

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, APRIL 4, 2007 – 7:00 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 Pflapsen, Don Simon & Randy Volkmuth. Absent: Susan Palmer.

Staff Members present were: Administrator/Clerk Rena Weber, Maintenance Worker Rick Hansen, EMS Director Mike Hofmann, Attorney Jim Mogen and Engineer Scott Hedlund.

Planning Commission members present were: Jerry Bechtold, Dale Borgmann & Dan Hansen.

Others present were: Lloyd & Cheryl Lommel, Ed Karls, Greg Simones, Pat Grelson, Mary Ann Hermanutz, Bill Becker, Paul Wirth, Vince & Audrey Schaefer, George Rindelaub, Mike & Joan VanderWeyst, George Bechtold, Steve Torborg, & Dave Volkmuth.

SPECIAL RECOGNITION/AWARDS – Mayor Herberg presented awards to: Ed Karls, Greg Simones, and Lloyd Lommel for their years of service to the City of Rockville and former Township of Rockville.

Also recognized were: Ron Vossen, Ralph Walz, Mike Schlangen, Keith Massmann, Don Simon & Randy Dingmann for their years of service as fire fighters.

STEARNS COUNTY SOIL & WATER CONSERVATION DISTRICT – PLEASANT LAKE STORM WATER PROJECT

- Wayne Cymbaluk was present to give a power point presentation to inform the people of the proposed project by using best management practices.

GOALS – The Pleasant Lake Homeowners Association in conjunction with Stearns County Soil & Water Conservation District want to get a feel for the level of interest and access onto their property. Areas of concern to discuss:

- Costs
- Drainage issues
- Best Management Practices

Dave Volkmuth – 25754 Lake Road stated that he wants to give the sewer a chance to see if this will clean the lake up. We have not allowed ourselves time to see if that has been done. Mr. Volkmuth is also worried that more property owners have not seen this presentation. Mr. Volkmuth really thinks we need to see what the sewer system does.

Bill Becker – Pleasant Lake Homeowners Association President who resides at 25844 Lake Road stated that they saw readings of 1 - 2 feet better in the clarity of the lake since the sewer went in. Anything they can do to better the lake will be better for not only us, but future residents. Mr. Becker indicated that he witnessed the runoff this spring and is concerned about the quality of water in the lake.

Member Volkmuth indicated that people are concerned about the cost. Wayne Cymbaluk indicated that the partners in the project are looking at 75% grant reimbursement.

Member Volkmuth indicated that we need to look further into the grant process and urged residents to call him with their concerns.

Mayor Herberg indicated that he attended the meeting at the 400 Club where the process was explained in that they need to gain access to the resident's property in order to study the drainage problem. This part of the study is already part of the initial grant received so there should be no cost to the resident.

Member Hagen questioned that fact that some lakes depend on the storm water for replenishing their water so what do you do for lakes that are dependent on storm water. Wayne Cymbaluk explained the infiltration process in that the first ½" rainfall is captured and treated and the rest will still make its way to the lake.

Member Pflapsen expressed his concern regarding preservation of our greatest asset which is the lakes.

Member Simon voiced concern that he does not want this to be city taxpayer's expense. It was determined another partner meeting would be held in the next week.

ST. CLOUD AREA JOINT PLANNING DISTRICT PRESENTATION – George Rindelaub, Stearns County Administrator, was present to inform the council about membership in the St. Cloud Area Joint Planning District. Mr. Rindelaub explained:

CHRONOLOGY

- 1998 – Public input process begins
- 1999 – St. Augusta Township becomes the City of Ventura
- 2000 – District plan approved
- 2000 – Revised Joint Powers Agreement approved by all original signatories
- 2002 – Old City of Rockville merged with Rockville Township and the City of Pleasant Lake

Essentially this is a monitoring group which lets other units of government know what they are planning.

THE COMP PLAN ADDRESSED ALL THE AREAS SPECIFIED IN THE LAW, WHILE FOCUSING MUCH OF ITS EFFORT ON THE FOLLOWING:

- Open Space, Parks & Trails
- Land Use and Natural Resources
- Transportation
- Economic Development
- Affordable Housing
- Wastewater Systems
- Urban Growth Boundaries
- Intergovernmental Cooperation

POSITIVE EFFECTS OF THE JOINT PLANNING PROCESS:

- A completed community-based plan for the region approved by all eight members
- Urban growth boundaries developed for all municipalities in the region
- Creation of a new District Board assigned to guide and monitor growth management in the region
- A public/private task force report and recommendations on affordable housing
- Several permanent regional subcommittees were created to address ongoing issues on:
 - 1) Wastewater treatment systems
 - 2) Affordable housing
 - 3) Regional Parks and Trails Planning

There are 4 meetings per year and Mr. Rindelaub indicated membership may do the city more good than harm. On 4/19/07 there will be a joint presentation by Central MN Initiative Foundation and the State Demographer (Tom Gillespie) which would be interesting. John Shardlow, the planner who put together the plan, will present an update on the success of the plan. Member Volkmuth stated that he wants to go to this.

NEXT MEETING - 4/26/07 at 4:00 p.m. - Waite Park

Cost – There is none right now, but if they decide to do a project our cost would be about 1/10. The group only asked for money one time.

Motion by Member Pflapsen, second by Member Volkmuth, to approve membership in the St. Cloud Area Joint Planning District and further that the Mayor be appointed to represent the city at the meetings.

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

Motion passed on a 6 to 0 vote.

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

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

Motion passed on a 6 to 0 vote.

CONSENT AGENDA – Member Volkmuth wished to pull items e) Contract for Services – Don Simon and item g) Mailbox policy from the consent agenda.

The mailbox policy was explained as being essentially the same as Stearns County whereby the breakaway supports are required. Area suppliers and the specifications are included in the policy.

Member Volkmuth indicated that he just wants e) pulled.

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

- a) **Approve minutes of 3/21/07 & Notes from 3/27/07 Sp. Assessment Mtg.**
- b) **Approve Treasurer's Report of 4/4/07**
- c) **Approve List of Bills and Additions of 4/4/07**

Accounts Payable CK #008907 to 008957	\$22,048.23
Payroll CK #002658 to 002668	6,375.94
Electronic Fund CK 000108	344.37
- d) **Clear Lake Lion's Champagne Dinner @ 400 Club on 6/1/07**
- f) **Res. 2007-10 – Approving 1 day gambling license-Rockville Lion's Club at Rockville Parish Center 4/29/07**
- g) **Mailbox policy**

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

DON SIMON CONTRACT – Member Volkmuth indicated that he just questioned the contract in general and wants it out in the open so the public has no concerns as to what Mr. Simon is doing for the city. He further indicated that this is a good service for the city being provided economically and efficiently.

Member Pfllepsen introduced the following Resolution and moved for its adoption:
RESOLUTION NO. 2007-09

A RESOLUTION AWARDDING 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; and
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: Ahles, Hagen, Herberg, Pfllepsen & Volkmuth
ABSTAINING: Simon

Motion passed on a 5 to 0 vote.

Mayor Herberg reported that at a recent meeting held with St. Augusta it was learned that they establish an hourly fee of \$15.00 hour for council members to do the maintenance things at the beginning of the year.

Concern was voiced as to who makes the call to hire the council member and at what rate of pay. It was determined to send this back to the Personnel Committee.

BOARD/STAFF REPORT

FIRE DEPARTMENT – Rena Weber reported there was no Fire report.

MAINTENANCE DEPARTMENT – Rick Hansen reported on the following:

2007 STREET SWEEPING BIDS –The following bids were received:

Parking Lot Sweeping	\$60.00/hr
ASTECH	78.00/hr
City of Cold Spring	80.00/hr

Motion by Member Volkmuth, second by Member Hagen, to approve the low bid of Parking Lot Sweeping at \$60.00/hr. as presented.

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

Motion passed on a 6 to 0 vote.

DUST CONTROL – Rick Hansen reported that Ferrell Gas has provided this service for the last few years and are the only company in the area that provides this service. The price is the same as last year \$.56/ft. They are planning to do 14,500 feet at a cost of \$8,120.00.

Motion by Member Volkmuth, second by Member Ahles, to approve the bid of Ferrell Gas as presented.

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

Motion passed on a 6 to 0 vote.

ROCK FEST – Rena Weber reported that the raffle books are available at City Hall at a cost of \$10.00 per raffle.

ENGINEER REPORT

BID AWARD – WEST BROADWAY STREET IMPROVEMENT PROJECT – Scott Hedlund presented the bid tabulation for the West Broadway Street Water/Sewer Improvement project. (A copy of the bid tabulation is hereby attached and marked Exhibit B). Scott Hedlund reported that 13 bids were received and recommended award of the low bid to Kuechle Underground based on their bid of \$257,076.27.

