

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JUNE 6, 2007 – 6:00 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 member Vern Ahles, Jeff Hagen, Susan Palmer, Jim Pflapsen, Don Simon and Randy Volkmuth. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Maintenance Person Rick Hansen, Fire Chief Randy Dingmann, Engineer Scott Hedlund, Attorney Jim Mogen, and Financial Consultant David Drown.

Planning Commission members present were: Jerry Tippelt

Others present were: John Peck, Dave Volkmuth, Jennifer & Jimmy Diedrich, Kim Henkemeyer, Linda Henkemeyer, Ev Balko, Bruce Conrad, Rick Schmitt, Vince & Audrey Schaefer, Scott Palmer, Tудie Hermanutz, Doris Smith, Ed & Mandy Schutz, Earl Pierskalla, Jackie Schaefer, Jan Neyssen, Corey & Chrissy Schreifels, Marilyn Sietsema, Carol Dietman, Bonnie Ring, Linda Marquart, Amanda Marquart, Jeanna Ring, Harlan & Fran Platzer, Marie Skaja, Harold Rosenow, Clarence Bloch, Ron & Jill Grand, Dale Nieman, Barb Iverslie & Kevin Erkens.

**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, Palmer, Pflapsen, Simon & Volkmuth**  
**Motion passed on a 7 to 0 vote.**

**CONSENT AGENDA** – Member Volkmuth questioned CK #009150 in the amount of \$4742.27 for turn out gear. Rena Weber explained that this was approved by the council at a previous meeting.

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

- a) **Approve Minutes of 05/16/07 & 05/23/07**
  - b) **Approve Treasurer's Report of 06/06/07**
  - c) **Approve List of Bills and Additions**
- |  |                     |
|--|---------------------|
| <b>Accounts Payable CK #009101 to 009161</b> | <b>\$311,633.29</b> |
| <b>Payroll CK #002720 to 002731</b>          | <b>6,629.58</b>     |
| <b>EFT CK 000112</b>                         | <b>370.92</b>       |

**AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth**  
**Motion passed on a 7 to 0 vote.**

**OLD BUSINESS**

**ASSESSMENT POLICY** – Jim Mogen was present to discuss the assessment policy stating that it is ready to adopt and is in its final form. Due to the last public hearing there was discussion on possible changes. Jim Mogen presented a written memo regarding possible changes for the County Road 82 project.

Member Volkmuth asked if we adopt the assessment policy does it preclude us from changing it for the Main Street project. Jim Mogen informed the council that you can make changes and you can adopt different assessments without making any adjustments to the policy.

Member Palmer voiced concern that if we adopt a policy she does not want to see a change from it every time.

Member Volkmuth stated that he agrees with Member Palmer, but there are differences here with the turn back funds. If we do adopt the assessment policy we should continue with it.

**COUNTY ROAD 82 PROJECT** – Jim Mogen reported that the assessment roll at the public hearing was preliminary and that any action taken is not the final assessment. The council will

consider approving a resolution just ordering the project and does not state how we will pay for the project. Part of the process is updating the assessment roll.

Jim Mogen noted the 4 changes made to the assessment roll. (A copy of the office memorandum is attached and marked Exhibit A)

Jim Mogen also indicated that when looking at this we are not looking at a specific assessment and suggested the council not throwing the baby out with the bath water so to speak. As to the Granite Edge the council can lower an assessment against a specific property if we can show they do not benefit. Senior citizens are addressed through a different procedure. What are we going to do? Why is this such a big assessment?

This is a policy issue –

1. Do you want to assess for this project? Is there some participation in this project?
2. If you are going to assess – county roads may come up just in general and the memo suggested different ways to assess county road projects.
  - A) New policy for grant receiving projects (divided up 4 different ways)
  - B) New schedule of Costs for Broadway Street
  - C) New schedule of Costs for Collector & Arterial Streets
  - D) Create a Low-Income and/or Business Subsidy Program

The question is; are we going to do projects today or wait knowing it is going to affect somebody.

Member Hagen indicated the committee did a good job putting together the assessment policy. The council can look at the CR 82 assessment with some changes, but he is for passing the policy tonight.

Member Palmer indicated that she too is comfortable with the policy and suggest we pass the policy.

Member Pflapsen voiced concern with a policy creating a low-income and/or business subsidy program as the council would get mired in the process and also suggested the council pass the policy tonight.

Member Ahles voiced his approval to pass the policy as presented.

Member Simon agreed to pass the policy.

***Motion by Member Palmer, second by Member Hagen to adopt the amended assessment policy as presented. (A copy is hereby attached and marked Exhibit B).***

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

***Motion passed on a 7 to 0 vote.***

***Motion by Member Hagen, second by Member Palmer, to approve the Schedule of Costs as presented. (A copy is hereby attached and marked Exhibit C).***

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

***Motion passed on a 7 to 0 vote.***

**QUESTIONS FROM 5/23/07 MEETING** – Mayor Herberg announced that staff put together the list of questions from the 5/23/07 meeting and has provided answers to those questions. Rena Weber read the 31 questions/answers. (A copy is hereby attached and marked Exhibit D).

Bonnie Ring – 316 East Broadway Street, indicated that there was a real issue as Harold Jungels reported where two side streets did not get plowed and that she did see the snow plow driver drive up Chapel Street 6 times.

Bonnie Ring also indicated that the issue with MNDOT paying 90% and 10% - that question was asked when she was on the council and it was determined that it was not going to be assessed.

Vince Schaefer – 541 Caroline Lane, asked if the list of questions/answers was available. He had no comment otherwise.

Jeanna Ring – 316 East Broadway, questioned that based on benefit and if this is the Main Street of Rockville, how do you think this benefits just the property owners?

Member Volkmuth reported that 70% is being still being picked up by all of the residents.

Member Palmer reported that residents directly abutting are being assessed 30%.

George Bechtold – 242 West Broadway, voiced concern that County Road 47 and 139 are in the city. Will they be assessed if a project is done and completely paid by the county? Yes.

Tudie Hermanutz - 211 1<sup>st</sup> St W, indicated that she was confused in that the city is paying 70% when in fact the city is not paying 70%. Tudie referred to the need for the project stating that if MNDOT wasn't paying it we wouldn't be doing it. Nobody is asking for the project.

Mayor Herberg reported that there have been people asking for storm water drainage corrections. MNDOT is paying 90%, and the city cost is going to be more like 15% of the project for the downtown. Part of this is due to the storm water costs and is not a part of MNDOT expenses. If you take out all the city related expenses MNDOT would probably be picking up more like 98% of the costs.

Scott Hedlund reported that the 10% number was put out as a budgeting number. If there were not all the additional city needs, the cost would be more like 10%. Tudie Hermanutz stated she understands this but it does not change the fact that anybody's memory of the Main Street meeting for the past 10 years is that the city's share would be 10%. Just because you are adopting an assessment policy for all the other roads in the city, we do see they do need repairs, then we are going back to Main Street and are treating them different from the rest.

Scott Hedlund reported that he too attended some of the Main Street meetings and they did discuss storm water drainage and assessments were discussed.

Mayor Herberg indicated that all the streets in the City of Rockville are paid for 100% by the city residents. Everybody pays County taxes. As we sat down to figure out the assessment policy we realized that some people live off of county roads and some live off of city roads. Everybody at some time is going to get some street work done. Somebody has to pay those bills and in order to make it fair for everybody the council set the policy. Everybody is going to have to pay for a portion by their property at some time. This was reviewed at a number of meetings and the council spent hours trying to make this fair for everybody and some of you do not agree with it.

Member Hagen stated in answer to Tudie's question about the 70/30 we need to focus on the benefit not the cost. The city is paying the 70% of the benefit and the property owners are paying the 30% of the benefit. Forget where the funding sources are coming from, but she does bring up a good point on the need and this should be discussed further before we decide to go ahead or not. He did not see the need, but saw the people with dollar signs in their eyes where they were looking for sidewalks or benches being that MNDOT was paying for it and the 10% was coming from everybody else. Now that we know the cost he still questions the need for that much of the road or the base may need to be replaced. The sidewalks have significant useful life left and he is not sure it is the time to do the project.

Member Palmer stated that most of the replacement of the road is being paid for, but what we are paying for is the storm water. Member Palmer questioned do we just ignore the storm water fix?

Member Hagen questioned what portion of the \$240,000 is for storm water and also questioned if reclaiming the road is a better option.

Scott Hedlund indicated that doing a reclaim on this width may not work as you have to match certain grades and further he is not sure how the storm drainage comes into play with a reclaim project.

Member Hagen questioned if this narrow road is a county necessity. Scott Hedlund indicated that he was not sure, but that this has been negotiated in the past with the county. The county did soil borings along the road and perhaps there were sub-soil issues identified that requires a sub-cut and replacement.

Member Palmer asked if Scott had those numbers indicating that if we have the funds to complete a road that will last a lot longer it should be done. The fact that we have this water issue is something that could be the deciding factor. It would make sense to do the road if there are funds available.

Member Pflepsen indicated that he understands the state will pay 100% curb to curb and outside of the curb will be the 10% which includes the storm water. The county has standards that they want to build it to. This road was built to state highway standards to haul granite and there is probably not a better built road. Why would you dig up a road that has been packed for a number of years and one that could be reclaimed? Member Pflepsen suggested the council take a hard look, discuss new negotiations with county/state and a reclaim could occur. Maybe the

state would consider picking up more of the cost if it were reclaimed. Member Pfllepsen stated that Vince Schaefer indicated the county would negotiate and maybe there is a benefit that could be derived by putting the project on hold. Maybe the city could accomplish the same goals and would not have to assess the 10%. He is a firm believer that the quality of the roadway other than the width should be utilized. Member Pfllepsen inspected both sides of the street and the sidewalks are perfect.

Member Simon stated that he agrees with Member Pfllepsen. The council went through this issue with the watermain. He urged the council to delay the project if possible adding that if the sidewalk is bad you can replace at your own cost.

***Motion by Member Pfllepsen, second by Member Hagen, to table action on the resolution authorizing the project, send it back to the Street Committee to discuss due diligence and further to find out if the state and county will renegotiate the cost.***

***AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen, Simon & Volkmuth***

***Motion passed on a 7 to 0 vote.***

#### **BOARD/STAFF REPORT**

**FIRE DEPARTMENT** – Randy Dingmann had nothing to report.

**MAINTENANCE DEPARTMENT** – Rick Hansen reported on the following:

**SEAL COATING BIDS** – Rick Hansen reported that he went to bid with Cold Spring again this year for seal coating. The bid price does not include sweeping. The low bid received was \$ .548 square yard from ASTECH Corp. to seal coat approximately 61,124 square yards to equal \$35,673.19 (tax included). There is \$41,500 in the budget – 101-43100-317.

***Motion by Member Hagen, second by Member Simon, to approve the low bid of ASTECH Corp. as presented.***

***AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen, Simon & Volkmuth***

***Motion passed on a 7 to 0 vote.***

**CLASS 5 GRAVEL** – Rick Hansen reported that he would like to purchase 2,000 cubic yards of class 5 from Dan Hansen at \$6.12 per cubic yard. Hardrives bid was \$7.46 per cubic yard. The total price will be \$12,240 (no tax). There is \$15,500 in the budget – 101-43100-338.

***Motion by Member Ahles, second by Member Volkmuth, to approve the purchase of Class 5 gravel from Dan Hansen as presented.***

***AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen, Simon & Volkmuth***

***Motion passed on a 7 to 0 vote.***

**GRAVEL HAULING/SPREADING** – Rick Hansen reported that he received two bids to haul and spread gravel: Kraemer Trucking & Excavating, Inc.

\$3.50 per yard

\$1.60 per yard for loading City trucks

Krippner Trucking & Excavating, Inc.

\$4.50 per yard

\$ .75 per yard for loading City trucks

***Motion by Member Palmer, second by Member Simon, to approve the low bid of Kraemer Trucking & Excavating, Inc. as presented.***

***AYES: Ahles, Hagen, Herberg, Palmer, Pfllepsen, Simon & Volkmuth***

***Motion passed on a 7 to 0 vote.***

**UPDATES** – Rick Hansen reported the water tower was fixed for \$1500.

Member Simon reported that Rick Hansen saved the city money when he had the main lift station pumped out at the same time as Cold Spring. The cost was \$250.

**ROCK FEST** – Kathleen Stanger provided a written report and asked that raffle tickets be turned back in.

Bonnie Ring asked if you are going to make a decision on the street to let us know. Mayor Herberg stated a decision would be made on 6/20/07.

### NEW BUSINESS

**LIQUOR LICENSE APPROVAL** – Rena Weber reported that the council is being asked to approve liquor licenses for Jimmy and Jennifer Diedrich – The Double Deuce. This is not really a transfer as the current holder (Kim Henkemeyer) indicated that she was not aware of a license transfer and further that she would like to keep the license to build another bar somewhere near Highway 23.

Rena Weber reported that the city may only license retail liquor establishments (premises) and not the person so this would not be a transfer. Rena further reported that the background check on Jimmy & Jennifer Diedrich came back clear from the Sheriff's Department. The issue is that Kim Henkemeyer feels that she still has a license. There have been issues in the past with Ms. Henkemeyer in regards to purchasing alcoholic beverages from another retail business for the purpose of resale. The city has been notified again of the action taken by the Department of Public Safety and the fine they are assessing Ms. Henkemeyer. The Council has the option of revoking or suspending the current license or imposing a civil penalty on Ms. Henkemeyer.

Rena Weber further explained that statutory cities with a population of 2,500 to 5,000 can issue five on-sale licenses. The city currently has issued four licenses.

Discussion was held regarding Ms. Henkemeyer's plans for the business.

***Motion by Member Palmer, second by Member Pflapsen, to grant the liquor licenses (on-sale, off-sale and Sunday) pending the sale goes through for The Double Deuce effective 7/1/07 at 201 Broadway Street East.***

***AYES: Ahles, Herberg, Palmer, Pflapsen, Simon & Volkmuth***

***ABSTAINING: Hagen***

***Motion passed on a 6 to 0 vote.***

**FINE ISSUE WITH KIM HENKEMEYER** – Mayor Herberg reported that the state has issues with this, the county has issues with this, but the enforcement is with the city and we are ultimately the bad guy since she is in our city.

Kim Henkemeyer was present to explain that she has downsized the business to make it work, turned the C4D back to the Sportsman's Club who in turn are selling the building which she just learned about last Friday. It is very difficult to bring this up and get things in order. She would like to keep her license.

Mayor Herberg indicated that there are more issues with the license than he could state and urged council members to contact staff to learn of what the issues are.

Member Hagen stated it has to be real tough doing business in downtown Rockville and she has other plans. These people have plans for this building.

***Motion by Member Hagen, second by Mayor Herberg, to table action on the fine until after the transfer of the license and encourage Kim Henkemeyer to make the transition as smooth as possible, clarifying that the renewal of the license for The Bayou does not go beyond the expiration date of 6/30/07.***

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

***Motion passed on a 7 to 0 vote.***

Member Volkmuth stated that he agrees with Member Hagen, but that he is tired of the issues coming forward.

Member Palmer stated that granting of a new license is not a given.

**SEH CLIENT FEEDBACK SESSION** – Rena Weber reported that SEH would like to schedule time with council members for a client feedback session. It was determined that this should be set up with Scott Hedlund.

### ENGINEER REPORT

Engineer Scott Hedlund indicated that he had nothing to report.

### ADDITIONS TO THE AGENDA

**LAKE IMPROVEMENT DISTRICT PETITION** - Scott Palmer, President of the Grand Lake Association presented a petition for Lake Improvement District. A copy of the petition is hereby attached and marked Exhibit E). Scott Palmer reported that 93 property owners signed the petition which is 54% of the total property owners affected or the majority.

Rena Weber reported that the signed petitions are actually the 3<sup>rd</sup> page of the petition and that the council would be accepting the petition only – not taking any action. The council would need to schedule a public hearing at a later date (sometime within 30 days).

***Motion by Member Volkmuth, second by Mayor Herberg to accept the petition only.***  
***AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth***  
***Motion passed on a 7 to 0 vote.***

**MAINTENANCE WORKER REPLACEMENT** – Member Volkmuth reported that interviews were done with two applicants for the part-time Maintenance Worker position. The interviewing committee recommends that Nicholas Pung be approved to replace Mark Weiberg starting at Step 5 (\$12.50/hr).

***Motion by Mayor Herberg, second by Member Simon, to approve the hiring of Nicholas Pung as the part-time Maintenance Worker – Step 5 (\$12.50 per hour).***  
***AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth***  
***Motion passed on a 7 to 0 vote.***

### ADMINISTRATOR REPORT

**PART-TIME RECEPTIONIST** – Administrator/Clerk Rena Weber reported that nine applications were received for the part-time Receptionist/Administrative Assistant position. The interviewing committee interviewed 6 of the 9 applicants and recommends that Cynthia Anderson be offered the position at Step 1 \$9.66 per hour.

***Motion by Mayor Herberg, second by Member Volkmuth, to approve hiring Cynthia Anderson as part-time Receptionist/Administrative Assistant at \$9.66 per hour.***  
***AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth***  
***Motion passed on a 7 to 0 vote.***

**RANDALL ARENDT** – Rena Weber reported that Randall Arendt is definitely scheduled for June 29<sup>th</sup> – 8:30 to 12:00 noon at the St. Cloud Civic Center and asked which members would be attending the session.

**HAROLD ROSENOW/CLARENCE BLOCH** – Rena Weber reported that Clarence Bloch and Harold Rosenow requested to meet with the Boundary Commission on an issue that Harold Rosenow has with his lot on the north side of Hubert Lane. Rena Weber reported that this has gone through the judicial system and the judicial markers have been placed. The council determined that the Boundary Commission should meet with the residents and maybe it can be worked out.

