

November 13, 2012

A work session meeting of the City Council was held on the above date. Mayor Simonson called the meeting to order at 6:30 p.m. The following were present: Mayor Randall Simonson, Council members Connie Amos, Chris Ness, Jim Schneider and Mayor Simonson. Council member Swanson arrived at 6:31 Staff present: City Administrator Kristina Handt, Maintenance Superintendent Tim Kieffer and Deputy Clerk Brenda Eklund.

APPROVAL OF THE AGENDA

Ness, seconded by Amos, moved to approve the agenda as presented. The motion carried 4-0.

ROBERT PILZ, "COCK-A-DOODLE-ZOO"

Robert Pilz first met with the Council on September 11, 2012 for a discussion about how he may continue to operate an exotic animal farm on his property. He has been housing exotic and wild animals his property at 15801 Pilar Road for 15 years. Mr. Pilz was directed to submit an inventory of animals he is currently housing so that animal equivalents could be determined as a baseline for addressing the trading and swapping out of animals, and to not allow an expansion of his business. Mr. Pilz asked for a way to legitimize his business within the city's requirements.

Robert and Michelle Pilz appeared before the Council and submitted a binder of animal descriptions for those animals which he is currently, and may possibly be, housing in the future. Mr. Pilz determined that he would not exceed a total animal weight of 4,500 pounds in the operation of his business. City Administrator Handt questioned which part of the city's ordinance he is looking for leeway from, as he meets the animal equivalents for a property of nine acres. Handt read the definition of exotic animals which are excluded from being allowed in the city's limits, and Mr. Pilz identified a bobcat and alligator that he is keeping. Mr. Pilz was directed to relocate the alligator as he acquired this animal after the adoption of the current development code in November 2010. The bobcat will be grandfathered in and allowed to stay, but not to be replaced after its death or relocation.

The Council discussed if a Conditional Use Permit should be required. Handt advised that the operation falls within the definition of a home occupation, and allowed as an accessory use in the General Rural zoning district.

Council member Schneider directed Mr. Pilz to submit a site plan of his property showing all structures and animal shelters. Mr. Pilz was directed to replace hard surface roofing with an open-type covering on the kennel structures, in order to stay within the limit of allowed accessory buildings.

Council member Swanson recommended that Mr. Pilz forward all USDA inspection reports to the City as a means to monitor the conditions of his business and to provide a more clear knowledge of his operation.

Mayor Simonson stated that Mr. Pilz will be required to submit an inventory of all animals he is currently housing and when acquired, in order to establish a database with the city. He then must notify the city with any changes in his animal inventory.

Council member Ness added a condition that a holding tank be installed in the spring to handle the wastewater from the sink in the animal barn.

Council directed staff to outline all requirements in a letter to Mr. Pilz as a basis for the agreement.

CANVASS RESULTS OF NOVEMBER 6, 2012 MUNICIPAL ELECTION
(RESOLUTION NO. 11-13-12-01)

Simonson, seconded by Ness, moved to adopt Resolution No. 11-13-12-01, Certifying the Results of the November 6, 2012 City Election. The motion carried 4-1, with Amos opposed.

UPDATE FUND BALANCE POLICY

City Administrator Handt presented a proposal for amendments to the Fund Balance Policy, following a question from the Fire Department about applying unused 2012 budget funds towards the purchase of a fire engine in 2013.

Handt explained that a contingency reserve could be established to be used for unforeseen expenses or emergencies, to be equal to 1% of General Fund Revenues. Council member Ness stated that he was against this idea and sees it as not necessary. Council member Schneider agreed and sees it as more taxes levied and potentially not being spent. Council members agreed to remove this proposal from the draft policy.

Council was in agreement to add that if the unassigned general fund balance goes above the 50% goal at the end of the year, the amount above 50% could be either budgeted in the next year's annual operating budget or transferred to a capital improvement account.

Council also was in consensus to add that the City Administrator shall annually report the projected unassigned fund balance of the General Fund each year during the budgeting process.

Staff will prepare the recommended amendments to the Fund Balance Policy in a resolution for adoption at the November 20, 2012 Council meeting.

REVIEW HALL RENTAL POLICY

Council member Schneider had recommended a discussion of the Community Center rental policy and fees. Upon review of the current policy, the Council determined that no changes be made. Maintenance Superintendent Kieffer was directed to hold off on obtaining quotes for lighting, flooring and painting improvements for the Community Center.

DONATION POLICY

The Parks and Recreation Committee recommended that the city have a formal process for reviewing and accepting donations. City Administrator Handt presented a checklist and forms for various types of donations to help the city determine if accepting a gift is in the best interest of the city. An "In Kind" recording form, to keep track of volunteer hours and efforts, could also be used for grant applications.

The Council was in agreement that the donation policy is acceptable, and recommended it be used for gifts valued at \$250 and greater.

Staff will prepare a resolution to adopt a donation policy at the November 20, 2012 Council meeting.

DISCUSS CONTRACTOR MEETING ATTENDANCE

The Council discussed contractor attendance at various Council meetings. Phil Gravel, City Engineer, recently notified the City that Stantec will not charge meeting fees beginning in 2013.

Council agreed to limit the City Attorney's attendance to the regular Council meetings, not the Work Sessions. The need for the Planner and Engineer's attendance at the regular Council meetings would be determined on a monthly basis at each Work Session. It was decided that City Planner Buss will not attend the November 20th meeting, as Council member Ness will act as the liaison to explain the Planning Commission's recommendations.

DISCUSS LEGAL SERVICES FOR 2013

Mayor Simonson and City Administrator Handt recently met with City Attorney Miller to discuss billing and procedural issues. Handt stated that the legal services expenses have greatly increased since changing legal representation at the beginning of the year. The Council agreed that it is in the best interest of the City to consider replacing the City Attorney and to re-interview the top firms identified in the 2011 Request for Proposals process.

Staff was directed to contact the firms LeVander, Gillen & Miller and Eckberg Lammers to see if they would be interested in re-engaging with the City for legal services. The Council will discuss a special meeting date for interviews at the November 20, 2012 Council meeting.

REVIEW POWER WASHER PURCHASE PROPOSALS

Maintenance Superintendent Tim Kieffer presented a proposal for the purchase of a Hotsy Power Washer System and installation by Innovative Shop Services at a cost of \$11,092 plus tax. Kieffer stated that the washer would be hard piped into the Public Works building in an existing bay. The washer is equipped with hot water and soap dispensing capabilities to thoroughly clean and prolong vehicle and equipment life by removing salt and dirt.

The washer was included in the 2013 budget, but due to surplus personal services funds in the Public Works Department, the purchase was moved to 2012.

Council member Schneider questioned if a portable pressure washer would be a better investment as it could be taken into the field and used on culverts and sewer lines. Kieffer explained that he doesn't see a great need for a pressure washer in the field based on his experience, and permanently installing the washer and hoses makes for a more efficient setup. Kieffer offered to bring back quotes for a portable washer, but Mayor Simonson and Council member Swanson agreed that the equipment is needed this winter and should not be further delayed. The Council agreed that the purchase should be approved on the Consent Agenda of the November 20, 2012 Council meeting.

REVISE UTILITY PERMIT APPROVAL PROCESS

The Council reviewed amendments to Ordinance No. 113. City Administrator Handt explained that the current ordinance requires that the Council approve utility permits before they can be issued. This has caused problems for property owners by delaying their projects since the Council only meets once a month.

Staff recommended the ordinance be amended to allow the Maintenance Superintendent to issue the utility permits, as is common in other cities for this type of permit. Council was in consensus to approve the changes to Ordinance No. 113 and directed staff to place the amended ordinance on the consent agenda for the November 20, 2012 meeting.

UPDATE FROM WASTEWATER ADVISORY COMMITTEE REGARDING UPTOWN SEWER RATE PROPOSAL

Council member Ness requested the Council discuss the proposed rates for billing the Uptown Sewer users. At their November 1st meeting, the Wastewater Advisory Committee recommended rates be established to cover operating expenses and provide for a small contingency, but would not pay for any costs associated with the Uptown System Improvements completed in 2012. The committee is asking that those funds come out of the Capital Improvement Fund with no return from the rate payers.

Ness stated that he has had second thoughts about not having the users pay for the improvement project and compared this to street projects, where property owners are assessed a portion of the costs. Mayor Simonson agreed that the users should pay something. Council member Schneider noted that the business owners have declared that the project was needed due to the city's neglect and feel it's the city's cost.

The project cost is estimated to be \$155,000 once all expenses are finalized. City Administrator Handt presented proposed rates if the city were to forgive none to 50% of the costs, at various interest rates over ten years. Council directed staff to also prepare costs for 25% loan forgiveness for up to 15 years.

The Uptown System users have been notified that the Council will be addressing this issue, and adopting an ordinance to establish rates, at the December 18, 2012 regular meeting.

AGENDA ITEMS FOR FUTURE WORK SESSIONS

The public meeting on the 2013 Budget and Tax Levy is scheduled for December 11th at 6:30 p.m. The Council will also hear a presentation on digital records storage, discuss the Lake Lane dispute, and review 2013 employee pay rates.

ADJOURNMENT

Ness, seconded by Amos, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 8:42 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk