

June 4, 2014

A Work Session meeting of the City Council was held on the above date. Mayor Simonson called the meeting to order at 6:35 p.m. The following were present: Mayor Randall Simonson, Council members Dan Lee, Chris Ness, Jim Schneider and Sally Swanson. Staff present: City Administrator Kristina Handt, Attorney Mike McCain, City Engineer Ryan Goodman, Fire Chief Mike Hinz, Director of Public Works Tim Kieffer and Deputy Clerk Brenda Eklund.

APPROVAL OF THE AGENDA

Ness, seconded by Lee, moved to approve the agenda as presented. The motion carried 5-0.

HELMS LAND PURCHASE REQUEST ON 196TH STREET

At the March Work Session, Ron and Vicki Helms presented a request to purchase a small city-owned parcel 0.13 acres in size that abuts their property at 12160 196th Street. The Council delayed a discussion until a site visit could be done, which the Council conducted just prior to the Work Session.

Public Works Director Kieffer presented a recommendation if the city were to sell the parcel to the Helms. He explained that an easement of at least 15 feet off the bituminous should be acquired for road maintenance tasks such as snow removal, tree trimming and ditching that could extend from Maxwell Avenue all the way down to the Big Marine Lake.

Mayor Simonson and Council members Ness and Swanson agreed that acquiring easements for road maintenance as a condition of sale of the property would be a good idea for the city. Council member Lee stated he was not comfortable voting away the city's land because things can change in the future and this could limit the city's ability to develop a use for the property.

Council member Schneider stated that he's okay with it if the city gets what it wants, otherwise the land could be offered for sale to others.

Mr. Helms stated that his initial question was sale of the parcel, and the concept of easements to clear cut trees and ditch along the roadway was a separate issue. He said that he would be open to further discussion about this.

Administrator Handt recommended that staff meet with the Helms to draw out the proposal on a map and further discuss the ideas. The Council was in consensus to continue in this manner.

BIG MARINE LAKE STORE REQUEST FOR ADDITIONAL ON-SALE LIQUOR LICENSE

Pat Reicherts, co-owner of the Big Marine Lake Store, was present to explain a business expansion idea that would have his business serving alcohol on-site. Administrator Handt explained that the city's ordinance limits the number of on-sale liquor licenses to 3 (the number that was in place at the time of its adoption in 2007) and the number currently licensed by the city. State statute allows for cities with a 2,500-5,000 population to issue no more than 5 on-sale licenses. If Reicherts were to apply for an on/off sale license, the Council would need to amend Ordinance No. 93.

Council member Swanson stated that it seems to be a great idea and she would be agreeable to amend the ordinance to allow up to the state statute limit of 5 on-sale licenses.

Lee, seconded by Swanson, moved to direct staff to amend Ordinance No. 93 to the number of on-sale licenses that is consistent with state statute. The motion carried 4-0, with Schneider abstaining from the vote.

Handt stated that the ordinance amendment will be scheduled for the June 17 Council meeting, and that Reicherts could apply for a license after publication of the amended ordinance.

COMMUNITY SOLAR – SANDRA GOODYEAR

Sandra Goodyear introduced Peter Teglund and Steve Coleman of MN Solar Communities to explain the structure of a community solar project initiative. They would be asking the City to serve as a host site for the development of a solar collection system that members would purchase subscriptions to and gain credit on their utility bill from Xcel Energy, based on the electricity generated by the community “solar garden”. The city would enter into a 25-year lease agreement with their business and all maintenance of the solar array would be the responsibility of the company. Mr. Teglund estimated that they could develop the project on a ½ to 5-acre parcel of land.

Mayor Simonson stated that this is an interesting venture and he would encourage more discussion of the project. Council member Lee noted that community input and interest could advance the proposition. Sandra Goodyear offered to serve as a community contact on the partnership.

2015-2019 DRAFT CAPITAL IMPROVEMENT PLAN

Administrator Handt presented the draft CIP that plans for capital expenditures over the next five years. The Planning Commission reviewed the plan at their May meeting and had no recommended changes.

Fire Chief Hinz explained the department’s requests. Replacement of Tanker 5177 is scheduled for 2015 at a cost of \$230,000 to be funded from the Equipment Replacement Fund. Twelve SCBAs, 30 masks and a SCBA compressor are scheduled for replacement in 2016. Hinz explained that civil defense sirens remain as an active project because improvements to early warning should stay on the radar.

Public Works Director Kieffer described his recommendations to replace the Sterling plow truck in 2016 at a cost of \$200,000 and to purchase a utility truck with crane in 2015 at a cost of \$76,500. Since the truck and crane will be used for sewer maintenance work, part of the funding would come from the 201 enterprise fund.

The Quinnell Avenue road project is scheduled for 2015 to tie in with the Log House Landing Improvement Project. A mill and overlay is assumed, but Engineer Goddman reported that soil borings will be evaluated soon to determine the degree of project. Goodman also noted that the

soil boring report will determine the extent of roadway improvements and project costs for the 2016 Street Improvement Plan. If the soils are favorable, costs can be saved by doing overlays versus full-depth reconstruction.

Handt stated that this CIP will be used to put together next year's budget which will be reviewed by the Council beginning in August.

DRAFT PERSONNEL POLICY ADDITION: USE OF CITY VEHICLES, EQUIPMENT, SUPPLIES, TOOLS, UNIFORMS AND FACILITIES

For the past few months, the Council had been discussing use of public equipment for private purposes. At the last meeting, the Council asked for legal input from the City Attorney on the draft policy addition to the personnel policy that was prepared for review. Mike McCain, an employment law attorney with Eckberg Lammers was present to discuss the issue.

McCain explained that the draft policy prohibits any use of public equipment for private use and is important to have in place from a liability standpoint. He stated that the risk exposure to the city is high if department employees doing light maintenance on their personal vehicles is allowed to continue. McCain listed three criteria that must be met to justify a public purpose activity: 1) The activity must benefit the community; 2) The activity must be directly related to functions of government; 3) The activity does not have as its primary objective a benefit to a private interest. McCain stated that washing vehicles is not a public purpose that the city can allow under state law. McCain said there is no evidence that having members at the station on their own time is a benefit.

Council member Ness asked if employees could sign a liability waiver while at the station on their own time. McCain replied that state law does not allow rights to workers compensation be signed away, and then there are issues about the definition of employees being on or off the job. McCain recommended a straight forward policy with no exceptions.

Much discussion continued with fire department members contributing statements of their in-kind contributions, such as cleaning the station and maintaining equipment. Fire Chief Hinz explained that this policy would not contribute to the betterment of the department.

Council member Swanson stated that ignoring the attorney's advice puts the city in a bad position and in jeopardy of breaking state law.

Former Fire Chief Jim Finnegan explained that when members respond directly to an emergency situation in their personal vehicles, it should be viewed as a benefit. McCain stated that this is new information to him and he could see it as a compelling reason of meeting the factors, even though there still is potential exposure. Public Works Director Kieffer explained that his department also directly responds to callouts for downed trees and sewer alarms.

Council member Lee questioned if the city could proceed with adopting the policy but follow a "don't ask don't tell" approach. This was countered with explaining that the city cannot adopt a policy it will not enforce.

Further discussion ensued about finding common ground on this issue, including if using the exercise equipment is a benefit to keep department members in good health for the nature of their job. Kieffer stated that he had been using the torching and welding equipment on his own time.

Administrator Handt noted that, although some see this as having gray areas, the city needs a black and white policy because there is uncertainty and much concern about what happens when rules are not clearly stated. Swanson and Lee agreed that there should be no exceptions, as department heads could interpret the rules differently.

Lee made a motion to adopt the policy but delete “washing vehicles” from the second line in paragraph 4), and add a sentence that reads “One exception is that employees may wash and do minor maintenance on their personal vehicles at the Fire Hall/Public Works building”. The motion failed for lack of a second.

McCain advised that language should be added to explain the public safety purpose, as it puts the city in a more protected position. Consensus was to direct the attorney to draft a policy in this manner.

The Council will review the policy at their July Work Session, with evaluation by the department heads prior to that.

ADJOURNMENT

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

The meeting adjourned at 8:57 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk