

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
SEPTEMBER 9, 2009 - 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, John Koerber, Susan Palmer, Jerry Schmitt, Randy Volkmuth & Duane Willenbring. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Finance Director Amy Goerger, Planning Commission Chair Toni Honer, & EMS Director Mike Hofmann.

Others present were: Dave Volkmuth, Sgt. Joe Litchy, David Shay, Vince & Audrey Schaefer, Jim Voigt, David Regnier, Ev Balko, & Tудie Hermanutz.

OPEN FORUM

None

CONSENT AGENDA – Member Volkmuth questioned the gas bills in the amount of \$3.04. Amy Goerger explained that bills are broken out more to be charged to the correct department. This particular bill was from the Fire Department.

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

- a) **Approve minutes of 08/19/09 & 08/31/09**
- b) **Approve Treasurer’s Report of 09/09/09**
- c) **Approve list of bills and additions:**

Accounts Payable CK#011500 to 011543	\$40,101.23
Payroll Check #003551 to 003570	11,333.53
EFT #000247 to 000254	6,778.26
- d) **Mary of Immaculate Conception Raffle Event 11/22/09**

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

BOARD/STAFF REPORTS

POLICE REPORT – Sgt. Joe Litchy the city was billed for 44.5 contract hours. The report indicates 55.5, but that was a typo. Sgt. Litchy listed the types of calls.

PLANNING COMMISSION - Rena Weber reported that the Planning Commission reviewed the following:

HUNSTIGER MINOR SUBDIVISION PLAT – Tract A is the 5 acres that Dan Welle will be purchasing, Tract B is the 35 acres that will be restricted and 54+ acres is what will remain. The Hunstiger’s and Associates will need to sign the Certificate of Transfer of Development Rights and Declaration of Restriction.

Rena Weber reported that according to the Zoning Ordinance there is no restriction on the number of times you can split something off and further this is the first time acreage is being split off since the Hunstiger’s have owned the property. Previous splits were done by the Welle family under Township rules.

The Planning Commission approved the split as presented.

HUNTING IN CITY PARKS – Rena Weber reported the Planning Commission reviewed the ordinance. They would like to see verbiage adopted similar to Stearns County’s ordinance:

- It shall be unlawful for any person to discharge any missile or other projectile from a weapon into a park from beyond park boundaries.
- It shall be unlawful for any person to discharge any missile or other projectile from a weapon within a County Park.

The Planning Commission would also like to see verbiage from the DNR regulations:

- ◆ On another person's private land or a public right-of-way, a person may not take a wild animal with a firearm within 500 feet of a building occupied by humans or livestock without written permission.
- ◆ A person may not take a wild animal with a firearm within 500 feet of a corral containing livestock without permission.
- ◆ A person may not take a wild animal on any land where the person is prohibited from lawfully entering by this law.

Chair Toni Honer stated the Planning Commission would also like to add something about allowing hunting for disabled people in the County Park.

Chair Toni Honer would like to hold special Planning Commission meeting on 9/28/09 to discuss:

- Hunting regulations
- Interim use permit

She also asked the council to consider holding a special meeting on 9/30/09.

Member Willenbring stated that he does not want to hold a city council meeting on 9/30/09. He will not be here on the 30th and this would be 3 meetings in the same month.

INTERIM USE PERMIT – Chair Toni Honer that a person living on the west side of County Road 8 has 10 acres located in the R-2 District with a future land use of Commercial Reserve.

This person attended the last Planning Commission meeting and was advised to contact her neighbors to see if they would be okay with re-zoning the 10 acres. The neighbors are not okay with the re-zoning because they do not want to harm the commercial reserve. So instead of re-zoning the property the Planning Commission recommends considering an interim use permit putting a time limit on the use. Neighbors are concerned that in the future it may harm the change to commercial. They are okay with the horse for now.

Mayor Hagen asked if we allow horses in R-2. No it is not a permitted use. Is it allowed as a conditional use? No.

Mayor Hagen stated that if we don't allow it as conditional use then how we allow it by Interim Use.

Member Willenbring felt that re-zoning this acreage into A-10 would be asinine, but if none of the neighbors objected maybe this could be done under interim use for a one year period with review.

Member Volkmuth expressed concern that it seems as though we are trying to please everybody by allowing something that is not in the ordinance. If we go too far what is to stop somebody with 5 acres asking the same thing.

Member Palmer questioned why we bothered to have an ordinance.

Rena Weber cited the R-2 Ordinance Conditional Uses Number 7. states that the uses the City Council determines to be substantially similar in nature to the conditional uses listed above and not detrimental to the City's general health and welfare. Under General Standards an interim use permit must comply with all applicable zoning regulations.

Mayor Hagen asked if it was improperly zoned.

Member Volkmuth asked if this area is conducive to R-10 zoning. Toni Honer explained it is one of those sections that get caught in the middle – there is more open land than there is developed land.

Mayor Hagen felt the reason it was zoned to R-2 was to provide a buffer between R-1 and Industrial.

Toni Honer reported the neighbor had 23 horses at one time and feels she is being discriminated against by not being allowed to have a horse. She should have been grandfathered in.

Mayor Hagen felt there would be no discrimination. If we give her a year or two and then we close the door on the permit, money is invested, and he does not think that this is the way to go. We can avoid a lot of problems if we don't allow this.

Motion by Member Koerber, second by Member Willenbring, to state the Council will not re-zone this property.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

Motion by Mayor Hagen, second by Member Volkmuth, to further send the message to the applicant that based on the findings thus far, the council would be opposed to allowing an Interim Use or Conditional Use, and further the motion is amended in that the applicant is still allowed to apply for such permit.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

There will be No special meeting on 9/30

EMS - NIMS TRAINING – EMS Director Mike Hofmann was present to request council members schedule training for NIMS 100 & 700 if they do not have it yet. There is on-line training or Mike can train the members. This is a requirement from the Federal Govt. that the governing body should take NIMS training in order to get federal money for equipment or if we have a disaster.

Member Volkmuth asked what kind of grants we are looking for. He feels he is not qualified to respond and would hope the County/State steps in.

Mike reported that the Fire tanker truck and other equipment were obtained. We could become non-compliant and lose that equipment. The class will take approximately 3 ½ hours or people could take it on-line at their own pace.

Mike is also updating the city plan.

H1N1 – Mike reported this could be a big hit this fall – depending on what the virus does. Area EMS Directors are meeting once a month to discuss a plan of action. Renee Frauendienst and Marv Klug (Stearns County) are instructed to get information out to the public. They have met with school boards and other organizations.

Member Palmer asked what is the plan for the city staff?

Member Becker asked what we need to do to allow people to work from home.

Mike explained that staff has discussed a plan and he will be putting something together in the near future.

PARK & RECREATION – Chair Scott Stenseth requested the following:

Please approve \$191.33 of Designated Funds from the Eagle Park Development Fund to be used to install new sign donated by 1st National Bank of Cold Spring and to amend budget to match.

Expense Account	E 202-45122-220	\$191.33	
Budget	E 202-45122-220	Was \$0.00	Amended \$200.00

Motion by Member Palmer, second by Member Becker, to approve the request as presented.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

OLD BUSINESS

VOIGT QUALIFIED MINOR SUBDIVISION – Attorney David Shay, representing the Voigt family, was present at the meeting. Mr. Shay reported that on 8/14/09 he sent a letter to the Mayor confirming that county has advised him that city can decide which parcel we would put the assessments on. The request from the Voigt family was that the “special assessments remain on the undeveloped property and that no special assessments be apportioned to the five acres with the building, which is being split off. In consideration for allowing the special assessments to remain on the undeveloped property, our client has agreed that they will make a \$30,000 payment to reduce the amount of special assessments on the undeveloped property”.

It appears from this resolution that \$300,000 would go with the 5 acre parcel and \$53,000 with the 135 acres.” He is not sure of the basis by which the council did that. In 2010 the 5 acres with improvements would be \$255,000. He does not know how the council could justify it with the benefit test and does not think it is reasonable. Further Mr. Shay reserves the right to discuss after council discusses the resolution.

Member Palmer reported the Finance Committee did research this. Member Palmer read #15, 16 & 17 verbatim and stated that it came down to our job as council to justify how this will get paid for since it was bonded.

Member Becker stated that we are looking out for the city and we need to do that.

Member Volkmuth indicated the city does not want to get in the development business.

Member Becker indicated that the city has worked really hard on this resolution.

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

RESOLUTION NO. 2009-15

A RESOLUTION ADOPTING FINDINGS OF FACT AND REAPPORTIONING SPECIAL ASSESSMENTS PREVIOUSLY LEVIED ON PROPERTY PURSUANT TO MINN.STAT. § 429.071

WHEREAS, the Rockville City Council has considered Applicant's request for an administrative subdivision of Applicant's property (described below); and

WHEREAS, the Council has also considered a reapportionment of the special assessments previously levied on the property pursuant to Minn. Stat. § 429.071 and hereby makes the following:

FINDINGS OF FACT

1. James E. & Jacqueline A. Voigt, Lon & Julianne Voigt, Michael & Candace Voigt are the owners of the property located at 25614 Pleasant Road and identified as parcel number 76.41600.400 (the Voigt Property). The Voigt Property consists of approximately 140 acres and is improved with a single family residence in which James and Jacqueline Voigt currently reside.
2. In 2004, the City levied special assessments on the Voigt Property in the amount of \$409,344.91 for sanitary sewer improvements to the Voigt Property.
3. There are also unpaid sanitary sewer charges and fees in the total amount of \$65,854.02 of which \$44,236.58 has been certified against the Voigt Property. These fees and charges relate to development of the proposed 135 acre tract.
4. In 2008, the Voigt's asked the City to defer the assessments for two (2) year period due to financial hardship. They also asked the City to defer collection on the certified unpaid charges. The City Council agreed on the condition that the Voigt's sign an assessment agreement providing certain protections for the City. The Voigt's represented to the City that they would sign the agreement.
5. The Council, in good faith reliance on the Voigt's' promise to sign the assessment agreement, deferred the special assessments and certified unpaid charges for a period of two years (deferring until 2010 payments that were scheduled to begin in 2008). The Voigt's, however, have refused to sign the assessment and deferral agreement.
6. The Voigt's have made payments that were received by the City in 2007 that reduced the principal balance of the special assessments by \$41,558.25. In 2007 the Voigt's also split off 7 parcels and an additional \$14,711.48 of the principal balance of the special assessments were apportioned to the 7 parcels therefore a balance of \$353,075.18 is still outstanding.
7. The Voigt's have also not made any payments in the certified unpaid charges.
8. The City bonded for the sanitary sewer improvement project for which the Voigt Property and other properties were specially assessed. The special assessments have been pledged as payment on the improvement bonds.
9. James and Jacqueline Voigt have now applied for a qualified minor subdivision of the Voigt Property, requesting to split off a five (5) acre tract that includes their single family residence. The purpose of the subdivision request is to separate ownership interests in the Voigt Property so that James and Jacqueline Voigt will own the five acre improved tract and James, Jacqueline, Lon, Julianne, Michael and Candace Voigt will own the remaining 135 acre tract.

