

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, AUGUST 6, 2008 - 6:00 P.M. – ROCKVILLE CITY HALL.**

The meeting was called to order by Acting Mayor Don Simon. Roll Call was taken and the following members were found to be present: Acting Mayor Simon, Council Members Vern Ahles, Bill Becker & Jim Pflapsen. Susan Palmer 6:02 p.m. Mayor Herberg arrived at 6:33 p.m. Absent: Member Volkmuth.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen & Engineer Scott Hedlund.

Others present were: Tудie Hermanutz, Aaron Cheeley, Mike Loesch, Gene Merten, Kathleen & Justin Stanger.

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

**AYES: Ahles, Becker, Pflapsen & Simon**  
**Motion passed on a 4 to 0 vote.**

**CONSENT AGENDA –** Administrator/Clerk Rena Weber asked to have item “f” pulled from the consent agenda as she had not received official notification that this would occur.

**Motion by Member Ahles, second by Member Pflapsen, to approve the consent agenda as presented minus item “f”:**

- a) **Approve minutes of 7/16/08**
- b) **Approve Treasurer’s Report of 08/06/08**
- c) **Approve List of Bills and Additions of 08/06/08**

<b>Accounts Payable CK #010405 to 010468</b>	<b>\$594,576.11</b>
<b>Payroll CK #003147 to 003168</b>	<b>11,931.17</b>
<b>EFT #000143 to 000144</b>	<b>767.54</b>
- d) **Approve changing Stoney’s Outdoor Bash from 8/16 to 9/27**
- e) **Approve Election Judges for 9/9/08 & 11/4/08**

**AYES: Ahles, Becker, Pflapsen & Simon**  
**Motion passed on a 4 to 0 vote.**

**BOARD/STAFF REPORTS**

**MAINTENANCE DEPARTMENT –** Rick Hansen was present to seek approval to enter into a ten year maintenance agreement with Caldwell Tanks, Inc. to clean and inspect the Walnut Circle water tower. This would occur every two years and the locked in price would be \$1325 as opposed to the \$1275 for this year’s project.

Member Palmer arrived at this time.

Member Pflapsen asked about coordinating this with Cold Spring and would it be a better price. Rick Hansen indicated that we have to clean this tank more often as we have a high amount of iron so it should be done every two years.

Member Ahles questioned if we clean it every spring? Rick Hansen reported that fall is better time to clean it due to more sediment.

Member Pflapsen asked if Rick had a base line by which to figure the agreement. Rick indicated the cost was \$1275 this year.

**Motion by Member Ahles, second by Member Pflapsen, to approve the 10 year contract with Caldwell Tanks, Inc. to clean the water tower and Walnut Circle at a price of \$1325 every two years.**

**AYES: Ahles, Becker, Palmer, Pflapsen & Simon**  
**Motion passed on a 5 to 0 vote.**

**FIRE DEPARTMENT-** Recommendation to used designated funds for the following purchases: Light bar for Rescue Vehicle (Metro Fire) **Cost \$878.45** Code E 101-42200-540 Project code 200402

From Designated Funds Fire Dept Machinery & Equipment. Balance available is \$5,000.00

4 Red helmets for Fire Department. (Metro Fire) Cost **\$675.07** Code E 101-42200-540 Project code 200402

From Designated Funds Fire Dept Operations. Balance available is \$2,463.09.

***Motion by Member Becker, second by Member Ahles, to approve the request for action as presented.***

***AYES: Ahles, Becker, Palmer, Pflepsen & Simon***

***Motion passed on a 5 to 0 vote.***

**ROCK FEST** – Kathleen Stanger presented a to do list for the Rock Fest event. The next meeting is tonight and again on 8/13/08 & 8/20/08. Again she is looking for volunteers to make this a memorable event. Kathleen interviewed her son Justin discussing the importance to kids.

**ADDITIONS TO THE AGENDA** – Rena Weber reported on the following:

**COUNTY ROAD 82 & S.J. LOUIS PROJECT FINANCING** -David Drown had submitted a letter regarding financing of \$265,000 G.O. Improvements, Series 2008A for the two projects. David was exploring options and requested council approval to negotiate for such purchase and to be approved at the 8/20/08 council meeting.

