

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, MAY 2, 2007 – 7:00 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 members Vern Ahles, Jeff Hagen, Susan Palmer, Jim Pflapsen, Don Simon & Randy Volkmuth. Absent: None

Staff Members present were: Administrator/Clerk Rena Weber, Maintenance Worker Rick Hansen, Fire Chief Randy Dingmann, Attorney Jim Mogen and Engineer Scott Hedlund.

Planning Commission members present were: Jerry Tippelt.

Others present were: Aaron Cheeley, Mary Ann Hermanutz, Gary & Mary Grams, RL Glenn, Jana Grams, Duane Willenbring, Ev Balko, Brian Hatten, Corey Schreifels, Dave Volkmuth, Jason Miller, Loren Minnerath, Mary Kay Kraemer, Chuck Kraemer, & Wendy Fuchs.

**ADDITIONS TO THE AGENDA – Motion by Member Simon, second by Member Ahles, to approve the additions to the agenda for discussion purposes.**

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

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

- a) **Approve minutes of 4/18/07**
- b) **Approve Treasurer's Report of 5/2/07**
- c) **Approve List of Bills and Additions of 5/2/07**

<b>Accounts Payable CK #008996 to 009044</b>	<b>\$63,261.00</b>
<b>Payroll CK #002699 to 002709</b>	<b>\$ 7,067.55</b>
<b>Electronic Funds CK #000110</b>	<b>\$ 441.01</b>
- d) **Approve 1 day gambling license-Rockville Sportsman Club at The Bayou Bar on 10/6/07**

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

**BOARD/STAFF REPORTS**

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

**SEWER FORCEMAIN** – Rick Hansen reported that the sewer force main at the downtown lift station has been fixed. He did not have the total cost as of yet.

**WATERMAIN BREAK** – Rick Hansen reported that the watermain break (4<sup>th</sup> Street West – behind the church) would cost approximately \$6,000 to \$7,000 to fix. There were a number of residents without water for about 24 hours so water was provided to those who asked for it.

**WATER TOWER REPAIR** – Rick Hansen reported the cost to repair the stand up pipe in the 50,000 gallon water tower would cost between \$5,000 to \$17,000 to fix.

Member Volkmuth voiced concern that we need to review the water rates as the fund balance will be depleted with the cost of the repairs. It was determined that the Council will discuss this matter in June when the 2006 Audit is reviewed.

**ROCK FEST** – The Rock Fest Committee requested council approval to enter into a contract with the Culpepper and Merriweather Circus for 7/14/07 and further asked approval of the \$290 down payment reserving the date.

**Motion by Member Volkmuth, second by Member Palmer, to approve entering into the contract with Culpepper and Merriweather as presented with further approval of the \$290 down payment reserving 7/14/07.**

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

**NEW BUSINESS**

**RL GLENN NUISANCE LETTER** – Mayor Herberg announced that consideration would now be given to RL. Glenn and the recent nuisance letter sent to them. Present at the meeting were: RL Glenn, Gary & Mary Grams, & Jana Grams.

Gary Grams spoke on behalf of the family citing the history of Township days and stated that there should be some responsibility on the part of the city. The family proposes a cost sharing of the clean up of approximately 4 tractor tires, 40 regular tires, freezer, TV, etc. Gary Grams indicated that we could bury some of this on site if the city is receptive to providing machine work and disposal of the non-toxic materials. The Grams family would offer a burning site and a maximum of \$750.

Member Volkmuth questioned what is to prevent this in the future?

Member Simon suggested signs be put up and then you try to catch people. It was determined that this needs a sign with some authority. If this is cleaned up maybe people would not dump there.

Rick Hansen suggested they haul off the steel and that may help pay for the cost of disposal of the tires. Sentence to Service could be used to clean it up.

Member Pflepsen voiced concern that the cost really is unknown and if this has been going on for a long time it may continue.

Gary Grams stated that they cleaned this up twice, once in the 70's and once in the 80's.

Mayor Herberg voiced concern that we don't bury the materials.

Member Volkmuth indicated the tires should not be a problem, and hazardous waste would be the property owners cost.

Member Hagen suggested a 50/50 cost split or the city should set a maximum it will spend.

Member Volkmuth suggested the city spend \$750 and cap at \$1500.