10. Minnesota Statutes § 429.071 permits the City to apportion a special assessment previously levied on a parcel when the parcel is subdivided if the Council determines that such apportionment will not materially impair collection of the unpaid balance of the original assessment.
11. The statute also mandates that the City require, as a condition of the apportionment, that the property owner furnish a satisfactory surety bond fully protecting the City against any loss resulting from the failure to pay any part of the reapportionment assessment when due.
12. Stearns County is responsible for assigning Parcel ID numbers to new tracts created through a subdivision of property. When an parcel that has been subdivided includes an existing single family residence, the County has historically required that the new tract with the single family residence retain the property's existing Parcel ID number, and has assigned a new Parcel ID number to the subdivided unimproved tract, designating that tract as the new parcel.
13. The County recently modified its policies to require that all new tracts created through a subdivision be assigned new Parcel ID numbers. The County defers to the City as to which of the new tracts shall be designated as the original parcel for purposes of assigning and apportioning existing special assessments.
14. In keeping with past practices, the City designates the proposed 5 acre tract with the single family residence as the original parcel for purposes of retaining and/or apportioning the existing special assessments.
15. In determining the apportionment of special assessments, the Council has considered the arguments and requests of the Voigt's, the failure of the Voigt's to provide prior assurances to the City through the unexecuted assessment agreement, the unpaid balance of the assessment on the Voigt Property, the relative estimated property values of the proposed 5 and 135 acre tracts, the relative benefit of the special improvements to the proposed tracts, the obligations of the City to make payment on the improvement bonds through the collection of the special assessments, the ability of the City to collect the unpaid balance of the special assessment on the proposed 5 and 135 acre tracts, and the equitable distribution of the special assessments to the proposed tracts.
16. The Council finds that there is significant risk to the City if the entire or substantially all of the special assessments are moved from the 5 acre tract and placed on the 135 acre tract. The 135 acre tract is undeveloped and is currently used for agricultural purposes. At least one Voigt family member has speculated that one of the reasons for the requested subdivision is that the 135 acre tract may be lost to unpaid property taxes.
17. The Council finds that, under the unique circumstances of this special assessment and proposed property split, there is a need to retain a substantial amount of the assessments on the proposed 5 acre tract so as not to materially impair the collection of the unpaid balance.
18. The Council finds that the proposed 5 acre tract is substantially benefitted by the improvements for which the assessments were levied due to the single family residence on the property and the fact that the 5 acre tract may be platted and subdivided in the future for additional residential development.
19. The Council finds that the 135 acre tract is also benefitted by improvements for which the assessments were levied due to the potential for future development of the property.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The above Findings of Fact are adopted.
2. Upon approval of a qualified minor subdivision of the Voigt Property, \$300,000.00 of the remaining unpaid balance of the special assessments shall remain with the proposed 5 acre tract and \$53,075.18 of the remaining unpaid balance shall be apportioned to the 135 acre tract.
3. Before any portion of the assessment is apportioned to the 135 acre tract, the owners of that tract shall provide the City with a satisfactory surety bond fully in the amount of \$53,075.18.
4. The certified unpaid charges shall remain with the new 135 acre tract.

5. The City Administrator is hereby directed to coordinate the apportionment of the special assessments with the Stearns County Recorder and Auditor and is authorized to execute any necessary documents necessary for the County to apportion the assessments in accordance with this Resolution.

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

David Shay stated that he does not agree that it is reasonable resolution.

Member Willenbring asked about the surety bond language. It is covered in item #11.

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

NEW BUSINESS

2010 TAX LEVY & BUDGET – Finance Director Amy Goerger reported that a copy of the proposed 2010 Tax Levy and Revenue/Expense budget were available for review.

Member Volkmuth questioned if the Fire Department had submitted any more input. No.

Member Becker voiced concern that the City of Rockville chose to have a Fire Department and along with acceptance of that we need to see that it is funded in the way it needs to be funded. There are requirements by OSHA and NFPA to maintain safety training and quality of the department. We can't cut that budget beyond acceptable means to have a safe department. Maybe we have to cut elsewhere to maintain that quality in that department.

Member Palmer agreed to a point but reminded all of the investment issue where there became a big deficit the city is obligated to make up.

Member Volkmuth indicated that this is a one or two year possibility. He further explained that the city normally funds \$5,000 in the municipal contribution and with the investment loss the city is expected to increase the contribution to about \$25,000. We did have the opportunity to ask them to reduce their relief association benefit from \$1500 to \$1450. They said that was not something they would like to do. We have to find that money somewhere as we need to have a balanced budget. It is not fair to have everyone else cut their budget and this department goes up 20%.

