

Mayor Beyer called the **June 12, 2012** Regular Meeting of the Rockford City Council to order at 7:00 p.m. The meeting was held in the Council Chambers of City Hall at 6031 Main Street, Rockford, MN.

Roll Call

Roll call was taken. The following council members were present: Beyer, Graner, Hafften, Martinson and Wenz. Absent: none. Also in attendance were: Engineer Statz, Attorney Couri, Streets Supervisor Quirk and Administrator Carswell.

The Pledge of Allegiance to the Flag was given.

Approve Consent Agenda/Set Agenda

MOTION was made by Martinson seconded by Wenz to approve all the items listed on the consent agenda.

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

***Approve Regular Council Minutes/May 22, 2012**

MOTION was made by Martinson seconded by Wenz to approve the minutes of the May 22, 2012, Regular Council Meeting.

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

***Approve Payment of Claims**

MOTION was made by Martinson seconded by Wenz to approve the payment of claims #20533 to #20613 in the amount of \$301,697.10.

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

***Approve Building Permits**

MOTION was made by Martinson seconded by Wenz to approve the May 2012 Building Permits #12-42 to #12-51A.

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

***Resolution #12-26/Approve Licenses**

MOTION was made by Martinson seconded by Wenz to approve Resolution #12-26 to authorize licenses to Billy's Rockford Bar, Cowboyz Bar & Grill, Red Vest Bar & Grill and Sabourin Wine and Liquor starting July 1, 2012 to June 30, 2013.

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

***Approve Final Payment/Welcome Signs – Visual Communication**

MOTION was made by Martinson seconded by Wenz to approve the final payment of \$1,000.00 to Visual Communications that was held back on January 24, 2012.

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

***Approve Purchase/Civil Defense Siren**

MOTION was made by Martinson seconded by Wenz to approve the purchase of a new Whelen Vortex/R4 Siren for the Linden Street Tower from Frontline Plus Inc., 8004 Aetna Avenue NE, Monticello MN and to be financed by fund 411 CIP Equipment.

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

***Approve Pay Request #2/TH55 Sanitary Sewer & Water Main**

The city council discussed holding payment due to the sewer backup damages caused by the contractor. However that is a separate issue per Attorney Couri and he stated that the performance bond would cover those damages in the case where the contractor's insurance would not. The city had given GM Contractors control over the sewer line during the project and that is when the damages occurred to six properties.

MOTION was made by Martinson seconded by Wenz to approve Pay Request #2 to GM Contracting in the amount of \$122,823.48 for the TH55 Sanitary Sewer & Water Main Project.

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

OPEN FORUM/Hurst Woods Mr. Fantauzza 4061 Maple Hurst Dr

Mayor Beyer called open forum and Mr. Fantauzza of 4061 Maple Hurst Drive showed pictures of the change in the rear yard due to storm water erosion. He has been waiting since August of 2011 for resolution. Mr. Fantauzza showed pictures of the continued erosion from 2011 to June of 2012. Part of the development agreement has not been met and he would recommend the city do the work so that it gets done. The TEP wetland is not an issue now. The plans for repairing this as storm water ponds have been designed by the Wenk & Associates. Mark Statz from Stantec doesn't feel that the design is adequate to maintain the amount of storm water that is going through the area. We are going back and forth with Wenk & Associates and have not heard from them in the last few days. Couri stated that the developer is aware that this is their responsibility per the developer's agreement. The design will have a warranty and Couri states that the city wants to get this done. The county board of soil and water has not yet received the design for the project but seems to be the best. Mark Statz stated that the contractor is going to make sure that the developer's engineer finishes the design so that it solves the problem. Statz will report at the next council meeting June 26, 2012.

Open Forum/Cowboyz Bar & Grill 6030 Main Street David Fisher

David Fisher reported on the lack of progress for demolishing the Cowboyz building at 6030 Main Street which was severely damaged in a fire on May 10th. Mr. Fisher said he is still waiting to hear from one of his insurance companies before he can demolish the property. He is asking that the city vacate Lieder Street or make it more of an alley than a street and allow them to have a volleyball court in the back to the levee. Mr. Fisher wants to rebuild and is interested in making downtown a destination for entertainment.

