

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, DECEMBER 16, 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: Interim City Administrator Judy Neu, Planning Commission Chair Bill Becker, Lt. Jon Lentz and Engineer Dave Blommel.

Others present were: Bob & Sharon Oakvik, Mike Hofmann, Rodney Schaefer, and Tудie Hermanutz.

**ADDITIONS TO THE AGENDA –**

**Motion by Mayor Hagen, second by Member Simon, to approve the additions to the agenda for discussion purposes.**

1. Special Council Minutes 12/1/15 (Tabled)
2. Debbie Weber – Compensated/Working more hours.
3. Fire Department-Request to designated funds under \$1000
4. Fire Department –Proposal to amend meeting pay & compensation for truck checks
5. Fire Department – 2 RFA's

**AYES: Hagen, Palmer, Simon, Tallman & Willenbring**

**Motion passed on a 5 to 0 vote.**

**OPEN FORUM**

NONE

**CONSENT AGENDA –**

**Motion by Member Tallman, second by Member Willenbring, to approve the consent agenda as presented:**

- a) Approve minutes of 11/18/15 & 12/1/15 (Tabled)
- b) **ACCEPT Treasurer's Report of 12/16/15**
- c) **Approve List of Bills and Additions of 12/16/15**

<b>Accounts Payable CK #016476 – 016545</b>	<b>\$ 58,794.15</b>
<b>Payroll CK #005037 – 005067</b>	<b>53,079.60</b>
<b>EFT #000988 – 000995</b>	<b>25,475.57</b>
- d) 2016 Tobacco License Renewal – Stoney's, Rockville G & B, B's Liquor & Quick Mart
- e) Fire Relief Assn – Fish Fry Raffle & 1 day on-sale liquor license

**AYES: Hagen, Palmer, Simon, Tallman & Willenbring**

**Motion passed on a 5 to 0 vote.**

**BOARD/STAFF REPORT**

**POLICE** – Lt. Jon Lentz reported there were 39 contract hours during the month of November with citations being issued.

**PLANNING COMMISSION** – Chair Becker reported for the Planning Commission -

**DAVID & FRANCES LENZMEIER- Variance**

STAFF REPORT:

Re: Variance Request(s)  
76.42340.0002: Owners: David & Frances Lenzmeier  
Property Address: 10819 Mitchell Lane

Variance(s) Requested:

1. Variance to construct a 10' x 12' pad to place a storage shed on adjacent to existing paver patio on property abutting Grand Lake – General Development Lake.
2. Variance to include the driveway impervious surface.

3. Impervious Surface – Total lot area is 21,600 sf of which 15% = 3240. The proposed request is to exceed the 15% by 2554 or 44%.

Construction Requests:

1. Construct new accessory structure and match the existing residential structure.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 21,600 square feet more or less.
3. 10 notices of public hearing were sent out.

Recommendations:

1. This requires a variance on a non-conforming lot that was in place before the ordinance was adopted
2. This is a lot of driveway and maybe some should be turned back into grass.
3. If granted mitigation plan must be approved.

FINDING OF FACT  
SUPPORTING/DENYING A VARIANCE

A variance may be granted when the applicant for the variance established that there are practical difficulties in complying with the zoning ordinance. The consideration of the following criteria as defined in Minnesota Statutes Section 462 and Minnesota Statues Section 394.27:

1. Is the variance in *harmony* with the purposes and intent of the *ordinance*? Why or why not?

**Becker No                  Honer No                  Borgmann No                  Meyer No                  Tippelt No**

2. Is the variance *consistent with* the *comprehensive plan*? Why or why not? Shoreland impact zone

**Becker No                  Honer No                  Borgmann No                  Meyer No                  Tippelt No**

3. Does the proposal put property to use in a *reasonable manner*? Why or why not?

**Becker No                  Honer No                  Borgmann No                  Meyer Yes                  Tippelt No**

4. Are there *unique circumstances* to the property not created by the landowner? Why or why not?  
Non-conforming lot.

**Becker Yes                  Honer Yes                  Borgmann No                  Meyer Yes                  Tippelt No**

5. Will the variance, if granted, maintain the *essential character* of the locality? Why or why not?

**Becker No                  Honer No                  Borgmann No                  Meyer No                  Tippelt No**

Planning Commission is recommending denying the variance request.

**Motion by Member Palmer, second by Member Willenbring, to accept the recommendation from the Planning Commission as presented.**

**AYES: Hagen, Palmer, Simon, Tallman & Willenbring**

**Motion passed on a 5 to 0 vote.**

**VERN SALZL – Railroad ties update-** Chair Becker reported that Mr. Salzl had an Interim Use Permit for railroad ties that expired and he is asking for an extension. The Planning Commission recommending extending Interim Use Permit to August 2017 and waving the \$5000 performance bond.

**Motion by Member Willenbring, second by Member Tallman, to accept the recommendation from the Planning Commission to extend it to August of 2017 as presented.**

**AYES: Hagen, Palmer, Simon, Tallman & Willenbring**

**Motion passed on a 5 to 0 vote.**

**MEMBERS TERM EXPIRED 12/31/2015** – Member Toni Honer and Member Dale Borgmann:  
Chair Becker reported that he would like to recommend approval to extend their terms for one more year  
verse a 5 year term and be evaluated after a year.

***Motion by Member Tallman, second by Member Simon, to approve the one year extension  
for Member Toni Honer and Member Dale Borgmann as presented.***

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

**FIRE DEPARTMENT** – Fire Chief Rodney Schaefer reported the Fire Department would like to continue  
to have a liaison from the Council at their monthly meetings.

Rockville Fire & Rescue

2015 total calls – 103

- Medicals 63
- Fires 42

Maine Prairie Township – 4 calls

Mutual Aid calls (we requested) – 8 calls

Mutual Aid calls (requested us) – 21 calls

Average turnout per call - 12 staff

Busiest days – Saturday

Busiest times – 12:00 p.m. – 12:59 p.m.

**FIRE DEPARTMENT RFA - Requested by Andrew Struffert** - AMENDED FROM ORIGINAL REQUEST  
FOR COUNCIL ACTION ON 9/16/15 –\$23,291.22

**DUE TO DECREASED INVOICE COST**

Please approve Emergency Response Solutions for SCBA, Tanks & Face Pieces

- |                                      |                |
|--------------------------------------|----------------|
| • 4 SCBA (1 or more @ \$4,396.57)    | \$16,329.00    |
| • 6 Tanks (1 or more @ \$772.07)     | \$1,955.36     |
| • 4 Face Pieces (1 or more @ 268.13) | \$1,368.39     |
| • Shipping Charges                   | <u>\$74.68</u> |
| Total                                | \$21,240.63    |

Funding: E 101-42200-538 Personal Protective Equip-Fire remaining budget \$16,453.66

***Budget Amendment: Increase the budget E101-42200-538 by \$21,240.63 –***

*It was approved to pay for it out of the General fund reserves.*

At the 9/16/15 Finance Meeting under Budget Review – approve purchase of (4) SCBA, (6) Tanks, (4)  
Face pieces- out of general fund.

At the 9/16/15 Council Meeting **Fire Dept. RFA'S**

**SCBA'S** – Please approve Emergency Response Solutions for SCBA, Tanks & Face Pieces

- |                                      |                   |
|--------------------------------------|-------------------|
| • 4 SCBA (1 or more @ \$4,396.57)    | \$17,586.28       |
| • 6 Tanks (1 or more @ \$772.07)     | \$4,632.42        |
| • 4 Face Pieces (1 or more @ 268.13) | <u>\$1,072.52</u> |
|                                      | \$23,291.22       |

***Motion by Mayor Hagen, second by Member Simon, to approve amending the budget as  
presented.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote.***

**FIRE DEPARTMENT RFA - Requested by Andrew Struffert** - Please approve Fire Equipment Specialties  
Inc. for NFPA mandated replacement of expired personal fire protective clothing.

- Janesville Yellow Pants (8 @ \$749.00) = \$5,992.00
- Janesville Padded Suspenders (8 @ \$35.00) = \$280.00
- Janesville Yellow Coats (7 @ \$1,148.00) = \$8,036.00
- Replacement of helmet suspension system (2 @ \$47.00) = \$94.00

- Shipping Charges = \$47.90  
Total = \$14,449.90

Funding: E 101-42200-538 Personal Protective Equip-Fire remaining budget \$16,453.66

***Motion by Member Tallman, second by Member Willenbring, to approve the request for council action for purchasing protective clothing as presented.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote.***

**PUBLIC WORKS RFA – Requested by Nick Waldbillig –**

Member Simon reported on be-half of the Public Works Department-

This is a request for the approval of a hot water pressure washer \$3499.99. This will be used for cleaning equipment, and degreasing our lift stations.

Need for the request - It is over public works \$3000.00 purchase cap Funding: 101-43100-540

***Motion by Member Tallman, second by Member Palmer, to approve the request for council action on purchasing a pressure washer as presented.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote.***

**PUBLIC WORKS RFA – Requested by Nick Waldbillig -** We ordered a water meter from Henry's Waterworks INC for the amount of \$4095.62 for Stickney Hills. Stickney Hills had already paid us for the cost of the water meter. We have received reimbursement from Stickney Hills to offset the bill from Henry's Waterworks INC in the amount of \$4095.62.

Requesting to increase the budget E601-49440-545 by \$4095.62.

You will see Henry's Waterworks INC is the list of additional bills for the amount of \$4095.62.

***Motion by Member Tallman, second by Member Willenbring, to approve the request for council action for the water meter and amend the budget as presented.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote.***

**PUBLIC WORKS – Requested by Nick Waldbillig for Temporary Snow Plow Driver -**

***Motion Member Willenbring, second by Member Simon, approve of hiring a temporary snow plow driver.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote.***

**UNFINISHED/NEW BUSINESS**

**RINKE NOONAN – Attorney contract renewal** – Mayor Hagen reported 2016 contract renewal.

***Motion by Member Palmer, second by Mayor Hagen, to approve renewal of the Attorney contract as presented.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote.***

**ROBERT OAKVIK –PETITION TO VACATE ROADWAY-**

Sharon Oakvik 10919 Mitchell Lane spoke to Rena Weber in the past to possible someday vacate the roadway between home and lake.

Discussion was held on:

- Divide the lots /removing the bridge and access
- Land lot –register the sewer easement
- Walking path
- Road easement and neighbors having same easement
- Research the Boundary Commission study/Sam Deleo the surveyor

**CONDUCT EXAMINATION OF ACCOUNTS WHEN OFFICIAL RESIGNS—**

Member Palmer explained that being we are so close to year-end and we will have an audit for 2015 that it doesn't make sense to spend money to do an additional audit when we are this close to doing an audit.

Member Willenbring explained that based on "Conduct Examination of Accounts when Officials Resigns" it wasn't a resignation but that they retired. The requirement is from the Office of the Auditors and it has something to do with state statues and uncertain if it is a basic requirement that could be shared if we are doing a year-end audit anyway or if this is a separate audit.

Mayor Hagen explained we are going to have an annual year-end audit can't we just present this to them and have them cover it that way.

Member Simon stated we pay thousands already for annual audits why can't we just have the auditors address it then.

Member Tallman explained it was presented to him that this came from the State Auditor's office and I don't know what the requirements are under 574.23 in the State Statue but I don't want to be violating State Statue because we don't want to spend the money.

Member Simon explained we are still going to do the audit so when the auditors are here we can do a combined audit.

Member Tallman stated that is what we are not clear on.

Member Palmer read the City Attorney's email -*the inquiry about Minn. Stat. 574.23 and the requirement to examine accounts upon Rena's retirement.*

*Here's what I can tell you:*

1. *The clerk position is subject to this requirement—assuming a fidelity bond was required of Rena under Minn. Stat. 412.111 or 412.151.*
2. *The review is NOT required to be a full-blown audit, although I suppose the council could order that if it wishes.*
3. *The State Auditor's Office suggests the review may be done internally or externally. My assumption is that staff resources are currently stretched too thin to perform an internal review and it appears that a faction of the council would not be satisfied with an internal review.*
4. *The council did not take any action at the last council meeting with respect to this item. It should define the scope of review it want done and decide who should do it.*

*My suggestion would be to have KDV undertake a quick review of funds, going back only as far as the last audit.*

**PERCENTAGES FOR PLEASANT LAKE ACTION CODES** – Tabled***PUBLIC MEETING***

**2016 PROPOSED TAX LEVY & BUDGET** – Mayor Hagen announced that discussion would now be held regarding the 2016 tax levy & budget.

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

**RESOLUTION NO. 2015-25****RESOLUTION ADOPTING FINAL TAX LEVY****RESOLUTION APPROVING 2015 TAX LEVY, COLLECTIBLE IN 2016**

Be it resolved by the council of the City of Rockville, County of Stearns, Minnesota, that the

following sums of money be levied for the current year, collectible in 2016, upon taxable property in the City of Rockville, for the following purposes:

<b>CITY OF ROCKVILLE</b>	<b>SUPPLEMENT TO REGULAR</b>
<b>2016</b>	<b>LEVY FORM</b>
<b>CERTIFIED LEVY</b>	<b>LEVY AMOUNT</b>
<b>LEVY PURPOSE</b>	<b>(PLEASE ROUND TO WHOLE DOLLARS)</b>
Revenue-Fund 101-41000	479,688
Road & Bridge Maintenance-Fund 215	250,000
Fire Protection-Fund 101-42200	173,472
Economic Development- Fund 209	1,000
<b>Special Levies Outside of Levy Limits:</b>	
Certificate of Indebtedness Pumper Truck Fund 101-42200	20,475
Lake Improvement District Fund 221-41000	14,500
2009A/1998 G.O. Utility Revenue Bond Disposal Portion-Fund 310	17,877
City Facilities-City Hall/Fire Hall-Fund 304	142,138
City Facilities-City Hall/Fire Hall-Fund 304 Detachment	8,228
CR 82 Imp (& SJ Louis) Bond Fund 308	21,297
<b>TOTAL NET TAX CAPACITY BASED LEVIES</b>	
<b>TOTAL CERTIFIED LEVY</b>	<b>\$1,128,675</b>

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the county auditor of Stearns County, Minnesota.

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

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

#### **COMMITTEE REPORTS**

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

**RTCB – ATP-7 Resolution of Support from Participating Local Unit of Government -**  
***Member Willenbring introduced the following resolution and moved for its adoption:***  
**RESOLUTION 2015-26**

#### **CITY OF ROCKVILLE**

#### **SECTION 7: ATP-7 Resolution of Support from Participating Local Unit of Government**

Be it resolved that the City of Rockville is a party to a "Transportation Alternatives" project identified as and has reviewed and approved the project as proposed. As a participating member the LUG understands their role in the project, which includes a willingness to secure and guarantee the local share of costs associated with this project as appropriate as well as the responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

Be it further resolved that the City Administrator is hereby authorized to act as agent on behalf of this Local Unit of Government.

### Certification

I hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted by the City Council of the City of Rockville.

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

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote***

#### **FINANCE COMMITTEE –**

**FUND 305 Prairie Industrial Park** – Judy Neu reported the Council closed fund 305 (Prairie Industrial Park) back in November and under fund 305 in the 2016 revenue budget it shows \$60,322 under special assessments approval was needed to move the revenue to the general fund under special assessments.

***Motion by Member Palmer, second by Mayor Hagen, to amend 2016 budget to move fund 305 special assessment of \$60,322 to the general fund special assessments.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote.***

Chair Palmer reported for the Finance Committee -

#### **PROPOSAL TO AMEND MEETING PAY & COMPENSATION FOR TRUCK CHECKS:**

Current Rate is: (12/17/14) Council Meeting -2015 FIRE FIGHTER PAY at \$10.00 per hour for calls and meeting pay \$8.00 per meeting to a maximum of 12 meetings per year.

#### **FIRE DEPT PROPOSAL & EFFECTIVE WITH THE CURRENT PAYROLL:**

- Meeting \$8.00 per hour (maximum 2 hours) to a maximum of 12 meetings a year.
- Truck checks \$10.00 per hour (maximum 2 hours) if the hourly rate changes this would change.

***Motion by Member Palmer, second by Member Tallman, to approve the Fire Departments proposal retroactive 2015 as presented.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote.***

Member Palmer explained another request is if they are required to attend a special event, (example parade & fireworks) that they would be paid for their time. A form would be filled out and the Chief would approve it based on who was there, how many hours they were there, and they would be paid their regular hourly rate for attendance at special events. We are not talking about a lot of events and this would be going forward.

***“FIRE DEPT PROPOSAL” To alleviate future issues and misunderstandings of firefighters being paid for extra duties in addition to already agreed paid hours - I am proposing the Chief approve all extra hours over and above hours via approval form (to be created by the fire department), allowing the authorization to be in the Chief’s hands and proposals being clearly stated on form. Any questions could then be addressed with the Chief (ex. truck maintenance, community events, training, and other necessary meetings.***

***Motion by Member Palmer, second by Member Simon, to approve the Fire Department proposal starting in 2016 as presented.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote.***

#### **FIRE RELIEF ASSOCIATION BOARD MEMBERS TO REQUEST INCREASE IN YEARLY BENEFIT:**

Member Palmer explained the Rockville Fire Department Relief Association is the requesting the Municipal Contribution–Fire Pension to go from \$1500 to \$2120. The Finance Committee is recommending to approve the \$2120 and take it from General Fund if there is any shortage in the 2016 budget.

Member Tallman questioned weren't we going to fund this year's (2015) amount because we were already looking at moving it to about \$1800. They haven't had a raise since 2006.

Member Palmer stated she thought we were only going to take it from the General Fund if any shortage in 2016. She didn't think 2015 was necessarily retroactive because it was in the 2016 budget request.

Mayor Hagen stated "Didn't you say there is money available to take it from \$1500 to \$1800?"

Member Tallman stated "Yes" and it may end up changing their designated funds at the end of this year because we are looking at designating approximately \$42,000 but as long as the money is there I think it is a reasonable request that they are asking.

***Motion by Mayor Hagen, second by Member Tallman, to approve the \$2,120 and be retroactive in the year 2015 as presented.***

***AYES: Hagen, Palmer, Tallman & Willenbring***

***ABSTAIN: Simon***

***Motion passed on a 4 to 0 vote.***

**FIRE DEPARTMENT - Request to designate funds under \$1000**

Member Palmer explained that the Fire Department requested to designate all funds under \$1000 they could designate funds up to \$42,000 subtracting out any remaining 2015 expenses.

**DEBBIE WEBER – COMPENSATED FOR WORKING MORE HOURS-**

Member Palmer explained that we are asking Debbie Weber to go from part-time status to full-time status to help Judy and she will be taking on additional responsibilities. The Finance Committee is requesting on an interim bases that we go from step 0 \$14.49 to step 3 \$15.88 and she would accrue personal time off at a full-time status during that time and would allow her to carry any comp-time that she has to 2016. If some over-time is needed to get the work done Judy can approve that.

Proposal: Debbie Weber – Temporary Full-time Status

Staff has requested that Debbie move to an interim full-time status until the City Administrator Clerk's position has been filled.

Debbie is currently a part-time employee (31.5 hours per week). If she is to be moved to a temporary full-time status, her pay and benefits should reflect that of a full-time employee.

I am requesting that the Council consider a fair hourly-wage increase (to Step 3) and accrue full-time PTO during this time frame. Please note that I am currently not receiving health benefits as a part-time employee and feel this should be compensated for as well.

After the new City Administrator Clerk is hired I will resume my part-time status of 31.5 hours per week. This full-time status should help lighten some of Judy's work load in the interim.

Thank you for your consideration.

Debbie

***Motion by Member Palmer, second by Willenbring, to approve Debbie Weber under an interim bases from part-time to full-time status, increase pay from step 0 to step 3 and accrue personal time off as a full-time status.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote.***

**ADMINISTRATOR'S CORRESPONDENCE**

**RFA –Budget Amendments to Designated Funds-**

***Motion by Mayor Hagen, second by Member Willenbring, to approved designated funds as presented.***

***AYES: Hagen, Palmer, Simon, Tallman & Willenbring***

***Motion passed on a 5 to 0 vote***

**OPEN FORUM**

NONE

**HUMAN RESOURCES COMMITTEE:**

*Motion by Mayor Hagen, seconded by Member Simon, at 7:20 p.m. to go into recess to have further discussion for replacement for the City Administrator.*

*AYES: Hagen, Palmer Simon, Tallman & Willenbring.*

*Motion passed on a 5 to 0 vote.*

Meeting reconvened to open session at 8:01 p.m.

*Motion Member Palmer, second by Member Simon, to approve offering Mr. Martin Bode the City Administrator's position with the contingent on the background check and terms to the contract by Legal Counsel and will start at step 8 and after 6 months increase to a step 9 on the pay scale.*

*AYES: Hagen, Palmer, & Simon*

*NAY: Tallman & Willenbring*

*Motion passed on a 3 to 2 vote.*

**ADJOURNMENT – Motion by Mayor Hagen, second by Member Palmer, to adjourn the meeting at 8:06 p.m. Motion carried unanimously.**

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**JUDY NEU-MCMC  
INTERIM CITY ADMINISTRATOR-CLERK**

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**JEFF HAGEN  
MAYOR**

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