

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
OCTOBER 16, 2013 – 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 Susan Palmer, Don Simon, Randy Volkmuth & Duane Willenbring. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber & Public Works Director Kevin Brown

Others present were: Gary & Mary Grams, John Koerber, Kenn Tamm, Terry Pennaz, Toni Honer, Tudie Hermanutz, Travis Kunz, Mike Nistler, Rick Tallman & Brad Busse.

OPEN FORUM

Rick Tallman 25594 Lake Road – Mr. Tallman wished to call attention to last two newsletters regarding garbage hauling. Summer 2013

“The reason for looking into organized waste collection is the cost savings to our residents, wear & tear on city roadways, etc.” Fall 2013 from the Mayor

“I also wanted to mention that the council decided to continue our present free-market approach to refuse pick-up as we effectively have only 2 major haulers and we feel that we can materially reduce the number of miles these trucks drive on our city streets through direct management. The council encourages residents to work together where reasonable to consolidate haulers on their streets, neighborhoods; and/or reduce the # of days for pickup.”

Mr. Tallman went on line to view the cost savings to Sauk Rapids residents at 30% savings. He has noticed since the last newsletter that the same 4 haulers are still hauling only on different days.

Sauk Rapids bill is \$12.08 month. Bulk pick-up – if we had that available you would see less of the extra dumping of furniture on city roads.

Gary Grams – 21373 Agate Beach Road – stated that he was here to advocate for improvement of Agate Beach Road with the fabric and tarvia. On this road there is a concentration of a number of higher taxed residents who pay a higher insurance rate, have no city water, and it is a lot later when the snow plow comes out there. They also deal with gravel in yard and also have to go through potholes. Now they deal with 4 wheelers tearing down the road.

He reported that the petro mat (fabric) was put down in some areas. He and his family made a proposal to sell land to the township. It is time to fix this since they have always paid their taxes.

Terry Pennaz indicated there are a lot more year round residents who would benefit from the improvement. Also the city has been given more LGA and asked where that is going to.

Member Volkmuth & Mayor Hagen explained the assessment policy and that this would be considered a new road so it would ultimately be 100% cost to the residents. Mayor Hagen indicated that Mr. Grams does own the other half of the road so the footage would most likely be capped at 200’.

Discussed process – Rena Weber to work with them to provide petition, the policy and schedule of costs.

ADDITIONS TO THE AGENDA: Motion by Member Simon, second by Member Willenbring, to approve the additions to the agenda for discussion purposes.

1. Duane Willenbring would like to discuss remedial work for the community park soft ball diamond.
2. Tri-City Cable TV would like to know if Rockville Council wants to go live. This would involve purchase of additional equipment.
3. Discuss Dave Blommel letter regarding liquidated damages.
4. Schedule Human Resources meeting.
5. Acknowledge AA+ bond rating.

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

CONSENT AGENDA

Motion by Member Volkmuth, second by Member Palmer, to approve the consent agenda as presented:

- a) **Approve minutes of 9/11/13, 9/25/13 & 10/2/13**
- b) **Approve Treasurer's Report of 10/16/13**
- c) **Approve List of Bills and Additions of 10/16/13**

Accounts Payable Ck #14739 to 014799	\$66,746.46
Payroll Ck# 004535 to 004559	16,077.82
EFT #000758 to 000767	9,263.32
- d) **Certify unpaid bills to tax rolls (Attached and marked Exhibit A)**

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

BOARD/STAFF REPORT

POLICE DEPARTMENT – The Police report showed 37 contract hours.

PLANNING COMMISSION – Chair Toni Honer reported on the following:

Travis Kunz @ 23445 County Road 8 - Request for CUP for a canine boarding facility.

Re: Conditional Use Permit Request

76.41629.0500: Owners: Mary Heitzman/Travis R. Kunz

Property Address: 23445 County Road 8, Cold Spring, MN 56320

Legal Description: 14.00 A N462' of NW4SE4, Section 17, Twp. 123, Range 029

Conditional Use Permit Requested:

SECTION 18 Subdivision 4: Conditional Uses reads:

The following uses may be allowed as conditional uses following the procedures set forth in this Ordinance and further subject to the performance and general development standards contained in this Ordinance.

7. Uses the City Council determined to be substantially similar in nature to the conditional uses listed above and not detrimental to the City's general Health and welfare.

The request is to convert present storage shed into a canine boarding facility.

Relevant Information:

1. This property is located in the R-2 District.
2. Property contains 14.00 acres more or less.
3. 22 notices of public hearing were sent out.
4. The area is completely surrounded by trees.

Recommendations:

1. Mr. Kunz would like to conduct the business from his residence once it is purchased.
2. There will be more traffic in the neighborhood as people drop off and pick up their pets.
3. If the neighbors are fine with this – it could be allowed as a CUP.