***Motion by Member Volkmuth, second by Member Palmer to accept the Grams family offer of \$ 750, the will city offer an additional \$750 including city staff and machinery if needed. Further the city will not be involved in burying anything.***

Discussion was held as to who would be in charge: the property owner, with signs provided by the property owner.

Mayor Herberg indicated we could offer a reward to catch somebody.

Member Hagen suggested we reimburse the owners of this land for the city's share of the cleanup and further not to use somebody independent of city staff unless of course that somebody is the owner, but the City could put the dumpster out there. Rick Hansen should coordinate with the landowner and contact the steel outfit out of St. Cloud.

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

***NAYS: Hagen***

***Motion passed on a 6 to 1 vote.***

**RENEWAL OF 2007 LIQUOR LICENSES – *Motion by Member Pflepsen, second by Member Simon, to approve the renewal of the 2007 liquor licenses:***

	ON-SALE	OFF-SALE	SUNDAY
The Bayou	X	X	X
Stoney's Bar	X	X	
B'S Liquor of Rockville		X	
Grandview Resort	X	X	X
400 Supper Club	X	X	X

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

***ABSTAINING: Hagen***

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

**ADDITONS TO THE AGENDA**

**ASSIGNMENT/RENTAL AGREEMENT** – Rena Weber requested council approval of the Assignment – Rental Agreement included in the packets. Rena Weber reported that the City of Rockville and City of Cold Spring each purchased a hand held water meter reader and would like

to be able to share the use of such equipment at a cost of \$100 per use. The agreement covers damage costs if needed.

***Motion by Member Volkmuth, second by Member Palmer, to approve the Assignment/Rental Agreement for use of the hand held meter reader equipment as presented. (A copy of said agreement is hereby attached and marked Exhibit A).***

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

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

**PARK & REC NON-INTOXICATING LIQUOR LICENSE – Motion by Mayor Herberg, second by Member Ahles, to approve the non-intoxicating liquor license for the Park & Recreation Board for sale of beer at the concession stands 2007.**

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

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

**CENTRAL MN INITIATIVE FOUNDATION GRANT –** Rena Weber reported that she received notice that the \$2,000 grant was awarded for the Eagle Park volunteer project.

**STREET ADDRESSING ISSUE –** Rena Weber reported that she had met with Stearns County Environmental Services regarding the addressing issues and it has been determined that certain roads would need to have name changes:

Broadway Street West – former State Highway 23 (AKA County Road 82)

County Road 140 – from Old State Highway 23 to New State Highway 23

State Highway 23 – west of CR 140 – to 235<sup>th</sup> Avenue

Rena Weber reported that in order to do the name changes this requires an Ordinance change and public hearing.

***Motion by Member Volkmuth, second by Member Ahles, to schedule a public hearing for June 6, 2007 -8:00 p.m. to consider adoption of the ordinance changing said street names.***

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

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

#### **ENGINEER REPORT**

**COUNTY ROAD 82 (DOWNTOWN) – PUBLIC HEARING –** Scott Hedlund reported that the hearing was scheduled for 4/18/07 and then cancelled. Scott suggested the council setting a special meeting for 5/23/07.

***Member Pfllepsen introduced the following resolution and moved for its adoption:***

***Resolution #2007-12***

***City of Rockville, Minnesota***

***Resolution Receiving Report and Calling Hearing on Improvement***

***(CR 82 Turnback)***

***WHEREAS, pursuant to resolution of the council, a report has been prepared by Short Elliott Hendrickson Inc. with reference to the proposed improvement of C.R. 82 from approximately 800' east of 235<sup>th</sup> Street to approximately 600' north of C.R. 47 by installation of streets, sidewalk, trail, and storm sewer, and this report was received by the council at various council meetings and committee meetings between February 13 and May 2, 2007, and***

***WHEREAS, the report provides information regarding whether the proposed project is necessary, cost- effective, and feasible.***

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

***1. The council will consider the improvements in accordance with the report and the assessment of abutting property to be served by the improvements, for all or a***

*portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$2,500,000.*

*2. A public hearing shall be held on such proposed improvement on the 23rd day of May, 2007, in the council chambers of the city hall at 7:00 P.M., and the clerk shall give mailed and published notice of such hearing and improvement as required by law.*

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

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

**ABSTAINING:** Volkmuth

*Motion passed on a 6 to 0 vote.*

**UPDATE ON COUNTY ROAD 82 WATER/SEWER** – Scott Hedlund reported that Kuechle Underground is just about done with the project.

