

November 8, 2011

A work session meeting of the City Council was held on the above date. Mayor Simonson called the meeting to order at 8:00 p.m. The following were present: Mayor Randall Simonson, Council members Connie Amos, Chris Ness, Jim Schneider and Sally Swanson. Staff present: City Administrator Anne Hurlburt and Deputy Clerk Brenda Eklund.

### **APPROVAL OF THE AGENDA**

**Swanson, seconded by Schneider, moved to approve the agenda as presented. The motion carried 5-0.**

### **AGREEMENT WITH THE CITY OF FOREST LAKE FOR BUILDING INSPECTION SERVICES**

Steve Thorp has resigned as Building Official effective November 8. At the October 11 work session the Council authorized staff to negotiate an agreement with the City of Forest Lake to take over building inspection services. Administrator Hurlburt presented the terms of the agreement to provide building code related work. Scandia will pay Forest Lake an hourly rate of \$53.00 and reimburse mileage at the current IRS rate. Forest Lake will receive the entire plan review fee collected by Scandia, when applicable. Applications will be made at the City office and requests for inspections will be made directly to Forest Lake. Monthly reports and invoices will be provided; the Building Official will attend Council meetings as requested. The agreement may be terminated with 60 days notice by either party. Hurlburt summarized that this is a good arrangement that fits into their staffing and scheduling, and recommended that the arrangement be in place at least 6 months in order to evaluate if the agreement provides the desired level of service.

Council member Schneider questioned if phone calls and travel will be billed. Administrator Hurlburt said that phone calls and driving time will be billed at an hourly rate and mileage reimbursed at the current IRS rate.

Council member Swanson asked for clarification of Section 4, Part 1: Providing Building Inspection Services as required for enforcement and administration of the Minnesota State Building Code. Administrator Hurlburt explained that this includes reviewing the applications, performing all inspections, advising residents on building code issues and answering questions. It will not include zoning or Development Code-related items, code enforcement not related to building, or driveway and utility permits.

Council member Schneider stated this will be all right for the interim, but the City should advertise for a part-time Official and start the hiring process. Schneider said that paying for all this makes the City no better off than before; but if the city doesn't go ahead with this, the state will appoint an official. Hurlburt advised that this is not an issue of saving the city money, and it shouldn't be expected to.

**Simonson, seconded by Ness, moved to approve the agreement with the City of Forest Lake to provide part-time building inspection services to the City of Scandia, and to designate Keith Wille as Building Official for the City of Scandia.**

Ness agreed that something needs to be in place now, but other options should be explored by the time the building season begins next spring. Mayor Simonson stated that the time will come to look at other arrangements, but in the interim this agreement will be in place.

**Council voted on the above motion. The motion carried 5-0.**

**CONSIDER ADVERTISING FOR BUILDING OFFICIAL**

Mayor Simonson stated that the issue of proceeding with the hiring of a part-time Building Official needs to be tabled for now and taken up at a later date. The council was in consensus with this position.

**QUESTIONS FOR MAINTENANCE SUPERINTENDENT POSITION**

A list of questions for the Maintenance Superintendent interviews, scheduled for November 9, was reviewed. Mayor Simonson provided an additional list, but the council agreed to use those provided by Administrator Hurlburt. The same set of questions will be asked of each candidate, with Mayor Simonson leading each interview and the other council members doing follow-up.

Council member Schneider suggested that questions specific to the job be asked, such as how they will monitor gravel mines. Administrator Hurlburt advised that this is not in the job description and only those questions related to this position should be asked.

Administrator Hurlburt recommended that the council meeting remain in session following the interviews to discuss the hiring process.

**DISCUSSION OF MAINTENANCE CONTRACT WITH WASHINGTON COUNTY FOR THE 201 COLLECTOR SYSTEM**

Washington County has submitted a proposed two-year agreement for the operation and maintenance of the 201 Collector Systems – Bliss Addition and Anderson/Erickson. The current agreement expires at the end of 2011. Administrator Hurlburt described the changes to the agreement. The indemnity language removes all liability from any errors on the part of the County and passes it down to the City. The County's insurance trust is requiring that all liability be removed from several of their service contracts. Hurlburt is discussing this issue with the city attorney, the city's insurance agent, county staff and the League of MN Cities. So far no resolution has been reached and it may come down to a "take it or leave it" situation.

The agreement also includes a 30-day termination clause for the Bliss portion of the system. The County will soon be regulating the system through its own permit and will no longer be allowed to be the operators, as this is considered a conflict of interest. The city will eventually need to find a contractor to operate the Bliss portion. Council member Schneider said that he is hopeful that the new Maintenance Superintendent will be a qualified operator.

Administrator Hurlburt stated that discussion with the County will continue regarding the liability issue, and this contract will come back before the council at their December meeting. Hurlburt recommended that a 30-day termination clause be allowed on the entire contract. This

will allow the City the flexibility to take over the operation of the entire system if appropriate.

### **DISCUSSION OF CITY ATTORNEY INTERVIEWS**

Interviews were held with five firms on November 2 and 3 for the purpose of appointing legal representation for prosecution and civil services, effective the first of the year. The Council submitted their written selections to Administrator Hurlburt.

Mike Welch, Hebert & Welch, was unanimously chosen as City Prosecutor, a position he was initially appointed to in 2007. Amos and Schneider chose Tom Miller from Miller & Stevens as their only selection for City Attorney. Simonson, Swanson, and Ness had written two choices, including Miller & Stevens and the firm LeVander, Gillen & Miller. The Council discussed the strengths of Miller & Stevens and it was the consensus to proceed with an agreement with Miller & Stevens for civil services.

The next step is to ask for an agreement from Miller & Stevens which will formally come before the Council at their December business meeting. As Mike Welch did not propose any changes to the current agreement for prosecution services, this agreement will continue as is.

### **AGENDA ITEMS FOR FUTURE WORK SESSIONS**

The Truth in Taxation public meeting will be held at the December 13 work session. Administrator Hurlburt will make a presentation of the 2012 budget. Council member Swanson recommended that Uptown Sewer issues be discussed. Administrator Hurlburt informed the Council that she will be out of the office starting December 21, possibly through the January 10 work session, due to a medical leave. A decision whether or not to schedule the work session was not made.

### **ADJOURNMENT**

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

The meeting adjourned at 9:02 p.m.

Respectfully submitted,

Brenda Eklund  
*Deputy Clerk*