Chair Honer reported that the Planning Commission recommends approval with the stipulation there is no more than 15 maximum, no breeding and no selling of dogs.

Member Willenbring indicated that he got the county regulations for dog kennels and they need to be 500' from any residents and this structure is 640' from any resident.

Chair Honer also reported that she is an officer of the animal humane society so if there is complaint regarding this use she would be contacted.

Member Palmer introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2013-31

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT

WHEREAS, The City Council of the City of Rockville, Stearns County, Minnesota has received a request for a conditional use permit from Travis Kunz to convert an existing storage shed into a canine boarding facility in the R-2 District, and;

WHEREAS, this request would not affect the wetland, 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 allow the use of a canine boarding facility in the R-2 District with the condition than no more that 15 dogs are housed at any given time, that there is no breeding nor any selling of dogs and further that the facility be in compliance with county and state rules.**
- 2. Said approval is not a burden on public facilities, is compatible with existing and planned adjacent uses, has no adverse affect on adjacent properties, the use is related to the needs of the city, is consistent with the Comprehensive Plan, is not a traffic hazard, there is adequate parking and loading, and;**
- 3. The granting of the conditional use permit will not be detrimental to the public health, safety and general welfare of the City.**

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

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

Mike Nistler – Request to extend hours of current CUP. Toni Honer reported on: Mike Nistler – 254127 County Road 2, was in to request extending of the hours of operation of the eldercare facility from 8:30 to noon & 1-4:30 to 7 am to 11 pm citing that he has gotten requests. Sometimes they get card games going. These are baby boomers so we play music from the 60's and they also play bingo. The event center is set back further from the road and it is not affected by this. The Planning Commission recommended approval of the extended hours.

Motion by Member Volkmuth, second by Member Simon, to recommend the council grant hours of operation between 7 a.m. to 11 p.m.

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

Kenn Tamm – Tamm Electric – requesting approval to purchase a property in Prairie Industrial Park, and to move a building onto the property. Toni Honer reported that:

Kenn Tamm is purchasing 883 Prairie Drive in order to move a 30' x 80' warehouse that will be rented out in addition to storing some of their electrical supplies. The front side will be facing west and it will have 4 foot of stone. In addition Mr. Tamm has agreed to purchase the small residual lot owned by the city as part of the parking plan and it is really of no use to the city. Pictures of the building were provided.

Rena Weber reported that she and Mr. Tamm have discussed a purchase price of \$500, but this would need to be dealt with by the council. In addition Mr. Tamm is aware that he will need a bathroom in the event the use changes from cold storage and further in which there are no stub ins for either lot.

Motion by Member Simon, second by Member Willenbring, to approve the sale of the attached piece of property with this project for \$500.

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

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

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring

Motion passed on a 5 to 0 vote.

PUBLIC WORKS – Public Works Director Kevin Brown requested the following
Please approve the low bid of Molitor Excavating for replacement of the 40' concrete culvert on Rausch Lake Road

Molitor Excavating	5495.00 complete
Herberg Construction	6185.00
Kraemer Trucking	8112.00

Funding: Road Patching budget has \$4458.92 in it so I would request an amendment to the budget to cover the extra cost.

E 101-43100-308

Budget Amendment: Increase budget by \$1037.00

Kevin Brown indicated the reason he chose concrete is due to heavy truck travel over it with not much cover plus the elevation, water ate out the galvanized pipe.

Motion by Member Palmer, second by Member Simon, to approve the low bid of Molitor Excavating as presented.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring

Motion passed on a 5 to 0 vote.

MAINTENANCE DEPARTMENT ASSESSMENT - Kevin Brown presented members with what he sees needs to be done and indicated that it was a greater task than he has seen from the outside. Moving forward there are quite a few projects that have been neglected due in part by the short staff in the Public Works Dept. Many jobs require 2 people such as tree chipping, manhole opening, brushing, confined space, changing of chlorine cylinders, etc. He would have to go way too in depth to go over everything.

- Equipment – he looked though a lot of the equipment that should have been replaced.
- Another Full-time person is needed.
- Pieces of equipment need to be replaced; it will cost money now, but will pay back ten fold. You will get your money back on that. Many manufactures have programs with 0% financing.
- Replace the tractor with one that pulls the gang mower. He would utilize it for mowing grass, snow removal, bobcat attachments would fit, chipper attachment.
- Shouldering needs to be done.
- Trees that are down in ditches will wreck the snow plow.
- It is not that we have to do something, we need to do something.
- Don & Duane can attest to the fact that we need to buy a brush chipper. Compare the cost to rent one for 1 hour Vs buying one big enough – we are throwing money away. If we rent a chipper, we could have bought one three times over. It is a necessity.