Wright County Deputy Adam Fournier

Deputy Adam Fournier was present to provide an update on police protection in the city. There continues to be vehicle vandalism and residents should lock their vehicles.

Fire Department Compensation

The fire department had a committee that researched pay per call of other departments. This information was discussed at the Fire Board meeting twice recently with the Rockford Township and City of Greenfield elected officials as they are part of the service area and will be required to pay their share of any compensation plan that is adopted.

The staff contacted the League of Minnesota Cities (LMC) and also the city attorney Mike Couri about some of the details of the compensation package as it was being presented. The initial compensation that was discussed included a \$10.00 pay per call. However, after researching pay per call with LMC and reviewing the FLSA standards it was suggested that any compensation should be at least \$7.25 per hour. If they selected to pay for each call and that call was 2 hours we would be in violation of the FLSA laws and an employee could sue the city for violation and we could be

required to pay any back pay that was owed to all of the members that were only paid per call. So we thought we would start out doing it right the first time around.

Council member Hafften asked why we are giving an estimate of 99 hours of training per year/business meetings. This is an estimate from the fire department but actual hours will be used for compensation as each member is required to sign in for training. Mayor Beyer stated that the department has 12 business meetings per year that last at least 3 hours each, which includes maintenance of all equipment. There are also 16 training sessions per year that are mandatory bringing the average training/meeting hours per member to a total of 84 hours per year.

There was some discussion about how often the city will pay the fire department and this will be determined by the bylaws and they will be presented at a later date this year. There was discussion about employee status if paid per hour are the fire department members considered a regular employee. Attorney Couri stated they will be considered a paid volunteer fire department. The city will not be required to pay PERA per MS 353D.01 (7) since the fire department members are covered by the fire relief association pension plan.

MOTION was made by Graner, seconded by Hafften to approve the following:

- fire department members shall be paid \$8.00 per hour for calls, business meetings and training
- the Fire Chief shall be compensated an additional \$2,000 per year
- the Assistant Chief shall be compensated an additional \$1,200 per year
- the compensation will be effective starting January 1, 2013
- The compensation package above is approved contingent upon the bylaws of the fire department being revised to reflect these items that will require council approval at a later date this calendar year.

MOTION CARRIED-VOTING IN FAVOR: GRANER, HAFFTEN, MARTINSON AND WENZ.
ABSTAINED- BEYER.

Forfeited Property-Marsh Run Lot 28

Administrator Carswell presented a memorandum from Wright county Auditor's office regarding two lots in the Marsh Run development that the city may acquire as the State and DNR have passed on acquiring the parcels. Well over one year ago the City of Rockford received a letter from Wright County informing us about the tax forfeited parcels in Marsh Run and the letter noted if the city were interested we should submit a letter to the Wright County Auditor's office stating our interest in acquiring the tax forfeited Lot 28, Block 1 of Marsh Run for \$1.00. The city council did agree to acquiring the tax forfeited property and sent the letter to Wright County. However, now there is a value listed on Out lot A of \$1.00 and a value on Lot 28 of \$16,500 plus city assessments. Attorney Couri stated that he felt the city will be required to pay the \$16,500 value in order to have the parcel conveyed to the city. Administrator Carswell stated that she had talked with the Auditor's office and that they were discussing this with the county attorney and that they would provide the city with a form that would waive the value and assessments, however, this form has not yet been submitted to the city. Therefore, action on adopting a resolution requesting that Lot 28, Block 1 Marsh Run be conveyed to the city was tabled. The city's plan was to sell the commercial highway lot to a future developer and pay ourselves back for some of the delinquent assessments owed on the property.

Review Verizon Contract-Linden Street Tower

Verizon Wireless has sent the city a letter stating their intent to extend their contract for another 5 years which would commence on January 1, 2013 through December 31, 2017. The contract states that the city will receive an increase in the rent for allowing the antenna's on the water tower on Linden Street in the amount of \$2,073.60. No action was needed at this time as the contract document will be submitted prior to the end of the year for approval.

