MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, NOVEMBER 18, 2015 – 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 Sue Palmer, Don Simon, Rick Tallman & Duane Willenbring. Absent: None

Staff members present were: Administrator/Clerk Rena Weber, Planning Commission Chair Bill Becker, Lt. Jon Lentz, Attorney Adam Ripple and Engineer Dave Blommel.

Others present were: Wayne Hiemenz, Vince & Audrey Schaefer, Brian Bell, Diane Willenbring, Dorothy Tallman and Tudie Hermanutz.

ADDITIONS TO THE AGENDA – *Motion by Member Simon, second by Member Tallman, to approve the additions to the agenda for discussion purposes.*

1. Approve release of Knife River Reclamation Bond for Mick Pit/I-94 construction project of 2014.
2. Close Fund 305 - $990,000 GO Improvement 2004-A.
3. Human Resources report, checklist & Interim Acting Administrator.
4. City emails for Councilors.

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

OPEN FORUM

Vince Schaefer – 541 Caroline Lane – reported that he has some comments about tonight's agenda - the minutes from the October council meeting states "*Motion by Mayor Hagen, second by Member Willenbring, to authorize the Finance Committee to work with David Drown to come up with a structure that the city will use general tax revenue to make up the shortfall on the Pleasant Lake and Prairie Industrial Park and come up with action codes on allocating staff time to separate also.*" and that motion passed unanimously. Then I look at item # 6 a) on the agenda - Discuss/approve action codes for break out Pleasant Lake Water System, the Finance Committee Report is item # 8 c) which is after the discussion of the Pleasant Lake system. Does this mean that the Finance Committee was bypassed on this issue and if so why the motion clearly states otherwise.

Rena Weber explained that the action codes that we came up with are before the council to look at and approve. They didn't have them at their last meeting. What I want to know is when do we start using the codes and how long do you want us to do this.

Vince Schaefer – The motion clearly stated to come up with action codes on allocating staff time to separate and that was supposedly turned over to the Finance Committee. I am somewhat encouraged by the fact that after my initial public data request about 7 years ago, I finally have some answers to my questions that is yes the downtown water system is subsidizing the Pleasant Lake water system by about $85,000 per year for at least 7 years and that is a minimum of $85,000 as what I got from the David Drown report and this was all laid on the 288 water customers from the old system down town. That was originally set up as a stand-alone system.

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

a) Approve minutes of 10/21/15
b) ACCEPT Treasurer's Report of 11/18/15
c) Approve List of Bills and Additions of 11/18/15

Accounts Payable CK #016412 – 016475	***$ 68,906.03***
Payroll CK #005027 –005036	***13,484.34***
EFT #000982 – 000987	***9,318.75***

d) Certify unpaid water/sewer bills to tax rolls

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

BOARD/STAFF REPORT

POLICE – Lt. Jon Lentz reported there were 38 contract hours during the month of October with citations being issued.

Rena Weber reported renewal of the contract. Last year we were being billed $45.00 an hour and with this proposal they are going to $50.00 an hour. The budget is at $22,800 it is a little bit more than what we have in the budget.

Motion by Member Willenbring, second by Member Tallman, to approve 2016 Contract with Stearns County for Police Services as presented.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

PLANNING COMMISSION – Bill Becker reported for the Planning Commission
WAYNE HIEMENZ VARIANCE REQUEST
Re: Variance Request(s)
76.42140.0010 Owners: Wayne & Susan Hiemenz
Property Address: 25465 Pleasant Road

Variance(s) Requested:
1. Variance to construct a 26' x 46' attached garage and to provide a breezeway connecting the house to the garage on property abutting Pleasant Lake – Recreational Development Lake.
2. Impervious Surface – Total lot area is 15,456.90 sf of which 15% is 2318.54 allowed Proposed is 4432 sf of which 2113.46 is over the 15% allowed.

Construction Requests:
1. Construct new attached garage and match the existing residential structure.

Relevant Information:
1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 15,456.90 square feet more or less.
3. 18 notices of public hearing were sent out.

Recommendations:
1. This requires one variance on a non-conforming lot that was in place before the ordinance was adopted.
2. Require mitigation of 2,113.46 square feet of run off
3. One letter of support received.

The Planning Commission recommends approval as presented with the rain water being captured.

