Mayor Johnston called the meeting to order at 7:00 p.m.

PRESENT: Mayor Johnston and Council Members DeLapp, Emmons, Park and Smith

Also Present: City Administrator Messelt, Planning Director Klatt, City Engineer Griffin, Attorney Snyder, Finance Director Bouthilet and City Clerk Lumby

APPROVAL OF AGENDA:

MOTION: Council Member DeLapp moved to approve the November 4, 2009 City Council Agenda as presented. Council Member Smith seconded the motion. The motion passed 5-0.

ORDER OF BUSINESS:

GROUND RULES:

APPROVED MINUTES:

The October 20, 2009, City Council minutes were approved by consensus.

PUBLIC COMMENTS/INQUIRIES: None

CONSENT AGENDA:

MOTION: Council Member Park moved to approve the Consent Agenda as presented. Council Member DeLapp seconded the motion. The motion passed 5-0.

- Approve payment of disbursements and payroll in the amount of $103,321.94
- Approved Resolution No. 2009-042 allowing detached garage closer to road right-of-way for Robert Bliss at 7910 DeMontreville Trail N.

REGULAR AGENDA:

Hiring of Public Works Maintenance Operator

Bruce Messelt, City Administrator, reported G.T. Magnuson, who has served the City Public Works for six years, will be leaving the City to work for Lake County Highway Dept in Two Harbors, MN. The City advertised and received 220 applications for the
Public Works Maintenance Operator position. Interviews for the top five candidates took place on Friday, October 29 and on Tuesday, November 3rd.

Based on the interviews, the City Administrator asked for City approval to make an offer of employment to one of the three top candidates for the position of Public Works Maintenance Operator, consistent with current City employment policies and procedures, the approved 2009 and projected 2010 General Fund budgets and contingent upon completion of an appropriate check of references and background investigation.

*MOTION: Council Member DeLapp moved to authorize the City Administrator to approve an offer of employment, to the successful candidate, as Public Works Maintenance Operator, consistent with the already-budgeted compensatory parameters for this position and contingent upon completion of reference checks and an appropriate background investigation. Council Member Park seconded the motion. The motion passed 5-0.*

*Adopt Ordinance No. 08-018, amending Section 50.40 regarding water use restrictions*

Bruce Messelt, City Administrator, reported the City Council is being asked to consider adoption of the Ordinance 08-018 that would implement certain water conservation measures for the municipal water system.

City Engineer Griffin explained this ordinance has been drafted in response to (1) comply with the recently adopted Water Supply Plan and associated regulations administered by the Department of Natural Resources; (2) promote best operating practices within the municipal water system; and (3) minimize the water system well and storage facility requirements on a City-wide basis.

The City Engineer had previously noted that Minnesota Statutes 103G.291 requires public water suppliers serving more than 1,000 people to employ water use reduction measures and implement a conservation rate structure which must be implemented by January 1, 2010.

An article on water conservation rates will be in the City newsletter, noticed in the water bills. The City Administrator will explore the reverse phone system alerting water users of the water conservation rates. The implementation of these water conservation measures will be reviewed and the legality to extend these measures to private wells will be explored.

*MOTION: Council Member DeLapp moved to adopt Ordinance 08-018, Amending Section 5040 of the City Code Implementing Water Conservation Measures for the Municipal Water System. Council Member Park seconded the motion. The motion passed 5-0.*
Approval of 2010 water conservation rates

Bruce Messelt, City Administrator, reported Minnesota Statute 106G.291 requires public water suppliers serving more than 1,000 consumers to adopt a conservation water rate stricture by January 1, 2010.

Tom Bouthilet, Finance Director provided the City Council with three draft scenarios for review. While the Council indicated a preference for scenario #3 at the October 27, workshop and directed staff to proceed accordingly, a fourth scenario was also still under construction, with no base charge and a pure ad valorem rate structure.

MOTION: Council Member Smith moved to adopt a water conservation rate structure for 2010, as depicted in Scenario #3 attached in report. Mayor Johnston seconded the motion. The motion passed 5-0.

Adopt Ordinance No. 08-019, Wireless Telecommunication Ordinance, Resolution No. 2009-043

Kyle Klatt, Planning Director, reported the City Council was provided with a copy of the most recent Planning Commission report regarding the Wireless Communications Ordinance at its October 27, 2009 workshop. The changes that were requested by the Council during the workshop were incorporated into the updated draft. The Council is being asked to approve the proposed ordinance, as amended, and repeal the moratorium on the construction of new wireless telecommunications tower, currently in effect.

Council Member DeLapp was not in attendance at the October 27th workshop; therefore, at the Council meeting he summarized his changes to the ordinance.

Jim Blackford, 9765 45th Street N., stated he wanted the requests to come in front of the Council so they could consider keeping the character of neighborhood and the visual impact of the tower area.

MOTION: Council Member DeLapp moved to approve 08-019 amending the wireless communications ordinance as amended by the Planning Director and including the comments that would strengthen the original intent of the ordinance provide by Council Member DeLapp, effective upon the publication date of Ordinance 08-019. Council Member Park seconded the motion. The motion passed 5-0.

MOTION: Council Member DeLapp moved to approve Resolution No. 2009-043 authorizing publication of Ordinance No. 08-019 by Title and Summary. Council Member Park seconded the motion. The motion passed 5-0.

MOTION: Council Member Park moved to direct the City Attorney to draft an ordinance to repeal Ordinance 08-012 establishing a moratorium on the construction of new wireless telecommunications tower, currently in effect. Council Member DeLapp seconded the motion. The motion passed 5-0.
Reports:

There was consensus of the Council to authorize Administrator Messelt to pursue legislative changes supporting PEG, bonding possibilities and approval of liquor license sharing two separate addresses.

The meeting adjourned at 8:28 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2009-042 allowing detached garage closer to road right-of-way for Robert Bliss, 7910 DeMontreville Trail N.
Resolution No. 2009-043 Authorizing publication of Ordinance No. 08-019 by title and summary

Ordinance No. 08-018 Amending Section of the City Code implementing water conservation measures for the municipal water system
Ordinance No. 08-019 Amending wireless communications ordinance