

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, MARCH 20, 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, Billing/Finance/Administrative Assistant Judy Neu, Public Works Director Rick Hansen & Engineer Dave Blommel.

Others present were: Paul Wirth, Sgt. Joe Litchy, Tудie Hermanutz, Todd Beumer, Bruce Kraemer, Rick & Dorothy Tallman, Scott Johnson, Connie Brannan, Jeff Linneman, Ed & Joanne Schmitz, Steve & Sandy Pfannenstein, Shawna Arndt, Lamitchal Howard, Harold & Lorraine Jungels, Mel & Lucille Marthaler, Marie Skaja, Joseph Zimmer, Mary Kay Kraemer, Mary Stensrud, Fran Platzer, Randall Stensrud, Nessa Lavre, Glenn Neuton, Diane Willenbring, Melvin & Rale Ruegermer, Ron Kunstleben & Bill Byers.

ADDITIONS – Motion by Member Volkmuth, second by Member 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

No person appeared.

CONSENT AGENDA

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

- a) **Approve minutes of 2/20/13 Regular Council meetings**
- b) **Approve Treasurer's Report of 3/20/13**
- c) **Approve List of Bills and Additions**

Accounts Payable CK #014305 to 014352	\$ 21,444.57
Payroll CK #004432 to 004441	8,609.78
EFT #000708 to 000713	5,940.68

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

BOARD/STAFF REPORTS

POLICE – Sgt. Joe Litchy was present to report that there were 36 contract hours in February.

OLD/NEW BUSINESS

APPROVE WRITTEN RESPONSE AND GIVE TO RICK TALLMAN – Rena Weber had provided a written statement to be given to Rick Tallman regarding the sewer debt.

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

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

FEASIBILITY REPORT – Engineer Dave Blommel was present to review the feasibility study for Burg Street and two cul-de-sacs stating there were no surprises.

Member Volkmuth introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2013-09

**Resolution Receiving Report and Calling Hearing on Improvement
(BURG STREET, ALVIN COURT, MARLENE COURT RECONSTRUCTION PROJECT)**

WHEREAS, pursuant to resolution of the council, a report has been prepared by Short Elliott Hendrickson Inc. with reference to the proposed reconstruction improvements of:

Burg Street from Lena Lane to Stearns County Road 6 (2,400')

Alvin Court from Burg Street to end of cul-de-sac (380')

Marlene Court from Burg Street to end of cul-de-sac (390')

and further this report was received by the council on March 20, 2013, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible.

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

1. The council will consider the improvements in accordance with the report and the assessment of abutting property to be served by the improvements, for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$484,656.50.

2. A public hearing shall be held on such proposed improvement on the 17th day of April, 2013, in the council chambers of the city hall at 6:30 PM., and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

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

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

Motion passed on a 5 to 0 vote.

80TH AVE & HOLLY ROAD IMPROVEMENT – Discussion was held regarding this portion of the report. The estimated cost had increased and members wanted to get the feelings of the residents before any action is taken. This is not the ultimate reconstruction needed as it is more expensive.

Motion by Member Volkmuth, second by Member Simon, to schedule an informational meeting on 4/17/13 at 6:45 p.m. to consider improvements to:

80th Avenue from Stearns County Road 6 to south (1000')

Holly Road from 80th Ave to end of cul-de-sac (340')

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

Motion passed on a 5 to 0 vote.

COMMITTEE REPORTS

MAYOR - Mayor Hagen had nothing to report.

RTCB – Member Willenbring had nothing to report.

ADMINISTRATOR'S REPORT

REVIEW/APPROVE APPRAISED PRICE FOR 4 FORFEITURE LOTS – Rena Weber reported that this is the same procedure that we did last year. The county is merely dividing the value in half.

Motion by Member Volkmuth, second by Member Palmer, to approve the following appraised values on certain properties within the city and further indicating whether any assessments would be re-assessed after the sale of said property.

(A copy is hereby attached and marked Exhibit A)

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

Motion passed on a 5 to 0 vote.

RENTAL ORDINANCE UPDATE – Discussion was held regarding the rental ordinance and the review/comments made by the Building Inspector.

Member Volkmuth felt that inspections should be every 4 years or do away with it.

Member Palmer added that it should be based on complaints.

Motion by Member Volkmuth, second by Member Willenbring, to accept the following changes to the rental ordinance and further to schedule a public hearing for 4/17/13 at 7:00 p.m.

- Change from 2 year to 5 years with addition that if city receives 2 verifiable complaints – nothing anonymous, but written complaint signed then additional inspection would occur.
- Starting this year 2013 and beyond.

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

Motion passed on a 5 to 0 vote.

PUBLIC HEARINGS

SUPPLEMENTAL ASSESSMENT – Mayor Hagen announced that a public hearing would now be held to consider a supplemental assessment moving assessments from parcel No. 76.41720.0443 to 76.41720.0445. The amount is \$179,812.02 for WAC/SAC charges as part of the Brentwood Hills Development. No person appeared in opposition or approval of the supplemental assessment.

Motion by Member Volkmuth, second by Member Willenbring, to close the public hearing at 6:33 p.m.

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

Motion passed on a 5 to 0 vote.

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

RESOLUTION NO. 2013-08

RESOLUTION ADOPTING A SUPPLEMENTAL ASSESSMENT ROLL TO CORRECT ASSESSMENT.

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed SUPPLEMENTAL assessment for Arcon Development, and has amended such proposed SUPPLEMENTAL assessment as it deems just;

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

- 1. Such proposed SUPPLEMENTAL assessment, a copy of which is attached hereto and made part hereof is hereby accepted and shall constitute the SUPPLEMENTAL special assessment against the lands named herein, and each tract of land there is hereby found to be benefited by the proposed improvements.**
- 2. Such SUPPLEMENTAL assessment is hereby attached and marked Exhibit A.**
- 3. The owner of the property so assessed may at any time prior to the certification of the assessment to the County Auditor, pay to the Administrator/Clerk, and thereafter, at any time prior to November 15 of any year, pay to the County Auditor or Administrator/Clerk, the whole of the principal amount of the assessment on such property provided that no such prepayment shall be accepted without payment of all installments due to and including December 31 of the year of the prepayment, and the original principal amount shall be reduced only by the amounts of principal included in such installments computed on an annual amortization basis.**
- 4. The Administrator/Clerk shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.**

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

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

Motion passed on a 5 to 0 vote.

SHADE TREE ORDINANCE – Mayor Hagen announced that a public hearing would now be held to consider adoption of a shade tree ordinance.

Rena Weber explained that as part of accepting the grant for the shade trees last summer a shade tree ordinance needed to be adopted.

Paul Wirth explained the following:

- Ordinance covers three areas of infestations
- What happens with EAB, how pheromones come into play
- The city may hire a tree inspector
- DNR would step in and help us with and infestation
- Model is from the League of MN Cities and reduced to fit our needs
-

Member Willenbring questioned the shade tree cop and that this does not call for one. When there is an infestation the DNR would come in and money would be rolling in – where is that? This is marketed as the greatest thing since sliced bread. My philosophy is to believe, but verify. The other night by design I specifically played dumb saying that I had not read it. I had read it and had all of these questions. It was marketed again as if a great big infestation happens money is going to come rolling in take care of things. Also, this does not just say city lands it says all property in the city. He gets a letter from the city each year to get rid of noxious weeds and yet the city has the same problem. If he has a dead tree is he going to get a nasty gram from the city telling him to remove it? There has to be a lot of changes before he will agree to it.

Member Volkmuth voiced concern regarding Subdivision 9:

Subd. 9. Registration of tree care firms. Any person, firm, or corporation that provides tree care, tree trimming, or removal of trees, limbs, branches, brush, or shrubs for hire must be registered with the Minnesota commissioner of Agriculture under Minn. Stat. § 18G.07.