Member Palmer agreed with Member Volkmuth, but there are other options. There were things they were willing to give up: cleaning person, meals, etc.

Mayor Hagen suggested that we take them at their word and reduce what they get paid for, keep the hourly wage where it is, allow them to volunteer for other things, and possibly charging for certain fire services. I would put it to them to investigate and if it seems reasonable we would allow them to do that and reimburse them partially where they have volunteered their time.

Amy Goerger pointed out that this is not allowed as you cannot pay them for some of the time and not for others based on what she learned.

- Calls only shows an approximate \$15,000 savings
- Calls & Training – there were quite a few options
- But you can't pay for calls and half their training
- Not hiring more fire fighters will save money

Member Willenbring stated that if they get paid for calls and monthly meetings he thinks they would be fine. Also there would be no cleaning person and no monthly meeting meals.

Mayor Hagen asked if there is a requirement to pay minimum wage. No there is not since they are volunteer.

Mayor Hagen suggested paying the training at a different rate. Set the training budget and at certain amount and then it may come out at \$2.00 depending on the hours.

Member Willenbring questioned why the electricity went from \$7240 up to \$12,000. This is due to the rate increase.

Motion by Member Volkmuth, second by Member Palmer, to drop the Fire Department wage budget to \$25,000 for calls only, remand the extra savings to the road construction fund, and further eliminate monthly meals and cleaning person budget. Further we will not replace the retiring fire fighters.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

Member Volkmuth indicated that we would like to reduce police protection budget of \$23,000. He does not feel the calls warrant the entire expense. He would like to cut this for one year and give the savings to the road construction fund stating the County has to come through here anyway.

Member Palmer stated that she is not comfortable reducing it more since we made a cut in the area before.

There was no increase in the hourly rate for 2010.

Motion by Member Volkmuth, second by Mayor Hagen, to reduce the police protection budget to \$18,000 and reflect 33.3 contract hours per month.

AYES: Hagen & Volkmuth

NAYS: Becker, Koerber, Palmer, Schmitt, & Willenbring

Motion failed on a 2 to 5 vote.

Motion by Member Willenbring, second by Mayor Hagen, to the police protection budget to \$20,250 and reflect 37.5 contract hours per month.

AYES: Hagen, Koerber, Schmitt, Volkmuth & Willenbring

NAYS: Becker & Palmer

Motion passed on a 5 to 2 vote.

Amy Goerger reported the total preliminary Tax Levy for 2010 is \$994,260; this represents a 0% change from the 2009 levy (note: the total 2009 Tax Levy \$1,051,508 of that \$57,248 was from the south 6 sections that detached from the city last November).

Motion by Member Palmer, second by Member Koerber, to approve the proposed 2010 Tax Levy and Revenue/Expense Budgets as amended.

CITY OF ROCKVILLE	SUPPLEMENT TO REGULAR
2010	LEVY FORM
CERTIFIED LEVY	LEVY AMOUNT
LEVY PURPOSE	(PLEASE ROUND TO WHOLE DOLLARS)
Revenue-Fund 101-41000	544,940
Fire Protection-Fund 101-42200	81,650
Economic Development- Fund 209	1,000
Road & Bridge Maintenance-Fund 215	65,237
Rock Fest-Fund 408	4,500
Special Levies Outside of Levy Limits:	
Certificate of Indebtedness Pumper Truck Fund 101-42200	21,650
Certificate of Indebtedness One Ton Truck Fund 101-43100	3,995
Lake Improvement District Fund 101-41000	14,500
2009A G.O. Utility Revenue Bond Disposal Portion-Fund 310	16,001
2004 Prairie Ind. Park Imp. Bond-Fund 305	4,600
City Facilities-City Hall/Fire Hall-Fund 304	224,963
CR 82 Imp (& SJ Louis) Bond Fund 308	11,224
TOTAL NET TAX CAPACITY BASED LEVIES	
TOTAL CERTIFIED LEVY	\$994,260

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

KARLA SPANIER – 525 CYPRESS COURT – Ms. Spanier had written a letter to the Council requesting a refund for additional expenses that were incurred as a result of the variance for her deck.

