MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, FEBRUARY 18, 2004 - 7:00 P.M. - JOHN CLARK ELEMENTARY SCHOOL MEDIA CENTER

The meeting was called to order by Mayor Brian Herberg. Roll Call was taken and the following members were found to be present: Mayor Herberg, Council members Ed Hunstiger, Ed Karls, Lloyd Lommel, Don Simon, Greg Simones, and Randy Volkmuth. Absent: None

City Staff members present were: Rena Weber-Administrator/Clerk, Greg Stang-Maintenance Public Works Working Supervisor, Randy Dingmann-Fire Chief, Igor Lenzner-Attorney, & Rich Pedersen-SEH Engineer.

Planning Commission members present were: Jerry Bechtold, Kathleen Stanger, & Jeff Hagen.

Other present were: Cheryl Lommel, Tudie Hermanutz, Marilyn & Chuck Montreuil, Doris & Al Schneider, Steve Heying, Tim Massmann, Troy Bucheit, Dave Leigh, John & Sandy Gades, Duane Willenbring, Clarence Bloch, Bill Molitor, and Dave Volkmuth.

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

a) Approve minutes of 2/4/04.
b) Approve Treasurer’s Report of 2/18/04.
c) Approve List of Bills and Additions of 2/18/04.
   Accounts Payable CK 005421 to 005451 $12,842.36
   Payroll CK 001695 to 001698 4,933.34
d) Approve Annual 3.2 Non-intoxicating liquor licenses at a cost of $1.00:
   Rockville Area Sportsman Club – Octoberfest
   Rockville Lion’s Club – Octoberfest
   Rockville Park & Recreation – Concession Stand
   Rockville Fire Relief Assn. – Annual Fish Fry March 19, 2004
   Raffle- Mary of Immaculate Conception Church – Turkey Bingo

AFFIRMATIVE VOTES: Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth

Motion passed on a 6 to 0 vote.

BOARD/STAFF REPORT

POLICE REPORT- Deputy Dave Leigh reported that Sgt. Dickhaus arrested some burglars in the city last weekend and that there were 72 hours of patrol done during the month of January.

FIRE DEPARTMENT – Chief Randy Dingmann had nothing to report.

MAINTENANCE REPORT – Greg Stang reported on the following:

CONTRACT WITH MAYOR HERBERG - Greg Stang explained that he uses Floyd Beumer when needed, but can’t always get him so he would like to use Brian Herberg when a situation calls for a two man job.

Member Volkmuth questioned how do we make sure this isn’t cart blanche? Is this blanket coverage? Greg Stang replied that it is only to be used whenever he needs help.

Member Simones asked Greg Stang to look at hiring other contractors who are not working in the winter to avoid conflict of interest.

Member Volkmuth asked about using summer help. Greg Stang reported that we still have no loader for specific jobs.

RESOLUTION NO. 2004-08 – No action was taken and Greg Stang was urged to explore other options.

HYRANT REPORT - Member Karls reported that a couple of weeks ago he used the car wash and got a pink foam and asked what caused this. Greg Stang reported that the hydrant was drained last fall and somebody hooked onto it and pulled water after it was drained. Since the
A hydrant was drained he put hydrant anti freeze in the pipe, but somehow it leached back. A coupler was broken and was fixed that day. Greg Stang further indicated that the anti freeze was safe to drink.

**PARK & RECREATION** - Steve Heying reported on the following:

**SUMMER REC COORDINATOR** – Steve Heying reported that Brenda Hofke was hired as the Summer Recreation Coordinator who will coordinate the ball program and sign up on 3/6/04 from 10:00 a.m. to noon – upstairs city hall.

**EASTER EGG HUNT** – Steve Heying reported the Easter Egg Hunt will be held on 4/10/04 at 10:00 a.m. – Lion’s Park (Pleasant Lake).

**TWIN’S FIELD FOR KIDS GRANT PROGRAM** – Steve Heying reported the Board is applying for a grant to renovate the field and/or increased participation.

