

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, APRIL 21, 2010 - 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, John Koerber, Sue Palmer, Jerry Schmitt, & Randy Volkmuth. Absent: Duane Willenbring.

Staff members present were: Administrator/Clerk Rena Weber, Public Works Director Rick Hansen, Park & Recreation Chair Scott Stenseth, Auditor Tom Ohlinger, & Engineer Scott Hedlund.

Others present were: Tудie Hermanutz, Lt. Jon Lentz, Dave Volkmuth, Heidi Peper, Darin Ennen, Jeff & Elizabeth Goebel & Mike Kosloski.

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

**OPEN FORUM**

No one came forth.

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

**CONSENT AGENDA:**

- a) *Approve minutes of 03/16/2010 & 03/17/2010*
- b) *Approve Treasurer's Report of 04/21/2010*
- c) *Approve List of Bills and Additions of 04/21/2010*

<i>Accounts Payable CK #011942 &amp; #11982 to 012035</i>	<b>\$24,943.77</b>
<i>Payroll CK #003712 to 003742</i>	<b>18,579.70</b>
<i>EFT CK #000299 to 000300 &amp; 000310 to 000320</i>	<b>98,813.78</b>
- d) *Summer Ball Program – 3.2 On-sale Malt liquor license at concession stand*

**AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.**  
***Motion passed on a 6 to 0 vote.***

**2009 AUDIT** – Mayor Hagen announced that consideration would now be given to Tom Ohlinger – City Accountant regarding the 2009 Financial Audit. Tom reviewed the audit and management letter citing:

- ◆ Abdo Eich & Meyers prepares the financial statement for most cities
  - ◆ Material Weakness – Of the journal entries one was cited as a material weakness and it had to do with the refunding bond. (*Rena Weber pointed out that this JE was not caused by staff as this was being done by former staff in accordance with the auditor.*)
  - ◆ The General Fund increased to 105% of the next year's budget. This should only be at 50%. (*It was reported that some of the fund balance would be reduced due to anticipated construction projects.*)
  - ◆ Water Rates – should be monitored with recommendation for increases (*Rena Weber reported that Member Willenbring requested that a task force be formed to review the water rates this year with himself, two city staff, and some residents being on the task force.*) The council determined that they were not in favor of forming a task force to review rates unless Member Willenbring has some reason to do this.
    - ◆ Sewer fund – going forward cash surplus will decrease – will have to look at delinquents.
- Member Palmer introduced the following resolution and moved for its adoption:***  
**RESOLUTION NO. 2010-05**  
**RESOLUTION ACCEPTING THE 2009 FINANCIAL AUDIT REPORT**  
**WHEREAS, a yearly audit was performed by ABDO, Eich & Meyers LLP on the 2009 City Financial Audit, and;**

**WHEREAS, Said audit was reviewed with the city council at their 04/21/10 council meeting.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of Rockville, Stearns County, Minnesota.**

- 1. Said 2009 Financial Audit & Management Letter is hereby accepted and approved.**

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

**AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.**

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

#### **BOARD/STAFF REPORT**

**POLICE DEPARTMENT** – Lt. Jon Lentz reported there were 36 contract hours performed during the month of March and cited the incidents.

Member Schmitz asked if more patrol could be done on Grand Lake Road. Lt. Lentz reported the speed trailer would be placed there soon.

**PLANNING COMMISSION** – Rena Weber reported for the Planning Commission

**MIKE KOSLOSKI/MARY ANN STEPHANY VARIANCE REQUEST – 224 Broadway Street East.** Rena Weber reported the address of the property is: 224 Broadway Street East with a legal description of: Lot Three (3), in Block forty-three (43) in the Townsite (now City of Rockville, according to the plat and survey thereof, now on file and of Record in the Office of the County Recorder in and for Stearns County, Minnesota.

Section 20, Subdivision 6: LOT, YARD, AREA & HEIGHT REUIREMENTS

- B. Side yard setback shall be ten (10) feet, plus on-half (1/2) foot for every one (1) feet of structure height in excess of two (2) stories or thirty-five (35) feet whichever is less except for interior lots abutting Broadway Street wherein no minimum setbacks are required provided fire suppression techniques are incorporated to the satisfaction of the building official and fire marshal.

The request is to construct a 30' x 24' unattached garage in the B-1 District (**CENTRAL BUSINESS DISTRICT**), locate said structure 3' feet from the side yard lot line.

#### **STAFF REPORT**

Re: Variance Request

76.42240-0038: Owner: Mary Ann Stephany

Property Address: 224 Broadway Street East, Rockville, MN 56369

Variance(s) Requested:

1. Variance to construct an unattached 24' x 30' garage and to locate it 3' from the east lot line **10' required.**

Construction Requests:

1. Rebuild (due to fire) a larger 24' x 30' unattached garage that will be located 3' from the property line. Current structure is 3' from the line; however, the owners propose to extend this further north thereby increasing non-conformity.

Relevant Information:

1. B-1 – Central Business District. Existing garage is built 3' from east lot line.
2. Existing home has beige stucco with brown shingles and unattached 24' x 30' garage is proposed to match in color.
3. Elevation certificate is not required.

Recommendations:

1. Maintain existing drainage patterns over, under, and across their property.
2. If approved the owner should provide on site storm water disposal such as a rain barrel or underground trench to catch the water (especially the east side of the garage) from crossing over onto neighboring property. A rain garden could be installed in the 3' area.
3. Or construct a drainage swale along the east line of the property between the garage and property line.

4. No additional driveways will be allowed.
5. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.
6. Approve with this conditions.

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

***RESOLUTION NO. 2010-06***

***A RESOLUTION APPROVING VARIANCE IN THE B-1 DISTRICT.***

***WHEREAS, A request has been received from Mary Ann Stephany & Mike Kosloski for a variance from side yard setback requirements to construct a 24' x 30' unattached garage in the B-1 District, and;***

***WHEREAS, said structure will be placed 3' from east side lot line 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 the 24' x 30' unattached garage that will be 3' from the east lot line.***
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.***
4. ***The siding and shingles shall match the main structure.***
5. ***The drainage and mitigation plan as presented will be constructed and maintained.***

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

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

**MEMORANDUM OF AGREEMENT** – Rena Weber reported that Stearns County manages the feedlot ordinance and this is the agreement covering such service. The Planning Commission has approved it and recommends approval by the City Council.

***Motion by Member Volkmuth, second by Member Koerber, to approve the Memorandum of Agreement with Stearns County as presented. A copy is hereby attached and marked Exhibit A.)***

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

**BNSF LETTER** – Rena Weber reported that the Planning Commission was asked to review the comprehensive plan to determine if the abandonment of the BNSF railroad was consistent with existing land use plans. The Planning Commission did this review and their response is presented for the record. No council action is needed.

**CORYNNE PHILIPSEK ADMINISTRATIVE PLAT** – It should be noted that the Planning Commission also approved the administrative plat for Corynne Philipsek. No council action is needed.

**PARK & RECREATION DEPARTMENT** – Scott Stenseth reported on the following.

- ◆ EASTER EGG HUNT - over 200 attendees & they collected 185 lbs. for food shelf
- ◆ SUMMER BALL PROGRAM UPDATE – 6 teams were formed with 94 kids signed up.  
Still accepting registrations until 4/23  
Will be using all ball fields in the city including John Clark Elementary
- ◆ EAGLE PARK – flowers are coming up, eagles are nesting & trail is in good shape
- ◆ Rock Fest – they are sponsoring the Tractor/Pedal pull on 7/10 at 2 p.m.
- ◆ Next meeting 5/6/10

John Koerber reported that he was called about building a soccer field behind the community ball field. Scott reported there is an area by Lion's field to play soccer already which isn't used.

**CONCESSION STAND WORKERS** – Rena Weber reported that she and Steve Heying interviewed two individuals and after background checks were done the two individuals are recommended for hire: Bryan Durkee & Barry Elert

***Motion by Member Koerber, second by Member Volkmuth, to approve hiring Bryan Durkee and Barry Elert as temporary part-time concession stand workers.***

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

**ROCK FEST FIREWORKS CONTRACT** – Rena Weber requested approval of the fireworks contract with RES Specialty Pyrotechnics in the amount of \$3500 for 2010.