Rena Weber reported that staff provided a two page explanation of Ms. Spanier's issue with the permit cost. The drawing Ms. Spanier provided was nowhere near the actual dimensions. If anything, the meeting where staff met with Scott Hedlund to discuss the way to reduce costs to the homeowner could be eliminated - \$112.00. This is where we suggested the R-1 folks were not being treated the same as the Shoreland in that from 12% to 20% impervious people are given an opportunity to provide mitigation. This does not occur in the R-1 District where it is 25% only. This will require an ordinance change.

Motion by Member Becker, second by Member Willenbring, to reduce the bill to Karla Spanier by \$112.00.

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.***

JPA AMENDMENT – Rena Weber and Member Willenbring explained that it is the hope of the Rocori Trail Construction Board to have Stearns County become the financial agent for the RTCB. Changes are shown in the RTCB notes from 9/3/09:

Purpose – “Language has been added to acquire trail right of way. References to a limited purpose or limited duration of existence of the Board have been removed to satisfy grant requirements for perpetual existence of the trail. This does NOT mean that the Board cannot transfer the trail to another entity and dissolve.”

Term of Agreement – “Reference to a limited duration of existence of the Board have been removed to satisfy grant requirements for perpetual existence of the trail. Again, the Board may still transfer the trail to another entity and dissolve.”

Powers & Duties of Board – “For Subpart C, the reference to third party authorization is added because the transfer of trail property acquired with state grant or bonding money may require authorization from DNR or the Department of Finance. The addition to Subpart E is to clarify that the Board has the authority to acquire real property.”

Encumbrance of Costs – “The addition is to clarify that the Board has the authority to enter into contracts to acquire real property.”

Grants, Loans & Donations – “The changes accommodate Stearns County's concerns about the use “received”. The SAFETEA-LU and bonding money have been allocated to the Board, but conditions must be satisfied before being spent.”

Termination – “The addition is necessary to clarify that authorization may be required for transfer of property.”

Indemnification – “This language clarifies that in the event the Board is liable for damages, the damages are capped at the statutory limits for one governmental unit, not the cumulative limits of Rockville, Richmond and Cold Spring.”

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

CITY OF RICHMOND, MINNESOTA RESOLUTION NO. _____

CITY OF ROCKVILLE, MINNESOTA RESOLUTION NO. 2009-16

CITY OF COLD SPRING, MINNESOTA RESOLUTION NO. _____

Amendment to ROCORI Trail Construction Board Joint Powers Agreement

It is hereby resolved by the City of Richmond, City of Rockville, and City of Cold Spring (the “Cities”), that:

WHEREAS, the Cities entered into the ROCORI Trail Construction Board Joint Powers Agreement (the “Agreement”) effective June 1, 2009;

WHEREAS, Stearns County will serve as fiscal agent for the ROCORI Trail Project and has voiced concerns about some of the language in the Agreement; and

WHEREAS, legal counsel for the ROCORI Trail Construction Board recommends amending the language of the Agreement to address Stearns County's concerns and provide clarification of the ROCORI Trail Construction Board's powers;

THEREFORE; the City Councils of the Cities hereby resolve:

- A. The amendments to the Joint Powers Agreement for the ROCORI Trail Construction Board, as shown in **Exhibit A** (additions are noted by underlining, deletions are noted by ~~strikeout~~), are hereby adopted;
- B. The revision to the ROCORI Trail Construction Board Joint Powers Agreement shall be effective upon the latest date all three Cities execute this Resolution.
- D. For the convenience of the Cities, this Resolution may be executed in counterpart copies.
The motion for the foregoing resolution was duly seconded by Member Willenbring with the following voting in favor:
 Member Palmer questioned the "Indemnification" and how this applies to one city or all three. It was reported that a claim could not be made against all three cities.
AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring
Motion passed on a 7 to 0 vote.

