franchise agreement Ordinance No. 2010-67 as presented. (A copy of the Ordinance is hereby attached and Marked Exhibit A).

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

OLD BUSINESS

DAN HANSEN WETLAND BANK/GRAVEL PIT - Dan Hansen reported that his wetland bank did not happen and he cleaned up the gravel pit while leaving 1000 cubic yards of crushed gravel. He offered to sell this to the city and in exchange he wants the Letter of Credit rescinded. This is a hardship on his family and him.

Member Volkmuth indicated it was his understanding the pit was to be restored to previous conditions and this did not happen. Why would we rescind the letter of credit?

Rick Hansen reported there is no binder in the sand. Rick further suggested that we take this issue to Street Committee to determine if we are doing any projects this summer.

Dan Hansen reported he is willing to sell the Class 5 gravel at a reduced price.

Member Volkmuth indicated that we reduced the LOC to \$5000 pending the seeding had been done.

Rena Weber indicated that the seeding did not occur last fall so the LOC was not reduced.

Motion by Member Volkmuth, second by Member Becker, to reduce the Letter of Credit to \$5000 in order to release some of the funds, however, final release will not occur until the land is restored to the original state or better.

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

NEW BUSINESS

ANNUAL APPOINTMENTS- Rena Weber reported the following appointments are in place for renewal:

1. ENGINEERING FIRM - SEH
2. OFFICIAL NEWSPAPER – *Cold Spring Record*
3. OFFICIAL DEPOSITORY – 1ST National Bank, Plaza Park Bank, Smith Barney, Bremer Bank, & 4M Fund
4. ACTING MAYOR –
5. AUDITOR/ACCOUNTANT –
6. ATTORNEY – Rinke Noonan
7. WEED INSPECTOR – Mayor Jeff Hagen
8. ASSISTANT WEED INSPECTOR – Rick Hansen
9. COUNTY AGRICULTURAL INSPECTOR – John Waldorf
10. PROCESS SERVER – Stearns County Sheriff's Department

FINANCE COMMITTEE REPORT – Chair Susan Palmer was present to report on the recent interviews for Auditor. Four firms were interviewed and the Finance Committee is recommending hiring KDV for the 2010, 2011, & 2012 audits at a cost of \$15,900 for the 2010 audit.

Motion by Member Becker, second by Member Howe, to approve hiring KDV for the 2010, 2011, & 2012 audits as quoted.

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

Mayor Hagen suggested that appointments for the Finance Committee and Acting Mayor be handled differently this year. He invited council to apply by submitting one page letter/resume for the Acting Mayor's position. In regards to the Finance Committee he would like residents to apply in addition to council members with the same idea of submitting a one page letter/resume.

As for the rest of the committees, council members are urged to list the top three priorities of committees you want to be on. This needs to be submitted prior to the next meeting.

Member Howe voiced concern on the fact there appears to be a quorum on each committee which he thinks it is not right. Decisions are being made on the committee level and whether it comes to the council or not makes no difference. His suggestion:

- ◆ Reduce the number of councilors to 3 so you don't have a quorum or
- ◆ Do away with committees and have a working session before the council meeting. If things can't be decided in the ½ hour/ 45 minutes prior to the meeting then you hold another working session during the month. It should save money, free up peoples time and get participation by all.

Mayor Hagen would like to limit the number to 3 council members (voting) and others can come (non-voting) to each meeting.

Member Volkmuth likes the larger committee and especially on the Finance Committee where they take a lot more time in reviewing matters. Personnel – certain personnel issues you have to watch data privacy.

Member Simon would like to see someone from the public on the Public Works Committee. There is a lot of expertise that we could use. We would need to get the word out there though. People should contact us.

Member Volkmuth indicated that we are not a part of the APO so that one is gone.

Rena Weber indicated that three members of the council are on the EDA and the ordinance only allows two.

ANNUAL APPOINTMENTS – ***Motion by Member Becker, second by Member Volkmuth, to approve the list of annual appointments as read by the Administrator/Clerk.***

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

Mayor Hagen reminded members to include the Liaison to the Planning Commission in their list of priorities.

DON SIMON CONTRACT APPROVAL – Rena Weber reported that Member Howe questioned her on the contract and whether Mr. Simon “maintains” the utilities on weekends and under whose direction is that. Rena agreed that this should read “monitor” and also is under the direction of the Public Works Director. An amended version was prepared for approval.

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

RESOLUTION NO. 2011-02

A RESOLUTION AWARDING A CONTRACT FOR SERVICES TO DON SIMON

WHEREAS, the City of Rockville has several wells and other water facilities that require inspection and service outside of regular hours City hours;

WHEREAS, Don Simon, a Council member of the Council for the City of Rockville

is available and capable of performing said work; and

WHEREAS, the City has been unable to find another individual or company to perform these services, or make other arrangements for existing employees to perform these services for an amount equal to or less than the compensation requested by Mr. Simon.

