

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, APRIL 5, 2006 – 7:00 P.M. – JOHN CLARK ELEMENTARY SCHOOL

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, Public Work Director Greg Stang, Fire Chief Randy Dingmann, Attorney Jim Mogen, & Engineer Scott Hedlund.

Planning Commission Members present were: Jerry Bechtold & Toni Honer.

Others present were: Tудie Hermanutz, Audrey Schaefer, Marilyn Montreuil, Kathleen & Kirsten Stanger, Brian Hatten, Aaron Cheeley, James & Kathy Bell, Igor Lenzner, Adeline Boucher, Carol Dietman, Dave Volkmuth, Ralph Robak, Duane Willenbring, George Bechtold, Janie Coissart, Megan Pfannenstein, & Tim Massmann.

ADDITIONS TO THE AGENDA: Motion by Member Simon, second by Member Ahles, to approve the additions to the agenda for consideration as presented:

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

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

Member Lommel questioned the Delta Electric bill in the amount of \$1496.25 and whether or not this is warranty work. It was reported that it is warranty work and will be reimbursed to the city.

a) *Minutes of 03/22/06.*

b) *Treasurer's Report Of 04/05/06.*

c) *List of bills and additions:*

<i>Accounts Payable CK # 007796 to 007837</i>	<i>\$59,035.26</i>
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<i>Payroll CK 002328 to 002337</i>	<i>6,127.88</i>
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AFFIRMATIVE VOTES: Ahles, Hagen, Herberg, Karls, Lommel, Simon, & Simones
Motion passed on a 7 to 0 vote.

BOARD/STAFF REPORTS

FIRE DEPARTMENT – Fire Chief Randy Dingmann requested approval to advertise for a new pumper truck citing the fact that new standards for 2007 come into play on 6/1/06 and there is a substantial savings to the city if we were to bid the equipment out before that time. The total cost is between \$325,000 to \$350,000. Randy indicated that \$29,000 per year is budgeted and there should be \$183,000 in the truck fund by the time it arrives leaving \$170,000 to finance. Discussion was held regarding two options for financing. Chief Dingmann reported that purchase of this equipment is needed to keep up the ISO rating. It is not a law that it has to be 20 years or less old. The department would like to order the equipment before June, 2006.

Motion by Member Lommel, second by Member Simon, to approve the request to advertise for a new fire pumper truck as requested.

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

MAINTENANCE DEPARTMENT – Greg Stang reported on the following:

PURCHASE OF 1998 DODGE ONE-TON TRUCK – Greg Stang requested council approval to purchase a 1998 one ton truck with a dump box and V plow. The truck was owned by the city of Brooklyn Center and has 39,000 miles on it. The total cost with tax is \$15,442.50.

Greg Stang explained how this would be financed using designated funds, 2006 capital improvement budget, and borrowing from the new maintenance truck fund. There was also \$5,000 budgeted for machinery in 2005 that did not get expended nor dedicated.

Greg Stang further explained where this truck would be used such as Lena Lane (repair of the road). Greg stated we should not take the big tandem axle truck up there as it would do more damage to the roads. He would like to get a sander attachment for use on Tower Road. Hauling things would be cheaper as you could haul more and he should not have to use his personal vehicle.

Member Simones stated that he does not want to borrow from future years and he does not want to take \$7500 from another truck. Greg Simones suggested financing the purchase. Further he does not want to take the \$5000 from the general fund.

Motion by Member Simones, second by Member Hagen, to deny the request to purchase the vehicle as presented.

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

NAYS: Ahles

Motion passed on a 6 to 1 vote.

Member Lommel suggested that Greg Stang use the suburban from the fire department.

ROCK FEST REPORT – Coordinator Kathleen Stanger was present to update the council on the following:

- List of daily events
- Dollars for Scholars will set up a booth
- Pick Up Power and Sports wants to have a beer garden on Sunday during the truck pull
- Gluek Brewery is sponsoring the event this year
- Beer gardens – There are items that need to be resolved with the Fire Department. Mike Hofmann will work with them.
- Kickball will be held at the ball park
- Peggy Adamson will be coordinating the pageant.

FIREWORKS & GAME WORLD CONTRACT – ***Motion by Member Lommel, second by Member Hagen, to approve the fireworks contract with RES Specialty Pyrotechnics and Game World subject to proper insurance information being provided.***

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

Motion passed on a 7 to 0 vote.

