

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY
JULY 20, 2011 - 6:00 P.M. – ROCKVILLE CITY HALL.**

The meeting was called to order by Mayor Jeff Hagen. Roll Call was taken and the following members were found to be present: Mayor Hagen, Council Members: Bill Becker, Jerry Schmitt, Don Simon, Randy Volkmuth & Duane Willenbring. Absent: Jeff Howe

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

Other's present were: Aaron Cheeley, Tудie Hermanutz, Rick & Dorothy Tallman, Mike Hofmann, Paul Betz, Jeff Goebel, Keith Hemmesch & Lt. Jon Lentz

**ADDITIONS TO THE AGENDA – Motion by Member Volkmuth, second by Member Willenbring, to approve the additions to the agenda for discussion purposes.
AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.**

OPEN FORUM

Rick Tallman – 25594 Lake Road questioned why he receives 2 bills at the Broadway Apartments and why his sewer usage is 59,000 where there was actually 48,000 from the reading.

Rick understands establishing the average during the winter months, but since he bought the property the sewer was more than the water. He feels this should be the maximum sewer amount charged so if you use less then you should be charged less. Mr. Tallman requested an answer in writing.

Mr. Tallman also asked is there anything that can be done about putting up a retaining wall along the bank on his side of the Sauk River. Rena Weber had explained that you cannot change the one side and not the other as you would be creating more of a flooding issue for the neighbor. Mr. Tallman was informed that sand bags are available.

Member Willenbring suggested that the Public Works committee meet with Mike Hofmann and discuss the flooding issues in general.

Tудie Hermanutz – 211 1st Street West indicated that their whole neighborhood is backed up with water. She does not trust any engineers when it comes to water issues.

Mike Hofmann wished to clarify that the Sauk River crested at 6.5' in April it crested at 6.1' just last week plus the Mill Creek is running at full bore.

CONSENT AGENDA

- A) **Approve minutes of 06/15/2011**
 - B) **Approve Treasurer's Report of 07/20/2011**
 - C) **Approve List of Bills and Additions of 07/20/2011**

Accounts Payable CK #012988 –013071	\$592,031.36
Payroll CK – 004013 –004048	20,873.01
EFT # 000433 – 000445	10,754.61
 - D) **Stoney's Bar LLC – 2 am liquor license renewal**
 - E) **Approve Rock Fest requests (after the event)**
 - Road Closure for parade**
 - Big Daddy's on-sale non-intoxicating license – 7/9/11**
 - F) **Administration – RFA budget amendment – Pleasant Lake fireworks \$100**
 - G) **Finance – RFA budget amendment – adjust funds for Loader purchase**
- Motion by Member Volkmuth, second by Member Willenbring, to pull item E for discussion and approve the remaining items.
AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.**

BOARD/STAFF REPORT

POLICE DEPARTMENT – Lt. Jon Lentz reported that in May there were 36 contract hours & in June there were 38 contract hours. He cited the types of calls. The speed trailer was out 4 times which was less due to the fact they had to make repairs to the equipment.

A “No Wake Zone” has been put in place for Pleasant Lake which will last for five days and will be removed according to state law. There is nothing that says it can’t go back on the very next day, but it is expensive to put up signs and then remove them only to put them back up the next day.

Lt. Lentz indicated to grant the no wake zone the Sheriff is looking at where lakes are hitting houses and/or damaging property. Mayor Hagen asked what or how strong is the Sheriff Department going to enforce this. They will do their best. The Lake Assn. should notify the residents.

Member Willenbring questioned what happened with expired registrations during July. Lt. Lentz explained that during the shutdown you still could get tabs.

ITEM E- Mayor Hagen called for discussion regarding Item E that was pulled from the consent agenda.

Rena Weber explained that the council last met on 6/15/11 which was the last day for people to get needed approvals for Rock Fest:

- a) Road Closure for parade – Kathleen and committee never had to do the paperwork before so they did not ask.
- b) Big Daddy’s on-sale non-intoxicating liquor license – failed to get on the agenda

Rena reported that she and the Mayor had determined that these two events could occur, but there could not be a battle of the bands between the two bars. Mayor Hagen wanted to make sure that they contacted neighbors for their approval too. In addition Rena informed the council of this decision and that if anyone had a problem with it they should notify her. We were trying to be Rockville friendly.

Paul Betz (Stoney’s) said that with all the hoops he had to jump though Big Daddy’s should have had to jump through the same hoops for approval.

Jeff Goebel (Big Daddy’s) stated that they did not know they had to ask for approval.

Rena Weber explained that this was not the first event that they had to get approval for.

Member Volkmuth suggested that a letter be sent to the owners stating this is what we expect – don’t do this again.

Mayor Hagen stated to the owners consider this your warning.

Motion by Member Volkmuth, second by Member Schmitt, to approve Item E (After the Fact approval).

AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

PLANNING COMMISSION – Rena Weber reported on the following:

ADMINSTRATIVE PLAT VIRGINIA VANDEREYK @ 7520 COUNTY ROAD 47 - John Vandereyk @ 7652 County Road 47 would like to purchase 5 acres from his mother that abuts his property for the reason that if his mother would no longer be able to live in her home and they would need to sell the property he doesn’t want someone to be able to split off 5 acres and build on it. The land is currently farmed by the Molitor’s.

CERTIFICATE OF COMPLIANCE

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss
CITY OF ROCKVILLE)

RE: These descriptions are intended for the Theodore Vandereyk and Virginia Vandereyk (husband & wife) tract to be retained and the remaining tract to be transferred to John T. Vandereyk and Terese M. Vandereyk (husband & wife) in the City of Rockville.

The following described property is the new legal description for Theodore Vandereyk and Virginia Vandereyk parcel #76.41622.0100.

TRACT B: That part of the S 1/2 of the SE 1/4 of Section 12, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the Southeast corner of said Section 12; thence on an assumed bearing of WEST along the South line of said Section 12, for a distance of 1289.40 feet to the point of beginning of the tract herein described; thence continue on a bearing of WEST along last said line, 200.00 feet; thence on a bearing of N 01°53'00" E, 1090.00 feet; thence on a bearing of EAST, 200.00 feet to its intersection with a line bearing N 01°53'00" E from the point of beginning; thence on a bearing of S 01°53'00" W along last said line, 1090.00 feet to the point of beginning.

Subject to easements of record.
Subject to the rights of the public in County Road No. 47
Containing 5.00 acres, more or less.

The following described property is to be attached to John T. Vandereyk & Terese M. Vandereyk parcel #76.41621.0900

All that part of the S1/2 of SE ¼ of Section 12, Township 123 North, Range 29 West, Stearns County, Minnesota, described as follows: Commencing at the southeast corner of said Section 12; thence in a westerly direction along the south line of said Section 12 (bearing N 90°00' W) for a distance of 1489.49 feet to the point of beginning; thence continuing along the afore-described line, said line also being described as the centerline of County Road number 47, (bearing N 90° 00' W) for a distance of 512.80 feet; thence deflect right 91° 53' (bearing N 01° 53' E) for a distance of 850.00 feet; thence deflect right 88° 07' (bearing S 90° 00' E) for a distance of 512.80 feet; thence deflect right 91° 53' (bearing S 01° 53' W) for a distance of 850.00 feet to the point of beginning and there terminating. Containing 10.00 acres more or less and being subject to any and all easements of record.

And to attach the following description:

TRACT A: That part of the S 1/2 of the SE 1/4 of Section 12, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the Southeast corner of said Section 12; thence on an assumed bearing of WEST along the South line of said Section 12, for a distance of 1289.40 feet to the point of beginning of the tract herein described; thence continue on a bearing of WEST along last said line, 200.00 feet; thence on a bearing of N 01°53'00" E, 1090.00 feet; thence on a bearing of EAST, 200.00 feet to its intersection with a line bearing N 01°53'00" E from the point of beginning; thence on a bearing of S 01°53'00" W along last said line, 1090.00 feet to the point of beginning.

Subject to easements of record.
Subject to the rights of the public in County Road No. 47
Containing 5.00 acres, more or less.

Said split is for non-building purposes only.
The Rockville City Planning Commission has reviewed this split and found it to be in compliance with the standards set forth in the City of Rockville.
NO ACTION IS NEEDED FOR THIS APPROVAL.

PUBLIC WORKS – Rick Hansen requested the following:
Please approve Roto-Rooter to clean approx. 2,775 feet of 12 inch sewer pipe and 3,900 feet of 8 inch sewer pipe. This will finish off the remaining pipes that need to be cleaned on a five year rotation. We have \$10,000.00 budgeted for sewer cleaning. I received the following quotes.

- ◆ Pipe Services: \$3,753.75
- ◆ Johnson Jet Line Inc \$4639.00
- ◆ Veit \$6,675.00
- ◆ Hydro Tech Service \$6341.25 plus \$500.00 mobilization
- ◆ Roto-Rooter \$2,870.25

Fund: E602-49490-230

Motion by Member Volkmuth, second by Member Becker, to approve the low bid of Roto-rooter as presented.

AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

ENGINEER REPORT – AHLES ROAD/LENA LANE IMPROVEMENT BIDS - Scott Hedlund reported that bids were received and opened on Ahles Road/Lena Lane project.

TOTAL BASE BID

ENGINEER	HARDRIVES	KNIFE RIVER	KRAEMER TRUCKING	DECHANTAL EXC.
\$186,797.00	\$180,605.94	\$181,437.50	\$188,423.00	\$213,510.55

TOTAL ALTERNATE A

\$66,913.10	\$63,681.71	\$64,196.90	\$66,356.00	\$68,259.00
-------------	-------------	-------------	-------------	-------------

BASE BID PLUS ALTERNATE A

\$253,710.10	\$244,287.65	\$245,634.40	\$254,779.00	\$281,769.55
--------------	--------------	--------------	--------------	--------------

Scott Hedlund explained that early on we used the cost per foot basis and later on when they got through design phase it was determined the price went up based on another city bid so they did an addendum. The low bid was Hardrives with base bid of \$180,605.94 & Alternate \$63,681.71 = \$244,287.65

The Bituminous cost is higher this year and the city got a screaming deal on the class 5 last year. With the Alternate bid we are doing 700' of Ahles Road and 700' that we are not. The original proposal from Rick on Ahles Road was based on Grand Lake Road prices and Lena Lane was based on patching rates.

Member Willenbring suggested we stick to the \$200,000 and do less.

Member Volkmuth indicated that he received calls on this and two people are really concerned that the assessments will not work.

Member Simon suggested the council look at different types of bonding. He too talked to a few people about the assessments that feel there is no benefit to their property. When are we going to fix their roads – bond more or do piece meal.

Member Volkmuth stated that with bonding we still have to pay back. We are working on roads. The Council discussed other options and how it could be paid.

Scott Hedlund assured the council these are long term fixes. The price for engineering would be: \$18,000 for the base bid and \$8,000 for design for a total cost of approximately \$206,000.

Member Willenbring motioned to stay as close to the \$200,000 budget by awarding the base bid only. The motion was seconded by Member Volkmuth.

Discussion:

Rick Hansen voiced concern that we are doing less and it costs more. We still need to make up the 700' as there still is a bad spot that we are not getting.

Scott Hedlund indicated that we can include the bad spot for a cost of \$10,000.

Member Willenbring amended his motion to add construction up to \$200,000 by negotiating the extra distance and then equaling \$220,000. including the engineer cost. Member Volkmuth seconded the amendment.

Member Becker stated that this still puts us in the hole and he would still like to do the whole thing.

Member Volkmuth stated that in the essence of time he has a hard time going over the \$200 budget and we should up the road fund.

Scott Hedlund reported we would hold back 5% plus the wear course - \$45,000 which would help the budgeting purposes.

AYES: Schmitt, Volkmuth & Willenbring
NAYS: Becker, Simon and Hagen
Motion failed on a tie vote.

Mayor Hagen introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2011-14
RESOLUTION ACCEPTING BID

WHEREAS, pursuant to an advertisement for bids for the improvement of:

ROAD RE-CONSTRUCTION – AHLES ROAD & LENA LANE

Bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

COMPANY	BASE BID	ALTERNATE BID	TOTAL
Hardrives, Inc.	\$180,605.94	63,871.71	\$244,287.65
Knife River Corp	181,437.50	64,196.90	245,634.40
Kraemer Trucking	188,423.00	66,356.00	254,779.00
DeChantal Excavating	213,510.55	68,259.00	281,769.55

Engineer Fees - \$24,000 base bid and \$8,000 for alternate bid
 Grand Total: \$276,287.54

AND WHEREAS, it appears that Hardrives is the lowest responsible bidder.

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

1. The Mayor and Administrator/Clerk are hereby authorized and directed to enter into the attached contract with Hardrives in the name of the City of Rockville for the improvement according to the plans and specifications therefore approved by the city council and on file in the office of the Administrator/Clerk.
2. The Administrator/Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Ayes: Becker, Hagen, Simon & Schmitt
Nays: Volkmuth & Willenbring
Motion passed on a 4 to 2 vote.

