

Mayor Beyer, called the June 22, 2010 Regular Meeting of the Rockford City Council to order at 7:10 p.m. The meeting was held in the Council Chambers of City Hall 6031 Main Street, Rockford, MN.

### **ROLL CALL**

Roll call was taken, the following members were present: Beyer, Hafften, Martinson and Nichols. Absent was Graner. Also in attendance were: Attorney Couri, Administrator Carswell, Engineer Statz and Public Works Supervisor Dennis Peterson.

The Pledge of Allegiance to the Flag was given.

### **RESOLUTION 10-24 Accept Report for 2010 Public Improvements**

Engineer Statz reviewed the revised Feasibility Study for the 2010 Street Improvement project. The changes made to the report include: Ravenrock as a maintenance issue, Walnut Street is listed as a future improvement, Autumn Oaks Circle & Autumn Oaks Drive is a maintenance issue, Ash Street is being considered as abandoned and the city parking lot is a future improvement.

The improvements that will be assessed as part of the 2010 Public Improvement include:

1. Full bituminous removal and replacement, with spot curb repairs on Willow Wood Trail from Meadow Lakes Trail to Raven Rock Road.
2. Full bituminous removal and replacement, with spot curb repairs on Autumn Oaks Drive from Linnea Parkway to Trunk Highway 55.
3. Mill and bituminous overlay, with spot curb repairs on Woodlawn Court.
4. Mill and bituminous overlay, with spot curb repairs on Basswood Court.
5. Other miscellaneous street repairs throughout the City

The estimated cost of the improvement is \$314,900 which includes sidewalk repairs.

MOTION was made by Martinson seconded by Nichols to approve Resolution #10-24 to accept the feasibility report of the 2010 Improvement Project Report.

MOTION CARRIED-VOTING IN FAVOR: BEYER, HAFFTEN, MARTINSON AND NICHOLS

### **Public Hearing for 2010 Public Improvements**

A notice of the public hearing was mailed at least ten days in advance and published twice in the official newspaper the last publication was at least three days prior to the hearing.

Mayor Beyer opened the hearing at 7:11 p.m.

Mayor Beyer informed the public present that the city council annually reviews streets as they are part of the city infrastructure.

Engineer Statz stated that the city has been repairing and assessing streets for many years. An assessment policy was established in 1999 and calls for an 80% assessment for street bituminous removal and overlays, reconstructs and curbs repairs. The city is no longer assessing 80% of the costs but closer to a 60% assessment based on front footage, or an average on a cul-de-sac or one-third on a side lot.

Statz explained that the mill and overlay proposed consists of grinding 1.5" of the pavement on the edge of the street and then overlaying the street with new bituminous to maintain the crown of the road for water runoff. The city is also proposing a full bituminous replacement on Autumn Oaks Drive between Highway 55 and Linnea Parkway. Curb repairs will be made along these areas as needed. Sidewalk repairs will include full replacement of concrete panels.

Attorney Couri informed the public that the city is following the regulations established in MN Statutes 429 Public Improvements. An estimate of the project is made and after the hearing the city council will decide whether to order the improvement. If the improvement is ordered then plans and specifications are completed, the city council approves the plans and authorizes advertisement for bids for the 3 week time frame, awards bids/contract, after the project is completed the city council will hold an assessment hearing for all benefitting property owners. The assessment roll is adopted at that time, for a certain number of years at the certain interest rate. The owners then have 30 days from the date the assessment roll was adopted to pay the assessment in full without interest. After the 30 days interest starts to accrue and the city will certify the assessment to the county to be added to the tax roll and the amount will show up on the next tax statement along with any interest that accrued for the past year. A property owner has the right to pay off the assessment at any time prior to November 15<sup>th</sup> of each year to save on paying further interest payments.

Mayor Beyer informed the public that the city council toured the areas that are part of the 2010 project. Council member Nichols informed the public that all of the city council has had their roads improved and were assessed for the improvements. Mayor Beyer asked for comments from the public:

Mike Recht-7021 Willow Wood Trail stated that he was surprised that the road wouldn't last longer than ten years. He heard that roads usually last thirty years.

Mayor Beyer explained that there is maintenance done mid-cycle of a road to make it last. Engineer Statz stated that MNDOT design life of a road is twenty years. Statz further explained that the city seal coats a road every 5-7 years and completes mill and overlays every 10-15 years. Willow wood Trail was constructed in 1996 and is 14 years old and due for the mill and overlay.

Wayne Loos-7031 Willow Wood Trail stated that he feels the road should last longer than 14 years. Mr. Loos asked what the difference between a \$35 per foot versus a \$20 per foot. Mr. Loos stated that he knows there is a problem with the road by Meadow Lakes Trail and he thinks it may be due to ground water. Mr. Loos asked what the city plans to do to repair this problem from continuing in the future.

Engineer Statz stated that the city would probably install more drain tile in this area if ground water were found to be the issue. It was noted that the same problem occurred with Meadow Lakes Trail a few years ago and the entire road was replaced with new drain tile.