**PCI** – Scott Hedlund reported that the PCI survey results are higher than he thought. Scott indicated that Braun qualifies their report that this should not be used to determine specific rehabilitation strategies for reconstruction of the road. Certain segments have been repaired in the past and soil tests were taken. This will be a base line established now so if there are changes in the condition of the road the city will have something to go on.

**COUNTY ROAD 82 (DOWNTOWN PROJECT)** - Rena Weber asked if the Council would put sidewalk in front of Schaefer Auto Electric and the Granite Edge and would these people be assessed.

Vince Schaefer reported that these people would not want to be assessed. It was determined that this can be added in at a later date as the city needs to decide on the assessment process.

#### **ADMINISTRATOR REPORT**

**COPIER UPGRADE** – Rena Weber reported that she has been working with the Planning Commission on ways to better improve their information and would like to e-mail packets and applications to them while having a hard copy available for the meetings. To this I would ask council approval to purchase a copier upgrade:

We currently are under a 5 year lease agreement with Marco and pay \$375.00 per month.

This copier does not have color copies or a scanner. To upgrade with a scanner only would cost \$102.70/month to equal \$477.70/month. There are 12 months left on the lease agreement.

To upgrade to a new copier lease with a scanner that networks with all computers and provides color copies would be \$91.01 per month to equal \$466.01/month. This would be a new lease agreement for 60 months. The total increased cost for the year would be \$1,092.12 and this would be covered in fund 101.41940.540 – Machinery and Equipment which has \$2,000 budgeted.

Member Pflapsen urged Rena to talk to other dealers as his experience has been that better deals can be made. No action was taken.

**LMC LIABILITY LIMITS** – Rena Weber reported that the League of MN Cities requests that a liability waiver form be adopted each year. The minimum coverage is \$300,000 and in the past the city has chosen to “not waive” the monetary limits.

*Motion by Member Volkmuth, second by Member Simon, to approve the waiver form as presented checking the “does not waive” box with the limit set at \$300,000.*

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

*Motion carried on a 7 to 0 vote.*

**HUMAN RIGHTS**– Rena Weber reported that the City of St. Cloud is seeking financial input from area cities to fund a human rights office. They must field complaints for the area cities and would like to spread that cost around. Rena indicated that it is not known how many Rockville residents use this service.

Member Palmer asked Rena to find out if it has ever been accessed.

No action was taken.

**PUBLIC HEARING – COUNTY ROAD 82 WATERMAIN LOOP** – Mayor Herberg announced that a public hearing would now be held to consider looping the watermain along County Road 82 to Prairie Industrial Park. Rena Weber read the public hearing notice.

Scott Hedlund reviewed the feasibility report citing a total estimated cost of \$167,165.00. What has changed this time from the last time is that the bids from phase I came in very low and made more grant money available.

- \$36.75/foot – standard one sided assessment for watermain
- Trunk fees included in the assessment
- Kraemer property is the most unique as it is residential and he proposes to assess ½ cost of the water now and ½ (rest) at a future date.

Jim Mogen explained the proposal offered (refer to office memorandum dated 4/25/07 Exhibit B). Mary Kay Kraemer – 23378 CR 140, stated that she does not have enough information at this time so she can't vote yes or no. She needs more information specific to her property.

Member Palmer asked what information Mrs. Kraemer is missing. Mary Kay Kraemer replied she wished to know if and when any of the contingencies would be viable and what are the interest rates. With more specific information she may be approached.

Mayor Herberg stated that ½ the cost of the water is proposed to be deferred now, but Mrs. Kraemer needs to know when/how the remaining balance will be charged. Sewer needs to be clarified so that they are sure what triggers when.

Jim Mogen stated that the construction timeline is of concern and further reviewed his office memorandum to the council:

Kraemers – Jim Mogen stated that we should add a number 4 so that after a period of 15 years has passed they would need to connect to sewer so we don't have to keep this open for an eternity. This is 5 years after the bond is paid off. Jim Mogen further indicated the sewer portion can be taken out if the Kraemer's want a solid number because we do not know what the use will be in the future.

Vince Schaefer – 541 Caroline Lane, stated that he has been asked by Kraemer's to represent them. He would like to hear about the benefits. This needs to be explained to him because he and the citizens will be holding the bag on the financial costs.

Member Pflepsen stated that he has researched this project and at first thought it compelling to do because of the grant money, fire protection, water freshness, water flow, and that we can't accomplish this any cheaper. He does not support the project any longer and indicated four reasons why:

- Deferment deal means the taxpayers are paying for this
- Only if there is clearly a need
- Kraemer property is the most likely to be developed and has water and sewer available
- None of the three support the project

Vince Schaefer stated that he has an issue with using the ISO rating as a reason to do the project. The City of Rockville used to be 10, then it was lowered to 9 and it did not affect insurance premiums. When the city was lowered to 8 there was somewhat of a reduction. Then it was lowered to 7 and it dropped to 6 (downtown). Then you go down to a 1 and you will not save anymore in insurance.

Member Hagen stated this is still taxpayer funds and the intent of the grant is to encourage industrial development (land and building development) and create jobs and that none of these property owners have any intent to do so. The State of MN created this program to create jobs and our extending this project would be a misuse of these funds as these people are not going to be hiring anybody.

Jerry Tippelt – 12318 State Hwy 23, Cold Spring, asked the council to look at the ethical side of it. The industrial park got off to a start on the wrong side as they started to build and then they went to the Kraemer's for roadway access. Mr. Tippelt is not sure this did not contribute to Mr. Kraemer's health. As a resident he does not think it right to take a resident through the coals. If there is no special purpose Mr. Tippelt urged the council to do some soul searching before you make then pay for anything again.

Dave Volkmuth – 25754 Lake Road, stated that he has watched this whole process go through and the city got it in the knickers for no grant money in the past. How are we misusing our real funds? I don't see the need if the people don't want it. Is this what the community needs or wants. If they come up and want it, then I support it. Why are we spending money other than ours?

Duane Willenbring – 25123 CR 139, stated the original grant amount was \$237,000 and this project is \$167,000. Mr. Willenbring questioned would not the \$237,000 taken care of the whole project and why didn't we use it on the per foot basis. Most of it went to the SJ Louis project and the leftover money here.

Loren Minnerath – 2390 CR 82, stated that he has no use for the water and no future plans for expansion, but he understands why the city wants to do it. If you vote it down tonight and then come back in a few years and shove it down us we will have lost out on the grant money. Mr. Minnerath stated that if the city is not going to get the Kraemer's happy then he doesn't need the water.

Jason Miller – 1495 Broadway Street, stated that he does not really need it, however the first round would have cost them \$85,000 and now it is just under \$49,000. This has come up a lot of times, progress is a reality and either you deal with it or it runs you over. Mr. Miller would be in agreement with the project if the Kraemer family understands their portion, but they have nothing in writing. The Kraemer's cannot even sell it to a potential buyer. The Miller's are open to this project from a financial aspect as the bids are good now. If we go through another boom it will be good to have. Mr. Miller urged the council to work with the Kraemer's so they understand this and added that he is against it if Kraemer's do not understand.

Jerry Tippelt – 12318 State Hwy. 23, Cold Spring, voiced concern that 3 years down the road can the council see any reason to force it done. If nothing changes what would drive it so you have it.

Member Hagen replied that if they would come to us and ask for it then yes the project would be done.

Jerry Tippelt stated that his understanding of the development process is that they come in and they would pay for it. The Kraemer's are paying for a benefit that they don't see.

Member Palmer indicated there could be some people affected through this process.

Member Hagen added that there is a way through a recapture agreement which is like what SJ Louis is doing with Molitor that costs could be recovered.

***Motion by Member Volkmuth, second by Member Hagen, to close the public hearing at 8:48 p.m.***

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

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

Scott Hedlund answered questions:

Why are we bringing this back? The City is not jamming it down their throats and it is an opportunity with the grant.

Engineering benefits – Scott Hedlund prepared a technical report on the benefits 1/1/07.

System reliability – Scott reported that the system would be feeding from 2 ends.

Increased fire flows – Scott indicated that it is not that you will see insurance cost decrease, but that you may see insurance costs decrease.

Fire flows will be significantly increased in the city. This project will amount to a 100% increase in flows which is definitely a benefit.