OLD BUSINESS

There was none.

NEW BUSINESS

CENTERPOINT ENERGY DONATION - Keith Hemmesch was present representing CenterPoint Energy. He presented the Fire Department with a \$1000 check. Keith stated that CenterPoint Energy is committed to community safety for fire departments. The Council thanked Keith for the donation.

RAIN GARDEN APPROVAL – Rena reported that she applied for and the city is eligible for two grants from the Sauk River Watershed District to place a rain garden right behind city hall and 3 or 4 over at Lion’s Park in Pleasant Lake. The gardens at Lion’s Park were to be done a few years ago – and did not get approved. Paul Wirth is getting volunteers together to plant the gardens this fall and I will approach the school about having a class plant the garden by city hall. This is a 75/25 grant where the 25% (ours) can be in-kind.

John Peck on behalf of the Nature, Parks and Trails Advisory Group had submitted a letter of support for these projects.

Motion by Member Becker, second by Member Schmitt, to accept the rain garden grants based on the above information.

AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

ELECTRICAL INSPECTIONS ORDINANCE AMENDMENT – Rena Weber reported that this issue may be mute, but could arise again. Due to the state shutdown electrical inspections are not being done and this ordinance would allow the city to hire certified inspectors to do both electrical and plumbing inspections.

Mayor Hagen asked if the could do all the electrical inspections and keep the revenue. Rena Weber will check into this further.

COMMITTEE REPORTS

MAYOR'S REPORT – There was none.

RTCB – Rena reported that with the state shutdown not much was moving forward.

RENTAL ORDINANCE SUB-COMMITTEE – Member Howe had submitted a written report of what was discussed: Fee structure & inspection frequencies
They will meet in August with the building inspector and report after that.

ADDITIONS TO THE AGENDA

ST. MARY'S HELP OF CHRISTIANS CHURCH RAFFLE – ***Motion by Member Volkmuth, second by Member Willenbring to approve St. Mary's Help of Christians Church raffle on 10/14/11 at the 400 Supper Club.***

AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

WELLHEAD PROTECTION PLAN RFP – Rena Weber reported that RFP's were sent out to nine firms to complete an amended wellhead protection plan part 2 for both DWSMA'S. Two bids were received:

- ◆ Analytical & Consulting LLC \$4500
- ◆ SEH \$9428

Motion by Member Willenbring, second by Member Volkmuth, to approve the bid of A & C Analytical in the amount of \$4500 to complete the wellhead protection plan amendment part 2.

AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

ADMINISTRATIVE FINE – STORM WATER DISCHARGE – Rena Weber reported that SJ Louis violated the sanitary sewer ordinance again by allowing storm water to run into the sanitary sewer drain causing the readings to increase dramatically at the Cold Spring Treatment Plant.

An Administrative Fine of up to \$1000 can be charged. The last time this happened the city charged for the cost to process the water.

Motion by Member Volkmuth, second by Member Becker, to fine SJ Louis whatever the extra cost is to the city plus an administrative fine of \$200 to cover soft costs.

AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

ED ZAPP BUILDING PERMIT TRANSFER – Rena Weber reported that Mr. Zapp has decided not to remodel the farm house he recently purchased and instead would like to tear it down and construct a new home. The house would remain on site until the new house is built. The transfer of fees is being requested. This includes the city portion and Ron Wasmund's inspection fee.

Motion by Member Becker, second by Member Willenbring, to transfer the fees to the new permit pending approval by the Building Inspector.

AYES: Becker, Hagen, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

Randy Volkmuth reported that Cherie Verkinnes from the 400 Club wants someone to look at the water that comes into her patio area from the road. According to Cherie the road was changed last year. Randy thought this should be addressed by the Public Works Committee.

Don Simon reported that he received a \$500 grant for safety equipment Stearns Electric. Rena Weber reported the grant for a speed sign was denied from Stearns Electric so we will have to continue pursuing this.

Jerry Schmitt stated that he still wants the driveway analyzed at Grandview and for the council to approve the engineer that will charge by the hour. No action was taken.

ADJOURNMENT –Motion by Member Volkmuth, second by Member Willenbring, to adjourn the meeting at 7:17 p.m. Motion carried unanimously.

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

**JEFF HAGEN
MAYOR**

(This page left blank intentionally)