Resolution #12-27/Ordinance #12-02 Temporary Outside Sales, Temporary Signs & Firework Sales

On April 12, 2012 the Planning and Zoning Commission review the sign ordinance. After discussion a motion was made to hold a public hearing regarding a sign ordinance amendment to: On-Premise Temporary Signs and Off-Premise Temporary Signs. Items proposed to be changed included: the size of the sign, the hours of display and the amount of times per year a property can have temporary signs. Staff received a request for temporary outside sales of fireworks. After consideration the Commission decided to hold a public hearing to consider amendments.

A public hearing was held on May 24, 2012. The planning commission reviewed the proposed amendments and took public comments of which there was none. The planning commission recommends the city council approve the ordinance amendments as written.

MOTION was made by Hafften, seconded by Martinson to approve Resolution #12-27 approving Ordinance #12-02 amendment and authorizes staff to publish a summary ordinance.

MOTION CARRIED-VOTING IN FAVOR: BEYER, HAFFTEN, MARTINSON AND WENZ. OPPOSED-GRANER

Resolution #12-28/Ordinance #12-03 Personnel-On Call Duty Compensation

The personnel committee met on June 4th and discussed on call duty for the public works employees. The public works employees currently rotate an on call schedule from Wednesday to Tuesday which includes working 4 hours on Saturday and Sunday and they get the following Friday off. The city does not compensate the employees anything above their regular pay for this on call weekend duty. Therefore, the committee recommends that the public works employee's receive \$.50 differential pay for the on call duty. The cost of the \$.50 per hour is annual cost of \$1,040. There was also the discussion about allowing the employee's to take the city truck home with them on the weekend they have to work.

Another item that was brought up by Trevor Brummer on the committee was that the ordinance that states an employee only gets overtime pay or compensation pay when they have worked more than 40 hours per week excluding holidays, so if an employee takes vacation that same week that they worked overtime the employee does not get overtime compensation but takes less vacation time. Hafften stated that employees should get overtime pay in the same week if they take vacation, which would require an ordinance amendment. Mayor Beyer stated that this could be abused, but Carswell noted that many employees take vacation around holidays so they can get more days off using less vacation which is the same. This is a benefit or perk that the employees would appreciate and helps the city retain good employees.

MOTION was made by Graner, seconded by Hafften to adopt resolution #12-28 to approve ordinance 12-03 shift differential compensation for hourly paid public works employees and to include vacation time for overtime on a 40 hour week in section 206.06 (1)

MOTION CARRIED-VOTING IN FAVOR: GRANER, HAFFTEN, MARTINSON AND WENZ.
VOTED AGAINST- BEYER

Administrator's Report

The administrator presented a report on the following items: update on Cowboyz demolition, event center surveys were mailed, city hall office space design consultants, park tour, personnel committee, Parkwood Park cancelled playground equipment to be installed, HRA meeting July 24th, senior housing developers, newsletter and MNDOT project update.

Engineer's Report

The engineer presented a report on the following items: levee improvements, Parkwood 3rd addition, TH 55 utility project, researching options for the 2030 CIP Streets/utilities plan.

Council Reports

Martinson – asked the public to please complete the surveys regarding the event center as the deadline is June 22nd. Martinson also noted that he saw a green blinking left turn signal in Brooklyn Center and has asked the engineer to look into it with MNDOT.

Hafften – resident asked her about spraying for mosquitoes and wants staff to look into it either contract for it or staff could spray.

Wenz - none

Graner –Jimmy’s Pizza in Rockford is holding an event at the Community Center Rock n Wrestling where the proceeds go to the fire relief association. 4Theatre is performing the play “The Music Man” playing July 6,7,8 & 12, 13 & 14.

Beyer – reported that he has filed a certificate of candidacy in the 4th District for the Wright County Commissioner seat the primary election is held on August 14th.

ADJOURNMENT

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

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

Mayor Beyer adjourned the meeting at 9:58 p.m.

Michael Beyer, Mayor

Nancy Carswell, Administrator