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

RESOLUTION NO. 2015-22

A RESOLUTION GRANTING VARIANCES TO ADD AN ATTACHED GARAGE AND BREEZEWAY IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Wayne Hiemenz & Susan J. Hiemenz for a variance from Impervious Surface Requirements to add an attached 26' x 46' garage & 5' x 10' breezeway in the R-1 District, and;

WHEREAS, said structure will exceed the 15% impervious surface by 2113.46 sf, 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 attached 26' x 46' garage & 5' x 10' breezeway provided that 2113.46 square foot overage is mitigated and constructed according to design, approved by the city engineer, and maintained.***
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.***

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

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

TRAVIS KUNZ – CUP EXPAND CANINE BOARDING FACILITY

Travis Kunz – CUP Expand Canine Boarding Facility

Re: Conditional Use Permit Request
76.41629.0500: Owners: Travis R. Kunz
Property Address: 23445 County Road 8, Cold Spring, MN56320
Legal Description: 14.00 A N462' of NW4SE4, Section 17, Twp. 123, Range 029

Conditional Use Permit Requested:
SECTION 18 Subdivision 4: Conditional Uses reads:

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

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

The request is to EXPAND canine boarding facility.

Relevant Information:

1. This property is located in the R-2 District.
2. Property contains 14.00 acres more or less.
3. 24 notices of public hearing were sent out.
4. The area is completely surrounded by trees.
5. The city has not received any complaints of the operation thus far.

Recommendations:

1. Mr. Kunz would like to expand the canine boarding business from the present 15 stalls.
2. There will be more traffic in the neighborhood as people drop off and pick up their pets.
3. If the neighbors are fine with this – it could be allowed as a CUP.

The Planning Commission recommends approval as presented.

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

RESOLUTION NO. 2015-23

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT

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

WHEREAS, this request would not affect the wetland, and;

WHEREAS, proper notification and publication had been given, and;

WHEREAS, all persons were given an opportunity to be heard on said request. .

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

1. ***Said request is hereby approved to expand a canine boarding facility in the R-2 District.***
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 was duly seconded by Member Simon with the following vote being taken.
AYES: Hagen, Palmer Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

DAVID LENZMEIER – VARIANCE – IMPERVIOUS SURFACE REQUIREMENT - TABLED

SHAWN O'KEEFE – MAJOR SHORELAND ALTERATION PERMIT

Shawn O'Keefe – Major Shoreland Alteration Permit
Re: Variance Request
76.41647.0400: Owners: Shawn O'Keefe
Property Address: 21096 Fowler Road

Variance(s) Requested:

1. Variance for major Shoreland alteration permit on property abutting Grand Lake – General Development Lake.

Construction Requests:

1. Refer to Stearns County Staff Letter dated 10/9/15.

October 9, 2015

City of Rockville
Attn: Rena Weber
P.O. Box 93
Rockville, MN 56369

RE: Staff Report for Shoreland Alteration Permit at 21096 Fowler Road, Cold Spring MN 56320

This report addresses an application for major shoreland alteration permit submitted by Shawn O'Keefe for 198 cubic yards of cut/fill to reshape the slope between the house and Grand Lake, to riprap the shoreline, and to add a sand beach blanket. Had this project come under Stearns County permitting jurisdication, the Stearns County Planning Commission would make a recommendation to the Stearns County Board of Commissioners who would review and approve/deny a project of this scope. Below is a description of each proposal item and applicability of the Stearns County Zoning Ordinance #439. A pre-application meeting was performed on the property September 18, 2015 with the contractor Dale Zimmerman, who is licensed as a shoreland contractor in Stearns County.

The proposal to excavate approximately 99 cubic yards from the top of the slope located between the house and Grand Lake, and place 99 cubic yards of the excavated material at the bottom of the hill is consistent with Section 10.2.14D of the Stearns County Zoning Ordinance #439 which states, "Alterations of a larger size scale that do not qualify for a minor shoreland alteration permit shall only be allowed when authorized by a major shoreland alteration permit granted by the Board and issued by the Department. The Board may refuse to grant a major shoreland alteration permit if it is determined that issuance of the permit may have an adverse environmental impact."