Circulation – Scott reported this will result in freshness in the water and benefit throughout the city. Any time you have long dead end lines you have issues and hear about that.

At first we were looking at the cheapest way to keep the cost down. With the formula of the grant it can only be applied to 50% of the construction costs.

As far as it coming up again the grant would need to be spent by 8/1/07. It is an opportunity and people are seeing significant breaks in their assessments. Mrs. Kraemer does have a unique situation and negotiations could continue on that front. Agreements have been proposed, but we do not have to have them signed to proceed. The Council can still work with the parties and order the project.

Mayor Herberg stated he has heard complaints that the citizens would be financing the project which is \$167,500 with \$79,000 left after the grant. The assessment from property owners is \$95,000 if you include the future assessment. On the short term the city would finance a part of the project, but if the city defers any of the cost it would be borne by the citizens. Ultimately they would be paying 100% of the cost. Two property owners understand it, but maybe don't like it.

Rick Hansen indicated that from a Maintenance standpoint he would add that if there was a watermain break in this area we would have to shut off the whole industrial park and you would shut down their businesses.

Member Palmer indicated that she agrees with the property owners and if this is something we are going to have to do in the future, does it make sense to do something now rather than in the future. Member Palmer urged the council to think longer term for where we are going.

Member Volkmuth asked if there were anymore dead ends. It was reported there are 3 areas.

Member Volkmuth indicated that he has said from the start if all three would support the project and it would not cost the city anything he would support it. He has not heard that and will not support the project.

Scott Hedlund reported there are various components to assessments such as the trunk fee so the city is picking up some of the cost and this gets repaid from development.

Member Ahles stated that we are going to see growth and we are going to be behind the 8 ball if we don't provide services.

Member Palmer indicated that if it does develop it would be more valuable to have access to water.

Member Volkmuth voiced concern that he does not think anybody is developing.

Member Hagen indicated the market is not telling them it is a good thing and developers are not beating down the doors to develop the industrial project they probably would cover Kraemer's cost if it was right.

***Motion by Member Hagen, second by Member Pflapsen, to reject the County Road 82 Watermain Looping project.***

***AYES: Hagen, Pflapsen, Volkmuth***

***NAYS: Ahles, Palmer, Simon & Herberg***

***Motion failed on a 3 to 4 vote.***

Member Simon indicated the reason this came back to loop the watermain is that prices are competitive right now.

Member Ahles stated that we have to put something into this city to see it grow.

***Motion by Mayor Herberg, second by Member Simon, to try and work out the kinks with the property owners to go forward with this project and then discuss ordering plans and specifications on 05/16/07.***

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

***NAYS: Hagen, Pflapsen***

***Motion passed on a 5 to 2 vote.***

Jim Mogen stated the negotiating team will need more specific authorization.

Mayor Herberg stated that he does not want the negotiating team to make that call.

Mayor Herberg understands the timeline to order Plan & Specs and bring back on 16<sup>th</sup>. The cost of a plan & specification report is \$8,000 and the council could still pull the project. He still wants the people to feel comfortable with this project.

Member Simon left at this point.

### COMMITTEE REPORTS

**MAYOR** – Mayor Herberg urged people who are walking their dogs to pick up the dog droppings. It was determined that the city would put up signs first and if this does not work an ordinance will be adopted.

**GRAFFITI** – Mayor Herberg stated that he is both appalled and embarrassed by the graffiti painted on the gas pipeline. It affected four individuals negatively and if anybody has information the Sheriff would like to know about it.

**FIRE REPORT** – Fire Chief Randy Dingmann stated that he had a request for council action in the packet to purchase a used Jaws of Life but St. Augusta purchased this already so we are out of luck.

**GAS METER** - Randy Dingmann reported that a gas meter was given to the fire department from the Fire Relief Association and in order to accept it the donation has to be acknowledged by the city council.

***Motion by Mayor Herberg, second by Member Ahles, to approve the acceptance of a gas meter from the Fire Relief Association to the Rockville Fire Department as requested.***

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

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

**800 MHz RADIOS** – Randy Dingmann reported that the department now has the 800 MHz radios.

**RESCUE VAN** – Randy reported the rescue van is in need of major repair (an amount more than the value of the van). The department is applying for a grant on a rescue van and also will ask Gold Cross if they have another unit available like the one we got from them the last time.