**PUBLIC HEARING – STATE HIGHWAY 23 RENAMING** – Mayor Herberg announced that a public hearing would now be held to consider approval of an ordinance renaming certain roads within the city. Rena Weber read the notice of public hearing.

Jerry Tippelt reported that he looked up the definition of address and cited the specifics. Mr. Tippelt asked is this Cold Spring or Rockville? If you say Cold Spring people are still not going to find him. Mr. Tippelt recommends the city give him the address with Rockville. His main concern is that when you get an emergency call people have to get to you.

Mayor Herberg stated that he does not dispute what Jerry Tippelt is saying and there have been numerous attempts to correct this issue.

Member Hagen suggested people use Rockville with (Cold Spring) behind it.  
 Mayor Herberg suggested people use Rockville with the Cold Spring zip code.

Joan Bomgaars – Stearns County Environmental Services who is in charge of addressing stated that she has had this same problem with St. Augusta and she is not sure if having the two names will work.

Chrissy Schreifels asked if there is a testing number people can call. It was determined that people can call Joan Bomgaars at Stearns County.

Corey Schreifels stated he is concerned that he has to say Rockville any time he calls in for an emergency. We elected you to take care of us. This is the 21<sup>st</sup> Century and he can't even Google his address. The people who have to make this go through are the council. Your position is to take care of us. He just wants the City of Rockville, is proud to live here, is paying taxes, and that's our right. Mr. Schreifels does not want to take a chance with his family's lives.

Member Palmer asked is there anywhere we can go.

Mayor Herberg indicated that he would try a different approach and give it another shot.

***Motion by Member Volkmuth, second by Member Hagen, to close the public hearing at 8:22 p.m.***

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

***Motion passed on a 7 to 0 vote.***

***Member Hagen introduced the following resolution and moved for its adoption:  
ORDINANCE NO. 2007-37***

#### **AN ORDINANCE RENAMING CERTAIN STREETS IN THE CITY OF ROCKVILLE, STEARNS COUNTY, MINNESOTA**

The Rockville City Council does hereby ordain:

All reference to State Highway 23, in the City of Rockville shall hereby be changed to

**STATE HIGHWAY 23 CHANGED TO BROADWAY STREET WEST**

(MILL STREET WEST TO NEW HIGHWAY 23)

**STATE HIGHWAY 23 CHANGED TO BROADWAY STREET EAST**

(MILL STREET EAST TO NEW HIGHWAY 23)

**STATE HIGHWAY 23 CHANGED TO 235<sup>TH</sup> AVENUE**

(OLD COUNTY ROAD 140 WEST END OF ROAD)

**COUNTY ROAD 140 CHANGED TO BROADWAY STREET WEST**

(NEW HIGHWAY 23 NORTH TO NEW 235<sup>TH</sup> AVENUE)

**effective with the publication of this ordinance in the official newspaper *The Cold Spring Record*.**

***The motion was duly seconded by Member Volkmuth with the following vote being taken:***

***AYES: Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth***

***ABSTAINING: Ahles***

***Motion passed on a 6 to 0 vote.***

#### **COMMITTEE REPORTS**

**MAYOR'S REPORT** – Mayor Herberg indicated that he had nothing to report.

#### **OPEN FORUM**

Dave Volkmuth – indicated that he likes the tables instead of all the chairs and asked the council to consider putting them back up in the council room.

Ron & Jill Grand – neighbors to Greg & Angie Berg – reported that the Berg's are beginning construction on the outbuilding. They have not gotten any answer and want to be sure the building looks the same as the house. It does not have a hip roof and they want to make sure that no precedent is being set. It does not look like it is going to be a shingled roof or hipped roof.

It was determined that the Planning Commission needs to review this again and give the Grand's a written answer.

Jerry Tippelt asked if it would help to get a state representative involved in the address issue.

Mayor Herberg indicated that he wants letters from Randy Dingmann, Jerry Tippelt and Corey Schreifels.

Member Ahles reported that the Bloodmobile will be in town on June 12<sup>th</sup> and urged people to donate blood.

Street Committee – Member Simon wanted to schedule a Street Committee meeting for Monday at 4:00 p.m. There was discussion on time and no action was taken.

**ADJOURNMENT – *Motion by Member Hagen, second by Member Volkmuth, to adjourn the meeting at 8:32 p.m. Motion carried unanimously.***

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

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**BRIAN HERBERG  
MAYOR**