**CONCESSION STAND ROOF** – Steve Heying reported the Board approved and submitted plans to the city engineer so that specifications could be written.

**LION’S PARK SIGN** – Steve Heying reported that bids have been received for the construction of the columns however, the bid is not clear. The amount is $1200 with the brick being donated. The 7’ x 3’ sign is not included in the bid.

**Motion by Member Volkmuth, second by Member Simones, to approve the amount of $1200.00 for the sign columns.**

**AFFIRMATIVE VOTES:** Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth

**Motion passed on a 7 to 0 vote.**

**COORDINATOR FOR ROCK FEST** – Steve Heying indicated that they still need to interview for this position.

**PLANNING COMMISSION** - Jerry Bechtold reported that at the 2/10/04 meeting the Planning Commission met with MDG, reviewed a survey and provided input to be used in the comprehensive plan.

**OLD BUSINESS**

**ARLEN GADES CONDITIONAL USE PERMIT** – Rena Weber reported that discussion on this permit should be tabled until 4/5/04 at the request of Arlen Gades when he can be here. Rena Weber will follow up with a letter to Mr. Gades. Also there is a road issue that is not settled.

**Motion by Member Lommel, second by Mayor Herberg, to table action on this request until 4/5/04 as per Mr. Gades request.**

**AFFIRMATIVE VOTES:** Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth

**Motion passed on a 7 to 0 vote.**

**ROAD ISSUE IN PRAIRIE INDUSTRIAL PARK PLAT** – Rena Weber reported that there is a 33’ line issue that is in dispute.

Igor Lenzner asked the council to take the action necessary to move the road. The area should be appraised both ways: the 33’ only and the whole 5 acres. Once we get those numbers we should sit down with the property owners and discuss the appraisal or come back to council requesting eminent domain.

**APPRAISER - four quotes received**

J S Hagen $1500 or Maurice Wagner

Associated Appraisal - $1950

Webber & Sons Appraisal - $2000

St. Cloud Appraisal - $2500

**Motion by Member Volkmuth, second by Member Lommel, to re-bid the appraisal to have an appraisal done on 33’ only and the whole acreage.**

**AFFIRMATIVE VOTES:** Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth

**Motion passed on a 7 to 0 vote.**

**PUBLIC HEARINGS**

**RUPRECHT/BUCHHEIT CONDITIONAL USE PERMIT** – Mayor Herberg announced that a public hearing would now be held to consider the request for a conditional use permit for Thomas Ruprecht/Troy Buchheit & Don G Fall.

02/18/04
SECTION 22: I-1 LIGHT INDUSTRIAL SUBDIVISION 4: CONDITIONAL USES (5) READS

The City Council determines to be substantially similar to those listed in this zoning district and not detrimental to the City's general health and welfare.

The request is to operate a used car business in the I-1 District.

Jerry Bechtold, Planning Commission Chair reported the Planning Commission recommends approval of the conditional use permit with possible conditions affecting the impervious surface, and ensuring the nighttime lighting does not affect the motorist.

Jerry Tippelt – 12318 State Highway 23, questioned what is going in there. Troy Buchheit stated that a used car business would go in there and that it may be a little different than Freedom Auto as he could sell repairables.

Jerry Bechtold informed the council that the dealer's license he obtains will clearly state what he can sell.

Motion by Member Lommel, second by Member Simones, to close the public hearing at 7:53 p.m.
AFFIRMATIVE VOTES: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth
Motion passed on a 7 to 0 vote.

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

RESOLUTION NO. 2004-08
RESOLUTION GRANTING A CONDITIONAL USE PERMIT
WHEREAS, a request has been received from Thomas Ruprecht/Troy Buchheit/Don G Fall for a conditional use permit to operate a used car business in the I-1 Industrial District, and;
WHEREAS, The address of the property is: 23469 County Road 140 with a legal description of: Lot 1, Block 1, Gilbert Donabauer Plat 1 in the City of Rockville, 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 operation of a used car sale business with the stipulation that water/sewer service meets County or City code.
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 Hunstiger with the following vote being taken:
AFFIRMATIVE VOTES: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth
Motion passed on a 7 to 0 vote.