This poses an undue burden on people working in the city and he would like to see Subd. 9 removed.

Member Palmer wished to play the devils advocate wanted to know what she could do if a neighbor does not take care of their diseased tree?

Randy who is going to treat it or police it? It just places a lot of undue burden on people.

Mayor Hagen thinks this means that someone finds a problem and the state just wants to make sure they are registered. It does not mean we have to go out and find every tree trimmer and make sure they are registers with the state.

Member Willenbring expressed concern that Subd. 8 should be removed too.

Subd. 8. Reporting discovery of shade tree pest. Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a public nuisance caused by a shade tree pest as defined under subdivision 3 shall report the same to the city.

Then at that point the city administrator has to act on this. Then if the individual does not have it done by two months. It looks like we are bounty hunters and this is not a laughing matter. It is city tax dollars that we are wasting if we implement as stated. It comes down to this. If we were not looking for money at this stage of the game, is that why we have to have an ordinance?

Rena Weber indicated yes.

Member Willenbring then felt he was violated.

Member Volkmuth asked if we could amend the ordinance and not have all these requirements. Make it as minimal as you can make it so that we can eradicate the trees if they become infected.

Member Willenbring asked what it is going to cost the city for the first year of implementation. Rena Weber indicated \$0.

Member Simon indicated that most people would not know what to look for in an infected tree. DNR flies over and knows what to do, but you have to catch it early enough.

No one from the public wished to speak.

Motion by Member Palmer, second by Member Willenbring, to close the public hearing at 6:53 p.m.

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

Motion passed on a 5 to 0 vote.

Member Volkmuth motioned to return this to staff for revisions and later withdrew for lack of a second.

Member Willenbring stated it is like high school, I didn't like it, but that is how it was presented.

Member Willenbring introduced the following Summary Ordinance and moved for its adoption:

Ordinance No. 2013-77

ADOPTING A SHADE TREE ORDINANCE

The Rockville City Council ordains:

SECTION 1. Ordinance No. 2013-77 establishes standards for Shade Tree Management in the City of Rockville.

SECTION 2. The City Council determines that the text of the summary of Ordinance No. 2013-77, a copy of which is attached as Exhibit A, clearly informs the public of this Ordinance's intent and effect. The City Council further determines that publication of the title and such summary will clearly inform the public of this Ordinance's intent and effect.

SECTION 3. A complete, printed copy of this Ordinance will be available for inspection by any person during regular office hours at the Clerk/Administrator's office.

SECTION 4. Four-fifths (4/5) of the City Council's members direct the Clerk/Administrator to publish only the title and summary of this Ordinance.

SECTION 5. This Ordinance shall be effective immediately upon its passage.

The motion for adoption of the Ordinance was duly seconded by Member Palmer with the following vote being taken:

AYES: Hagen, Palmer, Simon, & Volkmuth

NAYS: Willenbring.

Motion passed on a 4 to 1 vote.

WATER RATE FEE AND VOLUME RATE INCREASE – Mayor Hagen announced that a public hearing would now be held to consider adoption of an ordinance amending water rate flat fee and also the volume rate.

Rick Tallman - 25594 Lake Road wanted to do a power point presentation and provide solid proof that the rates are unfair.

Mayor Hagen reminded Mr. Tallman that the public hearing was to discuss the base charge and the volume charge only. It is not a public hearing to discuss the number of units.

Rick Tallman wished to just discuss the rate structure. There were problems with the equipment.

Bruce Kraemer – 311 N Elm Street questioned Mayor Hagen as to when the best time is to address the number of units. Mayor Hagen reported the council has already approved the base units and the council is sticking with their decision and won't be reviewing it for the foreseeable future.

Mary Stensrud – 241 Broadway Street West questioned the amount in the reserve.

Rena Weber reported there was \$392,000 in reserve as of the 2011 financial audit, but this includes four water funds.

Mary Stensrud stated that she is on the Board at John Clark, understands debt, and if she were to propose an increase in their fees she would be hung on the flag pole. Member Volkmuth indicated the difference in this as that there is a balloon payment coming up and the city is keeping such money for this purpose.

Mary Stensrud stated that the huge increase is affecting her. She is on a fixed income. You do have a huge amount of money there and to ask for this increase is a lot of money.

Bruce Kraemer – 311 N Elm Street told the Mayor that into the foreseeable future is ambiguous – when can the number units be addressed?

Member Volkmuth suggested he wait until the open forum and talk about it then.

Rick Tallman was going to show the \$392,000 in the account as part of his power point presentation and that was at the end of 2011 so he imagines there is more now.

Member Volkmuth asked Administrator Weber what the amount of the balloon payment is and when is it due. Rena replied approximately \$554,000 and will come due in 2015.

Mayor Hagen cited so if we spent down that reserve and had to come to the citizens asking them to kick in the difference that would not be good financial management.

Rick Tallman asked what the balloon payment would be paying – the water tower at Pleasant Lake? There are 27 homes up there and they can't be paying for it on their own. The downtown area is contributing to this too.

The other problem he has is that there is 3 ½ million gallons of water unaccounted for in that water study. There is 22 million gallons pumped in a year and selling 18 million. I think you should find the leak. That is 15.85% of the budget.

Member Volkmuth indicated that the city is reallocating funds from city use to the water fund now. Member Palmer indicated that it is more than that – water main flushing is not billed to anyone and that is part of the 3 ½ million. The city did make a change.

Rick Tallman stated he is under the impression that many times the water tower is pumped and just emptied out.

Member Willenbring stated he believed this was one time isolated case.

Public Works Director Rick Hansen stated it is 3 ½ million gallons of unaccounted water, but not a leak. It is many times water used at city hall, fire hall, public works, parks, etc. The city hall does have a water meter and the whole city is paying for this.

Rick Tallman questioned the special assessments that are not being paid.

Member Volkmuth indicated that some of them are.

Rena Weber reported that Arcon Construction paid \$694,000 for the water tower as part of the development agreement.

Rick Tallman referred to a letter that he asked to be distributed to the council on 3/19 via e-mail:

Would you please make sure each council member receives a copy of this letter prior to the council meeting tomorrow. In my presentation I will be asking that each council member verify & agree this is how a 2 month water/ sewer bill is calculated.

Current rate structure for a single family home - 2 month bill

Not including sewer debt

	1,000 gal.	5,000 gal.	10,000 gal.	15,000 gal.	20,000 gal.
Water meter usage					
Water base fee					
\$9.20 / mo. x 2	\$18.40	\$18.40	\$18.40	\$18.40	\$18.40
Water rate per					
1,000 gal. / \$3.32	\$3.32	\$16.60	\$33.20	\$49.80	\$66.40
Sewer base charge					
\$12 / mo. x 2	\$24	\$24	\$24	\$24	\$24
Sewer rate per					
1,000 gal. / \$1.22	<u>\$1.22</u>	<u>\$6.10</u>	<u>\$12.20</u>	<u>\$18.30</u>	<u>\$24.40</u>
Total fee for gal. used	\$46.94	\$65.10	\$87.80	\$110.50	\$133.20

City staff put together a comparison of this rate structure (Single Family Dwelling and a 4 unit Apartment complex) just to compare how much it really costs on a per thousand gallon basis. A copy is hereby attached and marked Exhibit B.

Member Palmer indicated this is looking at the units again. Rick Tallman stated that he has tried and wanted to resolve this at the city level, but he can see where this is going.

Steve Pfannenstien – 807 Ptarmigan Lane is not here to speak about the units. He is here to talk about the increases – not sure what the increase going to be.

Member Palmer indicated the base rate change is from \$9.20 to \$9.54 and volume rate changes is from \$3.32 to \$3.55.

Rena Weber reported the increase would amount to this on a 2 month bill:

	Single Family:	4 unit apt. complex
1,000 gallons	\$.91	\$.74
5,000 gallons	\$1.83	\$.97
10,000 gallons	\$2.98	\$1.26
15,000 gallons	\$4.13	\$1.54
20,000 gallons	\$5.28	\$1.83

Steve Pfannenstien indicated he did not want to go here, but not many of the council is on the water system so it is easy for them to sit and make a decision that won't affect them personally, but is affecting us. So I would say that as a councilman you need to look at that as if you were paying that bill. How can you equalize so that it is fair. My health insurance increased 70% in the last years, I can't go to my boss and say I need a raise because my health insurance went up, my water bill went up. I am going down, down, down and I need to start fighting for what I can. You are not thinking about the citizens who voted you in.

Mayor Hagen indicated that the city does not take pleasure in raising the rates, but we do have an obligation to raise rates to cover an increase in the operating expense. We are required to do that.

Steve Pfannenstein asked how much of the water tower rent goes back to the water fund. Rena Weber reported that 10% of water tower rent is reimbursed. Steve Pfannenstein would like to see more put into the water system.

Member Palmer stated that the reason for this is that if the water tower rent went away that would be a direct hit to the water fund. That is why the council has gone to that and why the city has opted to charge city buildings for water so that everybody who is using the water is paying for it.

Member Palmer asked when was the last increase – 2010.

Bill Byers – rents from Rick Tallman questioned 3 million gallons and where does this go. He has been homeless and now he has a home this will cost him \$70.00 more each month. He is already paying \$415/month. He can't hardly pay more.

Rick Tallman clarified that he asked his tenants to be here because he thought we would address the rate structure. The city does have an ordinance in place that says we can require each unit to have its own water meter. If the water meters were required he informed them they would each get a bill with the base fees which are \$35.00 before a drop of water is used so 2 months would be \$70. He pays \$840 in base fees every two months for the 12 unit complex and if the building burned down he would still be charged that.

Member Willenbring stated that the past Mayor Vince Schaefer asked him to speak about the alleged disparity of the core city cross paying for the water tower in Brentwood Hills and if the 27 (actual 24 – three into receivership) homes in Brentwood can't pick up the burden, can the entire city be charged and can it be put on the General Obligation bond.

Motion by Member Volkmuth, second by Member Willenbring to close the public hearing at 7:21 p.m.

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

Motion passed on a 5 to 0 vote.

Member Volkmuth stated that 4,000 gallons is the average usage in the city. This amounts to \$1.83 per every two months. Costs do go up. It has been three years and that is 5% increase.

Member Willenbring stated the flat fee is simple, but it does not encourage conservation. If we lower the base fee and increase the user fee – it causes people to conserve. He has asked to have an outside resident to be included in the study. Sue, Rena and Teri were the only people on this review committee. His theory is to believe but verify. He wants this tabled until more people can look at it. 3 things he asked for: city reports for year end 2010, 2011 and 2012.

He specifically asked the city administrator to not have the depreciation in the report, but it was there. He has this request in a written e-mail. \$53,000 was the number used and we do not fund depreciation.

Rena Weber wished to clarify why the depreciation is in the report, but Member Willenbring stated he had the floor.

Member Willenbring went on to explain that in 2011 there was a large expense for repair and \$4,000 was budgeted. This year there will be another glitch – wellhead protection. \$5000 is a one time expense that would not be in the next year's budget. He urged all to take this into consideration when reviewing the entire budget and water rate study.

Member Willenbring thinks there is a compromise. Mr. Tallman tried to get a point across and the Mayor did not allow that to happen. This has been going on since whenever. He is not ready to vote on it particularly if there is a large amount of funds out there. He would like the Mayor to put together a task force to review this and if the result is still the same then next month we can make a decision.

Member Volkmuth stated that the reserves are to go for capital expense, not O & M. It would be nice to use the \$392,000 for operating, but we have to be prudent about how this is used. Right now I believe the fund will be operating at a deficit therefore we need to make up the shortfall.

Member Palmer wished to add that the numbers used in the water rate study were the 2013 budget. Every line item was looked at in the budget and then we reviewed them to determine how much was a fixed cost Vs a variable cost. The fund is not self sustaining. We did not include depreciation in the study.

Member Willenbring would still like to review the fixed Vs variable amounts for salaries. He would still like to see the base fee lower and raise the volume fee.

***Member Volkmuth introduced the following ordinance and moved for its adoption:
ORDINANCE NO. 2013-78***

AMENDING WATER BASE AND VOLUME FEES

The Rockville City Council amends Basic Code Section 52.51 Water Rates, Fees & Charges to read:

Subd. 1 Water Rate Fees will be:

- A. Water Availability Fees
\$ 9.54/month flat fee – OM & R (Operations, Maintenance & Replacement) +
\$ 3.55/1000 gallons (volume fee)

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

AYES: Hagen, Palmer, Simon & Volkmuth

NAYS: Willenbring

Motion passed on a 4 to 1 vote.

ADDITIONS TO THE AGENDA

PUBLIC WORKS – RFA ON GRADING – The following bids were received for grading this summer:

Herberg Construction	\$76.00/hour
Myron Felix	81.00/hour
Kraemer Trucking	85.00/hour

Last year's bid was awarded to Kraemer Trucking at \$82.00/hour

Staff recommends low bid as long as specifications are met.

Funding:

E 101-43100-327

Rick Hansen stated the biggest issue is getting people here when we need them.

Motion by Member Willenbring, second by Member Volkmuth, to approve hiring Herberg Construction for one year with a review at that time. Further approval is given to hire the next lowest bidder if there is a problem.

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

Motion passed on a 5 to 0 vote.

FARMER'S MARKET – Rena Weber indicated that staff has been talking to an individual about starting a farmer's market in Rockville. Liability insurance will be addressed. There should be no cost to the city. Approval was given.

SCHEDULE PUBLIC HEARING FOR RE-ASSESSMENT ON 76.42146.0807 – Rena Weber reported that one of the forfeiture lots in Prairie Industrial Park did sell at the auction and the city needs to re-assess this property for utilities.

Motion by Member Volkmuth, second by Member Willenbring to schedule a public hearing for 4/17/13 – 6:50 p.m. to consider re-assessment of costs.

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

Motion passed on a 5 to 0 vote.

OPEN FORUM

Rick Tallman stated that he is giving the city one last chance to discuss the rate structure. It is not fair – nobody pays the same rate and you are breaking the law when you don't have conservation rates in your structure. You don't want to listen – then we will see you in court.

Carol Dietman – County Road 47 question what kind of liability insurance will be required. Why would you approve an event when you don't know what kind of insurance you are going to require? She is trying to understand that.

Rena Weber indicated that the city will work that out as we get into this further – tonight's request is just to see if the council would approve this.

Member Volkmuth asked that we get some legal opinion from the attorney as to being fair and how we address the units.

Bruce Kraemer – asked the council to consider the LMC memo that says the rates have to be commensurate with the service being provided. He feels the city should not be comparing a unit in an apartment to a single family dwelling unit.

Duane Willenbring – taxpayer not councilmember – he reads the same opinion that Randy Volkmuth reads and he would like to see what the attorney has written in regards to this issue.

Member Simon talked about filling the Maintenance position. We need a full-time person. The last snowfall he was the only one to plow snow as the others were working their full-time jobs. Don has helped Rick with the wells and snow removal. If Rick had been seriously hurt when he fell last week we would not have had anyone to plow.

ADJOURNMENT – Motion by Member Volkmuth, second by Member Willenbring, to adjourn the meeting at 8:03 p.m. Motion carried unanimously.

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

**JEFF HAGEN
MAYOR**