***Motion by Member Volkmuth, second by Member Palmer, to approve the fireworks contract as presented.***

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

**MAINTENANCE DEPARTMENT**

**DUST CONTROL** – Rick Hansen had submitted a request for council action on dust control: Please approve Central MN Dust Control for the 2010 dust control. This is a company out of Richmond and has been in business a couple years. The price is \$0.52 per foot @ 18ft wide and will pre wet the roads prior to applying the dust control which will help in the adhesion of the product.

We have \$12,000.00 budgeted for dust control.

Fund # E101-43100-329

Two bids were received:

\$ .86 per foot – Ferrell Gas

\$ .52 per foot – Central MN Dust Control

***Motion by Member Volkmuth, second by Member Schmitt, to accept the low bid of Central MN Dust Control as presented.***

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

**PLEASANT LAKE WATER TOWER** – Rick Hansen had submitted a request for council action on cleaning and inspecting the water towers:

Please approve Caldwell Tanks Inc. to clean out and inspect the water towers on Maple St. (by elementary school) and the Pleasant water tower. It is recommended to clean and inspect water towers every two years. This is the same company the Council approved a ten year contract to provide cleaning and inspection services for the Walnut Circle water tower. They are proposing to cleanout and inspect these 2 towers at the same price as the Walnut Circle water tower. The price is \$1,325.00 for each tower. We have \$11,000.00 budgeted for Water tower maintenance, paint, inspection, and cleaning. Fund # 601-49440-591

***Motion by Member Palmer, second by Member Becker, to approve the request to water tower cleaning as presented.***

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

### OLD BUSINESS

**DAN HANSEN LETTER OF CREDIT** – Rena Weber explained that Dan Hansen has been working with Dan Steil of the 1<sup>st</sup> National Bank on securing a letter of credit. At this time a LOC has been drafted awaiting signatures.

Member Volkmuth suggested that a letter be sent to Mr. Hansen stating the exact intention of the council in that there is one year left and further the city wants to see the wetland bank created within 3 months of the expiration of the letter of credit (4/21/11).

**ROCORI TRAIL FINANCING** – Heidi Peper – SEH Engineer was present to update the council on the Rocori Trail Financing. (*Refer to Exhibit B*) Heidi reported:

- ◆ Phase I has too much state money – has to be matched dollar for dollar
- ◆ \$124,178.67 is needed from each city
- ◆ Over 2 million dollars is being sought from the federal government. This request is being considered now and we should know the results by fall
- ◆ Timing constraints – we are up against them as the money must be spent in 2011
- ◆ Working with Stearns County to be the financial pass through
- ◆ We need to show the match of federal & state funds
- ◆ In order to move forward Stearns County needs significant money from each entity

Rena Weber reported that staff time spent on the project thus far may be used as part of the match. It was determined to send this information to the Finance Committee for their input. Further research should be done to determine if staff time counts.

**EDA ANNUAL REPORT** – Heidi Peper presented a written report titled 2009 Annual Report marked as Exhibit C. Heidi cited that while not much has been happening the EDA has done the items shown in the written report such as:

1. Roles and responsibilities
2. Strategy planning process

Member Palmer voiced concern that we should relook at what we are doing. We may be saving money, but we are not doing anything to increase the tax base. We need to be more pro-active rather than re-active.

Member Volkmuth stated he does not see much going on.

Member Palmer stated that she disagrees with this thought. If you wait until they come we are behind the 8 ball. Member Palmer wants time scheduled on the agenda to discuss how we increase the tax base.

### NEW BUSINESS

**STONEYS & BIG DADDY'S – REQUEST FOR STREET DANCE & MALT LIQUOR LICENSE ON 7/10/10 (ROCK FEST)**- Darin Ennen reported that he and Jeff & Elizabeth Goebel (Big Daddy's) have been working together on this request to hold a street dance downtown after the Rock Fest parade. The Rock Fest Committee is okay with them holding the evening event. They are requesting approval to close off Cedar Street (one block south of CR 82) and also a 3.2 Malt Liquor License. Other things that will be done are:

- ◆ Area to be fenced in
- ◆ They will be checking id's
- ◆ They will hire an extra police officer
- ◆ They will clean up the area after event
- ◆ Bathroom facilities will be provided
- ◆ Proper liquor liability insurance to be provided along with trained sellers