JOE MOLITOR PRELIMINARY PLAT – Mayor Herberg announced that a public hearing would now be held to consider the request of Joseph & Shirley Molitor for approval of a preliminary plat to be known as Molitor Rocky Hills.

Jerry Bechtold related the background on the request stating the Joe and Tom Molitor are in business together and each wants their individual homes to be in their own names not the partnership. When platting this, errors were found and now this is corrected.

Joe Molitor indicated that 85th Ave is the only way to get to the farm and it is 33' wide.

Motion by Member Simones, second by Member Volkmuth, to close the public hearing at 7:58 p.m.
AFFIRMATIVE VOTES: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth
Motion passed on a 7 to 0 vote.

Member Simones introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2004-09
RESOLUTION APPROVING A PRELIMINARY PLAT
WHEREAS, Joseph & Shirley Molitor presented a preliminary plat to be known as Molitor Rocky Hills, and;
WHEREAS, concerns of the Planning Commission were addressed, and
WHEREAS, persons wishing to address the Council were given an opportunity to do so.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA:
1. Said preliminary plat is hereby approved as presented and recommended by the Planning Commission.
The motion for the foregoing resolution was duly seconded by Member Volkmuth with the following vote being taken:
AFFIRMATIVE VOTES: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth
Motion passed on a 7 to 0 vote.

OLD BUSINESS
SCHILPLIN/TORBORG ANNEXATION REQUEST- Igor Lenzner reported that he had reviewed the consent agreement from Schilplin’s attorney and recommends that we do not take any action on this until the meeting with St. Joe Township is held as there are too many unknowns.
Motion by Member Volkmuth, second by Member Simon, to table action on the request.
AFFIRMATIVE VOTES: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth
Motion passed on a 7 to 0 vote.

NEW BUSINESS
APPRAISAL UPDATE - Randy Lahr, Stearns County Assessor, reported on the following:
Property values would need to be adjusted as:
Residential +8 to 10%
Agricultural +10 to 12%
Green Acres + 1 to 2%
Commercial/Industrial +5 to 7%
Apartment +1 to 20%
Their study period is from 10/1/02 to 9/30/03 and study values should be at 90 to 105% of the median ratio and we are at 88%.
Randy Lahr explained that one of the local board of appeal members will have to take a course on whole Board of Appeal procedure per state law. Member Volkmuth volunteered to take this course.
Appointments will be set up at the Assessor’s office at 10 minute intervals

ASSESSMENT POLICY – Rena Weber requested that no action be taken at this time as Municipal Development Group and the Street/Utility Committee are reviewing it first.
Member Volkmuth voiced concern that we need to be more careful on what we can afford.
Motion by Member Simones, second by Member Simon, to table action on the policy.
AFFIRMATIVE VOTES: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth
Motion passed on a 7 to 0 vote.

ENGINEER – Rich Pedersen had nothing to report.

COMMITTEE REPORTS
MAYOR REPORT - Mayor Herberg reported that he received a nuisance complaint from Steve Weber claiming that Glen Willard parks his machinery on the roadway easement. Mayor Herberg will try to work something out with the owner of the equipment. If this doesn’t get cleaned up - Council may have to take action.
EDA – President Greg Simones reported the Board met on 2/11/04 and adopted by-laws, held the election of officers, named the official depository, approved the official seal, and discussed personnel. The EDA would like to hire Heidi Peper to assist the EDA initially. The next meeting of the Board will be March 1st due to a scheduling problem with Heidi Peper.

Rena Weber reported that the amendment to the enabling resolution would need to be amended at a public hearing. The amendment would reduce the number of council members from four to two.

Motion by Member Simones, second by Member Karls, to schedule a public hearing on 3/24/04 – 7:30 p.m., to consider approval of an amendment to the enabling resolution.

Affirmative Votes: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmutth
Motion passed on a 7 to 0 vote.