Although the slope in its current state does not show any signs of erosion, the proposal to make the slope more gradual and add deep-rooted vegetation would not appear to have an adverse environmental impact. The trees along the slope are scheduled for removal because they represent a safety concern and/or are dead. The applicant wishes to also remove the stumps, which will likely destabilize the slope and increase the erosion potential. Cutting the top of the hill and filling at the toe of the hill would decrease the overall slope, and installing deep-rooted vegetation would further protect against erosion potential.

The proposal to install riprap along the shoreline is consistent with Section 10.2.14B(3), which states that a minor shoreland alteration permit may authorize "projects in which rock riprap is being used to control erosion." The shoreline is undercut in many places on the property, and although the existing vegetation is helping to slow the erosion, rock riprap would better protect against erosion.

The proposal to excavate an area and install a beach sand blanket 26 feet wide along the shoreline by 10 feet landward of the ordinary high water level is consistent with Section 10.2.14J(1) of the Stearns County Zoning Ordinance #439 which states that "the placement of sand within the shore impact zone and above the ordinary high water level shall only be authorized by a minor shoreland alteration permit as follows:

(a) Only clean, washed sand, free of organic or toxic materials shall be used.
(b) The sand blanket may be up to twelve (12) inches in depth, up to thirty (30) feet in width along the shoreline or one-half (1/2) the lot width, whichever is less; and may not extend more than ten (10) feet landward of the ordinary high water level.
(c) An earthen berm shall be constructed on the landward side of the sand blanket to divert surface water runoff around the sand area. The berm shall be planted with vegetation such as grass to aid in the assimilation of surface water runoff."

If a permit is granted, the items below are recommended conditions:

1. The above listed items (a), (b), and (c) shall apply as conditions to the installation of the sand beach blanket including a maximum of 10ft landward of the ordinary high water level.
2. Prior to beginning work submit proof of a permanent benchmark with an established elevation used to generate elevations in the application. This can be used during

construction and completing an as-built of the project. (example – top of NW corner of deck = 104.65)

3. Prior to beginning work submit a cross-section showing the proposed elevation in relation to the benchmark of the 2.1ft proposed average cut on the west portion of the project, and the proposed average 1.0ft cut on the east portion of the project.
4. Prior to beginning work submit proposed finished slopes of the cut/fill areas that are less than 30%.
5. The silt fence, as shown, must be installed prior to any excavation and maintained until permanent upslope vegetation is established with at least 70% ground cover.
6. The project must be constructed in phases so that the smallest amount of bare ground is exposed for the shortest time possible (Sec 10.2.14F4).
7. Disturbed areas must be hydroseeded with mulch as soon as possible, but not to exceed 14 days after starting project (Sec 7.10.2).
8. Areas to be hydroseeded should use MNDoT mix 35-211 or 36-211 as native grass mixture, include a cover crop of oats or winter wheat, and be applied at recommended rate of 25lbs/acre.
9. The authorized work must be completed by November 15, 2015.
10. The permitting authority may enter onto the premises at reasonable times and in a reasonable manner to ensure that the permit holder is in compliance with the conditions of the permit.
11. In all cases, where the doing by the permittee of anything authorized by this permit shall involve the taking, using or damaging of any property rights or interest of any other persons, the permittee, before proceeding therewith, shall obtain the written consent of all persons or agencies concerned.
12. The contractor performing the authorized work be licensed and bonded through Stearns County (Sec 4.20).
13. The granting of this permit shall not release the applicant from any liability or obligation imposed by any other federal, state, or local ordinances.

Please call with any questions regarding this report.

Sincerely,

Rob Spitzley

Stearns County Environmental Services

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 5.89 acres more or less.
3. 11 notices of public hearing were sent out.

Recommendations:

1. Refer to recommendations by Rob Spitzley – Stearns County Environmental

PLANNING COMMISSION RECOMMENDATION

1. **Discussed that Stearns County would process this as a CUP, but since it is our first time we went with a variance.**
2. **Approved with conditions that Shawn meet and complete the recommendations as provided by Rob Spitzley – Stearns County Environmental Services.**

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

RESOLUTION NO. 2015-24

A RESOLUTION GRANTING VARIANCES TO RESHAPE THE SLOPE, A SAND BLANKET AND RIP ROCK OF SHORELINE IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Shawn J. O'Keefe for a variance from Major Shoreland Alteration to reshape the slope, a sand blanket and rip rock of shoreline in the R-1 District, 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 with the recommendations and conditions as provided by Rob Spitzley –Stearns County Environmental Services, approved by the city engineer, and maintained.***
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.***

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

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

VERN SALZL – IUP ANDERSON TRUCKING STORE WIND TOWERS

Mayor Hagen introduced the following resolution and moved for its adoption:

STATE OF MINNESOTA **INTERIM USE PERMIT**
COUNTY OF STEARNS **FILE NO. 15-01**

Permittee: Vernon P. Salzl, 25940 99th Ave, St. Cloud, MN 56301
Requested Use: To store wind towers on property.
Description: This is will be a temporary storing of wind towers on property by Anderson Trucking Firm.

Applicable Ordinances/ AN INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:
SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 3. OUTSIDE STORAGE, SCREENING & LANDSCAPING
SECTION 28: INTERIM USE PERMITS

The above entitled matter was heard before the City Council of Rockville on the 18th day of November, 2015 for the following property:

PROPERTY ADDRESSS: 25940 99th Avenue, St. Cloud, MN 56301

PARCEL NO. 76.41605.0020

LEGAL DESCRIPTION: (TRACT #1)
That part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and that part of the North 550 feet of the South Half of the Northwest Quarter

(S ½ NW ¼) of Section 3, Township 123, Range 29 which lies Westerly of the Northwesterly right of way line of the Burlington Northern and Santa Fe Railroad Company and Easterly of the center line of County State Aid Road No. 138, Less and except that part of said NE ¼ NW ¼ platted as Minnesota Department of Transportation Right of Way Plat No. 73-42, according to the recorded plat thereof.

IT IS ORDERED that Interim Use Permit No. 15-01 be granted subject to the following conditions:

1. The interim use will expire one year from start date. Failure to meet any of the conditions of this agreement, or substantial change to the conditions in the neighboring properties, shall constitute grounds to terminate this permit after review by City Council. Permittee shall be given an opportunity to address the City Council prior to termination under this condition. Nothing in this condition shall limit the immediate termination of this permit for violation of any other condition.
2. Compliance with all County, State, and Federal laws and regulations, including, but not limited to, those governing public health and welfare, public and worker safety, water quality, air quality, noise pollution and waste disposal.
3. Right-of-entry is provided to the City of Rockville, and its agents, to inspect the site and determine compliance with all conditions imposed on the operation.
4. Granted extending operations until one year from start date with no option to renew.
5. A New performance bond - $5000
6. If the Planning Commission chooses to put a performance bond on the railroad ties, they have that authority.

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

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

PUBLIC WORKS – SALE OF ORANGE TRUCK

Member Simon reported the Public Works Department would like to sell the orange snow plow and put the money toward other equipment.

Mayor Hagen explained I think we should leave the approval of what to do with the money at a later date and make decision if we should sell it.

Motion by Member Willenbring, second by Member Palmer, to have the Public Works Director go through the process to advertise to sell the orange snow plow truck as presented.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

Member Tallman questioned how we determine "How much is it worth?" Do we get some type of estimate?

Mayor Hagen suggested that Nick Waldbillig bring back a report that provides support on the price he accepts.

FIRE DEPARTMENT – REQUEST TO HIRE REPLACEMENT OF RETIRED FIRE FIGHTER

Rena Weber reported that a fire fighter had retired and the department is now down to 19 members and would like to get back to 20 members.

Motion by Member Palmer, second by Member Tallman, to authorize the advertisement of hiring a replacement as presented.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

UNFINISHED BUSINESS

DISCUSS/APPROVE ACTION CODES FOR BREAK OUT PLEASANT LAKE WATER SYSTEM

Rena Weber reported that we have been talking about this for a number of months. What it would take to break out the Pleasant Lake Water system. We did was set up several action codes and marked the areas where we will be doing the percentage.

Discussion was held on:

- Action Codes
- Percentage – (90% Core City, 10% Pleasant Lake)
- 2009 water study was done for 6 months (it was determined percentage was 6.17%)
- Don't want a lot of staff time to track it.
- Goal is to track the larger item to make sure we are covering expenses and reasonable bases on the rest.
- Research on the water systems – Pleasant Lake water system was designed as a stand-alone system.