COMMITTEE REPORTS

MAYOR REPORT - Mayor Hagen had nothing to report.

PERSONNEL COMMITTEE – Chair Volkmuth reported that effective 9/28/09 Ralph Walz is stepping down as Interim Fire Chief, but will still serve on the Fire Department. The Personnel Committee met to discuss this and determined that a quasi selection process will be done. The Fire Department will select 2 or 3 people and send to Personnel Committee for interviewing. The Personnel Committee has stated that the city reserves the right to reject any and all of the applicants and remand it back to the Fire Department for further selection. We are interviewing on the 9/15/09.

We also sent Jeff Howe a letter asking him if he would step down obviously leaving open the right for him to take the position again. We basically structured a letter and sent it out last week. He responded that if the department is working fine he would step down.

PUBLIC WORKS – Mayor Hagen reported on:

GRAND LAKE ROAD REPAIRS – Mayor Hagen reported that the repairs were made and all went well.

Member Volkmuth voiced concern that John Koerber did not receive a call and he was certain that John and Jeff were to receive a call on when that was to occur.

Rena Weber reported that all council members were e-mailed a notice of when the project would occur. It was determined that Mr. Koerber does not check his e-mails on a regular basis so in the future staff needs to make sure we let him know by either a phone call or talk to him in person.

Mayor Hagen indicated he did not get the notice either and noticed trucks going by so he checked it out.

Member Koerber stated that hopefully the road will be good for another 6 years.

Seelen Building – Greg Seelen will work with the family to get the building cleaned up.

Cypress Court Walking Path – There was no action taken as there is a question of ownership.

Cow pass – There is an issue regarding the size of the cow pass.

John Kirscher – 11049 Hubert Lane requested approval to pave the road adjacent to his property and approval was given.

BOBCAT ANGLE BROOM REQUEST –

The Maintenance Department requests council action to approve 1 new 68” Bobcat Angle Broom. MN State Bid price is \$3,460.00. We have \$6,000 in the budget. Fund E101-43100-540

Motion by Member Volkmuth, second by Member Willenbring, to approve the purchase as requested.

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

PUBLIC WORKS COMMITTEE MEETING – *Motion by Member Koerber, second by Member Volkmuth, to schedule a Committee meeting on 9/16/09 at 5:15 p.m.*

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, Volkmuth & Willenbring

Motion passed on a 7 to 0 vote.

FINANCE COMMITTEE – Chair Palmer reported that Finance Committee met and approved the budget as presented this evening. There was some discussion on the Rock Fest budget of \$4500 so it was determined that the committee will invite them to a future meeting.

In regards to the 2010 Budget the Finance Committee recommend approval with removal of 1% COLA. This was previously done.

ROCORI TRAIL CONSTRUCTION BOARD – Member Willenbring reported that the RTCB considered the initiation of project memorandum and preliminary design for Phase 1A of the Rocori Trail. This runs from 178th Ave east of Richmond to 14th Ave in Cold Spring. The RTCB approved the contract as proposed with SEH.

Rena Weber reported that meetings regarding the state bonding request will be held on: OCTOBER 21ST – HOUSE COMMITTEE – will be held at Rockville City Hall (7:45 a.m. to 8:45 a.m.)

OCTOBER 26TH – SENATE COMMITTEE – will be meeting at the Stearns County Historical Museum (2:45 p.m. to 3:45 p.m.)

ADMINISTRATOR – Rena Weber wished to re-affirm that the council will be meeting on 9/16/09 to select an interim Fire Chief.

OPEN FORUM – None

ADJOURNMENT – *Motion by Mayor Hagen, second by Member Volkmuth, to adjourn the meeting at 7:49 p.m. Motion carried unanimously.*

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

**JEFF HAGEN
MAYOR**