STREET/UTILITY COMMITTEE – Chair Don Simon reported that the committee met last Monday and reviewed gravity flow around the two lake areas which was determined to not be cost effective. Changes to the sewer rate will be reviewed soon. Water rates will be changed also. A newsletter will be sent to residents when construction starts about hook up procedures. The next meeting will be held on 2/23/04 at noon. A pre-con meeting will be set up soon.

PERSONNEL – Chair Lloyd Lommel reported that there was no meeting and wanted to confirm that at the last meeting the Administrator/Clerk was advanced to Step 8.

MAIN STREET/BUILDING COMMITTEE – Chair Ed Karls reported that the 2nd open house was held last night and 47 people showed up. Cards will be tabulated on 2/19/04.

ADMINISTRATOR REPORT
TRANSFER OF SPECIAL FUNDS – Rena Weber requested approval to transfer special funds 205 (Fire Protection), 210 (Park & Recreation) & 214 (Street/Highways) to be moved under the general fund as separate departments.

Motion by Member Simones, second by Member Volkmutth, to transfer the special funds as presented:

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<th>Balance</th>
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Affirmative Votes: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmutth
Motion passed on a 7 to 0 vote.

REVERSE BUDGET AMENDMENT – Rena Weber requested council approval to reverse action on transfer of $2500 from the special park & recreations fund to the general fund for the purpose of leasing a lawn tractor at $500/month for 5 months use at the Pleasant Lake Park. The council had approved the purchase of a Kubota tractor at a later date; therefore this transfer was not needed.

Motion by Member Volkmutth, second by Member Simones, to approve the request to reverse the transfer of $2500.00 as presented.

Affirmative Votes: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmutth
Motion passed on a 7 to 0 vote.

RENEWAL OF CD – Rena Weber requested council approval to renew CD #48327 for a 3 month term @ Plaza Park Bank @ 1% interest.

Motion by Member Lommel, second by Member Simon, to approve the renewal of CD #48327 as requested.

Affirmative Votes: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmutth
Motion passed on a 7 to 0 vote.
CASH IN CD – Rena Weber requested approval to cash in CD #48885 in the amount of $115,367.25 and place the proceeds in the 4M Plus Fund. This will make the investment liquid and available when needed to prepay the chassis of the new fire tanker.

Motion by Member Volkmuth, second by Mayor Herberg, to approve the request to cash in CD #48885 as requested.

AFFIRMATIVE VOTES: Herberg, Hunstiger, Karls, Lommel, Simon, Simones & Volkmuth

Motion passed on a 7 to 0 vote.

UPCOMING MEETINGS – Rena Weber reported on the following upcoming meetings:

JOINT AREA CITIES MEETING – 3/13/04 – 9 to 11 – St. Cloud City Council Chambers

Mayor Herberg will attend this meeting.

OPEN FORUM

FIRE BOARD MEETING - Randy Dingmann, Fire Chief reported that on 2/12/04 the Fire Board met, Maine Prairie Township did not show up. The Board is still waiting for an answer from St. Augusta in regards to their contract for services. The next meeting will be held on 5/13/04 at 7:00 p.m. – Upstairs City Hall.

STEARNS COUNTY COMMISSIONERS MEETING – Rena Weber updated the Council on the city’s attendance at the 2/17/04 County Commissioners meeting. The County wanted to know what was happening between the City and St. Joseph Township in regards to the Schilplin/Torborg proposed annexation. St. Joseph Township is requesting discussion of orderly annexation of a much bigger area for the next 40 to 50 years. This will be discussed at the special meeting on 2/24/04 at the 400 Club.

COMP PLAN – Jerry Bechtold reported that the Planning Commission is updating the comp plan and looking ahead to 2020, but it is a hard time to get current data.

JOINT CITY MEETING – Mayor Herberg reminded all of the upcoming joint meeting on 2/28/04.

ADJOURNMENT – Motion by Member Volkmuth, second by Member Lommel, to adjourn the meeting at 8:48 p.m.