

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JANUARY 4, 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 Jeff Hagen, Ed Karls, Lloyd Lommel, Don Simon & Greg Simones. Absent: Vern Ahles.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Greg Stang, Fire Chief Randy Dingmann, Engineer Scott Hedlund and Attorney Jim Mogen.

Planning Commission members present were: Jerry Bechtold & Dale Borgmann.

Others present were: Tудie Hermanutz, Clarence Bloch, Harold Rosenow, Terry Wotzka, Brian Hatten, Aaron Cheeley, David Volkmuth, and Tim Brawthen.

ADDITION TO THE AGENDA: Motion by Member Simones, second by Member Lommel, to approve the addition to the agenda for consideration.

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

Motion passed on a 6 to 0 vote.

ANNUAL APPOINTMENTS – Mayor Herberg announced that consideration would now be held to review the 2006 annual appointments minus the appointments for city attorney and engineer.

Motion by Member Simon, second by Member Lommel, to approve the following annual appointments:

1. **ENGINEERING FIRM -**
2. **OFFICIAL NEWSPAPER – Cold Spring Record**
3. **OFFICIAL DEPOSITORY – 1ST National Bank, Plaza Park Bank, Smith Barney, Bremer Bank, & 4M Fund**
4. **ACTING MAYOR – Greg Simones**
5. **AUDITOR/ACCOUNTANT – Kern, DeWenter, Viere LTD**
6. **ATTORNEY –**
7. **WEED INSPECTOR – Mayor Brian Herberg**
8. **ASSISTANT WEED INSPECTOR – Greg Stang**
9. **COUNTY AGRICULTURAL INSPECTOR – John Waldorf**
10. **PROCESS SERVER – Stearns County Sheriff's Department**

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

Motion passed on a 6 to 0 vote.

REIMBURSEMENT RESOLUTION – Rena Weber reported that the Reimbursement Resolution is a resolution that needs to be approved annually.

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

RESOLUTION NO. 2006-01

RESOLUTION ESTABLISHING PROCEDURES

RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND

REGULATIONS UNDER THE INTERNAL REVENUE CODE

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

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

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

Motion passed on a 6 to 0 vote.

OUT OF STATE TRAVEL POLICY – Member Hagen questioned the dollar limit on expenses and completion to “the Rockville City Council resolves the following”. It was determined that the amount is in the policy as hereby attached.

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

RESOLUTION NO. 2006-02

ELECTED OFFICIAL OUT-OF-STATE TRAVEL POLICY

WHEREAS, the City of Rockville (“City”) recognizes that its Elected Official(s) may at times receive value from traveling out of the state for workshops, conferences, seminars, events and other assignments.

WHEREAS, the City wishes to set forth the conditions under which out-of-state travel is appropriate, when out-of-state travel expenses will be reimbursed by the City, and the procedure for approval of those expenses.

NOW, THEREFORE, pursuant to Minnesota Statute section 471.661, and all other applicable statutes, the Rockville City Council resolves as follows:

- 1. To approve the Elected Official Out-of-State Travel Policy as attached and marked Exhibit B.**

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

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

Motion passed on a 6 to 0 vote.

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

- a) Approve minutes of 12/21/05**
 - b) Approve Treasurer’s Report of 1/4/06**
 - c) Approve List of Bills and Additions of 1/4/06**
- | | |
|--|--------------------|
| Accounts Payable CK 007541 – 007576 | \$29,442.06 |
| Payroll CK 002227 to 002233 | \$ 5,412.74 |

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

Motion passed on a 6 to 0 vote.

BOARD/STAFF REPORTS

FIRE DEPARTMENT – Fire Chief Randy Dingmann reported on the following:

2006 OFFICERS – Randy reported the Fire Department approved the following 2006 Officers:

- Fire Chief – Randy Dingmann
- 1st Assistant Chief – Bob Froehling
- 2nd Assistant Chief – Tim Massmann
- Secretary – Rick Hansen

Motion by Mayor Herberg, second by Member Simones, to approve the 2006 Fire Department Officers as presented.

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

Motion passed on a 6 to 0 vote.

MAINTENANCE DEPARTMENT– Mayor Herberg reported that he and Greg Stang met with Keith Yapp at the 400 Club and determined the odor is coming from the east lift station in a big dose. They discussed a plan to install a PVC baffle on the gravity flow line to prevent the air from flowing back through the 400 Club line. Mayor Herberg indicated he is waiting for a cost estimate from Keith Yapp. It appears there is a big slug of odor between 5 & 5:30 p.m.

Member Simon reported that he drove some of the roads during the last snowfall and noticed that people like to push snow across the road. Don indicated that there is a County ordinance prohibiting this practice. Don also suggested that we put something in the newsletter regarding this.

PLANNING COMMISSION- Jerry Bechtold reported on the following:

VACANCY ON PLANNING COMMISSION – Jerry Bechtold reminded the council that there is a vacancy on the Planning Commission. Rena Weber reported that the deadline for applications is 1/06/06 – noon.

INVITATION – Jerry Bechtold invited the City Council to attend the 1/10/06 Planning Commission meeting in the school gym. A sub-committee proposal for the Backes Development will be available and Jerry urged council members to visit with the neighbors to hear their concerns.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

ENGINEER REPORT

There was no report.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Herberg reported that consideration would now be given to establishment of committees for 2006. Mayor Herberg indicated that no one had informed him of desired changes. It was determined that Don Merten's name be removed from the Negotiating Committee and no replacement was made.

Motion by Mayor Herberg, second by Member Lommel, to approve the list of committee members for 2006 as presented.

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

Motion passed on a 6 to 0 vote.

Mayor Herberg reported that in regards to complaints coming in from snow plowing he had a conversation with Jeff Miller from Stearns County Highway Dept. and they determined that if Stearns County gets complaints on our work they will call us and we should do likewise.

ADMINISTRATOR REPORT

STEARNS COUNTY ENVIRONMENTAL SERVICES CONTRACT – Rena Weber reported that a meeting with Don Adams is scheduled for 1/6/06 – 9:00 a.m.

CITIZEN CONCERN – Rena Weber reported that a citizen had an issue regarding the procedure with support of the proposed county park. The citizen thought there should be public input and wanted to know when that would occur. It was determined that public input would occur in the event a rezoning would be required.

INTERVIEW OF ATTORNEY & ENGINEER – It was determined that interviews of attorneys & engineers would take place on 1/11/06 at 6:00 p.m. – upstairs city hall.

Don Simon reported that 6 engineering firms were interviewed:

Bonestroo Williamson Kotsmith

John Oliver & Associates, Inc.

Bolton & Menk, Inc.

LHB

WSB & Associates

Short Elliott Hendrickson

The Street/Utility Committee would like WSB & SEH as the firms to be interviewed

ATTORNEY UPDATE – Attorney Jim Mogen reported that the Voigt family has retained a new attorney; however, there is no contract yet. Attorney Mogen indicated that a resolution needs to be approved authorizing the condemnation. The City would own the well property by the end of April. Taking this action would move us along to get a voluntary resolution to the issue.

Member Lommel thought that we had authorized the condemnation process. Attorney Mogen indicated that the council only approved to hire the appraiser.

A question was asked of Attorney Mogen if the Voigt's know how important this is. Jim Mogen voiced concern about having to deal with three people instead of just one. He further indicated that they have known since November that this is a step needed.

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

**RESOLUTION NO. 2006-03
RESOLUTION DETERMINING THE NECESSITY FOR
AND AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTIES
(Pleasant Lake Water Project Well Sites)**

WHEREAS, the City Council has determined that it is necessary and in the public interest and benefit that municipal water improvements be made known as the Pleasant Lake Water Project (the "Project");

WHEREAS, the Project is a City-owned public water utility serving residents of the City within the Project area;

WHEREAS, the Project includes wells located on the property of James and Jacqueline Voigt (the "Voigts"), and Project design, and state and federal regulations, require certain property and property interests be acquired to facilitate the operation of the Project and the wells.

WHEREAS, the City Council has determined that obtaining title and possession of certain properties and property interests as soon as is legally possible is necessary and in the public interest for the construction of said Project;

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

- 1. The acquisition by the City of the interests necessary for the Project, including, but not limited to, temporary access easements, from the property owned by the Voigt's and identified in the attached Exhibit A hereto, and all other properties or property interests later identified, is necessary for the purpose of municipal utilities and other related improvements.**
- 2. The City Attorney is directed and hereby authorized to take all necessary steps in order to acquire, by gift or negotiated purchase, the property interests required for the project (subject to final approval of purchase amounts by the Council).**

FURTHERMORE, BE IT RESOLVED:

- 3. If the City Attorney determines that a negotiated settlement is not immediately likely, the City Attorney is directed and authorized to exercise the power of eminent domain pursuant to and as authorized by Minnesota Statutes, Chapter 117.**
- 4. Based upon the City's need to obtain title and possession of the property to keep the project on schedule, the City Attorney is specifically authorized to notify the owners of intent to take possession pursuant to Minnesota Statutes Section 117.042 (Quick Take provisions). The City Attorney is further authorized to take all actions necessary and desirable to carry out the purposes of this resolution including negotiating purchases in accord with the Council's authorization and subject to final approval by the Council.**

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

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

Motion passed on a 6 to 0 vote.

OPEN FORUM

Jerry Tippelt – 12318 State Hwy. 23, was present to voice concern that as of Monday the postal service will not deliver his mail anymore. All he wanted was an address that he could give somebody to find his house – not Broadway Street W – Cold Spring. Jerry Tippelt reported that there were two rescue calls where the people would not have been found. Mr. Tippelt was given a new address using a Rockville, MN with the Cold Spring zip code.

Mayor Herberg thought it was ironic that the Post Office came up with the same address that was proposed.

Tudie Hermanutz – 211 1st St W, asked for a report on constructions of the City Hall & Fire Hall buildings.

Member Karls reported on the following:

CITY HALL – The remainder of the floor was poured, and the dry wall started going up today. Tomorrow they will start sheet rocking in the rooms, and installing the tower trusses. The electricians and dry wall installers were working today. Committee members met with the owner of Shingobee to boost up the action.

FIRE HALL– There is no poured floor as of yet and things have been at a standstill.

Member Simon voiced concern on the city hall roof. There is no tar paper on it and he could see some buckles on the plywood.

Mayor Herberg indicated that he brought this situation up with SBI (Shingobee). A written warranty from SBI on this matter is forthcoming.

ADJOURNMENT – *Motion by Member Simones, second by Member Simon, to adjourn the meeting at 7:54 p.m. Motion carried unanimously.*

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

BRIAN HERBERG
MAYOR

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