

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
FEBRUARY 18, 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 & Duane Willenbring. Absent: Randy Volkmuth

Staff member present was: Administrator/Clerk Rena Weber

Others present were: Toni Honer, Dave Nieman, Jon Groethe, Carrie Raber, Rick Hansen, Aaron Cheeley, Tudie Hermanutz, Paul Vershure, Stephanie Court, Joe Sponheim, Dave Volkmuth, Don Simon & Clarence Bloch.

ADDITIONS TO THE AGENDA –There were none.

OPEN FORUM

No one appeared.

CONSENT AGENDA: Motion by Member Becker, second by Member Willenbring, to approve the consent agenda as presented:

- a) *Approve minutes of 02/04/09*
- b) *Approve Treasurer's Report of 02/18/09*
- c) *Approve List of Bills and Additions of 02/18/09*

<i>Accounts Payable CK #010986 to 011016</i>	\$78,220.49
<i>Payroll CK #003384 to 003391</i>	5,466.36
<i>EFT CK # 000187 to 000189</i>	3,271.74

AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Willenbring
Motion passed on a 6 to 0 vote.

BOARD/STAFF REPORTS

PLANNING COMMISSION – Toni Honer reported on the following:

Ordinance No. 2009-54 – Definitions (schedule PH 3/18/09 6:30 p.m.) – Toni Honer reported that the Planning Commission and staff have been working on the definitions for some time and are at the point of approval. Toni Honer requested approval to schedule the public hearing.

Mayor Hagen noted that there is a definition for Wind Turbine when we don't have an ordinance regulating them. Toni Honer reported the Planning Commission has been approached to draft an ordinance allowing WECS (wind energy conversion systems) and this should be coming to the council for approval soon. The definition is included now so that we don't have to have another public hearing to have this added.

Mayor Hagen voiced concern that we are exposed right now, even if we added this as a permitted use where cell towers are located. Toni Honer reported that WECS are totally different than cell towers.

Mayor Hagen indicated that there are similarities such as obstruction or same issues people would have with one or the other. Rather than being exposed without anything he thought we should at least add it to the tower ordinance.

Member Koerber reported that he was recently in Michigan and the amount of noise from wind turbine was unbelievable. Until he went out there and found out for himself he indicated they create a lot of noise. That was in Saginaw and they have a problem with it. They requested farmers to put in wind turbines and got paid \$3.00 per month.

Member Palmer stated that she would rather the committee took the time to be sure that what we are doing is adequate. The height of the tower, in this area, would be higher than what we are talking about for cell towers. Member Palmer asked what would be our exposure. Would we just not approve it?

Mayor Hagen thought that our position is weakened due to the fact that we don't allow for them anywhere, similar to the adult use ordinance. If you don't allow it somewhere I think your city has to allow it somewhere.

Mayor Hagen reported that Stearns County just approved allowing a wind turbine in the Shoreland Overlay area. This concerned him and he thinks it would concern on a lot of people in our city. If we are exposed to that by not restricting this to the same area as a cell tower, something is better than nothing.

Member Willenbring would like to solicit from the citizens on whether or not people want this.

Motion by Member Becker, second by Member Koerber, to schedule a public hearing on 3/18/09 – 6:30 p.m. to consider adoption of Ordinance No. 2009-54 – Definitions. AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Willenbring Motion passed on a 6 to 0 vote.

JOINT MEETING – Toni Honer reported that a joint meeting of City Council/Planning Commission and Jed Burkett/LMC as been scheduled for (3/10/09 6:30 p.m.).

A-10 ZONING – Toni Honer reported in regards to A-10 zoning where the Planning Commission was mapping out where they should be located the old council suggested the person wishing to subdivide and petition their neighbors. She wanted to know if this council felt the same way. We do have a request where a property owner wishes to subdivide a 40 acre plat into 4 (10) acre plats of which two of them are unbuildable.

Mayor Hagen asked that council members think about this request – to not designate certain area and let it come up by petition.

Toni stated the reason for doing this was that subdividing larger acreage will drive up the value of the surrounding neighbors. Some people might not want this. That was the direction they received last fall. No action is needed – just think about this so questions can be asked of Jed Burkett.

POLICE – Lt. Jon Lentz was present to inform the council about the contract hours for January 2009 – 42 hours which is what the new contract calls for.

Mayor Hagen asked what the rules are for bar checks at 3 a.m. and your license is for 1 a.m. – do you have ½ hour to get the patrons out and later for the employees.

Lt. Lentz stated that stated law requires that ½ hour after the bar should be closed the alcohol should be put away. There is no restriction on the employees unless the city has a vacating ordinance allowing it.

OLD BUSINESS

There was nothing.

NEW BUSINESS

WATER TOWER LEASE AGREEMENT – Rena Weber reported that she has been working with Stephanie Court of Wireless Communications LLC for the last few months on a proposed lease agreement for the water towers at Walnut Circle and Pleasant Lake. Mayor Hagen and Member Volkmuth also reviewed the document and recommended a lease rate that was agreeable to the proposers. She used the League's sample lease and tweaked it to match our current lease using the 4% increase per year, etc. so no attorney fees were involved.

Motion by Member Willenbring, second by Member Koerber, to approve the two water tower lease agreements as presented for Wireless Communications LLC. AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Willenbring Motion passed on a 6 to 0 vote.

PUBLIC WORKS PROCEDURES/OSHA COMPLIANCE – Present at the meeting were:
DAVE NIEMAN – MN RURAL WATER SOURCE WATER SPECIALIST
CARRIE RABER – STEARNS COUNTY SOIL & WATER CONSERVATION DISTRICT
JON GROETHE – MN DEPARTMENT OF HEALTH

QUESTIONS THAT WERE RAISED – Rena Weber reported that questions have been raised recently regarding the procedures of the Public Works Department and that she was asked to bring in these people to answer questions.

Dave Nieman reported that nobody from MPCA is assigned to the City of Rockville as we do not have a WWTP permit.

WELLHEAD PROTECTION

Mandated: Covered by 4720.5110

1. What is the cost to produce a plan? Budget went from \$200 to \$10,000
2. What is involved in the creation of the plan?
3. How often should it be updated?
4. What if the city does not comply and do a plan? The state will do it for us and charge.

Mayor Hagen asked why can't we have one plan for both wells or write a plan for existing wells or future wells. Dave Nieman reported that cities are mandated by law to have a wellhead protection plan in place to prevent something from entering the recharge area. An emergency plan is drawn up and followed. These two wells may come from a different aquifer so the water supply system comes from a different recharge area. There is no geologic information available in the new well. The current plan was adopted in 2002 and should be renewed in 2010.

Mayor Hagen asked what the purpose of the plan is. Dave Nieman indicated it is a preventative action plan where staff works with area land owners to reduce impact of contaminants entering the recharge area. The review will involve looking at where we are and have we accomplished what we hoped to do or what can we work on.

Mayor Hagen asked for an example of where the city has done things as part of the plan. Dave Nieman stated that one of the things in the plan is (identified in the evaluation document) public education so people know where the water comes from, what the issues are and how they can become involved in protecting the cities drinking water source.

Rena Weber reported that just last week Carrie Raber sent a letter out to the farmers in the WHPP informing them of programs. Carrie Raber indicated that what her department does is to provide education of proper techniques to manage feedlot runoff in the wellhead protection area as well as incentives in doing that promote the economic side of manure.

Dave Nieman reported the city also co-sponsors and annual Children's Water Festival as part of the education. The city also has posted signs in the WHPP indicating they are in the area.

- A brochure has been developed informing people of what the plan is
- City is working on a comprehensive water plan
- Staff is continuing to collect water samples and static water levels to define the scientific work that has been done to determine where the water is coming from
- Updated the inner wellhead management area
- Some of the wells in the area have been sealed off
- Several on-site septic systems have been removed due to the sanitary sewer system

The initial plan was put together with very little dollars by the city. The MDH invested \$20,000 to determine the DWSMA (drinking water supply management area) and Dave wrote the 2nd half of the plan. He cannot do that anymore as with any department – money is tight.

Member Willenbring asked if update of the current plan will include the 4 lane highway as that may have changed things. When we are working on the Pleasant Lake plan would it be better to update the current one too? Dave Nieman indicated that every 10 years the plan must be updated and at year eight you need to begin the updates. The DOT was involved in the original plan.

Member Becker asked if we can mirror or copy the current plan and cut down the \$6,000 to \$10,000 amount. This is something he would like to see.

Dave Nieman cited the manure spill that occurred in Rockville and there was discussion to divert the spill into an area that would run directly into the wellhead protection area. Because this was identified in the plan – a disaster was avoided. Two things are going to happen simultaneously and will be done.

Dave Nieman indicated that he would help where he can, but he can't take on that responsibility.

ROUNDS – Water/Sewer/Tower Checks

1. What are rounds?
2. Why are the wells checked daily? Refer to Jon Groethe e-mail following:

“It is important that remote pump houses are inspected on a daily basis. The failure or malfunction of a chemical addition or storage facility, loss-of-pressure occurring on the distribution system, or various alarm responses are more common than thought. Daily inspection of water supply components will greatly reduce the potential damage and loss that may occur from a malfunction. Daily inspections are particularly important at systems that have no SCADA or computerized telemetry which transmits real-time operating information from pump houses and storage facilities located at remote locations. Besides such critical upkeep, there is a continuing need for O&M such as flushing, valve exercising, routine inspection, replacement and maintenance of components, record keeping, etc., all which must be allotted operator time. The following are just a few of the sanitary survey comments which routinely appear on our reports:

“The following records should be maintained by the water supply system where applicable:

- a. Daily pumping per well.
- b. Fluoride added per well (daily).
- c. Chlorine added per well (daily).
- g. Fluoride concentrations on the system (daily).
- h. Chlorine residuals on the system (weekly). “

“A daily check of critical system components should be conducted to enhance security and ensure that an unauthorized entry has not taken place.”

“A certified water operator must be available as needed to provide technical assistance to the water system in a timely manner.”

3. Don't we have alarms that go off if levels are too high?
4. What is considered a timely manner when saying that a certified operator must be available as needed?
5. When we say check wells, sewer lift stations – what are we checking for?
6. Do we check them on weekends?
7. Why does it take two people?
8. Mandate – confined space entry – why?
9. What is the typical cost of a citation from OSHA?
 - Non-serious – probable result – minor injury or illness \$0 - \$7,000
 - Serious – probable result – death or serious physical harm \$1,500 - \$7,000
 - Serious violations resulting in death (assessed up to) \$25,000
 - Willful – employer intentionally or knowingly exposes employees to harm \$5,000 - \$70,000
 - Repeated violation – 2x within 3 years (up to) \$70,000
 - Failure to Abate – Penalty up to \$7,000 per day beyond prescribed abatement period

10. What is a water conservation plan and when would that be required?

Member Willenbring asked when we are talking about meter verification to determine how many gallons that are being pumped are they calibrated annually by someone other than us?

Jon Groethe indicated that this is typically calibrated annually and is done by others.

Dave Nieman indicated that some of their staff carries calibration equipment with them.

Member Becker asked why it takes two people to do certain jobs and sees documentation that it is necessary. Dave Nieman indicated that anytime you are dealing with chlorine or hazardous materials, it is a safety issue.

Rena Weber asked why the wells are checked daily. Jon Groethe indicated they MDH likes to see the water quantity so daily readings are needed. In the distribution system MDH likes to see that the amount of chlorine is stable out there and that fluoride has been added. The more surveillance you provide the less likely you are to have an acute situation with damage to the water system such as the chlorine pump going out. Where you cut back you open yourself up to more problems such as a chlorine leak. You need to keep things in line.

Mayor Hagen asked what is the minimum mandated as far as frequency? Jon Groethe stated that MDH wants to see fluoride in a daily basis and there is a mandate for chlorine of

several times a week. There is nothing that says you have to check it every day, but it is common practice in the industry.

Member Schmitt asked if cities are getting away from fluoride. Jon Groethe stated that is still mandated in Minnesota.

Member Becker indicated that this is pretty high on the public's agenda.

Dave Nieman stated it is just good management practice. You put money back into your investment to keep it viable. It is a business and as management you have to pay attention to it.

Dave Nieman indicated that the cost of SCADA equipment is around \$20,000.

Member Willenbring questioned how many water/sewer accounts are in the city.

Dave Nieman stated the city has three options to consider regarding the Wellhead

Protection Plan:

- a) Do nothing and wait to be fined
 - b) Rely on staff to do it all
 - c) Or work with people like Carrie Raber who offers expertise
- Carrie Raber went on to explain what she does as the Urban Conservationist –
- a) Nitrate Testing Clinic
 - b) Working with the Rocori Water group – education & training
 - c) MPCA – how to address if there were a spill along the highway corridor or the manure spill
 - d) There is more that she can do if asked.

Rena Weber asked if she could review plats. Carrie Raber does not do that herself, but she could review the plat and make recommendations regarding storm water.

MANDATES –

1. Drinking Water Standards
2. Wastewater Treatment Standards
3. Comprehensive Water Management Plan
4. NPDES Phase II Permitting
5. MN Clean Indoor Air Act
6. Wetlands

COMMITTEE REPORTS

MAYOR - Mayor Hagen stated he had nothing to report.

EDA – Mayor Hagen reported the minutes are reiterating the fact that the EDA is sending out a letter to Shingobee stating our position.

MAINE PRAIRIE TOWNSHIP UPDATE – Member Becker reported that he and Member Palmer attended their meeting last week. It went very well. Maine Prairie Township agreed to the fire contract for one year and is willing to look at a 5 year agreement. They agreed with our strategies, but want something in writing for Orderly Annexation. They are concerned with the rate for snow plowing. They agreed with the Boundary lines and loved our data view with the footages drawn on there.

Member Palmer agreed stating we need to go back to them with creating one working document for them to view. Rena Weber asked if the maintenance agreement would suffice for the snow plowing portion. Member Palmer indicated that they really want just one document to work from.

Member Becker added that as a positive thing Maine Prairie would like to meet with the City twice a year so there are no surprises when it comes to discussing road repairs, etc.

Member Willenbring asked if they discussed the sharing of one road and the repair maintenance. Member Becker indicated that's why they want the two meetings per year.

Mayor Hagen asked if they are in complete agreement with what Rick has proposed – we share this road, etc. – Yes.

No meeting scheduled – but we need to get something together.

Member Palmer indicated they discussed what the major differences are between ours and the county especially Shoreland Overlay.

Member Hagen asked if they were in agreement with land use and that they honor A-40 for this area.

ADMINISTRATOR'S REPORT

GREG BERG LETTER – Rena Weber indicated that she provided the council with a copy of the letter she sent to Greg Berg requesting the funds for the rain garden project, but also that the city would like to know the full cost before they expend any money.

STIMULUS MONEY – Rena Weber reported that as Scott Hedlund indicated we might receive some stimulus money and in fact the city was contacted about our request seeking more information.

REFUNDING BONDS – Rena Weber reported that staff has been looking into refinancing of some bonds and would like to discuss this further with the Finance Committee. It was determined that a Finance Committee meeting would be held on 2/26/09 at 6 p.m.

OPEN FORUM

Don Simon – 600 Othmar Lane, stated that Cold Spring voted to put their city on the Explore MN web-site at a cost of \$100. This may be something that Rockville should consider doing.

In regards to the Maine Prairie Township agreement the city needs to get the proper rate for snow plowing. We have equipment that is getting older, there are more repairs, so our rates are a little higher – keep that in mind.

Member Willenbring reported that the MN Rural Water conference is coming up next week and thought that Rick should attend as it is so close. Rena Weber explained that there is a fall one day conference in St. Cloud where staff can attend to maintain their certification.

Member Willenbring asked if Water Rates would be reviewed soon. Rena Weber said that we would like to review it with the Finance Committee first and only after all the numbers are in.

Member Willenbring also asked when they will see what the Emergency Management Director is proposing for reductions. Rena indicated members will see this at the finance meeting.

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

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR