

Mayor Beyer, called the May 25, 2010 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 6031 Main Street, Rockford, MN.

ROLL CALL

Roll call was taken, the following members were present: Beyer, Graner, Martinson and Nichols. Also in attendance were: Attorney Couri, Administrator Carswell, Engineer Statz and Acting Public Works Supervisor John Quirk. Hafften arrived at 8:00 p.m.

The Pledge of Allegiance to the Flag was given.

***CONSENT AGENDA**

MOTION was made by Graner, seconded by Martinson to approve all items on the consent agenda.

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

***Approve Minutes/May 11, 2010**

MOTION was made by Graner, seconded by Martinson to approve the minutes of the May 11, 2010 regular Council Meeting with a correction.

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

***Approve Payment of Claims**

MOTION was made by Graner, seconded by Martinson to approve the payment of claims #17749 to #17791 in the amount of \$29,435.08.

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

***Resolution #10-18 Partial Release Developers Agreement for Shadow Ridge**

MOTION was made by Graner, seconded by Martinson to adopt Resolution #10-18 approving the partial release of the Developers Agreement for Shadow Ridge.

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

OPEN FORUM

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

Jeff Johnson, Hennepin County Commissioner with Hennepin County Updates

Mayor Beyer introduced Hennepin County Commissioner Jeff Johnson. Mr. Johnson presented the city with a budget summary and other statistics for the County for 2010 compared with 2009. Budget expenses were reduced in 2010 the tax levy increased 4.9%. Budget expenses in 2009 were \$1,710,830,851 and expenses budgeted in 2010 are \$1,595,987,721. Market values dropped 4% in 2010. Outstanding county debt, general government, public works, libraries and human services statistics were also provided as information.

Attorney Couri asked is the 99,391 number of active cases on cash assistance, food stamps or health care per month was families or per person. Mr. Johnson responded that he thought the 99,391 was number of people not families but was not sure.

Mr. Johnson stated that the Hennepin County health care costs have greatly risen and were aided by federal funds. Mr. Johnson expressed his concerns about the budget cuts that will have to be made in 2012 due the state deficit. Council member Graner asked what those cuts may be and Mr. Johnson responded that he was not sure but would recommend the additional costs for trains that only serve few should be cut as they cost the county millions to operate.

Review Feasibility for 2010 Street Improvement Project

Engineer Mark Statz presented the Feasibility Study for the proposed 2010 Improvement Project. Statz explained the project that includes the following:

- Ravenrock Road adjacent to: 8040 & 8045 Ravenrock Road
- Willow Wood Trail from Meadow Lakes Trail to Wesley Court, also 100' in low area on Willow Wood Trail adjacent to: 7020, 7031, 7021, 7011 Willow Wood Trail – remove and replace bituminous
- Walnut Street between Electric Drive to Catch Basin – remove and replace bituminous, install drain tile behind curb
- Autumn Oaks Drive between Linnea Parkway & Highway 55 – total reconstruct
- Autumn Oaks Circle adjacent to: 2991 Autumn Oaks Circle and 8893 Autumn Oaks Drive – total reconstruct and install drain tile
- Woodlawn Court – remove and replace bituminous
- Ash Street from Plum Street north to dead end full reconstruct, curb and gutter
- City Parking lot on Main and Cedar Streets –bituminous overlay
- Basswood Court – overlay bituminous
- City sidewalks as per attached list

The total project cost is estimated at \$468,100. Statz also reviewed preliminary assessment scenarios. Scenario #1 includes an 80% assessment based on front footage for a total assessment of \$211,226.54. Scenario#2 includes a 60% assessment based on front footage for a total assessment of \$151,108.50. Scenario #3 only assessed for full street improvements and no assessments for partial street repairs on Ravenrock Road, Walnut Street, Autumn Oaks Circle, for a total assessment of \$113,672.50.