Statz further stated that a mill and overlay will be completed on Willow Wood at an estimated \$20 per foot and anything over that would be absorbed by the city. Mr. Loos stated he can see the value of a fifteen year improvement and thanked the city council for their service.

Matt Ketcham-7011 Willow Wood Trail has watched this road and has noticed the problems that exist. However, Mr. Ketcham asked what the city would do if they find more problems when they start the project. Engineer Statz stated that the city would have it repaired correctly to alleviate any soil problems they find. Mr. Ketcham asked why Autumn Oaks Drive is more and was told that this is a collector road. Side yards are assessed at one-third the frontage. Mr. Ketcham stated that he is in favor of the mill and overlay proposed on Willow Wood Trail.

Ed Dessantos-5251 Meadow Lakes Trail stated that he is in favor of a mill and overlay on the road. Mr. Dessantos assessment will be based on a one third of his side yard footage of 146.3 or 48.7'.

Ann Peterson of 2001 Verna Court asked the city council if her lot was considered a side yard, which it is so the assessment would be based on one-third of the footage facing the road improvement. Ms. Peterson asked why the city is not repairing the cul-de-sacs of Verna Court and Wesley Court at the same time. Engineer State stated that the cul-de-sacs are not critical at this time and noted they are in pretty good shape. Ms. Peterson stated that in the City of Moundsview they don't assess but tax each resident \$100

that pays for street repairs. Attorney Couri stated that the city has had levy limits which do not allow the city to increase our levy for street repair. The city may bond for street projects over and above a levy limit and the law states that at least 20% of the project must be assessed. Administrator Carswell also responded that the city established a street Capital Improvement Fund years ago and budgeted \$170,000 towards street repairs in 2010 and 2009. This fund is used to pay for street repairs, seal coating, patching, and storm sewer maintenance.

Mayor Beyer asked for further comments twice and there were none. Engineer Statz stated that if the city orders the improvement the construction will probably begin in late August. The residents should have access to their driveways and noted that paving usually is completed within 1 to 2 days for a mill and overlay.

Mr. Loos asked what type of over site will be included in the project. Engineer Statz stated that a public works staff or engineer will be present during the entire project to oversee the corrections.

Engineer Statz stated that Woodlawn Court and Basswood Court include a mill and overlay with spot patches on curbs as needed. Sometimes the driveway is affected but will be replaced.

Ms. Peterson asked if residents can have their driveways repaired as part of the project and they were asked to contact the city if they are interested in having their driveways repaired. The city will get costs for them from the contractor.

Keith Richters-2000 Basswood Court asked about his frontage and it was noted that he was being assessed for 110'.

Ron Plotcher-7041 Willow Wood Trail asked about the footage being used for his lot and was told the city would assess 110'. Engineer Statz stated that the cul-de-sac properties footage is averaged.

Mayor Beyer asked for further comments three times and found none. Mayor Beyer closed the hearing at 8:18 p.m.

#### **RESOLUTION 10-25 Order Improvement & Preparation of Specifications**

MOTION was made by Martinson, seconded by Beyer to approve Resolution #10-25 to order the improvement and preparation of plans and specifications for the 2010 Improvement Project.

MOTION CARRIED-VOTING IN FAVOR: BEYER, , HAFFTEN, MARTINSON AND NICHOLS

Engineer Statz stated he will have the plans and specifications completed by the next council meeting of July 13, 2010 for review.

#### **\*Set Agenda/Consent Agenda**

MOTION was made by Nichols, seconded by Hafften to approve all items on the consent agenda and to table item 4-B Employee Wage Increases.

MOTION CARRIED-VOTING IN FAVOR: BEYER, HAFFTEN, MARTINSON AND NICHOLS

#### **\*Approve Minutes/June 8, 2010**

MOTION was made by Nichols, seconded by Hafften to approve the minutes of the June 8, 2010 Regular City Council Meeting.

MOTION CARRIED-VOTING IN FAVOR: BEYER, HAFFTEN, MARTINSON AND NICHOLS

**\*Approve Payment of Claims**

MOTION was made by Nichols, seconded by Hafften to approve the payment of claims #17849 to #17899 in the amount of \$73,017.90.

MOTION CARRIED-VOTING IN FAVOR: BEYER, HAFFTEN, MARTINSON AND NICHOLS

**\*Approve Temporary Liquor License for Rockford River Days Festival Committee**

MOTION was made by Nichols, seconded by Hafften to approve the temporary 3.2 malt liquor license at Riverside Park, 8220 Elm Street during the festival on August 13, 14, and 15, 2010 and waive the \$10 fee for the Rockford River Days Festival Committee; contingent upon receiving the Certificate of Insurance.

MOTION CARRIED-VOTING IN FAVOR: BEYER, HAFFTEN, MARTINSON AND NICHOLS

**\*Resolution #10-26/Approve Licenses for Cowboyz Bar & Grill**

MOTION was made by Nichols, seconded by Hafften to approve Resolution #10-26 to authorize licenses to Cowboyz Bar & Grill starting July 1, 2010 to June 30, 2011; contingent upon receiving the items listed on the resolution.

MOTION CARRIED-VOTING IN FAVOR: BEYER, , HAFFTEN, MARTINSON AND NICHOLS

**\*Approve Revised Trail System Assessment Policy**

MOTION was made by Nichols, seconded by Hafften to approve the revised trail system assessment policy.

MOTION CARRIED-VOTING IN FAVOR: BEYER, HAFFTEN, MARTINSON AND NICHOLS

**\*Resolution #10-27/Ordinance #10-04 Current Services Assessments**

MOTION was made by Nichols, seconded by Hafften to approve Resolution #10-27 approving Ordinance amendment #10-04 Current Services Assessments.

MOTION CARRIED-VOTING IN FAVOR: BEYER, HAFFTEN, MARTINSON AND NICHOLS

**OPEN FORUM**

Mayor Beyer called Open Forum. No one from the public was present to address the council.

Deputy Adam Fornier was present and informed the city council that everything was quiet in the city. The deputy noted he is watching the stop signs in downtown area as they have been a concern. The city council asked the deputy to continue to monitor the speed limit on Highway 55 especially by Casey's convenience store. Also the stop signs on Basswood Court and Kettenacker Drive should be monitored.

**2010/2011 Goal Setting**

Council reviewed the draft of goals that was submitted. A change was made to move the River Bank rip rap improvement to a current goal and remove the construction of city hall/event center as one project as a long term goal. A revised schedule will be sent to each council member.

**Employee Wage Increases**

This item was tabled.

**Ongoing Directives**

The ongoing directives were reviewed and discussed.

Mayor Beyer asked about the monument sign at the entrance of Winfield Ponds 2<sup>nd</sup> Addition. Beyer noted the sign is rusting and needs to be painted. The association is responsible for maintaining the sign, and plants at the entrance. Staff will send out a notice to the homeowners about this matter. The mayor also

asked about the maintenance of the levee and Dennis Peterson noted that the city will begin mowing that now.

### **Attorney's Report**

Attorney Couri gave an update on the public works building project. The attorney, architect, contractor and contractor's bond company held a conference call this week to discuss the project. The HVAC controls have been repaired and staff will receive training next week. Although the controls for the manifolds for the in floor heating are still in question. The west wall of the building was leaking last week and this was discussed with the bond company and the city will provide more information on this as it was not listed in the letter to the bonding company. Dennis Peterson dug up soils on the north wall and found clay on top of the drain tile which has been an ongoing issue. The city still has no roof warranty and that has also leaked. The contractor is working with a roofing manufacturer to get the warranty per the specifications. Attorney Couri will be calling the bond company and requesting another contractor to complete the tasks as these outstanding issues have gone unfinished for years. Attorney Couri stated that the contractor stated that they have an attorney and they are going to sue the city for upgrading the waterproofing they installed on the project which cost about \$50,000. However, the city never approved the upgrade to the waterproofing before it was installed. The council discussed arbitration and attorney costs for this project and money will have to be set aside to cover these costs.

### **Administrator's Report**

The Administrator's Report included: overpayment of longevity has been deducted for the employee's sick bank, charging for fire services will be on the next agenda, the next Park Commission Meeting will take place Monday, August 2<sup>nd</sup> at 6:00pm, Parkwood Developers plan on submitting a plat the week of June 28<sup>th</sup>, RiverWorks benefit August 25<sup>th</sup>, inspection of sidewalks, social media policies received from the League, and Administrator Carswell will be out June 24<sup>th</sup> & June 25<sup>th</sup> for a conference and out of the office June 30<sup>th</sup> to July 12<sup>th</sup>.

### **Public Works**

The Public Work's Report included: residents concern with water pressure, public works building leaking on west wall, summer projects, a third of the city has been jetted, water on streets due to rain fall, park grounds are tough to mow with all the rain, installation of the Kettenacker play ground equipment is on hold until August due to the rain and Public Works is back to full staff as of Monday, June 14<sup>th</sup>.

### **Civil Defense Siren**

Dennis Peterson informed council that the civil defense siren has been infested with ants and they damaged the unit so it no longer operates. The staff has received a quote for repairing the unit on the north end of the city by the compost site adjacent to County Road 33. Staff has submitted the information to the city's insurance agent to see if the insurance will cover the damage.

MOTION was made by Martinson, seconded by Nichols to authorize staff to hire Frontline Plus to repair the siren on County Road 33 at a cost not to exceed \$6,538.38.

MOTION CARRIED-VOTING IN FAVOR: BEYER, HAFFTEN, MARTINSON AND NICHOLS.

### **Adjournment**

MOTION was made by Hafften, seconded by Beyer to adjourn the meeting.

Mayor Beyer adjourned the meeting at 9:20 p.m.

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Michael Beyer, Mayor

ATTEST:

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Nancy Carswell, Administrator