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

RESOLUTION NO. 2007-12

RESOLUTION ACCEPTING BID

WHEREAS, pursuant to an advertisement for bids for the improvement of extension of watermain and sewermain – West Broadway Street, bids were received, opened and tabulated according to law, and the following bids were received:

Kuechle Underground	\$267,076.27
S J Louis Construction	276,780.70
Kober Excavating	288,007.85
Larson Excavating	288,929.33
Voss Plumbing & Heating	291,234.50
Ryan Contracting	292,390.66
Hennen Construction	293,252.60
R L Larson Excavating	297,146.50
Sunblad Construction	297,645.30
C & L Excavating	303,608.75
J R Ferche Inc.	319,004.05
Burschville Construction	331,867.75
Northdale Construction	355,005.40

AND WHEREAS, it appears that Kuechle Underground, Kimball is the lowest responsible bidder,

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

- 1. The Mayor and Administrator/Clerk are hereby authorized and directed to enter into the contract with Kuechle Underground in the name of the City of Rockville for the improvement of watermain and sewermain installation project according to the plans and specifications therefore approved by the city council and on file in the office of the Administrator/Clerk.**

2. ***The Administrator/Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.***

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

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

Motion passed on a 6 to 0 vote.

PCI – QUOTE – Scott Hedlund obtained a quote to do the pavement condition index on 230th Street from County Road 8 to Rausch Lake Road @ \$964 from Braun Intertec.

Member Pflapsen indicated that the city needs an independent study and suggested a 50/50 (Hansen/City) split to pay for this.

It was determined that the \$75,000 letter of credit would be used if damage occurs.

Member Volkmuth expressed concern that we need to tell if there is damage to the road which should be born by the property owner. We are not charging for the gravel being taken out of it.

Mayor Herberg wished to defend the gravel truck owners stating they can get caught if they haul too much. We don't regulate any other truck hauling in the city.

Member Volkmuth voiced concern that we entered into a contract (interim use permit) that indicates we would charge for damages and we need a process to determine that.

Mayor Herberg stated the last time we walked it and took pictures. That study was free and suggested we go that route or if you want something more scientific then go with a 50/50 split.

Jim Mogen reminded the council it was Mr. Hansen's request to have a better way to determine this.

Member Volkmuth cautioned that if we allow this then we won't be doing anything with 230th Street until he is done.

Motion by Mayor Herberg, second by Member Simon, to approve the bid of Braun Intertec at \$964 and split the cost 50/50 with Dan Hansen.

Member Pflapsen asked what happens in 5 years and he is not done. Scott Hedlund indicated that we would need do this again.

Member Hagen indicated that Mr. Hansen did this for his own protection.

AYES: Ahles, Herberg, Pflapsen & Simon

NAYS: Hagen & Volkmuth

Motion passed on a 4 to 2 vote.

ADDITIONS TO THE AGENDA

JIM VOIGT – REQUEST TO DEFER SAC/WAC ON 40 ACRES – Jim Voigt was present to ask for deferral on his 10 SAC assessments per year due to the moratorium placed on their property. It was reported this was a 6 month moratorium

Mayor Herberg indicated that in the event that the moratorium doesn't go off we can't expect him to sell his property.

Jim Voigt stated that he spent \$4000 to sell his property and then the city put a moratorium on prohibiting him from selling his property.

Concern was voiced on the following:

- How much of the 40 acres is within the 1000' feet of the lake?
- Is this the property that was advertised with lake access? Rena Weber reported that it was the same property and their realtor was told to eliminate the access as it is not allowed by ordinance.

Jim Mogen updated the council on past history such as the signed assessment agreement whereby the Voigt's agreed to paying 10 SAC payments per year. At present they are not paying the WAC charge. Jim Mogen suggested the council ask that the Voigt's put their request in writing as it may be a change in the contract.

Member Volkmuth stated that he would like to see a map and get more history on this project.

Member Hagen questioned the zoning status. It was reported that the 40 acres is zoned A-40.

Jim Voigt stated that he is getting roped here and his hands are tied up.

Member Pflapsen voiced concern that the market has turned all over.

Concern was voiced regarding the need to know if we can financially afford this. Rena Weber will contact David Drown and request his assistance with this matter.

Motion by Mayor Herberg, second by Member Volkmuth, to table action on this request until said request is submitted in writing stating the exact dollar amount is being questioned and further

a) What is the financial exposure to the city by granting this?

b) A history of the land development process for said project.

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

Motion passed on a 6 to 0 vote.

RESCHEDULE COUNTY ROAD 82 PUBLIC HEARING – Discussion was held regarding changing the public hearing for the County Road 82 (downtown project) from 4/18 to a later date. The council determined that in light of the discussion at recent assessment policy committee meetings more time is needed to address policy issues. Scott Hedlund reported Stearns County is opening bids for this project at the end of May. It was determined that discussion on this project would be added to 4/11/07 Special Assessment Policy Committee meeting agenda.

