

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, AUGUST 19, 2015 – 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 Sue Palmer, Don Simon, Rick Tallman & Duane Willenbring. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Sgt. Jon Lentz, EMS Director Mike Hofmann & Engineer David Blommel.

Others present were: Vince & Audrey Schaefer, Jerome Salzer, Anne Reischel, Anne Meyer, Alice Lenzmeier, Paul Wirth, Gene Lange, Rep. Jeff Howe, Debbie Weber, Steve & LeAnn Johannes, Ev Balko, Kathryn Baker & George Bechtold.

OPEN FORUM

Rick Tallman -25594 Lake Road – reported he received a call about the bright light on the flag pole at Lion's Park. Who put that up? Rena Weber reported that staff put the 60 watt light on the pole since the American flag is displayed.

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

- a) *Tabled minutes of 07/15/15*
 - b) *ACCEPT Treasurer's Report of 08/19/15*
 - c) *Approve List of Bills and Additions of 08/19/15*
- | | |
|--|---------------------|
| <i>Accounts Payable CK #016066 & 016219 – 016282</i> | <i>\$ 48,475.34</i> |
| <i>Payroll CK #004979 –004998</i> | <i>21,635.92</i> |
| <i>EFT #000954 – 000965</i> | <i>14,126.41</i> |

AYES: *Hagen, Palmer, Simon, Tallman & Willenbring*
Motion passed on a 5 to 0 vote.

Member Tallman asked to have the Minutes of 7/15/15 tabled as he did not have enough time to review them. The friendly amendment was accepted by Members Palmer and Simon.

BOARD/STAFF REPORTS

POLICE – Lt. Jon Lentz reported there were 39.5 contract hours during the month of July with 14 citations being issued.

PLANNING COMMISSION – Rena Weber reported for the Planning Commission:

RE: VARIANCE

76.41616.0050 Owner: Debbie R. Weber

Property Address: 10712 Chapel Street, St. Cloud, MN 56301

REQUEST:

Approval to construct a 5th accessory structure and to locate it in the R-1 District.

RELEVANT INFORMATION

1. Property is zoned R -1
2. Property is 6.07 acres
3. The owner has a house, garage, 28' x 60' accessory structure, wood shed and chicken coop presently.
4. The owner proposing to match the siding and roof the same as the current accessory structure.
5. 10 notices of public hearing were sent out.
6. Comprehensive Comp plan shows this area to be rezoned to Business Park/light industrial.

RECOMMENDATION

1. Because this lot contains 6.07 acres more or less and it not really planted for crop land the use could be allowed.
2. If the number of accessory units is a concern – request that they remove one or more.

The Planning Commission recommends approval as presented.

Member Willenbring questioned the location. (In an area fronting CR 82).

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

RESOLUTION NO. 2015-18

A RESOLUTION GRANTING VARIANCE TO CONSTRUCT A 5TH ACCESSORY STRUCTURE IN THE R-1 DISTRICT.

WHEREAS, A request has been received from Debbie R. Weber for a variance from number of accessory structures to construct a garage in the R-1 District, and;

WHEREAS, said structure will exceed the allowed amount of two structures, and;

WHEREAS, Proper notification and publication had been given, and;

WHEREAS, all persons were given an opportunity to be heard on said request.

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

- 1. Said request is hereby approved to construct a 28' x 60' garage and match the existing house.**
- 2. Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
- 3. That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.**

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

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

EMS – Mike Hofmann submitted a request for replacement of the electrical panel at Pleasant Lake. Two bids were received:

Delta Electric	\$1589.00
Bronson Electric	1477.52

Mike recommends Delta Electric due to the fact that Ralph Walz went out to disconnect the surge arrestor and check out the damage at no charge. Requests:

- E 101- 42500-540 \$1,000 –which has a budget of \$3800.00
- E 101- 45122-220 500 –which has a budget of \$2866.63
- E 101- 42500-220 89 - which has a budget of \$500.

Motion by Member Willenbring, second by Member Palmer to approve the request as presented.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

PUBLIC WORKS – Rena Weber spoke on behalf of Nick:

WELL #4 & #5 REPAIR

Please approve the low quote of Werner Well for cleaning & inspecting Wells #4 & 5

	Well #4	Well #5
Werner Well Drilling	\$4,911.30	\$4,954.30
Traut Wells	5,310.00	5,310.00
Thein Well	13,500.00	13,500.00

Funding:

E 601-49440-220 Has a balance of \$17,760.88

Rena Weber explained that Nick has done some more research and Well #4 cavitates at a pumping level of 52' after about 20 minutes of pumping. Well #5 turned out to be "OK" or satisfactory for now so it can wait a year.

Member Tallman asked how much water is being used out there.

Member Simon reported that there is a problem with pounding whenever the well cavitate's and this is not good for the pumps. Also there is a cost for mobilization each time the driller brings their equipment out to the site.

Discussed holding off on #5 repairs per the Public Works Director.

Member Willenbring asked how often these checks are done.

Motion by Mayor Hagen, second by Member Simon, to approve both low bids of Werner Well for both Well #4 & #5.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

CRACK FILLING AND SEAL COATING Nick provided bids received by going in jointly with Cold Spring and Richmond for seal coating/crack filling.

CRACK FILLING - \$5,000 Midwest Asphalt out of Belgrade - Budget Balance \$5,000

SEAL COATING - \$11,634 ASTECH out of St. Cloud – Budget Balance \$12,000

Seal Coating \$11,634.63 and Crack Filling \$5,000

Motion by Member Palmer, second by Member Simon, to approve the low bids as presented.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

NEW BUSINESS

STICKNEY HILLS SIGNIFICANT INDUSTRIAL USER - Engineer Dave Blommel presented a written review of the SIU and reported this agreement has been reviewed by all three entities. **(The report is hereby attached and marked Exhibit A).**

Dave is seeking Council input and approval to keep this process moving. He referred the council to Page 3 which indicates the effluent limits to be imposed on Stickney Hills.

They are expecting to use 12,000 GPD flow which is domestic strength wastewater and represents 7% of remaining capacity in the Cold Spring WWTP.

Member Palmer asked what a sample bill will look like and it was reported we will be billing based on the same charge as Cold Spring.

Dave Blommel reported that the total phosphorus is not currently charged to us, but may be in the future so we will have to amend the bill at that time.

Member Willenbring asked about the 4% administration fee with an industrial rate that is moderately higher. Yes

Member Tallman asked about the phosphorus and will we be amending this in the future. Dave Blommel indicated this will be in the fee schedule so when Cold Spring charges us we will charge them.

Member Willenbring questioned the deed and whether it should be approved after Stickney commits to building.

Member Willenbring inquired about the grant application for sampling equipment at both lift stations and would we be doing this if Stickney were not coming. Dave said no, but Cold Spring can be asking for these changes in the future. Stickney is applying on their own for grant money.

Member Willenbring asked if there is some box like structure over the sampler and is he looking at this right?

Why both lift stations? Dave said currently Cold Spring alternates from PIP and downtown. That will change – we need to have both done so that we don't pay more because of high readings at PIP.

Member Willenbring voiced concern that prevailing wage will be required so the maximum amount of 3 site visits in the engineer contract of \$13,900 does not sound right. A maximum 8 hours total engineering is figured in field supervision. Dave Blommel reported there are field visits on the front end and not a lot of time spent engineering.

Member Willenbring stated he would vote contingent upon following conditions:

- Schedule of values – does not want to be overbilled.
- 6 months and we don't use – the grant goes back.

Member Willenbring questioned how do we know that the \$13,900 is legitimate? Is there a protocol that we did not follow in having bids for engineering services done? Rena Weber explained that SEH is the appointed engineer for the city and that if we had chosen another engineering firm they would probably had to contact SEH for information.

Motion by Member Palmer, second by Member Simon, to approve the SIU for Stickney Hills as presented.

(A copy is hereby attached and marked Exhibit B)

AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

RESOLUTION APPROVING A GRANT APPLICATION -
Mayor Hagen introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2015-17
LOCAL GOVERNMENT RESOLUTION
BUSINESS DEVELOPMENT INFRASTRUCTURE APPLICATION

Applicants must adopt and submit the following resolution. This resolution must be adopted prior to submission of the forms package.

BE IT RESOLVED that the City of Rockville (Applicant) act as the legal sponsor for project(s) contained in the Business Development Infrastructure Application to be submitted on _____ and that its City Administrator (Title of First Authorized Official) and Mayor (Title of Second Authorized Official) are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Rockville (Applicant).

BE IT FURTHER RESOLVED that the City of Rockville (Applicant) has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure matching funds, adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Rockville (Applicant) has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state the City of Rockville, (Applicant) may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that it will comply with all applicable laws and regulations as stated in all contract agreements.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Rockville, (Applicant) will commit \$60,000 towards the local match requirement.

BE IT FURTHER RESOLVED that the City of Rockville (Applicant) will the repay the grant if milestones are not realized by the completion date identified in the Application.

The City of Rockville (Applicant) certifies that it will comply with all applicable laws, regulations, and rules of the Business Development Infrastructure Application.

NOW, THEREFORE BE IT RESOLVED that the City Administrator (Title of First Authorized Official) and the Mayor (Second Authorized Official), or their successors in office, are hereby authorized to execute such agreements and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

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

Member Willenbring asked that we add a letter of commitment from Stickney Hills.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

ENGINEERING CONTRACT Motion by Mayor Hagen, second by Member Tallman, to approve the engineering contract with SEH as presented for the sampling equipment installation. (A copy is hereby attached and marked Exhibit C).

AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

ST. JOSEPH TOWNSHIP – Jerome Salzer, Board Member reported that a complaint was received from a lady that hit a dip on 260th Street.

Anne Reischel, Clerk reported that discussion on 260th Street repair began on 5/7/08. It was going to be done in 2011 and now it is 2015. Every year we look at this and nothing gets done.