Tudie Hermanutz questioned approval of the use of the berm for the fireworks. Kathleen stated that she needs to talk to Sharon Jensen about this.

Discussion was held regarding the revenue Vs expenditures. Kathleen reported that there is \$5959.00 left from 2005 and with the \$5,000 tax levy this year she expects to be okay. The revenue will be worked on.

Next Meeting 4/6/06 – 6:30 p.m. – Granite Edge.

PLANNING COMMISSION – Jerry Bechtold reported the Planning Commission has not met since the last meeting, but invited the Council to meet with the Planning Commission to review the environmental ordinance on 4/11/06 at 7 p.m.

OLD BUSINESS

ATTORNEY SELECTION – Igor Lenzner – Rinke Noonan Law Firm was present to thank the council for their business in the past citing that the city is a very important client to them. Igor stated that he will personally work with Jim Mogen to resolve any issues along with providing the staff and senior attorneys that will solve issues that need to be addressed.

Dave Volkmuth – 25754 Lake Road, stated that has a real problem that the city allowed Rinke Noonan to come in a 2nd or third time as they are not representing our city. He urged the Council to wait and suggested all firms get their second chance.

Member Hagen stated he would like to hear some reasons why the City should keep Rinke Noonan.

Mayor Herberg stated that in regards to Rinke Noonan the war issue was the biggest thing. John Kolb was called off to war twice. First we had Igor, then John, then Jason Thomes, and then Jim Mogen. Specific issues were told to Rinke Noonan and those issues were taken care of. Had we not had the war we would not be here.

Member Hagen stated those were not his issues.

Member Ahles voiced concern that the city needs to do some positive attitude thinking. All the negative things have been talked about. Member Ahles urged citizens to look at the new City Hall and Fire Hall for which they get so much grief.

Member Lommel stated he does not think the issues were with Iraq, but with Couri, MacArthur & Ruppe restating their prices he does not buy this. They made a mistake on this.

Member Simones stated that they both have a very experienced staff. When John Kolb left Rinke Noonan should have provided a more experienced member of the staff. We should not be at this point with the well land.

Dave Volkmuth – 25754 Lake Road, stated he had one of the attorneys telling him that he better sign a letter on his sewer. Mr. Volkmuth has 4 witnesses so he has it ahead of those guys. Mike Decker informed the Street Committee that he did not dig up his yard. Mr. Volkmuth stated he would never have signed this thing if he knew it would not get put back to the way it was. They said they would put it back right. To Don Simon Mr. Volkmuth said you did not contact me before I went to Vegas. Mr. Volkmuth has a bill in his car that nobody has asked for. Mr. Volkmuth stated to the Council “I don’t think you people represent this community”. They lied at the Street Committee meeting. He has the facts on line and it’s not being addressed. One more week, he did it because he was told his lawn would be better or the same.

Motion by Member Ahles, second by Mayor Herberg, to appoint Rinke Noonan as the city attorney:

AYES: Ahles, Herberg, & Simon

NAYS: Hagen, Karls, Lommel, & Simones

Motion failed on a 4 to 3 vote.

Motion by Member Simones, second by Member Hagen, to appoint Couri MacArthur & Ruppe as the city attorney.

AYES: Hagen, Lommel, & Simones

NAYS: Ahles, Herberg, Karls, & Simon

Motion failed on a 4 to 3 vote.

Motion by Mayor Herberg, second by Member Simones, to re-interview with both firms (Couri MacArthur, & Ruppe and Rinke-Noonan) at the same time to see how they do together.

Member Hagen asked if there will be some structure. Member Simones suggested that a committee of Council member should come up with some questions and a rating sheet.

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

Motion passed on a 7 to 0 vote.

A sub-committee was established with Greg Simones, Jeff Hagen, Brian Herberg, Duane Willenbring, and Dave Volkmuth as members.

NEW BUSINESS

TRANSFER OF OFF-SALE LIQUOR LICENSE – Jim & Kathy Bell were present to say they wish to purchase the Rock Stop off-sale liquor license from George & Marsha Bechtold effective 5/1/06.

Motion by Member Lommel, second by Member Ahles, to approve the request to transfer the off-sale liquor license from George & Marsha Bechtold to James & Kathy Bell effective 5/1/06 pending proper insurance is obtained and approval by the Stearns County Sheriff and State.

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

Motion passed on a 7 to 0 vote.

ONE-DAY GAMBLING LICENSES –

CLEAR LAKE LION’S CLUB – There was no one present representing the Clear Lake Lion’s Club. Mayor Herberg voiced concern that the organization may not meet the requirements of the gambling ordinance.

Motion by Member Simones, second by Member Ahles, to table action on the request for a gambling license from the Clear Lake Lion's Club until more information is provided.

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

GRAND LAKE ASSOCIATION GAMBLING PERMIT -

Motion by Member Simones, second by Member Ahles, to approve the one day gambling license for the Grand Lake Association on 9/2/06 at the Grandview Resort as presented.

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

ENGINEER REPORT

GIS PROPOSAL – Scott Hedlund reported that he had nothing new to report. Rena Weber presented budget areas that could be accessed for payment of the proposal - \$4850 minimum.

Member Simones stated that if we could pare it down and provide something for the Planning Commission he would be okay with it, then budget the remainder of costs for 2007.

Member Hagen stated the Planning Commission should put this request in writing indicating how we are going to use it.

Member Simones suggested we postpone this purchase until next year or at least later this year. Take the Planning Commission on first and later the remaining programs.

Motion by Member Lommel, second by Member Simones, to postpone this purchase until a later date.

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

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Herberg reported that he and the Administrator attended the State of the Cities day at the LMC. Issues that were discussed were: Clean Water Legacy Act, Eminent Domain reform, adequate funding for transportation, opposing levy limits & TABOR, and joint powers liability clarification. Rena Weber reported that Representative Knobloch was asked once again to support a sales tax exemption bill for the new city hall/fire hall, but he was reluctant.

STREET COMMITTEE – Chair Don Simon went over the Street Committee report:

- Tom Van Lith – issue with water to his development
- One ton truck issue presented this evening
- Grading Contract – Don Simon reported that two bids for grading were received from: Herberg Construction @ \$90 per hour to 12/31/06.
Steve's Excavating @ \$105 per hour

Motion by Member Lommel, second by Member Ahles, to approve the low bid of Herberg Construction at \$90.00 per hour until 12/31/06.

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

ABSTAINING: Herberg

Motion passed on a 6 to 0 vote.

- Full Time and Summer Help – This will be referred to the Personnel Committee
- John Kirscher request to share grinder station has been denied
- Odor problem @ 400 Club – options are available and will be explained to the owner
- Duane Willenbring/Lange Trenching insurance issue. The adjuster still needs to contact Brian Herberg (which has been done) and Lange Trenching (Not yet). Duane Willenbring stated he has taken it further and contacted Charlie Durenberger. Duane Willenbring stated that he needs the name of the agent and license number.
- The City will adhere to the 10% late fee policy
- 911 signs – they will be installed this spring
- CR 82 project – the committee needed to discuss things that need to be done.

Member Lommel stated that he would like to thank Gary Grams from Grand Lake for letting the city dig out the ditch along Agate Beach Road. Gary Grams said it was okay as long as it gets fixed sometime.

Member Simon reported 10 to 12 garbage bags were found along Rausch Lake Road and urged citizens to take their grass to the compost site and not throw it out. Don Simon indicated that he will haul leaves for residents.

Mayor Herberg indicated that approximately 69 snow geese were thrown in ditch along Rausch Lake Road. The DNR wants to talk to anybody who knows who did this.

OPEN FORUM

Dave Volkmuth – 25754 Lake Road, stated he has received enough calls wondering why he doesn't speak up. He stated that he needs to compliment the council. He also needs to get his lot taken care of or come November... Don, Lloyd, Brian – you were lied to by Mike Decker. He wants his bill paid. Mr. Volkmuth also likes to see the people on the council are speaking up.

Duane Willenbring –25123 County Road 139 stated he had a few issues:

- Request for proposal on attorneys – He suggested the council start from scratch and if he is not here he will forward his questions.
- 2nd thing – Scott Hedlund should explain the GIS system and he will get a groundswell of people to support it.

ADJOURNMENT – *Motion by Member Ahles, second by Member Simon, to adjourn the meeting at 9:07 p.m. Motion carried unanimously.*

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

**BRIAN HERBERG
MAYOR**

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