

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, MARCH 22, 2006 – 7:00 P.M. – JOHN CLARK ELEMENTARY SCHOOL

The meeting was called to order by Mayor Brian Herberg. Roll Call was held and the following members were found to be present: Mayor Herberg, Council members Vern Ahles, Jeff Hagen, Ed Karls, Lloyd Lommel, & Greg Simones. Absent: Don Simon.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Supervisor Greg Stang, Fire Chief Randy Dingmann, Park Board Chairman Scott Stenseth, SEH Engineer Scott Hedlund, and Attorney Jim Mogen.

Planning Commission members present were: Jerry Bechtold, Linda Peck, & Jerry Tippelt

Others present were: Sgt. Joe Litchy, Tудie Hermanutz, Mike & Joan VanderWeyst, Jen Schneider, Pat & Lori Gross, John Peck, Brian & Joanne Hatten, Duane Willenbring, Aaron Cheeley, Dave Volkmuth, Tim Massmann, Lori Anderson, Paul Bockenstadt, George Bechtold, John Koerber, & Rosie Steil.

ADDITIONS TO THE AGENDA: Administrator/Clerk Rena Weber asked to include discussion on the fee schedule for sewer stubs with an annual increase of 5%. Mayor Herberg reported that the Bayou request for gambling license has been pulled from the agenda, at the request of Kim Hinkemeyer.

Motion by Member Ahles, second by Member Lommel, to approve the additions to the agenda for consideration as presented.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

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

- a) ***Minutes of 03/01/06 & 03/09/06 as presented.***
- b) ***Treasurer's Report of 03/22/06***
- c) ***List of Bills and Additions***

<i>Accounts Payable CK #007743 to 007795</i>	<i>\$29,726.17</i>
<i>Payroll CK #002316 to 002327</i>	<i>9,811.36</i>

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

BOARD/STAFF REPORTS

POLICE DEPARTMENT – Sgt. Joe Litchy, Stearns County liaison officer, reported that there were 50 calls for service in February for 62 service contract hours. One arrest was made. Sgt. Litchy indicated that the department has one request for the city and that is to get the 911 signs up. They further would like to remind residents in the core city to have light up addresses on their house. Fire Chief Randy Dingmann reported that the Fire Department requests this also.

Member Hagen asked if new construction is required to have lighted house numbers on the house.

FIRE DEPARTMENT – Fire Chief Randy Dingmann reported on the following:
REQUEST FOR COUNCIL ACTION – Chief Dingmann requested approval to purchase 3 new pagers at a cost of \$1620.00 stating that he did not purchase any last year. The request also includes approval to install a speaker system in the tanker cab at a cost of \$150.00. Total cost \$1770.00 with \$3500 in the budget.

Motion by Member Hagen, second by Member Simones, to approve the request as presented.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

STREET COMMITTEE – Public Works Supervisor Greg Stang reported on the following:
APPROVAL TO SELL MOWER – Greg Stang requested approval to sell the 11' Landpride mower as it is no longer used.

Motion by Mayor Herberg, second by Member Lommel, to approve advertisement for sale of the Landpride mower as requested.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

PARK & RECREATION BOARD & TRAILS COMMITTEE – Chair Scott Stenseth reported on the following:

SUMMER BALL PROGRAM – Scott Stenseth reported the summer ball program will need more kids for all leagues. They had a good turnout for sign up and they need a coach for the girl's minor league team. Scott urged anybody who is interested to contact Brenda Hoffke. Sign up will run through April.

EASTER EGG – The annual Easter Egg hunt will be held on 4/15/06 at 10 a.m. at Lion's Park (Pleasant Lake). The age groups are from 0 – 10 years of age and they will have prizes by age group.

CONCESSION STAND – The Park & Recreation Board needs someone to run the concession stand and urged those interested to contact city hall for an application.

REQUEST FOR COUNCIL ACTION – Scott Stenseth requested Council approval to purchase the following as Twin's grant expenditures:

- Bases (2 sets) \$210
- Safety first base (2) 90
- Home Plate (2) 80
- Pitching Rubber (4) 125
- Aluminum Dugout Benches 450
- Field Drag 445
- Tax & Shipping approximately 250
- \$1650

Motion by Mayor Herberg, second by Member Lommel, to approve the request to purchase items from the Twin's grant as presented.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

PLANNING COMMISSION –

BELLEDREW LANE ACRES - Rena Weber reported that the Planning Commission reviewed the preliminary plat to be known as Belledrew Lane Acres and recommended approval based on the following changes:

- a) 850' Distance from feedlot identified on the plat
- b) 20' roadway moved to line up with the neighbor (Pfannenstein)
- c) Concern of septic system location

The owner of the property is: Elizabeth Gross with Jay & Jennifer Schneider purchasing said property. The property has a legal description of:

BELLEDREW LANE ACRES

That part of the South Ten acres of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) and Government Lot Numbered Two (2); and the South One-Half of the Southeast Quarter (S1/2 SE1/4) in Section Ten (10), Township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West, Stearns County, Minnesota, lying northerly of the following described line; Commencing at the South Quarter Corner of said Section 10, thence North 89 degrees 59 minutes 59 seconds East on an assumed bearing along the South line of said Southwest Quarter of the Southeast Quarter 433.79 feet; thence North 00 degrees 00 minutes 01 seconds West 99.21 feet to the centerline of county Road 47 to a point herein referred to as "Point A"; thence North 76 degrees 53 minutes 28 seconds West, along said center line to the East line of the West 412.50 feet of said Southwest Quarter of the Southeast Quarter, thence

South 76 degrees 53 minutes 28 seconds East, along said center line to the aforementioned "Point A"; thence North 40 degrees 05 minutes 26 seconds East, along the center line of a township road 480.52 feet; thence Northeasterly 451.70 feet, along the last described central line and along a tangential curve concave to the Northwest, having a radius of 1832.24 feet and a central angle of 14 degrees 07 minutes 30 seconds; thence North 25 degrees 57 minutes 56 seconds East, tangent to said curve and along the last described center line 85.00 feet, to the point of beginning of said described line; thence South 89 degrees 59 minutes 59 seconds West to the intersection with the West line of said Southwest Quarter of the Southeast Quarter and there terminating.

NEW LEGAL DESCRIPTION: LOT 1, BLOCK 1, BELLEDREW LANE ACRES

Jennifer Schneider and Lori Gross were present at the meeting and presented a revised preliminary plat showing the 850 feedlot distance, the change of the driveway to match Pfannenstein's to the east, and also stated that the septic system would be changed according to the Planning Commission's request.

**Member Hagen introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2006-11**

**A RESOLUTION APPROVING A PRELIMINARY PLAT TO BE KNOWN AS
BELLEDREW LANE ACRES.**

WHEREAS, Jay & Jennifer Schneider presented a preliminary plat to be known as Belledrew Lane Acres, and;

WHEREAS, Concerns of abutting property owners were heard, and;

WHEREAS, Proper notification and publication was given.

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

- 1. Said preliminary plat is hereby approved as presented and recommended by the Planning Commission.**

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

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

NEW BUSINESS

TOM VAN LITH – Administrator/Clerk Rena Weber reported that Tom Van Lith is requesting more time to extend the EAW decision. On 12/21/05 Mr. Van Lith had requested a time extension until 3/8/06 and has written a request an extension until this meeting on 03/22/06. Attorney Jim Mogen reported that the law only requires an answer within 3 to 30 days of the recording of the EAW comment period to protect the proposer (Van Lith) and does not limit the Council from delaying that decision at the request of the proposer (Van Lith). The question the City needs to decide is if a delay should be granted again.

Attorney Mogen reviewed the steps of an EAW, and explained if a positive declaration is approved then an environmental impact statement needs to be done.