Member Tallman questioned "When did these two separate water systems be combined into one water fund?"

Rena Weber reported right from the onset.

Member Tallman stated it was designed as a stand-alone system.

Mayor Hagen stated it was probably set up that way from the start. When did the system go in? 2005

Rena Weber explained when it says it's a stand-alone water system it is not connected to the system downtown.

Member Tallman stated the minutes from May 18th, 2005 *"Rick Packer has worked with Scott Hedlund in designing a water system. It is a stand-alone system paid for by those that are served by it."*

Member Palmer explained I think what we are trying to do is separate it and correct it going forward.

Rena Weber reported that under the Fund 601 *(E 601-49440-702 Transfer-Core Wtr Bond to Fund 311)* the water tower at Walnut Circle is Fund 311 and we have to transfer from Fund 601 to pay the bond in Fund 311. There are transfers that we made payments for the $105,000 PIP (Prairie Industrial Park) oversizing the water line and so all of those people have been paying into Fund 601 and maybe some of their money is going toward paying for that.

Member Willenbring would like to add one comment, Mr. Tallman is talking about more of the operation & maintenance more so than debt payment.

Member Tallman stated it is really the debt loan that is being funded.

Motion by Member Palmer, second by Member Tallman, to approve the action codes for breaking out the Pleasant Lake Water system knowing that we still have to settle on a percentage and to start using the action code as of 01/01/16 as presented.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

NEW BUSINESS

SPECIAL MEETING NOTICE POLICY

Rena Weber reported that this came up at the last meeting that Mr. Tallman provided me with the Minnesota Statue.

MN STATUTES 13D.04 subd. 2 READS:

(e) A public body may establish an expiration date for requests for notices of special meetings pursuant to this subdivision and require refiling of the request once each year.

(f) Not more than 60 days before the expiration date of a request for notice, the public body shall send notice of the refiling requirement to each person who filed during the preceding year.

Mayor Hagen read the policy "*The City of Rockville hereby establishes a special meeting notice policy in that one (1) year from the date of council acceptance of petition to receive notice of special meetings the notice shall cease to be mailed if the city did not receive written notice to continue the mailed notice after a 60 day notice of expiration date was sent to the individual requesting such notice.*"

Member Tallman commented that it was very confusing and it could be simplified.

Mayor Hagen questioned what does (e) actually mean *"A public body may establish an expiration date for requests for notices of special meeting pursuant to this subdivision and require refiling of the request once each year."*

Attorney Ripple explained that means you can establish an expiration date down to a year, it's a rolling year not a calendar year. A rolling year ties to when someone made that request and it is good for one year. The 60 days ties into the city providing notice to the individual that the request is about to expire.

Member Tallman suggested that if the city would have a form and on the form it will have a reminder that it will expire one year from the date it was submitted per city policy and a reminder of the expiration date will be sent out no more than 60 days prior to the one year expiration. Mr. Tallman read the policy-

SPECIAL MEETING NOTICE POLICY

The City of Rockville hereby establishes a special meeting notice policy as follows:

1. **Each written request for written notice of special meetings will expire after 1 year.**
2. **Each individual that has submitted a written request of special meetings will receive notice no more than 60 days prior to the 1 year expiration as a reminder of the expiration.**

Per State Statute

Motion by Member Willenbring to table action and have legal write up something so we can understand what it is. Denied for a lack of second.

Mayor Hagen suggests adding an email to the form so staff can email it to people.

Motion by Member Palmer, second by Member Tallman, to accept the language as presented.

Motion by Member Palmer, second by Member Tallman, to amend the motion to add per State Statute as presented.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

TRANSFER B'S OFF-SALE LIQUOR LICENSE TO BRIAN BELL

Motion by Member Willenbring, second by Member Simon, to approved the transfer of Liquor License to Brain Bell as presented.

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

ADDITIONS TO THE AGENDA

E-MAILS FOR COUNCIL –
Member Tallman reported that he contacted the League of Minnesota Cities and they have a booklet concerning council using city emails starting on page 21.
Another thing councilmembers should be careful about is which email account they use to receive emails relating to city business because such emails would likely be considered government data that is subject to a public-records request under the Minnesota Government Data Practices Act (MGDPA). The best option would be for each councilmember to have an individual email account that the city provides and city staff manages. However, this is not always possible for cities due to budget, size, or logistics.

If councilmembers don't have a city email account, there are some things to think about before using a personal email account for city business. First, preferably only the councilmember should have access to the personal email account. Using a shared account with other family members could lead to incorrect information being communicated from the account, or incoming information being inadvertently deleted. Also, since city emails are government data, city officials may have to separate personal emails from city emails when responding to a public-records request under the MGDPA.

Second, if the account a city councilmember wants to use for city business is tied to a private employer, that private employer may have a policy that restricts this kind of use.

Even if a private employer allows this type of use, it is important to be aware that in the event of a public-records request under the MGDPA or a discovery request in litigation, the private employer may be compelled to have a search done of a councilmember's email communications on the private employer's equipment or to restore files from a backup or archive.

What may work best is to use a free, third-party email service, such as gmail or Hotmail, for your city account and to avoid using that email account for any personal email or for anything that may constitute an official record of city business since such records must be retained in accordance with the state records retention requirements.

Rena Weber reported that it is already in the budget for $50.00 per Council member per year.

Mayor Hagen asked if it will start January 1St, 2016.

Rena Weber reported we will get something set up.

COMMITTEE REPORTS

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

RTCB - Nothing

FINANCE COMMITTEE – Member Palmer reported to accept bank and investment reconciliation and we also had a discussion that the money the city puts into the Rockville Fire Relief Association. One of the things the Fire Department said is that we haven't increased their hourly rate and they wish to put more into the Fire Relief Association. They will be coming back with information in December.

Member Tallman explained what we already looked there is $5000 in the Fire Department's budget and that would bring it up to about $1800, that's why we decided to look at it further to try and get it to $1900. Otherwise to get it to the $2120 that is what is being proposed we would have to come up with too much money and we don't know where it will come out of.

Member Palmer stated as Mr. Tallman mentioned the challenges in the budget cycle for next year. They made a request for more than that and we would have to take it out of another line item if we are going to go beyond the $5000 that is already in the budget.

ADMINISTRATOR'S CORRESPONDENCE

DEED GRANT – $60,000 GUARANTEE FROM THE SEWER FUND

Rena Weber reported we did get the grant from the DEED for the sampling equipment at the Broadway lift station, as part of getting that grant you have to do a 50% match and we need to show in the actual budget that we have a line item of $60,000 for sampling equipment. It is going to be $60,000 matching for sampling equipment and it is going to cost us $120,000 for the sampling equipment or the flow meter.

Mayor Hagen questioned "Do we need to do this for the 2016 budget?"

Rena Weber reported "yes".

Member Tallman questioned "Could we create another line item for the Deed grant?"

Motion by Mayor Hagen, second by Member Willenbring, to allocate $60,000 to match the Deed Grant as presented.

Motion by Mayor Hagen, second by Member Willenbring, to amend the motion to create a line item that says DEED Matching Grant as presented.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote

ROBERT OAKVIK – PETITION TO VACATE ROADWAY

Rena Weber reported that the Oakvik's actually have a road that runs on the lake side and they are choosing to travel Mitchell Lane where it is currently located. We tried to get people to spend the money to abandon the road so that when they sell they have clear title but we didn't get enough people to sign any kind of petition. What the Oakvik's had at one time was 3 lots and maybe all are not considered buildable and part of their property is on the other side of that little walk bridge. What they want to do is they think they own the creek and take the bridge out and have that rebuilt so the person that buys that lot can access their lot from Hubert Lane.

David Blommel stated the reason for this to be on tonight agenda is the vacating of the existing roadway that runs on the lake side.

Mayor Hagen explained we had that discussion that we didn't want to vacate that roadway because that was our lever to require them to have that walking path because they wanted to cut off access for people to walk around the lake. The compromise was that the City still could put that road back in and effect all those people's properties. We use that to have the Oakvik's allow the City to move that walking path away from the lake. If we would vacate the roadway they would come back and say we are not going to let people walk through our property.

Attorney Adam Ripple explained that they could grant an easement in favor of the City for the walking path.

Mayor Hagen asked what if the City would ever want to continue the roadway through but move it to the back side so it lines up with Mitchell Lane. Would the City want to require an easement that is wide enough to connect the roads because the Oakvik's are looking to put a bridge wide enough to bring a car across?

David Blommel explained that his concern was, if this is going to happen the City needs something to say about the bridge.

Rena Weber report the petition was dated 10/28/15 and the City received it on 11/2/15.

Mayor Hagen stated he wouldn't vacate the road unless they get equal land on the other side of the house and future ability to connect Hubert Lane with Mitchell Lane.

Attorney Adam Ripple explained there is a law that if this is a valid petition, I don't know the answer to that. Actually that is what your job is whether you want to take some time to consider that and take action on whether to accept that as a valid petition or not. If it is a valid petition it has to go to a public hearing. Upon conducting the public hearing, there is a vacate request by petition. There are a number of obligations those petitioners would have to meet. They would have to serve notice to the neighboring property owners and they wouldn't do that until Council accepts the petition. Before you can get there you have to determine whether it is a valid petition or not.

Rena Weber reported the Oakvik's are 100% the property owner. They are only vacating just in front of their house.

Member Palmer explained I understand the Oakvik's are the sole owner of that piece that they want vacated but the road connect to other parcels so to vacate just one parcel when the City still has road rights.

Motion by Member Palmer, second by Member Willenbring, to table action until next meeting as presented.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote

SUEELLEN PURLEE – REQUEST TO DELAY REMOVAL OF ACCESSORY STRUCTURE
Rena Weber reported that this is the cabin that is on Grand Lake Road which last meeting we denied their permit to keep that accessory structure on the lake side. Her response to the letter I sent her is that they want a little bit more time to remove it and she feels that there is more that you need to know about this and would like to come to a meeting and address it with you.

Motion by Mayor Hagen, second by Member Tallman, to extend the deadline to February 28, 2016 as presented.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote

ADDITIONS TO THE AGENDA

KNIFE RIVER- RECLAMATION BOND FOR MICK PIT/1-94 CONSTRUCTION PROJECT OF 2014
Rena Weber reported that David Blommel drove out there and said it was restored back.

Motion by Member Willenbring, second by Mayor Hagen, to approve the release of the Knife River Reclamation Bond as presented.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

CLOSED FUND 305 - $990,000 GO IMPROVEMENT 2004 A
Rena Weber reported bond was paid off.

Motion by Mayor Hagen, second by Member Tallman, to approve to close Fund 305 as presented.

Member Tallman questioned "What bond was this?"

Rena Weber reported it was Prairie Industrial Park.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

HUMAN RESOURCES REPORT
Member Palmer spoke on the process:

- Advertised for Rena's replacement.
- City Staff reviewed the job applications and score them

- Human Resource reviewed the job applications on different days
- Schedule a Human Resource meeting to interview 3 people
- Will forward the top 2 candidates to the Council for them to interview

Member Willenbring spoke on:

- Termination checklist – Resignation checklist (Just a guideline)
- Interim Acting City Administrator

Member Palmer stated that when she came in to City Hall to review the job applications and having had a conversation with staff, I think Rena Weber would be willing to stay until we hire a replacement if we ask her to do so. Rather than putting in place an Interim City Administrator, I think if she would hopefully stay we can move this process along and schedule interviews for next week and bring 2 candidates to the next council meeting or schedule a special meeting.

Rena Weber stated you would want to schedule a special meeting.

Member Palmer explained we don't have a lot of staff to do the work so if Rena Weber is willing I would make that recommendation.

Member Willenbring stated what is behind us we can't change and to select the next City Administrator is a monumental hurtle for this city. We will never be able to replace Rena Weber with all the knowledge she has but if we can find someone and continue to groom that person.

Discussion was held on:

- Public process
- Hiring Interview Committee
- Human Resources Committee
- Interview process
- Open Meeting Law

Motion by Member Tallman, second by Mayor Hagen, to approve to bring all three final candidates to the full Council to interview and make final decision as presented.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

Discussion was held on:

- Time 60 minutes interview – 15 minutes between interviews
- Schedule a Special Council Meeting Tuesday, December 1st, 2015 at 5:00 p.m., 6:15 p.m. & 7:30 p.m.
- Interview questions - League Minnesota Cites sample questions, get questions to city staff
- Does the applicant get to see the questions beforehand? "No"

Mayor Hagen stated I asked Rena Weber when she announced her resignation months ago if she would stay on if we wanted her to and I asked her today if she would and she said she would. We would have that option to have someone to stay on with experience and ability to train the new person depending how long Rena is willing to stay on. Not sure if we have the staff or the staff has the ability to assume the responsibility, this process may take to the end of the year or longer.

Member Palmer stated she is grateful that Rena Weber is willing to do it.

Motion by Member Palmer that we extend...Rena interrupted Member Palmer

Rena Weber stated we have not talked any specifics. Understand I am already off the City's health insurance so that is not a cost to the city anymore. November 20th, 2015 is supposed to be my last day

and that is my contract end date and if I completed my last year work satisfactory I would expect an increase to the next step or above and we have not talked about that. I am getting really a sad feeling here and I don't know if I want to stay but maybe it's something that the Human Resource committee could talk about.

Motion by Member Willenbring, second by Member Tallman, to have Human Resource ask Judy Neu if she would be willing to take on the City Administrator's responsibility as Interim City Administrator at $29.36 per hour with a non-exempt status as presented.
AYES: Simon, Tallman & Willenbring
NAY: Hagen & Palmer
Motion passed on a 3 to 2 vote.

Member Palmer stated it is not that I don't think Judy Neu can do it necessarily, we are talking a lot of year-end stuff to do and we are asking one staff person to do an awful lot when in fact we have another option we could have considered and that is to keep 2 staff people on to help get all the year-end work done and that is why I voted "no". It had nothing to say about Judy but I think we are asking her to take on a lot of just one person.

Rena Weber reported that Judy Neu has not been able to use up all of her personal time off (PTO) over her allocated amount and I would like to make sure Judy is allowed to keep it. I don't want her to lose it.

Member Willenbring stated a one-time deviation.

Rena Weber reported that Debbie Weber is part-time at 31.50 hours would you allow her to go to full time during this time.

Member Willenbring stated that's the least thing we can do it.

Member Tallman explained that he was given some information by a resident that had reminded him there is Minnesota State Statues 574.23 and we have that responsibility to do that.

574.23 EXAMINATION OF ACCOUNTS OF PUBLIC OFFICERS.

In case of the filing of a new official bond or other security, the expiration of the term of office, or the death, resignation, or removal of the officer, the officer, board, committee, or body required or permitted to accept or approve such bond or other security, having jurisdiction or being authorized or required to examine the accounts of such officer, shall make or cause to be made a thorough examination of the bonded officer's accounts and, if any shortage or irregularity is discovered, shall at once notify such officer and sureties of the amount claimed to be due, or the nature of the irregularity. Such statement shall be in writing, and be served upon such officer and sureties, or their agents or attorneys, by mail, addressed to their residences, if known; but failure to make the examination or give such notice shall not discharge the sureties.

Attorney Adam Ripple explained that it is a form that the City Auditors signs off on.

OPEN FORUM

Vince Schaefer – 541 Caroline Lane – I just have a few words on the water system we talked about and Mr. Mayor I would like to publicly thank you and the City Council for finally taking some movement on this water financing problem that we had and that City Staff does have a lot work at the end of the year and if this is put off a month or two it's not going to make any difference.

Scott Stenseth – Rockville Park & Rec Chair – I just want to remind everyone that on Sunday 12/06/15 there is going to be a Rockville Santa Day at the Rockville Fire Hall between 1:00 p.m. to 3:00 p.m. Santa will be there for pictures, treats, games, tours of the Fire Hall and fire trucks for kids to climb on.

Mayor Hagen announced at 8:56 p.m. that the council would now go into close meeting to discuss threatened litigation with the Arcon Development and Schilplin property under MN Statute 13D.05 Subd. 3 (b) permitted by attorney-client privilege.

Motion by Mayor Hagen, second by Member Palmer, to go into closed meeting under MN Statute 13D.05 Subd. 3 (b) permitted by attorney-client privilege.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

Meeting reconvened to open session at 9:41 p.m.

Motion by Mayor Hagen, second by Member Tallman, to proceed to litigate.
AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.

ADJOURNMENT – ***Motion by Mayor Hagen, second by Member Simon, to adjourn the meeting at 9:42 p.m. Motion carried unanimously.***

JUDY NEU-MCMC
INTERIM CITY ADMINISTRATOR

JEFF HAGEN
MAYOR

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