The city council asked why the sidewalks are not included on the assessment roll and Administrator Carswell noted that the ordinance states commercial sidewalks are assessed 50%, churches and schools are assessed 100% and sidewalks adjacent to residential properties that are not part of the city's trailway system are assessed for repairs. Carswell noted that the trail system that was adopted many years ago needs to be revisited and that is why these sidewalks are not part of the assessment roll now.

There was a comment that there is no need to improve the city parking lot as that may be sold to the adjacent property for their development. The city council requested a map showing when the last time these streets were improved. Attorney Couri suggested that an appraiser review some of these assessments to make sure that they benefit the property. There was also a question about improving Walnut Street or Autumn Oaks Drive when a traffic signal is planned at this intersection and that roadway may be realigned.

MOTION was made by Nichols, seconded by Martinson to table action on the feasibility report until staff provides a list of past street improvements, trail system map for revision, Ordinance 303 for information and/or revision to comply with assessment policy.

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

Council Appoint Fire Chief

Kevin Reed presented information to the city council from the League of Minnesota Cities regarding appointments of fire chiefs. The League of Minnesota Cities recommends the city council be responsible for appointing the chief to ensure that the selection process is subjective and that the most qualified candidate fills the position. The League also finds that when these positions are filled by a majority vote, legal issues are automatically created. Foremost of which is the potential for discrimination claims based on gender, age, race, national origin, etc. Voting creates additional legal issues with respect to compliance standards for public appointments under the Veteran's Preference laws, which requires a rating scale that provides additional points to a veteran.

Chief Reed is recommending the City Council appoint the fire chief after an interview process and the chief would serve a two year term. Reed is proposing that the fire department would present up to 2 candidates to the city council by November 15th. The city council after interviewing the candidates would appoint the new fire chief for a two year term beginning in the odd number years.

Attorney Couri stated that the city council should not be required to appoint the candidates selected by the fire department but may select another member or members to interview that best meets the criteria.

Chief Reed also explained that he has preliminary job descriptions for the position of Fire Chief and Assistant Chief that were provided from FEMA. The city council requested copies of the job descriptions to review.

A personnel committee will interview and appoint the fire chief and assistant fire chief who will serve a two year term which will be staggered odd or even numbered years. There was some discussion about the interview process and staff and the fire department will have some examples of questions and training requirements will be made part of the job descriptions. Council member Martinson volunteered to serve on the interview committee.

Chief Kevin Reed stated that this will only affect the Fire Department Chiefs not the Fire Relief Association which will continue to appoint their own officers as per their bylaws. This change will require a revision to the Fire Department bylaws. The city council asked Chief Reed how the department feels about this change. Reed replied that about 75% of the fire department is in favor of the appointment of the Chief's.

The city council agreed with the change proposed and will review the job descriptions and bylaw revision at a future council meeting.

Fire Department Report

Chief Reed stated that the Fire Department has looked at replacing the fire rig, but the goal is to make sure that new equipment has multiple uses. The existing fire rig is very old and in need of replacement. No decisions have been made at this time and Reed asked that the city council refer any questions they have to him. Final approval of any new equipment must be approved by the city council. The city council asked that they be provided with pictures of all of the trucks and equipment so they understand what is being discussed when decisions are to be made. Reed invited the city council to tour the fire department prior to the June 22, 2010 council meeting.

Fire Billing – Collecting for Medical, Fires

Staff provided information to the city council regarding state statutes that gives municipalities authority to establish an ordinance and fees to charge for fire calls, including traffic accidents, and medicals within their jurisdiction.

The city council discussed this and most agreed that not everyone has insurance that will cover these types of charges and this will bring in needed revenues for the operations of the fire department. The city attorney stated that the policy the city is using now is not recommended. If the person doesn't have insurance and they are billed by the city they will be responsible for the fee or it will be assessed to the tax roll.

The council discussed a universal billing for the Rockford fire district and questioned who would keep the money collected. Mayor Beyer stated he is not in favor of charging for fire calls because he believes it is another form of "double dipping". Beyer stated that the city receives state fire aid which is paid by all tax payers in the state and that should be adequate.

The city council took no action but asked that staff provide further information about what other cities are charging for fees and how much is collected annually.

Resolution #10-19/General Fund Budget Revision #1

Administrator Carswell informed the city council that a bond was paid in full in February of 2010 which has a fund balance of \$331,255 and additional assessments due this year which will accumulate for a year end total of \$525,208. The bond allows the assessments collected to be used for any city purpose, although Tax Increments collected shall not be used for any other purpose. This fund balance is made up of assessments paid.

Staff has proposed a general fund budget revision #1 to include using \$83,266 for revenues needed in the general fund budget in 2010.

MOTION was made by Nichols, seconded by Graner to adopt resolution #10-19 adopting the 2010 General Fund Budget Revision #1 to include an additional fund transfer to revenues in the amount of \$83,266.

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

Resolution #10-20/Approve Transfer of Funds

Administrator Carswell is asking for permission to transfer funds from Fund 313 that was paid in full to three other funds.

MOTION was made by Martinson, seconded by Hafften to adopt resolution 10-20 Approve the Transfer of funds from fund 313 in the amount of \$361,006 as follows:

General Fund 101	\$ 83,266
City Hall bldg 410	\$133,740
2001 GO Bond 312	\$144,000

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

Employee Longevity Payments

Administrator Carswell brought information to the city council regarding the Employee Longevity Payments that have been over paid. The payroll clerk interpreted the compensation policy differently than what it should have been. Therefore, Administrator Carswell is recommending that any over payments made in 2010 shall be deducted from the employee's next longevity payment.

Council member Hafften feels that the city should be reimbursed for the last 12 months of any overpaid longevity payments. The employees shall pay this back in cash or by using their sick leave bank. Council member Nichols stated that he believes the city should be able to track how much was over paid and be reimbursed for the last ten years. Attorney Couri stated that the statute of limitations usually only allow claims to go back two years, but in this case he is not sure.

There was some discussion as to why the auditors never caught this and staff will speak with the auditors about this policy. Staff has a better check and balance with these payments which will be determined by the Administrator and Bookkeeper when the budget is being prepared. A spread sheet with the formula based on the policy has been prepared that should be very easy for staff to use going forward to prevent any further overpayments.

MOTION was made by Martinson, seconded by Hafften to collect any overpayment of employee longevity bonuses which totals \$360 from the last twelve (12) months out the employee's sick leave bank no later than July 1, 2010.

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

Resolution #10-21/Ordinance #10-03 Amendment to Snow Parking

Staff presented a seasonal parking ordinance amendment. The city council discussed this ordinance at length. The goal of the new ordinance according to the council was that if there is no snow on the street that cars cannot be ticketed or towed.

MOTION was made by Nichols, seconded by Martinson to adopt Resolution 10-21 Adopt Snow Parking ordinance 10-03 with changes.

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

Ongoing Directives

The ongoing directives were reviewed and discussed.

Administrator's Report

The Administrator's Report included: saved \$9,361 on liability insurance this year, collaboration/communication meeting with School District and city administrators, tax appeal information, personnel committee, Rural Business Opportunity Grant RBOG for added Economic Development staffing, Get Motivated Seminar, Administrator attending LMC conference June 24-25, annual fire inspections, legislative action, wastewater maintenance, parks mower problems, and Peterson on vacation from May 21 to June 7.

8740 Highway 55 Motel/Mini Storage

Council discussed the blighted structures at 8740 Highway 55 and asked staff if they knew what the owner's plans are. Staff stated the last conversation with the owner was that they could not afford to demolish the structures. Possibility of acquiring the property or could questioned redevelopment of TIF. Staff will provide information on the site at the next HRA meeting or council meeting.

Adjournment

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

Mayor Beyer adjourned the meeting at 9:50 p.m.

Michael Beyer, Mayor

ATTEST:

Nancy Carswell, Administrator