Attorney Mogen reminded the Council that approving the underlying plat was contingent upon the EAW being completed. Mr. Van Lith has not complied. The EAW does not reflect the plat that was conditionally approved. The changes assumed as part of the EAW should be reflected in the preliminary plat application and resubmitted for Council approval. Mr. Van Lith has had time to submit a new plat; however, he has not done that.

Member Lommel indicated that the Street Committee has met with Mr. Van Lith and that he is working on a solution to the water issue. Member Lommel asked if Mr. Van Lith is aware that the EAW was not done.

Attorney Mogen reported that his consultant was aware (BWK) that there are issues with wetlands changes, roads changes, and the water issues. The proposed design of the subdivision changed during the review process. Attorney Mogen recommend Mr. Van Lith submit a new application for plat approval and the city evaluate it as if it were a new plat. A public hearing and possible EAW may happen.

Joan VanderWeyst, 25704 Lena Lane, presented copies of city council minutes from 12/07/05 and 12/21/05 for discussion. After review and discussion Attorney Mogen indicated that minutes reflect the Council revoked the earlier preliminary plat approval and denied the pending application, based on Van Lith not meeting the condition obtaining an EAW on that proposed plat. As a result, the issue regarding the EAW is mute because there is not plat pending. Attorney Mogen recommended the Council ratify the decision to deny the preliminary plat to address concerns that the application was still pending.

Motion by Member Simones, second by Member Hagen, to deny the plat as the conditions of the preliminary plat approval to conduct an EAW on the proposal was not met, and based on the findings of fact from the 12/07/05 minutes and also affirm that conditions for approval of the EAW for a preliminary plat have not been met. The Council further finds that the application does not meet subdivision requirements.

- a) ***Municipal water service is no longer planned for the subdivision.***
- b) ***Road alignment changed.***
- c) ***Road connects with a different road with different safety concerns.***
- d) ***Storm water ponds have been altered from those depicted on the preliminary plat.***

Member Hagen voiced concern that Mr. Van Lith should know that municipal water is a main concern.

Member Lommel reported that the Street Committee indicated Mr. Van Lith can explore a central water system pending engineer approval.

Member Hagen asked if the water system will include adequate fire protection such as fire hydrants. Mr. Van Lith should know this.

Scott Hedlund reported that without a well and storage tank, this probably can't work.

Mayor Herberg indicated that the pipe will be put in the ground, but no fire hydrants were anticipated to be installed. The stub will be there though so that when municipal water is available they can be installed.

Member Hagen asked if there are any State Fire Marshall requirements.

Jerry Bechtold stated that the plan has been changed, the road was changed by the county highway engineer, and we need to remember this.

Member Lommel asked if there is something in the ordinance that Mr. Van Lith can't come in for a year with another plat. The answer is yes.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

ENGINEER REPORT

COUNTY ROAD 82 (BROADWAY STREET) IMPROVEMENT – Scott Hedlund reported that the council may wish to receive more public feedback as they need to come to some kind of consensus by the end of April. Stearns County is willing to go without the raised median, but does want to narrow the road up by 10'. Traffic volumes do not warrant it now or for the future. This is an opportunity to beautify the corridor.

Mayor Herberg reported that the input he received has not been good. He would like to see a Saturday meeting and it is very likely that it might not cost the city anything depending on the design. The goal is that the council would come to a consensus and we need to know the cost.

The first step is to narrow options down to 2 and then get costs.

Member Hagen asked if there is a ranking of the options from the county. There is none.

Mayor Herberg indicated that the biggest issue is the maintenance cost.

Motion by Member Lommel, second by Member Hagen, to schedule a public informational meeting on 4/19/06 at 6:00 p.m. – John Clark Elementary School.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

PUBLIC HEARING – EAGLE PARK MASTER PLAN – Mayor Herberg announced that a public hearing would now be held to consider adoption of a master plan for development of Eagle Park.