Motion by Mayor Herberg, second by Member Ahles, to cancel the public hearing on the County Road 82 Improvement Project (downtown) set for 4/18/07.

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

Motion passed on a 6 to 0 vote.

GRAND LAKE ASSOCIATION GAMBLING PERMIT – ***Motion by Member Volkmuth, second by Member Ahles, to approve the one day gambling permit for the Grand Lake Association to sponsor a raffle at the Grandview Resort on 9/1/07.***

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

Motion passed on a 6 to 0 vote.

LOOPING WATERMAIN – Scott Hedlund reported that he since the bids for the County Road 82 Watermain/Sewermain project came in favorably interest has been shown in trying to figure out a way to fully capture the remaining available grant money from DEED. Scott presented a breakdown of revised assessments using the remaining grant money.

Mayor Herberg reported that he spoke to two of the three property owners about the looping of the watermain from the SJ Louis property to the Prairie Industrial Park dead end and there may be some interest.

Concern was voiced regarding how this would affect the city finances if it were deferred. It was further determined that this should be discussed at the 4/11/07 Special Assessment Policy Committee meeting and seek input from David Drown.

Scott Hedlund reported on the benefits of looping the watermain such as system reliability, increased fire flow availability and increased circulation/freshness.

Member Pflapsen questioned the fact that there were a whole lot of people against this and if the city defers assessments so we are carrying the deal. Member Pflapsen asked Scott Hedlund is there really an engineering need. Scott Hedlund reported that in his opinion there is a need to loop the watermain or he would not be appearing to request this a fourth time.

Jim Mogen suggested the council delay the assessment not defer it.

Member Volkmuth reminded all that we don't forget the interest.

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

RESOLUTION NO. 2007-13

Resolution Receiving Report and Calling Hearing on Improvement

(CR 82 Water Main Loop)

WHEREAS, pursuant to resolution of the council, a report has been prepared by Short Elliott Hendrickson Inc. with reference to the proposed improvement of C.R. 82 from the west line of the SJ Louis Construction property to the intersection of C.R. 82 and Prairie Drive by installation of water main and water services, and this report was received by the council on April 4, 2007, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible.

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

1. The council will consider the improvements in accordance with the report and the assessment of abutting property to be served by the improvements, for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$167,165.

2. A public hearing shall be held on such proposed improvement on the 2nd day of May, 2007, in the council chambers of the city hall at 8:00 PM., and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

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

AYES: Ahles, Herberg, Pflapsen, Simon & Volkmuth

NAYS: Hagen

The motion passed on a 5 to 1 vote.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Herberg reported that he received a letter from Stearns County offering to pay the city \$1268 for a temporary slope easement. Mayor Herberg reported further there would be no exchange of money as the city is paying for all of the temporary slope easements and this is part of the paper trail.

Commissioner Vince Schaefer reported that the State of MN says Stearns County has to offer it.

Motion by Mayor Herberg, second Member Volkmuth, to approve the offer of Stearns County in the amount of \$1268 for the temporary slope easement – County Road 82 project.

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

Motion passed on a 6 to 0 vote.

PERSONNEL COMMITTEE – Member Volkmuth reported that the committee met for the first time on 3/26/07 and discussed a number of things such as hiring a Fire Marshall, meal per diem, summer youth coordinator and court appearances. More information is needed before a recommendation will be given.

Rena Weber reported the committee did appoint Randy Volkmuth as the Chair.

Motion by Mayor Herberg, second by Member Hagen, to approve Randy Volkmuth as Chair of the Personnel Committee.

AYES: Ahles, Hagen, Herberg, Pflapsen & Simon

ABSTAINING: Volkmuth

Motion passed on a 5 to 0 vote.

Rena Weber reported that Court appearance pay for attendance was also discussed. Rick Hansen reported that this mainly affects the Fire Fighters and the language is unclear. This will go back to the Personnel Committee for discussion.

ADMINISTRATOR'S REPORT

CAPITAL FIXED ASSET USEFUL LIFE LIST - Rena Weber reported that the storm water drainage system was not included in the original list adopted by the council and suggested the council consider approval of establishing a 25 year useful life for the same.

Motion by Member Volkmuth, second by Mayor Herberg, to approve establishment of a 25 year useful life on storm water drainage systems and further to add such item to the capital fixed asset useful life list.

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

Motion passed on a 6 to 0 vote.

OPEN FORUM

Mayor Herberg asked if there were any people from the audience who wished to speak at the open forum. No one appeared.

ADJOURNMENT – Motion by Member Ahles, second by Member Volkmuth, to adjourn the meeting at 9:16 p.m. Motion carried unanimously.

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

**BRIAN HERBERG
MAYOR**