***Motion by Member Volkmuth, second by Member Palmer, approve the request per the stated requirements especially the submittal of insurance certificate and carding of attendees.***

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***  
***Motion passed on a 6 to 0 vote.***

**STONE'S OUTDOOR BASH REQUEST – 6/5/10** – Darin Ennen then asked for approval to hold an outdoor bash on 6/5/10 and to move the event to the front of the bar. The BPM chapter of the biker's will have to patrol their own people. They actually like to keep watch of their bikes at events such as this. The council asked that Darin get:

- ◆ Approval of any property owner that you are fronting
- ◆ Proper Insurance certificate listing the city as additionally insured
- ◆ Enough porta potties

***Motion by Member Becker, second by Member Volkmuth, to approve the request subject to submittal of all that was asked for.***

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

### COMMITTEE REPORTS

**STREET DEPARTMENT** – Mayor Hagen reported that discussion would now be held regarding the notes from the recent Street Committee meeting.

**80<sup>TH</sup> Avenue, 81<sup>ST</sup> Avenue and Holly Road** – Rick Hansen reported that we need to rethink the project as the soil test results came back and it was determined that the area needs to be dug out 4' deeper and fabric be placed. A copy of the soil test report is on file in the office of the Administrator/Clerk.

Member Volkmuth suggested Rick get pricing for this additional expense and then schedule a meeting with the affected residents on 5/13/10 – 6 p.m.

**Lena Lane, Grovewood Lane and Burg Street** – Rick Hansen provided complete bids for repairing these road patches.

- ◆ Dirt work, seeding and straw blanket
- ◆ Krippner Excavating \$23,668
- ◆ Kraemer Trucking & Excavating \$29,488

It was reported that the quote was estimated to be under \$25,000 therefore this quote is not subject to competitive bidding law. Central MN Paving provided their bid for tarring of the three patches at \$9800.

***Motion by Mayor Hagen, second by Member Volkmuth, to approve the low bids of Krippner Excavating and Central MN Paving as presented.***

***AYES: Becker, Hagen, Palmer, Schmitt, & Volkmuth.***

***NAYS: Koerber***

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

**Grand Lake Road** – Rick Hansen asked for council input of how the project should be bid. Research on fabric installation was done as well as soil boring tests. A copy of the soil test report is on file in the office of the Administrator/Clerk.

Rick was instructed to bid the project with a complete sub-cut or digging out as recommended in the soil test report including the use of fabric.

Member Koerber to Scott Hedlund – question of hauling out dirt from Grand Lake Road – With the heavy truck driving over the first section from County Road 8 – how much will this deteriorate it? Scott reported that it is hard to tell, but that there will be deterioration.

**Limiting the Number of Garbage Haulers** – Member Volkmuth questions garbage trucks turning around on the 80<sup>th</sup> if it gets improved and that he would like to limit the number of garbage haulers to 2 companies. This would mean less wear and tear on the roads or 66% less trucks coming through. This would be helpful to the roads and we could save people some money too.

Member Becker voiced concern that regulating 2 companies could work for us or against us. Should we consider choosing one company?

It was determined that staff would put this in the newsletter to get the feeling of the residents.

Scott Hedlund reported that Sauk Rapids recently went through this process and should be contacted for information on their results.

**FINANCE COMMITTEE** – Chair Palmer reported the committee met this evening with the city auditor to discuss staff working without having the finance officer position. The committee feels that having the Finance Committee meet each month prior to the regular council meeting to review the financial statements will help towards eliminating the segregation of duties statement. Staff is willing to continue doing the day to day operations and would be open to a one day training session (5/26) at ABDO's offices. ABDO, Eich, & Meyers LLP also proposed providing a quarterly review of the financials providing the big picture perspective. The costs proposed for this service are:

- ◆ \$1500 training day
- ◆ \$1250 quarterly report

The Finance Committee recommends approval of both services.

***Motion by Member Volkmuth, second by Member Koerber, to approve the service contracts proposed by ABDO, Eich & Meyers LLP as presented.***

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

Next Finance Committee 5:15 p.m. on 5/18/10

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

**PROCESS TO REDUCE THE SIZE OF THE COUNCIL** – Rena Weber reported that as part of reducing the size in the council you have already approved that this would be on the 2010 ballot. We need to also discuss the process should the voters approve the reduction. Three people will be up for election this fall: Susan, John & Randy. The easy thing to do is to pick the top vote getter should the council be reduced to 5. If the vote does not pass then the top three vote getters would be approved. Some action must be taken so the public knows what to expect. Just an FYI – the Pleasant Lake precinct would have to be closed by May 1<sup>st</sup> if we were to do that.

Mayor Hagen asked when the changes would take place. Rena Weber responded 2011. Mayor Hagen voiced concern that statute would only allow this after the next election. Rena Weber will check on the legality of this concern.

Member Volkmuth suggested that if the referendum passes, the top three would still be seated, and in 2012 all would have to run. In order to stagger terms the top two vote getters would have 4 year terms and the bottom two would have 2 year terms.

Mayor Hagen asked if the law allows the change to take place the first of the year (2011) then we use Rena's suggestion, if it doesn't then use Randy's suggestion?

Member Palmer cited that she personally likes Randy's suggestion because it balances it out as there would be only one seat open.

Member Volkmuth stated that this could occur in 2011 or 2013.

Member Palmer voiced concern that we still have to stagger the terms.

The consolidation had a formula for reducing the council from 12 to 7 and that should be reviewed. This should be reviewed by legal.

Mayor Hagen was then in agreement with Sue and Randy but that the three people would be up for election only the top two would have 4 year terms and the other person would have a 2 year term.

***Motion by Member Palmer, second by Member Volkmuth, to approve that if three seats are up for election, the top two vote getters would be in for four years and the other person gets a two year term. In 2013 the person's whose term was two years, the position would terminate completely.***

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

Member Palmer questioned Mayor Hagen on his thoughts to resign. Mayor Hagen indicated that there is a process, including a special election which makes it difficult.

**BRUCE CONRAD** – Rena Weber reported that she acted on behalf of Bruce Conrad and see if MNDOT would sell excess land to him that abuts his property along Highway 23. The request was denied.

**PEDDLER'S LICENSE** – Rena Weber reported that the city currently has adopted a peddler's license, but there has not been a fee established. She suggested a \$25.00 fee which gives the city 14 days to do background checks.

***Motion by Member Volkmuth, second by Member Becker, to establish a \$25.00 fee to process peddler's licenses.***

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

**WAIVER OF LIABILITY INSURANCE FORM** – Rena Weber asked for council approval on the liability coverage waiver form setting the coverage limits at \$400,000 and that the city does not waive the monetary limits on municipal tort liability established by MN Statutes 466.04.

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

***AYES: Becker, Hagen, Koerber, Palmer, Schmitt, & Volkmuth.***

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

**TROY VOIGT REQUEST** – Rena reported that Troy Voigt wishes to use the bus shed for a wedding reception next year. She saw no reason to deny the request. Approval was given.

**NEWSLETTERS BY E-MAIL** – Cindy Anderson wished the council to know that in the future the newsletters would be e-mailed to them as a cost cutting measure.

#### **OPEN FORUM**

Member Becker reported that Pleasant Lake Homeowner's Association had their meeting last night and some people talked to him about the Roger Klein property still not being cleaned up. It was his understanding that council action stated he needed to have this cleaned up by December 2007.

Member Volkmuth stated the Roger got a lot of garbage out of there.

Member Palmer indicated that someone from the city should go out there again to see what he has done.

Member Koerber indicated that cars were removed.

Member Becker was not sure the city would want to take this on as the environmental clean up costs could be extensive. This is a pollution control situation. This has been going on long enough.

Member Palmer suggested that the DNR look at the situation.

Member Becker will check with the citizen who complained on whether they wish to contact the DNR.

Member Schmitt asked why the LID Board meetings aren't publicized.

Member Palmer asked if it had to be publicized. Rena indicated that this is a board of the city and it should be done.

**ADJOURN** – ***Motion by Member Volkmuth, second by Member Becker, to adjourn the meeting at 7:58 p.m. Motion carried unanimously.***

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

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**JEFF HAGEN**  
**MAYOR**