Member Simon reported it was going to be repaired this year and do the whole project next year. The road took more of a beating this year because of the County Road 2 project. Nick Waldbillig has ordered signage and we will take care of the fix this year. Member Simon suggested that St. Joseph Township get the bid as you can get it cheaper. The city will have to discuss Assessing and/or bonding.

Jerome Salzer reported they spent \$140,000 for one mile of road which included milling and striping. A culvert (not Jerome Karls) needs to be replaced this year at a cost of \$15,000 total or \$7,500 each

Motion by Mayor Hagen, second by Member Tallman, to approve the \$7,500 expense to replace the culvert in 260th Street with St. Joseph Township taking the lead on the project.

Member Simon volunteered to check with Jerome Karls as to what kind of pipe he put in.

Member Willenbring asked if Rick Hansen gave approval for something that he had no authority to do.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

DISCUSS SPLITTING OUT OF COST FOR PLEASANT LAKE – Member Palmer reported the Finance Committee ran out of time so no action will be taken.

COMMITTEE REPORTS

Mayor – Mayor Hagen had nothing to report.

Public Works – Member Simon reported on the following from the committee notes:

Sewer Calls – need to clean up the policy on when we will charge Rena read minutes from a council meeting on 3/17/10 where the council acted on billing for repeat sewer calls that are not caused by the city. The council approved “billing for sewer calls after the second time the city is called to a property in one year where it has been determined not caused by the city and the resident was informed, further to inform the resident that they will be billed the next time for the cost of the call.

It was determined we suggest the council do away with the one year time frame, it must be under the same ownership and further staff should send a letter each time with forgiveness the first time, but next time you will be billed.

Motion by Mayor Hagen, second by Member Palmer, to approve the recommendation to include city wages, doing away with the one year time frame and further to add a 3 year provision.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

Sauk River Road – Don Simon reported that Greg Berg (SCSWCD) is still working on the project to fix the culvert by adding rip rap to the shoulder of the road. This should be done in fall when the water flow is down. It was determined that we will wait until this is done so any work we do on the road will not be affected.

Member Simon reported on his recommendations for 2016 Road Improvement Projects – Pleasant Road, Lake Road, 260th St, and Sauk River Road.

Finance – Member Palmer reported that in regards to updating the debt management study they will have the auditor talk to Finance Committee to get a better understanding of the study itself.

Human Resources – Member Palmer reported on the following:

- Accepted Mandy Lais resignation and a majority of the council gave prior approval to advertise for a replacement.
- Minimum Wage increase – Reported that due to state law changes need to be made on:

Concession Stand 1	\$10.00/hour
Concession Stand 2	\$ 9.00/hour
Head Election Judge	\$10.00/hour
Election Judges	\$ 9.00/hour
Seasonal PT Maintenance	\$10.00/hour - \$12.00/hour

Motion by Member Palmer, second by Member Simon, to approve the changes to wages as presented.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

- Amendment to employee policy - PTO

9.1 General

Paid Time off (PTO) replaces individual sick leave and vacation leave plans and combines them into a single benefit program. PTO leave can be used for any reason, subject to approval by City Administrator/Clerk. PTO cannot be used until 6 months of successful employment is completed.

9.2 Accrual Rates for PTO

Years of Service	PTO Accrual Rates
0 – 6 months	0 days
6 – 12 months	8 days
1 – 2 years	8 days
2 Years	16 days
3-5 Years	21 days
6-9 Years	26 days
10+Years	31 days

PTO may be used upon accrual. PTO will not accrue during unpaid leaves. Regular part-time employees working at least an average of 31.5 hours per week will receive PTO as follows:

Years of Service	PTO Accrual Rates
0-2 Years	5 days
3+ Years	10 days

PTO will accrue on an employee's anniversary date at the accrual rate as noted above. Employees can carry over any unused PTO that does not exceed the limit of 1 ½ times the employee's present accrual rate. No additional accrual will occur above the carry over limit. If an emergency prevents an employee from using PTO, City Council approval is needed to exceed the carry over limit.

9.3 Claiming PTO

All PTO must be scheduled and approved in advance. Conflicts in scheduling will be resolved based on the date of the requests and seniority of the employees making the requests, respectively. If requests are received simultaneously, seniority will rule. Whenever possible personal time off should be scheduled in advance.

If a holiday occurs during the calendar week in which PTO is taken by an employee, the holiday will not be counted as a PTO day.

PTO may be taken in increments of one-fourth hour or more.

9.4 Severance Pay

Employees that have completed 6 months of employment and leave the City in good standing will receive 100% of their accrued PTO balance as compensation (applicable taxes will be withheld).

Motion by Member Palmer, second by Mayor Hagen, to approve the amended policy as presented.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

- Gene Van Havermaet has successfully met his six month probation and HR recommends he move to Step 5.

Motion by Member Palmer, second by Member Willenbring, to approve the request as recommended.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

OPEN FORUM - No one appeared.

ADJOURNMENT – Motion by Member Willenbring, second by Mayor Hagen, to adjourn the meeting at 7:20 p.m.

VERENA M. WEBER-CMC ADMIN/CLERK

JEFF HAGEN - MAYOR