***Motion by Member Ahles, second by Member Palmer, to authorize financial consultant David Drown to negotiate the sale of \$265,000 G.O. Improvement Bonds and to bring such information back for council approval on 8/20/08.***

Member Pflepsen asked if David Drown would be shopping local and Rena replied that yes he would do that.

***AYES: Ahles, Becker, Palmer, Pflepsen & Simon***

***Motion passed on a 5 to 0 vote.***

**AMENDED ASSESSMENT (JOHN CLARK SENIOR HOUSING)** – Rena Weber explained that residents of John Clark Senior Housing have requested council approval to split their assessment by 24 units with each paying the same amount \$356.04. Rena reported that Jim Mogen requested the signed petition and a copy of the articles of incorporation to determine if this could occur. Jim Mogen concurred that since there are individual parcel numbers for the 24 units and the necessary paperwork is in place the split could be approved.

***Motion by Member Pflepsen, second by Member Palmer, to approve the revised assessment roll for John Clark Senior Housing by dividing the total \$8,544.87 by 24 to equal \$356.04.***

***AYES: Ahles, Becker, Palmer, Pflepsen & Simon***

***Motion passed on a 5 to 0 vote.***

**LETTER TO BOWMAN'S REGARDING DRIVEWAY REPLACEMENT** – Rena Weber had requested council approval to send a letter to Martha & Gary Bowman regarding their driveway replacement. Street Committee Chair Don Simon explained that the city was not successful in the conciliation court case and BWK said they would pay one half of \$2578. The city does not want to be responsible for further replacements.

***Motion by Member Becker, second by Member Palmer, to approve sending the letter to Gary & Martha Bowman as written.***

***AYES: Ahles, Becker, Palmer, Pflepsen & Simon***

***Motion passed on a 5 to 0 vote.***

**SCHEDULE FINANCE COMMITTEE MEETING** – Rena Weber requested council input to schedule a finance committee meeting to review the initial budget forecasts. It was determined that August 14<sup>TH</sup> - 6 P.M. would be the scheduled time for the meeting.

**REQUEST TO HOLD CLOSED MEETING REGARDING DETACHMENT** –

Member Pflepsen indicated that he became concerned when he saw the discovery list when it came out, especially the tax returns and how it would affect the residents. Our attorney will be long gone and win or lose, people will still be neighbors. With that process we are ruffling

a lot of feathers. Maybe we can review the approaches to be made and he wants to avoid unnecessary expenses.

***Motion by Member Pflapsen, second by Member Ahles, to schedule a closed meeting with the city attorney to discuss detachment proceedings/issues on 8/11/08 at 6 p.m.***

Member Becker indicated that he was okay with scheduling the meeting to learn more of the process and status.

Member Palmers indicated that she hears what Member Pflapsen is saying, but the attorney was hired to do his job.

Member Pflapsen stated that when the city rejected mediation there was no conversation to be had. Why talk with the attorney when the city has said they would litigate. He is concerned about the \$60,000 and only having one meeting and authorizing that kind of dough. It and open checkbook and he knows that attorneys like to litigate; however, he is not saying anything bad about our attorney.

***AYES: Ahles, Becker, Palmer, Pflapsen & Simon  
Motion passed on a 5 to 0 vote.***

### COMMITTEE REPORTS

**MAYOR'S REPORT** – Don Simon reported on the area cities meeting held in Sartell.

LGA – The Coalition of Greater MN Cities reported there may be a shortfall of State revenue this year and we might lose on LGA.

Member Simon also informed the other cities of the upcoming events at Rock Fest i.e. the cow chip throwing event for one.

Mayor Herberg arrived at 6:33 p.m.

Mayor Herberg reported on the follow up to the nuisance complaint as the person did not comply with his request. Rena sent letter him another giving them until 8/20/08 or this will come back to the council for action.

**PERSONNEL COMMITTEE** – Member Palmer reported on the following:

**FIRE CHIEF** - Jeff Howe has been called up to serve in Iraq in February and is actually gone at the present time for training. Jeff Howe will supply a calendar of his schedule. In his absence Ralph Walz, the 1<sup>st</sup> Assistant Chief will step in. On a longer term basis the committee discussed Ralph Walz as the Interim Chief but we need to know when Jeff is going. The department is short a captain at present so this will be discussed again in November.