NOW, THEREFORE, the Rockville City Council resolves as follows:

1. The Rockville City Council awards the contract attached hereto as Exhibit A to Don Simon, a Council member, on the terms and conditions contained therein.

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

AYES: Becker, Hagen, Howe, Schmitt & Volkmuth

ABSTAINING: Simon

Motion passed on a 5 to 0 vote.

CONFLICT OF INTEREST – Administrator/Clerk Rena Weber indicated that discussion needs to be had in regards to Jeff Howe and Don Simon both being officers of the Fire Department. In regards to Jeff Howe as Fire Chief – the information received from the League of MN Cities indicates it is a direct conflict of interest with the council seat. As to Don Simon being the 1st Asst. Chief, he would need to abstain on motions that would affect him directly – monetarily. Fire Chief – Member Howe informed the council that he feels he will be more effective as a councilor and will step down from the Fire Chief's position. 1st Asst. Fire Chief – Member Simon stated that he will not vote on anything that monetarily affects him.

With the resignation of Member Howe this opens up the fire chief position. Interim Chief Rodney Schaefer can apply through an in-house application process.

Motion by Member Becker, second by Member Volkmuth, to extend the term of the Interim Fire Chief (Rodney Schaefer) for 6 months or until the appointment of a fire chief is opened up and resolved.

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

Motion by Member Volkmuth, second by Mayor Hagen, to authorize staff to post in-house notice of applications for the position of Fire Chief.

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

JOHN KOERBER – POLAR PLUNGE - Mike Hofmann and John Koerber were present to speak about the upcoming Polar Plunge which will be held on 2/19 at the 400 Supper Club. This is being done to raise money for Special Olympics. Rockville Fire Dept and area police departments will help run the event.

ISSUES: Parking – They expect 500 plungers so colleges will bring buses and people can board a bus at the old Wal-Mart lot in St. Cloud. There will be no parking on Lake Road that day. They request approval for parking of public west of the old city hall. They expect 500 to 600 cars in this area. They would like to blow out the snow in the park and allow parking there.

John Koerber reported that they got approval from Arcon Co. to park by the lift station (north of CR 6). Beyond that it will be Jeff's Auto Body and the CR 6 dead end area.

The 400 Club will not be used for any public parking – for buses only.

Stearns County to provide officer for a day – no parking signs

Motion by Member Volkmuth, second by Mayor Hagen, to approve the use of the park with the stipulation that care will be taken in the area of the walking path.

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

COMMITTEE REPORTS

MAYOR – Mayor Hagen had nothing to report.

ROCORI TRAIL ESCROW AGREEMENT – Rena Weber reported that things are coming together on construction of the Rocori Trail. Approval of the escrow agreement with Stearns County is needed to keep moving.

Motion by Member Volkmuth, second by Member Simon, to approve the Escrow Agreement and Hold Harmless and Indemnification Agreement Relating to the Rocori Trail Project. (A copy is hereby attached and marked Exhibit B).

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

FINANCE COMMITTEE – Chair Palmer reported that the Finance Committee reviewed a request to reimburse Rodney Schaefer \$368.21 for meals that were purchased during a training course in 2010. Fire Fighters were not being paid for training in 2010. The Finance Committee recommends payment of the meals to Rodney Schaefer.

Rick Hansen clarified that the amount was for a week long training course.

Motion by Member Becker, second by Member Volkmuth, to approve reimbursement to Rodney Schaefer in the amount of \$368.21 for the meals.

AYES: Becker, Hagen, Howe, Schmitt, Simon & Volkmuth

Motion passed on a 6 to 0 vote.

ADMINISTRATOR'S CORRESPONDENCE

ROCORI SCHOOL DISTRICT – Rena reported that the School District would like to renew the "5th Monday Group" and invited council/staff to the Rocori tours on Monday, January 31st at 7:00 p.m. and then meet as a group thereafter. Rena further reported this group is made up of the three cities and townships in the School District as well as the County. It is a chance to communicate what each entity is working on and how the other entities may be affected.

STEARNS COUNTY SOIL & WATER CONSERVATION DISTRICT – BWSR Cost Share Program – Rena reported that SWCD has cost share monies available to implement soil and water conservation projects through the Clean Water, Land & Legacy Amendment. A seminar will be held on 2/3/11 – 1 to 3 at Stearns County Service Center – West.

OPEN FORUM

Carol Dietman – 10059 County Road 47, questioned the Fire Dept. not getting paid for training citing this as a value which needs to continue. Susan Palmer reported that they are getting paid this year and did not last year due to an agreement worked out by the Fire Dept. members and the Council regarding the municipal contribution.

Member Simon indicated that just so people know that the Fire Department is obtaining grants for training.

ADJOURNMENT – ***Motion by Member Becker, second by Member Volkmuth, to adjourn the meeting at 7:14 p.m. Motion carried unanimously.***

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR