

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY,
JANUARY 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 Don Simon & Randy Volkmuth. Absent: None

Staff members present were: Administrator/Clerk Rena Weber & Engineer Dave Blommel.

Others present were: Jodi Teich, Jeffrey Miller, Tudie Hermanutz, Sgt. Jon Lentz, Vince Schaefer, Rick Tallman, Duane Willenbring, Bill Becker, Kevin Schneider, Jan Mick, Woody Sankey, Lorraine Jungels, Cory Schreifels and Jerry Tippelt.

Oath of office was issued to: Mayor Jeff Hagen, Councilor Don Simon and Councilor Sue Palmer. A written vote was taken to select the 5th member of the council to replace Jeff Howe.

Bill Becker – 2

Duane Willenbring – 2

Mayor Hagen then cast the vote appointing Duane Willenbring to fill Jeff Howe's position 12/31/2014.

Oath of office was issued to: Duane Willenbring

ADDITIONS – Motion by Member Volkmuth, second by Willenbring, to approve the additions to the agenda for discussion purposes only.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

OPEN FORUM

Rick Tallman – 25594 Lake Road was present to ask the council about:

- Limiting the number of trash collectors
- Meetings aired on cable TV – Can they be put on the city web-site?
- Getting input from city residents – get on the web-site to get input from the people? Put on web-site and have people e-mail staff.
- Base fees – Mr. Tallman has contacted the State Attorney General and presented each council member with a letter requesting answers to his question – individually within 30 days. *(A copy of the letter is hereby attached and marked exhibit A).*

Vince Schaefer - 541 Caroline Lane stated that he had a technical question regarding the microphones and wished that people would speak into the mike.

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

a) Approve minutes of 12/19/12

b) Approve Treasurer's Report of 1/16/13

c) Approve List of Bills and Additions

Accounts Payable CK #014188 to 014251

\$511,219.78

Payroll CK #004336 to 004413

62,798.90

EFT #000680 to 000697

20,426.94

d) Approve 2013 Fees and Calendar

e) Approve Reimbursement Resolution No. 2013-01

f) Park & Rec Concession Stand 3.2% liquor license May 1 thru October 30, 2013

g) St. Joe Vol Firefighter Relief Assn Raffle at 400 Club 4/5/13

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

BOARD/STAFF REPORT

POLICE REPORT – Sgt. Jon Lentz was present to report that there were 39 contract hours during the month of December with 11 citations. Comparing the number of calls showed:

2011 1,692 calls that could be about anything including writing reports

2012 1,847 calls with no spikes anywhere (The majority was 73 traffic stops, burglary went down, thefts went up from 7 to 14 and strictly from vehicles 1 to 7).

FIRE DEPARTMENT RFA –EMS Director Mike Hofmann presented a request to move \$500 from E101-42500-540 to Fire Department for buying the VHF radio from the Tanker for a base station. The base will be used for the ability of blowing the sirens if needed and when the Stearns system is down.

Funding: E 101-42500-540

Journal Entry

	DBT	CR
101-42500-540		500.00
1010-42200-540	500.00	

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

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

NEW BUSINESS

COUNTY ROAD 8 – 3 OPTIONS – Stearns County Highway Engineer Jodi Teich and Jeffrey Miller were present from the county to discuss the 3 options for County Road 8.

Rena Weber reported that the question of installing a 6' shoulder on one side only can't be done on a county/state aid road.

OPTIONS ARE:

OPTION A – Curb & Gutter with Two 12-foot travel lanes (No Right Turn Lanes), 6-foot shoulders.

OPTION B – Two 12-foot lanes with 6-foot paved shoulders (No Curb)

OPTION C – Two 12-foot lanes and minimum 3-foot shoulders

To Resurface – all costs would be the county.

Discussed Option C –

Full Depth Reclamation – would be considered a reconstruction.

Member Palmer asked if all utility work would be city cost. Yes.

Member Simon reported that people told him at the hearing to keep the costs low or not at all.

Rena Weber asked if the drainage pond would still happen. It will not happen if Option C is done.

Member Palmer asked how bad the drainage is.

Member Willenbring stated that there is an enormous amount of wetlands in this area plus the street is not centered on 66' row including the ditches.

Motion by Member Volkmuth, second by Member Willenbring, to select Option C

Mayor Hagen asked for more information on full depth reclamation. Jeff Miller explained that FDR provides an excellent base material and creates the strongest, longest lasting road. They will review this option with our engineer. Mainly the county has been going with this process. They may have to shorten the shoulder to avoid steep slope.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

ANNUAL APPOINTMENTS – ***Motion by Member Palmer, second by Member Willenbring, to approve the annual appointments as presented:***

ANNUAL APPOINTMENTS

2013

1. ENGINEERING FIRM - SEH
2. OFFICIAL NEWSPAPER – *Cold Spring Record*

3. OFFICIAL DEPOSITORY – 1ST National Bank, Plaza Park Bank, Smith Barney, Bremer Bank, & 4M Fund
4. ACTING MAYOR – Randy Volkmuth
5. AUDITOR/ACCOUNTANT – KDV
6. ATTORNEY – Rinke Noonan
7. WEED INSPECTOR – Mayor Jeff Hagen
8. ASSISTANT WEED INSPECTOR – Rick Hansen
9. COUNTY AGRICULTURAL INSPECTOR – John Waldorf
10. PROCESS SERVER – Stearns County Sheriff's Department

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

COMMITTEE ASSIGNMENTS 2013 – Motion by Member Volkmuth, second by Member Simon, to approve the 2013 Committee as discussed:

PUBLIC WORKS COMMITTEE

DON SIMON

DUANE WILLENBRING

PERSONNEL COMMITTEE

JEFF HAGEN

SUE PALMER

PARK & REC BOARD

SCOTT STENSETH

LORI ANDERSON

RICK TALLMAN

JOHN KOEBER

PAUL WIRTH

DUANE WILLENBRING – LIAISON

PLANNING COMMISSION

DUANE WILLENBRING – LIAISON

ROCORI TRAIL

DUANE WILLENBRING

RICK TALLMAN

NEGOTIATING TEAM

DON SIMON

JEFF HAGEN

FINANCE COMMITTEE

RANDY VOLKMUTH

SUE PALMER – CHAIR

EDA

VERN SALZ

ED KARLS

DUANE WILLENBRING

DON SIMON

TRI—CITY CABLE

ROGER SCHMIDT

BRIAN MICHALSKI

RACE

DUANE WILLENBRING

RENA WEBER

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

DON SIMON CONTRACT – Rena Weber reported that annual approval is needed to continue the working contract the city has with Don Simon who checks the wells on weekends.

**Member Volkmuth introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2013-02**

A RESOLUTION AWARDING A CONTRACT FOR SERVICES TO DON SIMON

WHEREAS, the City of Rockville has several wells and other water facilities that require inspection and service outside of regular hours City hours;

WHEREAS, Don Simon, a Council member of the Council for the City of Rockville is available and capable of performing said work; and

WHEREAS, the City has been unable to find another individual or company to perform these services, or make other arrangements for existing employees to perform these services for an amount equal to or less than the compensation requested by Mr. Simon.

NOW, THEREFORE, the Rockville City Council resolves as follows:

1. The Rockville City Council awards the contract attached hereto as Exhibit A to Don Simon, a Council member, on the terms and conditions contained therein.

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

AYES: Hagen, Palmer, Volkmuth & Willenbring.

ABSTAINING: Simon

Motion passed on a 4 to 0 vote.

GAMBLING PREMISE PERMIT – Rena Weber reported that Lori Laudenbach showed up at the end of the December meeting seeking approval to do gambling at Eddies on Grand. PNLs is the Paynesville/Richmond/Cold Spring area kids. In my follow up with the Rocori Band Boosters (current permit holders) they did not know Eddie was kicking them out. It is legal to have two different organizations in one establishment.

**Member Volkmuth introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2013-03**

RESOLUTION APPROVING A GAMBLING LICENSE

WHEREAS, The PNLs Hockey Association has requested a gambling license at: Grandview Bar & Grill, 21614 County Road 8, Cold Spring, MN 56320 and;

WHEREAS, Concerns were raised.

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

1. Approval of said license is hereby granted effective 01/16/13.

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

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

SCSU GAMBLING PERMIT – Rena Weber reported that SCSU is also holding a raffle of some sort on Grand Lake on February 2nd. This has not been approved by the council and maybe should have. Mayor Hagen explained that the St. Cloud State Baseball team does this as a fund raiser and it is held on the ice.

Motion by Member Volkmuth, second by Member Palmer, to approve the raffle for SCSU if required.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

RINKE NOONAN CONTRACT RENEWAL – Rena Weber reported there is a contract rate increase and was shown on the attached letter.

Motion by Member Willenbring, second by Member Volkmuth, to approve the renewal of Rinke Noonan's contract at the posted rates.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

COMMITTEE REPORTS

MAYOR REPORT - Mayor Hagen had nothing to report.

RTCB – Duane Willenbring reported that the Rocori Trail Construction Board received word that we were not granted any Legacy funds this year. The Board also appointed Doug Schmitz as the Chair for 2013.

HUMAN RESOURCES - FIRE DEPARTMENT OFFICERS FOR 2013 – 2017 – Rena Weber reported that notices for filling the Fire Chief and 2nd Asst. Chief were posted in December. The following people have applied:

Rodney Schaefer – Fire Chief (4 yrs)

Rick Hansen – 2nd Asst. Fire Chief (4 yrs)

Rena also reported that Don Simon's position should have been approved in 2012, but there is an issue with his current licensing.

Don Simon – 1st Asst. Fire Chief (3 yrs) – only if he provides proof that he is licensed.

Motion by Member Palmer, second by Member Volkmuth, to approve the officers as presented and provided that Officer Simon gets the proper licensing in place by the end of February 2013.

AYES: Hagen, Palmer, Volkmuth & Willenbring.

ABSTAINING: Simon

Motion passed on a 4 to 0 vote.

PAY EQUITY REPORT FOR 2013 – Rena Weber reported that she had entered our information in the state's web-site and she is seeking approval from the council to complete and submit the report. This needs to be done by 1/31/13. She also would like the council to consider adding 5 years to reach top. This allows those at the top a chance to get at least get a step increase. Back in August the Finance Committee looked at granting a 2% raise to those at the top and .5 to those still on the step system. This would throw the pay scale off. The increases are built into the adopted budget, but were not officially approved.

Member Palmer wished to discuss the step program and compare Rockville to similar sized cities. The Finance Committee reviewed this and wished to file the report as is with the idea that this will be explored further soon.

Member Volkmuth was not in favor of adding more steps, but does feel okay with granting a bonus to the person at the top of the scale 2%.

Motion by Member Volkmuth, second by Member Willenbring, to approve and submit the Pay Equity report as presented with further review thereafter and also to approve granting a 2% bonus to the person at the top of the scale. (This will be paid out ½ in January and ½ in June).

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

ADMINISTRATOR'S CORRESPONDENCE

JEROME KARLS – Rena Weber reported the Jerome and Donna Karls received a letter from Stearns County regarding their feedlot and the manure basin in particular not being certified by a registered engineer. Mr. Karls has reduced the dairy cows from the operation. This is an unfortunate issue in that anybody looking at the construction of the basin can see that it was well constructed.

ADDITIONS TO THE AGENDA

ROCK FEST – Jan Mick 24538 County Road 138 was present at the meeting with Woody Sankey of Simply Outdoors to seek input on the Sportsman Club taking over Rock Fest:

- Will the city back us?
- How much can we count on the city?
- What permits will be needed?

Member Volkmuth stated that the city helps out with insurance, but no other funding that includes fireworks.

Jan Mick is hoping the council will help with the event.

RAFFLE APPROVAL – Jan indicated they will be doing a cash raffle this year.

Motion by Member Palmer, second by Member Willenbring, to approve the Sportsman Club raffle for July 13th as requested.

AYES: Hagen, Palmer, Simon, Volkmuth & Willenbring.

Motion passed on a 5 to 0 vote.

Woody Sankey asked for permission to put a sign up by Hwy. 23 announcing a fishing tournament. He was advised to seek approval from the property owner first.

TRAINING OPPORTUNITY – EMS Director Mike Hoffmann was present to invite the council to attend Incident Command System training on 2/6/13 6 – 9 p.m. Member Willenbring will attend.

OPEN FORUM

Member Simon informed the council of a public hearing to be held on January 22nd at Stearns County to discuss allowing alcohol and horseback riding in Rockville County Park.

Member Simon also asked the council to consider moving the meeting back to 7 p.m. This has been addressed in a previous survey, but the council suggested something be put in the next newsletter.

ADJOURNMENT– ***Motion by Member Volkmuth, second by Member Willenbring, to adjourn the meeting at 7:04 p.m. Motion carried.***

VERENA M. WEBER
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR

January 16, 2013

EXHIBIT A

Re: Rockville water & sewer base charges

Cc: Mayor Jeff Hagen, Council members – Randy Volkmuth, Don Simon, Susan Palmer and appointee to serve Jeff Howe’s remaining term.

Greetings to each of you,

My name is Richard Tallman and I’m writing to each you on behalf of the 15 multi-unit property owners in Rockville downtown area. I moved to the area in 2009 and I currently own 3 properties located within Rockville: my home on Pleasant Lake and 2 multi-unit apartment buildings in downtown Rockville. I have been working for much of the last year to find out why water and sewer fees are so expensive for multi-unit properties in Rockville. What I have found with my research is that in the summer of 2004, Rockville changed its charging method in the following way: instead of charging per meter as it had in the past, Rockville began charging base fees per unit (each individual apartment or separately rented space). When these extra base fees were then applied to multi-unit properties, the water and sewer bills to the multi-unit owners skyrocketed, with some rising over 1,200%. The research thus indicates that the current problem in regard to excessive base fees paid by owners of multi-unit properties began with the decision by city officials in 2004 and we are appealing to this council to revisit these additional base fees being charged to multi-unit property owners. There is no other utility that charges this way, nor do the surrounding communities.

In the current Rockville News Letter I really like and appreciate the letter from the mayor, particularly the part about being treated fairly – “If you feel you are not being treated fairly by the city, then I feel it is my job to find out why and take appropriate action, through the council if possible and timely.” Each of the multi-unit property owners feel the city has wrongly targeted them since 2004 with the additional base fee charges. Consider the following:

League of MN Cities & State Statutes 444.075 Sub. 2 & 3: A city may consider the profit factor when setting rates for utility services. The rates, however, must be just, equitable, and reasonable as nearly as possible proportionate to the cost of furnishing the services.

A brief update was given by Susan Palmer during the December council meeting regarding the water rates and I felt a bit confused when she stated that much more information needs to be gathered before any new decision can be made. **I must remind you the water rates themselves are not a problem; rather, it is the additional base fees that have created the current fee inequity/unfairness from which we seek relief.**

We are all reasonable people and do not like paying more for the same thing that a non-multi-unit owner has simply because of a definitional change that has nothing to do with the actual water consumption/usage. During my research and talking with others we feel that the additional base fees were applied to increase revenues to the water utility and that it was done so by targeting only the multi-unit properties. We also feel the change or ordinance that allowed the additional base fees is **unjust, unreasonable and is not at all proportionate to the services furnished by the city water utility.** There were no additional services added when the base fees were changed nor has there been since.

I have contacted the Office of MN State Attorney General Lori Swanson and received an informative reply. Even though that office has no authority over a city, they did provide me with how to proceed with the Minnesota State Auditor if satisfaction is not achieved working with the city officials.

As a result of my correspondence with the Minnesota State Attorney General's office, I was advised to address each council member with our questions:

1. What ordinance # in 2004 authorized city staff to start charging the additional base fees?
2. With the additional base fees we pay, what additional services are furnished by the city?
3. What additional costs does the water utility incur because of the type of property served?
4. Please explain your view on these additional base fees that are being charged to multi-unit properties and do you feel these fees are **just, reasonable and proportionate to the cost of furnishing the services?**

In light of our most recent local election, I would like to use the mayor's campaign slogan "Common Sense". We want each of you to look at this issue with a common sense approach and ask yourselves, "What services does the city water utility provide and how should those services be charged?" The city is providing 1 water line and 1 sewer line to multi-unit properties, the same as any other property in town, yet we are being charged vastly more for the same service. The amount of water used is monitored by the water meter and charged according to that reading and sewage is calculated on water meter readings also. Operating expenses for the water utility should be derived from the water and sewer usage and not by additional base fees. We do not see any additional expenses the city incurs because of the type of building or by the number of apartments served.

We also hope that each of you understands our position and that you will fully consider helping the affected property owners by restoring fair and equitable charges that are proportionate to services furnished and help promote business growth for Rockville. Again, as we make this request, we do so hoping you will keep in mind that we understand you have not created this problem, but believe you will be able to correct it with a common sense approach in charging for services actually furnished.

We are thankful that you are all willing to hear our plea and help resolve this issue together in a unified way at the city level without involving the Minnesota State Auditor or having to resort to a legal course of action.

We request a prompt written reply (letter or email to below addresses) from each of you regarding this matter. We do need your written response within 30 days of receiving this letter.

Respectfully submitted by,

Richard Tallman / and (Multi unit property owners in downtown Rockville)
25594 Lake Road
Saint Cloud, MN 56301
320-266-4856
ricktallman@hotmail.com