Paul Bockenstadt – Bonestroo Rosen Anderlik, was present at the meeting to report on the history of the Eagle Park development plan which began last fall. Paul stated that as an ecologist Eagle Park is an ecological gem with a tamarack swamp, seepage sub-type, savanna, with geologic features known as corestones which are unique. There is a strip of floodplain forest which is not an old growth forest, but it is becoming a significant forest.

MASTER PLAN – Includes options for hiking, picnicking, and opportunities for environmental education. The St. Cloud Convention & Visitor Bureau uses it for tours. There is a small route that would be handicapped accessible. Discussion regarding the surface being crushed granite for the longer trail was held. Paul Bockenstadt reported this does not have to be all done at once. The city would need to manage the savanna & tamarack yearly. The parking lot could be installed later, but the gardens should be first.

Comments were received from the trails task force and incorporated into the plan.

Greg Stang – Public Works Director, read his letter which is hereby attached and marked as Exhibit A.

Duane Willenbring – 25123 County Road 139, asked if the red line around the perimeter is in wetlands and have they been identified. Paul Bockenstadt stated that a lot of the park is in the floodplain. Provided the trail is not created to make more problems it is proposed that down by the river will be left as gravel.

Duane Willenbring stated the proposed ordinance has a wetlands buffer of 50' and asked if putting in of a trail constitutes changing the wetland?

John Peck- 12299 Sauk River Road, stated that if the trail obstructs the flow of water then it impacts. John Peck added that in regards to Greg Stang's concerns, they have a lot of master gardeners who will be long term. There won't be a whole lot of work for city staff. The prairie restoration may not cost the city anything more than what is in the park dedication now. Once the prairie is established it requires a burn every 5 years. With regards to the county park to the west we may not need a parking lot. This should not be a heavy duty labor thing.

Lori Anderson – Park Board and Trails Task Force, wished to address Greg Stang's comment on do we want to do this now or wait until the county does something. Lori suggested we get it developed as a Rockville Community and get it started in the direction we want to see it go. We really are restoring this into a natural park as it is.

Duane Willenbring –25123 County Road 139, that it is a great idea to have this as the county park. His concern is filling in the wetlands.

GRANTS - Paul Bockenstadt reported that the Boards are looking at two different grants: Restoration and Remediation grants. He has high expectations that there will be a lot of volunteers for the project.

Tudie Hermanutz - 211 1st St W, stated there has been a pretty large group of people who have looked at this project. The questions that have come up have been looked at and there is a lot of interest in natural preservation.

Jerry Tippelt – 12318 State Highway 23, stated that a lot of work went into this. We talk about one eagle out there who liked what he saw, but what about another eagle. We had blue herons around here, St. Cloud State University put in a parking lot for viewing and the blue herons left. The grant money comes from somewhere – taxpayers. If we can be 100% sure that all grant money is used to the fullest extent then okay, but what about the wildlife out there. Jerry Tippelt stated that when he looks at some of the prices he hopes it is spent wisely. He urged the council to put this project on hold for a few years and see if more eagles come in.

Linda Peck – Trails Task Force, stated that anybody working on a natural park would be concerned about habitat. The trails and natural areas are designed so that you can view something from a distance. Eagles move around and they may not be there next year. In May the entire elementary school will view the park with naturalists.

In regards to the concerns about wetlands she appreciates this. The whole object of this park is to educate people about the floodplains, plants, etc. If you look at the whole plan you are not going to have massive people going on this site. There will be biking, and tours which is not going to be a rebel rousing group. You can sit on a rock and watch birds in a wetland area. This is within walking distance from downtown and the wonderful ball diamonds. We have an opportunity to do more. Linda Peck assured the council she has 7 letters that accompanied the proposal for grants.

Dave Volkmuth – 25754 Lake Road, stated that when Pleasant Lake put in their park it was all volunteered and did not cost the city anything until they mowed the lawn. Pleasant Lake succeeded in making a park without grants. The committee has done a great job of reviewing this. We need to start somewhere, but we don't have to do all at one time.

Member Simones questioned if the demonstration gardens and parking lot would not be undertaken initially, can this be done without disturbing the gardens at a later date. Paul Bockenstadt stated they will provide a buffer area to prohibit this. This plan does not take into account design of the project.

Mayor Herberg stated that the Park Board has looked at this. They were overwhelmed and were very limited with help, but since consolidation, a process has been on-going. Enthusiasm is high which has prompted getting to where we are. This is a great plan and the process is good. This isn't a housing development, but rather a diamond in the rough. We have been waiting for a long time to get this to fruition.

Member Ahles asked what type of activities will occur in winter. Will we put a gate on it to prevent people from going in it with snowmobiles? Mayor Herberg stated that we will put signs up and should not be a problem.

Member Karls asked if the fence is going to stay up around it? Mayor Herberg reported the fence is up due to renting it out. Joe Molitor is open to renting it this year for grazing.

Paul Bockenstadt stated that he does see winter cross country skiing and he does see the fencing staying up and cattle still grazing over the next years. Member Karls stated that if you take the fencing out, you open it up to ATV's.

Member Hagen stated that he viewed the park and saw that it has been left alone for a number of years and asked what are we restoring? Paul Bockenstadt stated the dominant plants are non-native so the goal is to replace what was there that is pretty good for cattle.

Member Hagen stated that when this project started before the County Park came up there was nothing of its kind in the works. The county park will have the same features and I would think that was a condition of the donation. Member Hagen voiced concern on the size and available funding in relation to the 360 acres and can the city keep ours the same as the county. Member Hagen further does not see the risk if we just wait until the county park develops.

Paul Bockenstadt stated these are all good questions/concerns. The areas up river have more forests, but we are talking about restoring a savanna which is global and very rare. There is some complimentary quality with the area upstream.

Member Hagen voiced concern about getting people (activities) in there that won't impact the park. How are you going to do that? Paul Bockenstadt stated this would be a bit of a crystal ball. Cattle don't bother the eagles much, and it is not very often that he has seen conflict with sensitive areas. There is no 100% guarantee that people won't affect the parks.

Member Karls voiced concern that you keep saying that there was a savanna years ago – it never was. Paul Bockenstadt agreed, but added they are proposing to make it that.

Member Simones stated that with respect to cross country skiing if you don't groom the area, it won't be used.

Member Simon's comments were read into the record:

Eagle Park Master Plan – It looks good, but I am concerned who is going to pay for this, implementing the steps, maintaining it.

- a) How is this to be funded? Grants, tax levies, park fees, donations, etc.
- b) Implementing the project – how many volunteers and who are they?
- c) Maintaining it – Who is this? City staff?

Member Karls stated we have been working on the tours for the Granite industry as a whole and what he sees as the only beneficiary is St. Cloud. They have the hotels. They will stop to see it and spend their money in St. Cloud.

GRANTS – Paul Bockenstadt reported that they are seeking two types of grants:

A) Natural areas restoration work – They would like to apply to the National Fish & Wildlife Foundation for a 5 star restoration grant – This pays up to \$50,000 with \$10,000 to be provided by NFWF and with a DNR \$40,000 grant to make the \$50,000. The goal is to match the state money Vs the federal grant.

B) Park Development Grant – MN DNR Regional Park Grant requires a 20% match – Trails Task Force would like to spend \$20,000 from park dedication fees and \$3,000 from the Initiative Fund. They are working with local business and private funds to come up with \$83,000 total.

Motion by Member Simones, second by Member Lommel, to close the public hearing at 8:58 p.m.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

Motion by Mayor Herberg, second by Member Ahles, to approve the plan as presented and further to continue seeking grants.

RESOLUTION 2006-12

RESOLUTION SEEKING A REGIONAL PARK GRANT

(A copy of the complete resolution is hereby attached and marked Exhibit B)

RESOLUTION 2006-13

RESOLUTION SEEKING A REMEDIATION FUND GRANT

(A copy of the complete resolution is hereby attached and marked Exhibit C)

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

NAYS: Hagen

Motion passed on a 5 to 1 vote.

ENGINEER REPORT

GIS PROPOSAL – Scott Hedlund & Wayne Becker were present to review a proposal for GIS services. Scott Hedlund explained that there would be costs for each layer:

- a) County tax parcel data - \$300
- b) Digital Ortho Photos - 800
- c) City zoning map - 800
- d) Sanitary Sewer - 1900
- e) Water Distribution System - 1400
- f) Data View - 2500 with \$1000 annually
- g) Training - 250

Rena Weber stated the city will provide the zoning map and BWK is to provide the sanitary sewer around the lakes. This system would be available over the internet.

Greg Stang asked if SEH could add storm sewer. Wayne Becker indicated it would be a separate layer, but you can add as much data as you want such as: the year installed, type of material, size, etc.

Member Lommel asked if this system will give you updated information. Yes.

Mayor Herberg reported that with mailing notices you click on a parcel and it highlights any owner within 350' of a parcel of land and also prints the labels.

Member Lommel suggested the city purchase items 1, 2 & 3 for one year, but it has to be used.

Mayor Herberg reported that when he did locates it took a lot of time, but if he had good as built it could have saved time.

Scott Hedlund reported that with new development it would be their expense to provide this information to the city and we in turn would bill the developer.

Duane Willenbring asked how much this would cost per lot. Scott Hedlund was not sure.

Wayne Becker stated if #3 can be provided by the city the cost goes away.

Jerry Bechtold stated that he was glad we are getting back to using technology. Ortho photo and arc view was used by the Township for 25 years. Information can become outdated, but we could look at vegetation from 20 years ago.

Joan VanderWeyst asked if the engineering firm is not hired by the city what happens with the information. Scott Hedlund stated it is the property of the city, and if we change the engineer the city can still retain this service from the engineer.

Member Hagen asked if the county does water/sewer. Not Stearns County.

Member Lommel questioned the cost for water/sewer as there is not much on line. Scott Hedlund stated they have the core city, but not the sewer around the lakes areas. They need to update the maps on CAD and transfer to GIS so we put it all on one map.

Member Hagen asked how does SEH feel about the accuracy and benefit from day to day for staff. With a picture printed out from the computer how much do you save from just printing out the map?

Wayne Becker indicated that Maintenance has to respond to locates sometimes 50 to 60 a week where ½ are "no locate required".

Greg Stang indicated that with Gopher State One Call he has to mark the lot, now he can e-mail gopher state one-call that all is clear. Every ticket has to be responded to with a positive response.

Jerry Bechtold reported that he has some cd's on soils that he would like to see incorporated. Wayne Becker stated that in order to get this information into data view it has to be in the same coordinates. This could cost approximately \$300. Wayne Becker asked in regards to land cover using the old state land cover maps is this of value?

Rena Weber estimated the minimum necessary would be \$4850 and asked Scott Hedlund if the city could pay this over a period of time? Scott Hedlund indicated SEH could do something.

Motion by Member Simones, second by Member Hagen, to table action on this proposal for one year and budget for it in 2007.

AYES: Hagen, Karls, Simones

NAYS: Ahles, Lommel, Herberg

Motion tied on a 3 to 3 vote.

Motion by Mayor Herberg, second by Member Lommel, to table action on this proposal until the next council meeting.

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

NAYS: Simones

Motion passed on a 5 to 1 vote.

ATTORNEY SELECTION

Mayor Herberg reported that the Council interviewed four firms over a period of time and a decision should be made regarding the selection.

Member Lommel stated that we have been through 3 attorneys with the present firm, one was not due to their concern, and he does not want to entertain anyone new.

Mayor Herberg voiced concern that one of the more important issues the city has been working on was work not getting done in a timely manner. Igor Lenzner asked what the issue is. After this conversation the response got better. During the interviews some attorneys presented a flat fee. Rinke Noonan proposes a flat fee of \$200 per meeting when called which includes Planning Commission meetings. Any special meeting they would bill on an hourly billing. During the interviews only one attorney said they would eat the cost to get brought up to speed. That same firm was in favor of more government.

Dave Volkmuth –25754 Lake Road, thinks the present attorney is adding to the cost of the decision.

Member Simones stated he has some concerns that law firms know when they are on probation and they provide a certain level of service. Is that level of service going to continue if we sign a contract? Mayor Herberg responded that these contracts should be done on an annual basis.

Member Ahles stated that the attorney from St. Michael was the attorney for Buffalo and they only used him once every 3 months.

Member Lommel stated the St. Michael firm is the attorney for St. Augusta and they like him. Member Lommel also stated he liked Gordon Hansmeier, but he did say if he has to be brought up to speed it is on our dime.

Member Hagen stated there are major things that stick out in his mind:

- a) Hubert Lane – three different attorneys who were all over the board and they did not protect the rights of the city. Igor Lenzner was right on target, but Jason Thomas was an 180° difference.
- b) Theisen property – Member Hagen felt the city did not have to pay that relocation, nor pay for asbestos removal. This should have been in the contract prior to purchase.
- c) Voigts – Condemnation proceedings and here we sit.
- d) Voigts – 7 or 8 lots proposed without city water. This should not have gone in without water.
- e) Van Lith – same deal
- f) Arcon – Shoreland ordinance – The lots went in at 10,500 square feet when it should have been 20,000 square feet.
- g) Advocating positions – They should not be advocating positions when they should be giving us advice and let us make the decision.

Other firms seemed to be interested in training the Planning Commission & City Council instead of us going back and making bad decisions. Member Hagen liked the St. Michael firm as they have strong sub-division and developer's agreements, and are very strong in educating the council.

Motion by Member Lommel, to appoint Rajkowski Hansmeier Ltd. as the civil attorney. There was no second to the motion.

Motion by Member Hagen, second by Member Simones, to appoint Couri, MacArther as the civil attorney.

AYES: Hagen, Lommel, Simones

NAYS: Ahles, Karls, Herberg

Motion tied on a 3 to 3 vote.

Motion by Mayor Herberg, second by Member Karls, to table action until there is a full council present to vote on this issue.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Herberg reported that he has received calls in regards to dangerous dogs and the city currently has no dog ordinance in place.

Rena Weber reported the history of adoption of the basic code wherein the issue of licensing dogs was not considered favorably.

Discussion was held regarding sending a letter to the pet owner stating that the city is prompting discussion on a pet ordinance and please take into consideration the neighbors.

Motion by Mayor Herberg, second by Member Hagen, to instruct the Administrator/Clerk to send the dog owner a letter informing them of this discussion.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

ADMINISTRATOR REPORT

LAKES AREA SEWER STUB – Administrator/Clerk Rena Weber reported that when the annual fees were reviewed it was determined that a fee for sewer stubs was not included and should be.

The cost initially was \$7586.66 and should be increased by 5% to \$7965.99 in 2006 with annual increases thereafter. This will be consistent with the SAC & WAC fees.

Motion by Member Lommel, second by Member Simones, to approve the inclusion of the sewer stub fee on the fee schedule at \$7965.99 in 2006 with a 5% annual increase thereafter.

AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, & Simones.

Motion passed on a 6 to 0 vote.

OPEN FORUM

Tudie Hermanutz – 211 1st St W, reported that the next Rock Fest meeting is 3/29/06, not tonight.

Jerry Bechtold – 24325 125th Avenue, stated that as a veteran he objects to comments about the attorneys as some have left due to military commitments. It is not their fault. He is also concerned that the council is saying that we don't appreciate them.

ADJOURNMENT - Motion by Member Lommel, second by Member Ahles, to adjourn the meeting at 10:18 p.m. Motion carried unanimously.

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

**BRIAN HERBERG
MAYOR**