The Personnel Committee recommends the city continue with Jeff Howe as Fire Chief with the understanding that Ralph Walz will take over as interim chief in February, and further that this will be discussed again in November, 2008.

**FIRE MARSHALL** – Member Palmer indicated that his role as Fire Marshall is very minimal. Jeff has his brother Jim who works with him and is a member of the St. Cloud Fire Department so he is knowledgeable of the fire code.

The Personnel Committee recommends that the city engage the services of Jim Howe under Code Consulting LLC to perform this service and further that this will be reviewed in November as well and further still that the city reserves the right to terminate this contract should the services become unsatisfactory.

**BUILDING INSPECTION SERVICES** – Jeff Howe reported that he is going to do an interim test for the next few months and proposed hiring John Grebler (former St. Cloud City Building Official, Jim Howe and Sam Howe as sub-contractors. Each would provide different levels of inspection.

The Personnel Committee recommends going with the interim plan as recommended by Jeff Howe (Code Consulting LLC) using his sub-contractors – Sam Howe, Jim Howe, and John Grebler with the understanding this will be reviewed periodically; and further that the city reserves the right to terminate this contract should this plan not work out.

Mayor Herberg stated that he had quite a few conversations with Jeff and Jeff is concerned that things work out right as he has a vested interest in this test period.

***Motion by Mayor Herberg, second by Member Pflapsen, to approve all three recommendations of the Personnel Committee regarding: Fire Chief, Fire Marshall, &***

***Building Inspection services with the understanding the city reserves the right to terminate any of the above services.***

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

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

#### **ADMINISTRATOR'S REPORT**

**REQUEST FOR ACTION – WATER FUND TRANSFERS** - Rena Weber asked for council approval to transfer the following:

**Annual Transfer from Water Fund to Debt Service Fund 303 (GO Water Revenue Bond Fund)**

E 601-49440-702	Transfer-Wtr Bond Pmt	(Debit)	\$40,985
G 601-10600	Cash Code	(Credit)	\$40,985
G 303-10600	Cash Code	(Debit)	\$40,985
R 303-47000-39203	Transfer From Other Fund	(Credit)	\$40,985

**Annual Transfer from Water Fund to Debt Service Fund 306 (2005 Prairie Industrial Park Additional Project Payment)**

E 601-49440-703	Transfer-PIP Add'l to Fund 306	(Debit)	\$13,033
G 601-10600	Cash Code	(Credit)	\$13,033
G 306-10600	Cash Code	(Debit)	\$13,033
R 306-47000-39203	Transfer from Other Fund	(Credit)	\$13,033

***Motion by Mayor Herberg, second by Member Simon, to approve the request for action as presented.***

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

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

**APO TAC MEETING** – Rena Weber reported that the next Technical Advisory Committee meeting would be held at MNDOT on 8/7/08 – 9 to noon.

**NITRATE TESTING** – Rena Weber reminded citizens that free nitrate testing would occur on August 28<sup>th</sup> & 29<sup>th</sup>. This is a free service to the citizens who are not on city water.

**CLOSED MEETING** – Mayor Herberg asked if the closed meeting time could be changed to start at 7 p.m. instead of 6 p.m.

***Motion by Member Pflapsen, second by Member Ahles, to change the start time of the closed meeting with the attorney to 7 p.m. on 8/11/08.***

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

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

#### **OPEN FORUM**

Tudie Hermanutz – 211 1<sup>st</sup> Street West – asked the Mayor if he talked to anybody about the railroad crossing. Mayor Herberg indicated that he talked to Jodi Teich about the sod issues and she stated they have a big punch list and they are working with the contractor. He will follow up on the railroad crossing.

Don Simon reported the County Park meeting had gone well and there were a lot of people in attendance.

**ADJOURNMENT** – ***Motion by Member Simon, second by Mayor Herberg, to adjourn the meeting at 6:48 p.m. Motion carried unanimously.***

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

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**BRIAN HERBERG**  
**MAYOR**