

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
NOVEMBER 15, 2006 – 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, Ed Karls, Lloyd Lommel, Don Simon, & Greg Simones. Absent: None.

Staff Members present were: Administrator/Clerk Rena Weber, Maintenance Person Rick Hansen, SEH Engineer Scott Hedlund & Attorney Jim Mogen.

Others present were: Brian Hatten, Tудie Hermanutz, Aaron Cheeley, Duane Willenbring, John Koerber, Lori Anderson, Cheryl Lommel, Dan Hansen, Bill Molitor, Danny Kron, Jode Boldt, Wade Skaja, Dale Borgmann, Scott & Susan Palmer, Jim Meyer, Carol Dietman, Clarence Bloch, Dave & Randy Volkmuth, Mike & Joan VanderWeyst, Jim & Jackie Voigt, Mike Voigt, Jerry Tippelt, Judy Neu, Sherry Harris, Jason Krebsbach, Linda Brown, and Kim Klein.

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

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones
Motion passed on a 7 to 0 vote.

CONSENT AGENDA: Motion by Member Karls, second by Mayor Herberg, to approve the consent agenda as presented;

- a) **Approve minutes of 11/01/06 & 11/08/06**
- b) **Approve Treasurer's Report of 11/15/06**
- c) **Approve List of Bill and Additions of 11/15/06**

Accounts Payable CK # 008518 to 008567 **\$45,686.72**

Payroll CK #002529 to 002544 **\$ 9,224.12**

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones
Motion passed on a 7 to 0 vote.

BOARD/STAFF REPORTS

POLICE DEPARTMENT – There was no one present from the Sheriff's Department. The monthly report for October showed 68.5 contract hours.

FIRE DEPARTMENT – There was no report.

MAINTENANCE – Motion by Member Karls, second by Member Ahles, to have the council reconsider the purchase of a maintenance truck.

Rick Hansen reported that he obtained a price on the box from Bayer Built which is less than the price originally presented by Greg Stang.

Ford Truck	\$29,713.59 (state bid)	Ford Truck	\$29,713.59
Bayer Box	<u>7,721.25</u>	Rugby Box	<u>9,553.05</u>
	\$37,434.84		\$39,266.64

Mayor Herberg indicated that Option 3 has annual installments of \$4943.52 which is less than current budget of \$5,000.

Member Simones indicated that \$9,000 is budgeted to date and in 6 weeks there will be \$5,000 more.

Member Hagen voiced concern stating it was rejected four times already because it was too expensive. A poorer choice doesn't make it right

Member Lommel indicated this would replace "big red" and we are spending a lot of money on it now.

Member Simon stated that we are running junk now and sooner or later it will just sit.

AYES: Ahles, Herberg, Karls, Lommel, Simon & Simones

NAYS: Hagen

Motion passed on a 6 to 1 vote.

Member Hagen indicated that this was rejected four weeks ago and now this has surfaced so at least two other people have changed their minds. Member Hagen voiced concern about the timing of this and why it couldn't wait for a change in council.

Mayor Herberg indicated there are new emission standards going into effect and this is the last engine that has the old emission standards.

Motion by Mayor Herberg, second by Member Lommel, to approve purchase of the Ford Truck with the Bayer box \$37,434.84 using payment Option #3 – Pay \$21,000 down and pay off the balance in installments totaling \$3768 annually.

AYES: Ahles, Herberg, Karls, Lommel, Simon & Simones

NAYS: Hagen

Motion passed on a 6 to 1 vote.

PARK & RECREATION – Lori Anderson, Park Board Member, reported on the following:

- Santa Day – 12/3/06 – City Hall (1 p.m. to 3 p.m.) Bruce Conrad will take pictures
- Reviewing by-laws
- Roof is on the dugouts
- Eagle Scout project of renovating the ice rink will wait until spring
- 10/7/06 – Park Board, Lion's members, neighbors and Girl Scouts worked on the infield at Lion's Park
- Still looking for members.

PLANNING COMMISSION – Rena Weber reported for the Planning Commission:

MARK BINNEBOSE CONDITIONAL USE PERMIT – Rena Weber read the notice of public hearing which is being held to consider the request of Mark & Marsha Binnebose for a **Conditional Use Permit** in the SP-1 District. The address of the property is: 23264 88th Avenue, St. Cloud, MN with a legal description of:

Parcel A: That part of the West 330.00 feet of the Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼) of Section 14, Township 123, Range 29, Stearns County, Minnesota lying Southerly of the city (former township) road known as Ahles Road.

Parcel B: The West 330.00 feet of the Northwest Quarter of Southwest Quarter of the Southeast Quarter (NW ¼ SW ¼ SE 1/4) of Section 14, Township 123, Range 29, Stearns County, Minnesota.

SECTION 24 Subdivision 3: Conditional Uses (6) reads: Home Extended Business

The request is to operate a taxidermy business out of the garage.

One letter of support was received from Hunstiger Hillcrest Farm & Association.

7 notices of public hearing were sent out.

Staff has met with Mark Binnebose and he has responded with a written letter addressing the concerns. City Attorney, Engineer and Administration reviewed the application and have two concerns:

- a) Mark Binnebose indicates that West Central Sanitation will dispose of the carcasses and blood. *A call was made to Jeff Bertram to verify that.*
- b) Septic System – approved by Stearns County. *A phone call was made to Hank Schreifels-Stearns County Environmental Services who indicated that Mr. Binnebose has to have a separate septic system (holding tank) from the house.*
- c) Traffic – should not be an issue.

The Planning Commission recommends approval of the request.

Motion by Member Ahles, second by Member Simon, to approve the Findings of Fact hereby granting approval to Mark Binnebose for a Conditional Use Permit to operate a taxidermy business out of his garage. (A complete copy of the Findings of Fact is hereby attached and marked Exhibit A.)

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

SKAJA FINAL PLAT – Rena Weber read the notice of public hearing which is to consider approval of a Final Plat to be known as:

SKAJA ADDITION

Said plat has a legal description of: That part of Block Six (6) in LAKESIDE PARK, according to the plat thereof, Stearns County, MN described as follows: Beginning at a point on the North line of said Block Six (6) distant 35.5 feet Southwesterly of the northeast corner thereof (said point also being on the Southerly line of Lake Avenue as shown on said plat); thence Southwesterly along the North line of said Block Six (6) a distance of 95.5 feet; thence Southerly at right angle to said North line to point of intersection with the lower water line of Pleasant Lake; thence Northeasterly along said low water line a distance of 95.5 feet; Northwesterly to the point of beginning and there terminating.

AND

Block Six (6), less the Northeasterly 131 feet thereof, in LAKESIDE PARK, according to the recorded plat thereof, being a subdivision adjacent to Pleasant Lake in Section Two (2), Township One Hundred Twenty-three (123), Range Twenty-nine (29) West.

NEW LEGAL DESCRIPTION:

LOTS 1 & 2, BLOCK 1 – SKAJA ADDITION

Jim Mogen reported that a development agreement needs to be signed. Rena Weber reported that park dedication fee of \$1200 must also be paid prior to recording of the plat. The Planning Commission recommends approval of the request.

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

RESOLUTION NO. 2006-41

RESOLUTION APPROVING A FINAL PLAT TO BE KNOWN AS SKAJA ADDITION.

WHEREAS, Wade Skaja has submitted a final plat to the council for approval, and;

WHEREAS, a public hearing on the final plat was held before the Planning

Commission who has recommended approval, and;

WHEREAS, The Administrator/Clerk reported that proper notification had been given.

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

- 1. Said final plat to be known as Skaja Addition is hereby approved subject to final execution of the developer's agreement and receipt of the park dedication fee.***
- 2. The Mayor and Administrator/Clerk are hereby authorized to sign the developer's agreement once finalized.***

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

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

JODES ACRES – PRELIMINARY AND FINAL PLAT APPROVAL Rena Weber read the notice of public hearing which is to consider the request of Jode & Barry Boldt for approval of a Preliminary Plat and Final Plat to be known as Jodes Acres. The address of the property is: 7353 Ahles Road, St. Cloud, MN 56301 with a legal description of:

The East 30 acres of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West; LESS AND EXCEPT: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 123, Range 29 which lies Northeasterly of a line drawn Southeasterly from a point on the North line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, distant 734.36 feet West of the Northeast corner thereof to a point on the East Line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, distant 434.68 feet South of the Northeast corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ in the City of Rockville.

NEW LEGAL DESCRIPTION: Lots 1 & 2, Block 1, Jodes Acres

The Planning Commission recommends approval of this plat.

Motion by Member Simon, second by Mayor Herberg, to approve the plat contingent upon a development agreement being signed.

Member Lommel voiced concern that the intent of AG 40 is to restrict development (page 86) of the zoning ordinance.

Member Simones stated that he concurs with that conclusion and this subdivision should not occur.

Danny Kron, representing Jode Boldt, asked to table action first.

Member Hagen stated that he is not against the principal, but it goes against the ordinance, and further voiced concern of doing it in the right way. Regarding purchasing of property rights we should view the city to see where development should occur. There could be rural residential and areas where it would be very dense. The city needs to do a better job on land use issues.

Member Simones voiced concern that the 40 acres should be buildable acres. We need to review the ordinance.

Member Simon motioned to rescind his motion. Mayor Herberg agreed to rescind as well.

Motion by Member Lommel, second by Member Simones, to deny the request to approval a the preliminary and final plat to be known as Jodes Acres.

AYES: Ahles, Hagen, Lommel, Simones

NAYS: Karls, Simon, Herberg

Motion passed on a 4 to 3 vote.

PLEASANT ESTATES PLAT 2 – Jim, Jackie & Mike Voigt and Linda Brown were present to request approval of this plat which is now 7 lots. The request is to consider approval of a Rezoning & Final Plat to be known as:

PLEASANT ESTATES PLAT 2

Said plat has a legal description of: That part of Government Lot 8, Section 2, Township 123 Range 29, City of Rockville, Stearns County, Minnesota and that part of Government Lot 3, Section 1, Township 123 North, Range 29 West, City of Rockville, Stearns County, Minnesota, described as follows; Commencing at the most southerly corner of Lot 17, Block 1, PLEASANT BEACH, according to the recorded plat thereof; thence South 39 degrees 58 minutes 33 seconds East, on an assumed bearing, along the southeasterly extension of the southwesterly line of said Lot 17, a distance of 33.01 feet, to the point of beginning; thence North 49 degrees 53 minutes 19 seconds East, along the southeasterly line of said PLEASANT BEACH, a distance of 225.28 feet, to an angle point in said southeasterly line; thence North 45 degrees 14 minutes 14 seconds East, along said southeasterly line, a distance of 152.18 feet, to an angle point in said southeasterly line; thence North 41 degrees 28 minutes 23 seconds East, along said southeasterly line, a distance of 78.04 feet, to an angle point in said southeasterly line; thence North 33 degrees 28 minutes 56 seconds East, along said southeasterly line, a distance of 81.89 feet; thence North 30 degrees 19 minutes 20 seconds East, along said southeasterly line, a distance of 78.29 feet; thence North 37 degrees 50 minutes 19 seconds East, along said southeasterly line, a distance of 77.12 feet; thence South 56 degrees 28 minutes 09 seconds East, a distance of 211.22 feet; thence South 32 degrees 43 minutes 33 seconds West, a distance of 355.53 feet; thence South 44 degrees 36 minutes 56 seconds West, a distance of 202.30 feet; thence South 50 degrees 16 minutes 00 seconds West, a distance of 201.13 feet to the southeasterly extension of the northeasterly line of Lot 1, Block 2, PLEASANT ESTATES, according to the recorded plat thereof; thence North 39 degrees 58 minutes 14 seconds West, along the said southeasterly extension and the said northeasterly, a distance of 235.64 feet, to the point of beginning. Subject to easement of record, if any.

NEW LEGAL DESCRIPTION:

LOTS 1 – 7, BLOCK 1 – PLEASANT ESTATES PLAT 2

NEW ZONING AMENDMENT – R-1 SINGLE FAMILY DISTRICT

Jim Mogen reported that this development required a developer's agreement that has been signed and the outstanding bills were paid.

Rena Weber reported that park land dedication of \$8400 still needs to be paid and a letter of credit in the amount of \$12,500 be provided as per the agreement.

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

RESOLUTION NO. 2006-42

RESOLUTION APPROVING A FINAL PLAT TO BE KNOWN AS PLEASANT ESTATES PLAT 2.

WHEREAS, James & Jackie Voigt have submitted a final plat to the council for approval, and;

WHEREAS, a public hearing on the final plat was held before the Planning Commission who has recommended approval, and;

WHEREAS, The Administrator/Clerk reported that proper notification had been given.

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

1. **Said final plat to be known as Pleasant Estates Plat 2 is hereby approved subject to final execution of the developer's agreement and receipt of park dedication fees.**
2. **The Mayor and Administrator/Clerk are hereby authorized to sign the developer's agreement once finalized.**

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

AYES: Ahles, Herberg, Karls, Simon & Simones

NAYS: Hagen

ABSTAINING: Lommel

Motion passed on a 5 to 1 vote.

CLARENCE BLOCH VARIANCE – Rena Weber read the notice of public hearing to consider the request of Clarence Bloch for a variance from Shoreland Requirements. The address of the property is: Hubert Lane with a legal description of: Lot 4, Weisman's 2nd Addition to Grand Lake Park according to the recorded plat thereof as is on file in the office of the County Recorder – Stearns County in the City of Rockville.

The request is to construct a 30' x 48' single family dwelling with a 24' x 40' unattached garage in the Shoreland district. A variance will be required to build within the shore impact zone (shore impact zone setback).

Rena Weber reported that 4 letters of support and one letter of support but also questioning what can be built, were received. In addition 21 notices were sent out.

Jim Mogen gave a short history of what occurred in this instance and the need for the variance. A 50' variance was granted and the structure was built 48.7' and 47.7' from the OHWL. Jim Mogen further reported that a sub-committee was established by the City Council to review this request and to come up with a recommendation. This has 13 conditions and one change was made reducing item 13. \$10,000 to \$5,000.

#14 is an added condition which lays out the variance expiration.

#15 is an added condition that shows the layout of the variance as built.

The Planning Commission recommends approval of the variance and findings of fact.

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

RESOLUTION 2006-43

RESOLUTION APPROVING FINDINGS OF FACT AND VARIANCE.

(A complete copy of the Findings of Fact and Decision regarding the variance for Clarence Bloch is hereby attached and marked Exhibit B.)

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

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

ADDITIONS TO THE AGENDA

AG-40 REQUIREMENTS - Jim Mogen stated that he will address the 40 acre ruling, transferring, etc. at the November 28th Planning Commission meeting.

VOIGT ASSESSMENT REAPPORTIONMENT – Jim Mogen asked that the Council approve a reapportionment of the sewer assessment on PID 76.41600.400 by apportioning \$381,698.37 against the remaining parcel that is not platted (expect to retain the PID 76.41600.400 and \$2,446.06 to each of the 7 lots located in Pleasant Estates Plat 2.

Much discussion was held regarding the trunk fee, SAC, and grinder station costs.

Motion by Member Simones, second by Mayor Herberg, to approve the request to reapportion \$2,446.06 against the 7 new lots in Pleasant Estates Plat 2 as requested.

AYES: Ahles, Hagen, Herberg, Karls, Simon & Simones

ABSTAINING: Lommel

Motion passed on a 6 to 0 vote.

NEW BUSINESS

TOM VAN LITH — Rena Weber reported that Mr. Van Lith is asking that the ½ payment he made in 2005 be applied to his consultant's bills for this year - \$2202.41. Mr. Van Lith also thinks he should not have to pay the consultants fees since the sewer was deferred.

Motion by Member Simones, second by Member Ahles, to table action on this request until the City Attorney can research this request.

AYES: Ahles, Herberg, Karls, Lommel, Simon & Simones

NAYS: Hagen

Motion passed on a 6 to 1 vote.

ASSISTANT WEED INSPECTOR – Motion by Member Ahles, second by Member Simon, to appoint Rick Hansen as assistant weed inspector replacing Greg Stang.

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

RE-CERTIFY ASSESSMENT – HEISERICH ENTERPRISES & RANDY LANGE – Rena Weber reported that partial payments on the sewer assessment were made:

\$35,000 – Heiserich Enterprises

\$ 900 - Randall & Debra Lange

Motion by Mayor Herberg, second by Member Simon, to approve the partial payments on the sewer assessment as presented.

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

COUNTY ROAD 82 IMPROVEMENT PROJECT –

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

RESOLUTION NO. 2006-44

RESOLUTION CALLING FOR HEARING ON IMPROVEMENT

WHEREAS, pursuant to resolution of the council, a report has been prepared by Short Elliott Hendrickson Inc. with referent to the improvement of C.R. 82 west of C.R. 8 by installation of sanitary sewer, water main, and water & sewer services, and this report was received by the council on November 1, 2006, 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, STEARNS COUNTY, 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 \$442,679.**
- 2. A public hearing shall be held on such proposed improvement on the 20th day of December, 2006, in the council chambers of the City Hall at 8:00 p.m., and the Administrator/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, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

AG-40 REQUIREMENTS – Discussion had been held previously regarding Ag – 40 at which time the council gave directive to the attorney to bring this up at the November 28th Planning Commission meeting.

Motion by Member Simones, second by Member Lommel, to place a moratorium on subdivisions in the Ag-40 until the Planning Commission can make recommendations on:

- a) **Transfer of building covenants outside of current ownership**
- b) **Property having less than 40 acres - needs to be readdressed in the ordinance**

AYES: Ahles, Hagen, Karls, Lommel, Simones

NAYS: Simon, Herberg

Motion passed on a 5 to 2 vote.

Dan Hansen – 23763 Mill Street South, indicated that according to the city attorney this was permissible. Dan further indicated that he felt what the Planning Commission did was right.

PUBLIC HEARING – MORATORIUM ON SHORELAND SUBDIVISIONS – Mayor Herberg announced that a public hearing would now be held to consider a moratorium on subdivision of Shoreland property.

Susan Palmer – 21108 Fowler Road, stated that she was speaking on behalf of putting the moratorium back on.

John Koerber – 25722 Lake Road, definitely feels the moratorium has to be put on. The city can't keep going through the process with indecisions. John referred to consolidation stating that many hours were put into the consolidation.

Tudie Hermanutz – 211 1st St W, stated she is in favor of the moratorium; people are working on it so give them the opportunity to get it done.

Scott Palmer – 21108 Fowler Road, stated he is the president of Grand Lake Assn. and is not opposed to new development. Scott is a member of the committee reviewing the Alternative Ordinance. The city has adopted Stearns County ordinance by reference. Stearns County is reviewing their comp plan, but Shoreland Standards review is at least 2 years off.

Scientists have done a lot of research and our Ordinance is outdated. Our Ordinance does a poor job of distinguishing between sewer and unsewered lakes, and impervious surface has more effect on the lake. Scott Palmer asked that we also include the prohibition of lake access lots. Scott further asked that the moratorium be for 6 months. (*Lake access lots are prohibited by Stearns County Ordinance now*).

Motion by Member Lommel, second by Member Simones, to close the public hearing at 8:10 p.m.

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

Member Simones introduced the following ordinance and moved for its adoption:

ORDINANCE NO. 2006-35

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE SUBDIVISION OF CERTAIN LAND WITHIN THE CITY OF ROCKVILLE.

(A complete copy of said ordinance is hereby attached and marked Exhibit C).

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

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

NEW BUSINESS

MOLITOR DEVELOPMENT – Bill Molitor introduced Sherry Harris who gave a power point presentation on an affordable housing proposal. The City match could be made by way of TIF, waiving of fees such as SAC/WAC, or higher density. Central MN Housing Finance Agency will apply for a grant from MHFA in January for first time home buyer assistance.

Sherry Harris introduced Jason Krebsbach who spoke of another program called community land trust which is a subsidiary of Central MN Housing Finance Agency. The next financing round is in early February. A 3 to 5% range of the total development cost is to be for the city's matching assistance. An application for funding needs to be very specific to a development project. Duration of the funding is 20 months from time of award.

Much discussion was held regarding the programs.

Bill Molitor reported that this is in the planning stages and he is teaming up with Lumber One. Bill just wants to see if the city is open to this type of housing. Bill further is looking for approval of 85 to 90 homes or 2 ½ per acre.

Member Simones indicated that the land trust makes a lot of sense as it makes it more affordable.

Motion by Member Simones, second by Member Ahles, to start the process for both programs.

AYES: Ahles, Hagen, Herberg, Lommel, Simon & Simones

NAYS: Karls

Motion passed on a 6 to 1 vote.

APPOINT KDV AS AUDITOR – Motion by Member Simones, second by Member Ahles, to appoint KDV as the auditor for the 2006 city financial audit.

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

BUILDING INSPECTOR FOR 2007 – Member Lommel presented information showing the proposals that were submitted and recommended that the city not go with a flat rate per month as some months there may not be any permits issued and we would still have to pay.

Motion by Mayor Herberg, second by Member Ahles, to hire Code Consulting for building inspection services effective upon the termination of the current contract with All Spec Services.

Member Hagen questioned the need for a contract. Mayor Herberg indicated that the city would need a 30 day out and it should be reviewed every year.

Member Hagen questioned waiting until the new council is on and voiced concern that the process was handled incorrectly.

Dave Volkmuth- 25754 Lake Road, stated that he talked to a number of attorneys who told him that you have a big mess over there and they don't want to be involved with us. Dave Volkmuth wants to have the new council appoint the attorney.

Clarence Bloch – 21990 County Road 8, reported on the history of what happened to him claiming that it is going to cost him the price of a new pick up.

AYES: Ahles, Herberg, Karls, Lommel, Simon & Simones

NAYS: Hagen

Motion passed on a 6 to 1 vote.

Jim Mogen asked for clarification on when this contract will start. Mayor Herberg stated that we have to retain the current Building Inspector for 180 days, but there is nothing in the current contract that prohibits the city from entering into a contract with a new Building Inspector.

Motion by Member Lommel, second by Member Simones, to start the process to terminate the current contract and make the new contract start now if it can legally be done.

AYES: Ahles, Herberg, Karls, Lommel, Simon & Simones

NAYS: Hagen

Motion passed on a 6 to 1 vote.

ATTORNEY APPOINTMENT 2007 – Mayor Herberg reported on the firms that were interviewed.

Member Hagen had previously voiced concern on the whole process and did not want to repeat what he said.

Motion by Member Simones, second by Member Hagen, to table action on the selection of an attorney until the new council is seated and let them decide which attorney they wish to hire.

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

ENGINEER REPORT

MEETING WITH SJ LOUIS – Scott Hedlund reported a meeting was held with S J Louis regarding the assessment and they were not opposed to the proposal.

COMMITTEE REPORTS

MAYOR REPORT – EDA APPOINTMENTS – Mayor Herberg reported that when the EDA was established there were no term limits established. Mayor Herberg referred to the minutes of 1/21/04 where the EDA was appointed and suggested the limits be set according to the order of appointment:

Ed Karls – 2009

Greg Simones – 2008

Vern Salzl – 2007

Duane Willenbring – 2006

Jeff Baggenstoss – 2005

This indicated that there will be four positions to fill at this time and asked people to submit their resumes to the Mayor.

Motion by Member Ahles, second by Member Lommel, to approve the term limits for EDA Board Members as presented.

AYES: Ahles, Hagen, Herberg, Lommel, Simon & Simones

ABSTAINING: Karls

Motion passed on a 6 to 0 vote.

PLANNING COMMISSION VACANCY – Rena Weber reported that there will also be a Planning Commission vacancy as Susan Palmer's position will terminate on 12/31/06.

Motion by Mayor Herberg, second by Member Ahles, to instruct the Administrator/Clerk to advertise for both boards.

AYES: Ahles, Hagen, Herberg, Lommel, Simon & Simones

ABSTAINING: Karls

Motion passed on a 6 to 0 vote.

PERSONNEL COMMITTEE

EXPERIENCE WORKS – Member Lommel reported that Experience Works (formerly Green Thumb) contacted the city to see if we would like to host hiring of people 55 years or older to work 24 hours per week. There would be no cost to the city as Experience Works would insure the worker and pay them. It was determined that the Administrator/Clerk could sign the agreement.

PART-TIME MAINTENANCE WORKER – Member Lommel reported that interviews were held with four individuals and the committee is recommending the city hire Mark Weiberg as the part-time maintenance worker. Mark is currently the backup snow plow operator and has the license necessary to drive the snow plows.

Motion by Mayor Herberg, second by Member Ahles, to approve hiring Mark Weiberg effective immediately for the part-time Maintenance Worker position (less than 32 hours per week) at \$13.99/hour.

Member Hagen suggested that we see what Rick Hansen can do on his own.

Member Ahles indicated that we need tree trimming done right now and he is short handed.

AYES: Ahles, Herberg, Karls, Lommel, Simon & Simones

NAYS: Hagen

Motion passed on a 6 to 1 vote.

ADMINISTRATOR/CLERK EVALUATION – Member Lommel reported the Personnel Committee performed the annual evaluation of Rena Weber and approve her performance. The Personnel Committee recommends approval of a step increase from Step 10 to Step 11.

Motion by Member Ahles, second by Mayor Herberg, to approve an increase from Step 10 to Step 11 for the Administrator/Clerk effective 11/20/06.

AYES: Ahles, Herberg, Karls, Lommel, Simon & Simones

ABSTAINING: Hagen

Motion passed on a 6 to 0 vote.

COST OF LIVING INCREASE – Member Lommel reported that the council usually considers a Cost of Living Increase at year end and at this time there is no recommendation from the Personnel Committee.

Motion by Member Simones, second by Member Lommel, to table action until the new council is seated.

AYES: Ahles, Hagen, Karls, Lommel, Simon & Simones

ABSTAINING: Herberg

Motion passed on a 6 to 0 vote.

STREET COMMITTEE

GM CONTRACT ISSUE – Rena Weber reported that GM Contracting for the Pleasant Lake area sewer project is asking for reimbursement for seeding and extra work to unplug a sewer on Marlene Court. The Street Committee is recommending denial of both claims.

Motion by Mayor Herberg, second by Member Lommel, to deny the requests for extra payment per the Street Committee recommendations.

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

OPEN FORUM

Dave Volkmuth – 25754 Lake Road questioned the step change for the Administrator/Clerk. Member Lommel reported it changed from \$29.25 to \$30.16.

John Koerber –25722 Lake Road, questioned the purchase of the one ton truck @ \$37,435.00 with only one bid. Has anybody gone out to get other bids? Rena Weber reported that the truck itself was part of the state bid therefore bidding requirements have been met. Mayor Herberg reviewed the whole bid including the boxes.

Appointment of attorney services - Mr. Koerber stated you are out and you're in. He would like to see a task force that would start in November and work with the new council in January. He urged the council to invite the new council to be on the committee. We need to get the consolidation to work.

Motion by Mayor Herberg, second by Member Ahles, to invite the new council members to the 12/6/06 meeting at 6:00 p.m. to discuss the appointment of attorney.

AYES: Ahles, Hagen, Herberg, Karls, Lommel, Simon & Simones

Motion passed on a 7 to 0 vote.

ADJOURNMENT – ***Motion by Member Ahles, second by Mayor Herberg, to adjourn the meeting at 10:09 p.m. Motion carried unanimously.***

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

**BRIAN HERBERG
MAYOR**