**PERSONNEL COMMITTEE** – Chair Randy Volkmuth reported on the following:

**MEAL PER DIEM** – Chair Volkmuth reported the committee reviewed the meal per diem and recommends approval as proposed:

PRESENT	PROPOSED
\$4.00 Breakfast	\$6.00 Breakfast
\$6.00 Lunch	\$9.00 Lunch
\$15.00 Dinner	\$15.00 Dinner

It was determined that we would still break out the meals with receipts being required.

***Motion by Mayor Herberg, second by Member Ahles, to approve the revised meal per diem as proposed.***

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

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

**SUMMER RECREATION COORDINATOR** – Chair Volkmuth reported the committee had discussion of how many hours are being put in and would like to offer an incentive to the coordinator to host more tournaments. Currently the pay is \$2,000 per season and the committee proposes to pay this position \$1,000 for coordinating the ball program and \$750.00 for any additional tournament hosted by Rockville per the Park and Recreation Board recommendation.

Rena Weber reported that in talking to Chair Scott Stenseth, he would like to hold off on this until after the Park & Recreation Board meeting on 5/3/07 where this proposal will be discussed. Scott further suggested this proposal take effect in 2008.

***Motion by Mayor Herberg, second by Member Volkmuth to table action on this proposal.***

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

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

**COURT APPEARANCES** – Chair Volkmuth reported that the committee reviewed the language as proposed by the Fire Fighters and recommends the original language proposed by the LMC.

***Motion by Member Volkmuth, second by Member Palmer, to approve the following language for pay while representing the city for court appearances:***

***Employees will be paid their regular wage to testify in court for City-related business. Any compensation received for court appearances (e.g. subpoena fees) arising out of or in connection with City Employment, minus mileage reimbursement, must be turned over to the City.***

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

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

**COLA** – Chair Volkmuth reported that the committee reviewed the history of COLA and what other cities are paying. Currently there is a 3.1 increase between steps through the pay equity step program. There is one employee who is at the top of the step program and staff will be looking into ways to get around the reaching the top without further increases in compensation. The Committee recommends a 1% COLA retroactive to 1/1/07.

***Motion by Mayor Herberg, second by Member Volkmuth, to approve a 1% Cost of Living increase retroactive to 1/1/07 for all employees on the step program.***

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

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

**DANI KESTELOOT RESIGNATION** – Chair Volkmuth reported the committee reviewed the request to replace the Receptionist/Administrative Assistant POSITION and determined the request is necessary and further recommends authorizing the replacement.

***Motion by Member Ahles, second by Member Palmer, to authorize advertising for the replacement of the Receptionist/Administrative Assistant at 25 hours per week.***

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

***NAYS: Hagen***

***Motion passed on a 5 to 1 vote.***

**CONCESSION STAND WORKERS** – Chair Volkmuth reported the committee recommends hiring of two concession stand workers for 2007: Stephanie Burg and Mandy Schutz.

***Motion by Member Palmer, second by Member Ahles, to approve hiring of Stephanie Burg and Mandy Schutz as concession stand workers for 2007.***

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

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

## OPEN FORUM

Vince Schaefer – 541 Caroline Lane, stated that he asked a specific question as to how this would benefit those specific property owners but only got an answer regarding the industrial park. Mr. Schaefer also wanted to commend Vern Ahles and Don Simon on their comments regarding development. He also questioned why the people on the north and west side of CR 82 are not being assessed?

Scott Hedlund stated the property owner would receive the benefits as stated.

Jerry Tippelt - 12318 State Hwy 23, stated that he is hearing that people are going to be assessed for the CR 82 project and he questioned how his 80 acre parcel will figure out. The people that front it get assessed and they use it. If the city is looking for money to fund roads they should assess for road maintenance \$100 to \$200 per year. The city is looking for a formula where everybody pays and he does not want to get caught every time the road needs to be upgraded.

Corey Schreifels - 1950 Broadway Street, Cold Spring, stated that he heard tonight statements about growing. Mr. Schreifels stated there are people his age that like a small town feel. There is something to be said about nature and urged the council to contact the people to see what they want.

**ADJOURNMENT – *Motion by Member Volkmuth, second by Member Ahles, to adjourn the meeting at 9:48 p.m. Motion carried unanimously.***

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

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**BRIAN HERBERG  
MAYOR**