Mayor Hagen asked if the chipper equipment is something we could share with Cold Spring? Kevin indicated no, we could share this more so with St. Augusta. Kevin stated he is particular about taking care of his equipment.

Mayor Hagen asked what shouldering is. Kevin indicated that shouldering is bringing gravel up to the level of the asphalt.

Discussion was held regarding having a stabilized work force or just catch up.

List of equipment – Kevin needs to provide a list of equipment needs with costs.

Member Palmer asked if we are leaning to just catching up or do we post as temporary full-time person.

Member Willenbring wished to make a statement that maybe interpreted wrong. Mayor, we are going to save the city and make it right. We do need two full-time people. The past rate of production was not up to par. He made a strong recommendation that Kevin be involved in the hiring so they are compatible.

Member Simon indicated that we need a person with mechanical background.

Motion by Mayor Hagen, second by Member Volkmuth, to authorize the process to hire a full-time position.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring

Motion passed on a 5 to 0 vote.

OLD BUSINESS/NEW BUSINESS

REQUEST FOR DATA – CHARGE FOR SERVICE - Rena Weber reported that Rick Tallman questioned the bill for the time spent by staff researching his water issue citing state laws and such. Mayor Hagen would like the whole council to consider deletion of this bill and further discuss future billings. There is also a bill for Member Willenbring in which staff spent time creating the document he requested. Rinke Noonan's office provided a listing of what can be charged.

Motion by Member Volkmuth, second by Mayor Hagen, to waive the \$228.93 fee for Rick Tallman.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring

Motion passed on a 5 to 0 vote.

Motion by Mayor Hagen, second by Member Willenbring, to waive the \$57.24 fee for the document created for Duane Willenbring.

AYES: Hagen, Palmer, Simon & Volkmuth

ABSTAINING: Willenbring

Motion passed on a 4 to 0 vote.

Member Willenbring stated that people want to know what they are going to be charged.

COMMITTEE REPORTS

MAYOR'S REPORT – Mayor Hagen had nothing to report.

RTCB – There was nothing to report.

FINANCE – Chair Palmer indicated that Finance was covered.

ADMINISTRATOR'S CORRESPONDENCE

WATER/WASTEWATER CONTRACT APPROVAL - Rena Weber reported that People's Service has agreed to cover the water and wastewater certifications using the hold harmless agreement that Adam Ripple wrote. Greg Stang said it is their standard contract for three years and there is a 30 day termination clause. Cost \$500/month.

Motion by Member Volkmuth, second by Member Willenbring, to approve the Water Wastewater Contract with People's Service as presented.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring

Motion passed on a 5 to 0 vote.

ADDITIONS TO THE AGENDA

REMEDIAL WORK TO SOFTBALL DIAMOND – Member Willenbring requested that this be on the agenda. This is in reference to the parking area next to the softball diamond where the trees were dumped from the 6/21 storm. Member Willenbring had obtained a bid of \$1389 to seed and aerate it. Kevin Brown estimated a cost of \$700 if done internally which is a great deal less; it is not a top priority. Member Willenbring is to do it under Kevin's direction.

TRI CITY CABLE TV LIVE – Rena Weber asked the council if they wished to go live with the council meeting broadcast which would involve more equipment and cost. The council collectively said no.

2013 IMPROVEMENT PROJECT UPDATE – Engineer Dave Blommel had written a letter to the council explaining the \$500/day liquidated damages for failing to complete the project on time. Dave estimated a cost not to exceed \$5000 to cover any additional observation by the engineer to complete the project.

Motion by Member Volkmuth, second by Member Willenbring, to authorize the \$500/day liquidated damage clause and further to allow the engineer to continue part-time observation in an amount not to exceed \$5000 to see the project to completion.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring

Motion passed on a 5 to 0 vote.

HUMAN RESOURCES MEETING – A meeting to interview potential fire fighters was scheduled for 10/30/13 at 5 p.m.

AA- RATING – Administrator/Clerk Weber reported that the city’s bond rating was upgraded to AA+ from AA-. This means that the interest rate (should the council decide to bond) would be lower – keeping the costs down.

Member Simon cited from the official notice:

“The rating reflects our assessment of the city’s strong economy, very strong budgetary flexibility, and very strong budgetary performance”. “Further supporting the rating is our view of the city’s very strong liquidity and strong management conditions.”

Members thanked staff for their efforts.

ADJOURNMENT – ***Motion by Member Volkmuth, second by Member Willenbring, to adjourn the meeting at 7:29 p.m. Motion carried unanimously.***

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

**JEFF HAGEN
MAYOR**