

**1. Call to Order.** The regular meeting of the City Council of the City of Rogers was called to order by Mayor Ihli on Tuesday, November 13, 2018 at 7:00 p.m. at Rogers Community Center, 21201 Memorial Drive, Rogers, MN, 55374.

Council present: Mark Eiden, Bruce Gorecki, Rick Ihli, Darren Jakel, and Shannon Klick.

Staff present: Jeff Beahen, Police Chief; Paul Byun, Deputy Clerk/Communications Coordinator; Jeff Carson, City Attorney; Brad Feist, Fire Chief; Lisa Herbert, Finance Director; Stacy Scharber, Assistant City Administrator; John Seifert, Public Works Director; Steve Stahmer, City Administrator; and Bret Weiss, City Engineer.

## **2. Open Forum**

None.

## **3. Presentations**

### **3.1 Water Meter Upgrade and Advanced Metering Infrastructure (AMI) Presentation**

Jamison and Dave from SL-Serco, and Public Work Director Seifert's presentation highlights:

This presentation looks to bring forward the findings from a completed study for the Rogers Water and Sewer utility and specifically the City's water meter infrastructure. The City has previously entered into a scope of work with the consulting firm of SL-Serco, to evaluate the future of the City's water meter infrastructure that looked to answer two major issues. The first was to confirm most efficient and durable equipment to meet the needs of the utility, and the second was to evaluate the functionality of the equipment to best match the community's needs now and into the future.

As previously presented to the council, the water meter equipment installed over the last 25 years is reaching the end of its useful life. In addition, the continued growth of the water system has highlighted the need to reassess the needs and service level going into the future for our residents and business owners.

This water meter infrastructure provides data to the utility that allows for the measuring of the quantity of the water and communicating those readings to a central point that allows for the creation of the monthly water and sewer billings.

The City currently has two options:

1) Replace the current meters in need of replacement with updated, but similar technology, and continue to utilize drive-by data collection or;

2) Purchase enhanced technology with AMI providing higher levels of customer service and efficiencies with wireless data collection.

Review:

Solution Comparison

Neptune AMI (Advanced Meter Infrastructure) or Sensus AMI (Parent company of the current system). Sensus is significantly cheaper. Parts of existing systems are reaching the end of their lives.

**Leveraging Purchase Power:**

1. Stronger Relationship with Manufacturer
2. Binding Contract & Warranties Ensuring Full-Life Functionality
  - Service Level Agreement
  - City Data Ownership
  - Faster Material Delivery
3. Free Upgrades to a Fully Remote System

**Avoiding Risk:**

1. Integration with Existing Architecture
2. Legally Binding Functionality
3. Proven Technology

**AMI Installation Plan:**

1. Graph of covered areas in Rogers, MN.

Jakel, what is your timeframe? Seifert, we are hoping for 2019.

Eiden, fully automated? No more driving by? Seifert, yes.

Jakel, does the system detect a change in the water bill? Serco-SL Team, this has the technology to detect surface level changes, but would be hesitant to say yes without implementing the entire system.

Herbert, can this system detect non-reads? Seifert and Serco-SL team, yes they have about a 98% accuracy rate in of non-reads according to previous data.

Eiden, what data is stored? Serco-SL team, the data going to the MDM that goes to the Finance Department is the consistent trending data.

**4. Approve Agenda**

Mayor Ihli added 8.01 – Calling a Budget Workshop

**5. Consent Agenda**

- 5.1** Approval of October 16, 2018 City Council Work Session Minutes, October 23, 2018 Work Session Minutes, and October 23, 2018 City Council Meeting Minutes
- 5.2** Approval of Bills and Claims
- 5.3** Approval of Resolution No. 2018-99, A Resolution Canvassing the November 6, 2018 Municipal Election Returns and Declaring Results
- 5.4** Authorization to Advertise for the Back Fill of Utility Operator II
- 5.5** Authorization to Advertise for the Back Fill of the Civil Project Engineer Position

- 5.6** Setting a Budget Workshop of the City Council for Tuesday, December 4, 2018 at 6:00 p.m. at the Rogers Police Department, 21860 Industrial Court, Rogers MN
- 5.7** Setting a Budget Workshop of the City Council for Tuesday, December 11, 2018 at 6:00 p.m. at the Rogers Community Room, 21201 Memorial Drive, Rogers MN
- 5.8** Authorize Execution of the Sales Agreement Between the City of Rogers and the Rogers Volunteer Fire Auxiliary for the Sale of the 1950 Chevrolet Tanker Fire Truck
- 5.9** Adopt Ordinance No. 2018-11, An Ordinance Amending Section 30-64 (d)(5) and (e) of the Rogers City Code and Summary Ordinance No. 2018-11
- 5.10** Authorization to Enter into the Hennepin County Pictometry Usage Agreement
- 5.11** Authorization to Approve Change Order No. 1 for Fletcher Hills 2nd Addition Trunk Watermain Extension
- 5.12** Set Joint Meeting of the City Council and Planning Commission for November 28, 2018 at 6:30 p.m. to Receive a Presentation of the Draft 2040 Comprehensive Plan

Eiden moved, Gorecki seconded a motion to approve the consent agenda. Motion carried 5-0.

## **6. Public Hearings**

### **6.1 Public Hearing to Consider Adopting the Following Ordinances:**

- **Ordinance No. 2018-09, An Ordinance Adopting the 2019 Master Fee Schedule for the City of Rogers and Summary Ordinance No. 2018-09**
- **Ordinance No. 2018-10, An Ordinance Establishing Utility Rates for Sanitary Sewer, Water and Storm Water Within the City of Rogers and Summary Ordinance No. 2018-10**

Herbert, over the past several months each department supervisor has reviewed relevant sections of the Master Fee Schedule and coordinated their changes. The City Council reviewed the Master Fee Schedule prior to the November 13, 2018, City Council Meeting. The highlighted yellow items reflect changes from the previous year. The specific change to the item has been bolded within the line.

Staff is recommending continuing to apply the 1997 UBC Code for building permit fees (which can be justified with offsetting related expenses).

The recommended ordinance provides one central ordinance for all fees, fines and charges for easy research and publication. During the recodification process, all existing ordinances were updated to refer to the most current Master Fee Schedule Ordinance. Development and building permit fees are currently required to be set by ordinance. There are also a number of fees that have statutory limitations. It is important to keep in mind that per Minn. Stat. 462.353 subd. 4(a) and (b), fees must be fair, reasonable, and proportionate and have a nexus to the actual cost of the service for which the fee is imposed and a municipality must adopt management and accounting procedures to ensure that fees are maintained and used only for the purpose for which they are collected. Several fee calculations have had received input from consultants and related studies.

During 2011 staff consulted with Ehlers and Associates to review the 2009 Utility Rate Study and the results since its implementation, to ensure we are on track with long range planning for each utility's operations, access fees and trunk charges. The Utility Enterprise Funds Capital Improvement Plans

(CIP) have been updated along with historical financial information and the 2019 budget. As a result, the recommendations are to increase the rates to incorporate the rate study recommendations and reflect revenue needs for program expenses. Staff is recommending the following rates increases:

- Water meter basic charges - 7% increase
- Water usage rates (tiers 1-3) – 5-6% increase
- Water usage rates (tier 4 and irrigation) - 18% increase
- Sewer basic charge and sewer usage rates – 4% increase
- Storm water utility fees – 2.5% increase

The increase to sewer on an average residential home would result in approximately \$2.23 bimonthly increase, the increase to water on an average residential home would result in approximately \$1.61 cents bimonthly increase, and the increase to storm water services on an average residential home would result in approximately \$0.20 cents bimonthly increase. The State mandated water testing fee being charged in addition to the basic charge is \$0.53 cents per month or \$1.06 bimonthly. The total of all increases on an average residential home (using 7,500 gallons of water per month) would result in approximately \$3.98 bimonthly (or \$1.99 monthly) total increase over the 2018 utility rates.

Staff is also recommending an updated Utility Rate Study to be completed at a minimum of every 10 years. This is especially important in a growing City with rapidly changing capital needs. Utility Rate Studies can be costly and are completed with the use of a utility engineering and /or financial advising consultant. Staff has included the cost of a Utility Rate Study in the 2019 Enterprise Fund budgets which will be reviewed at the December 4<sup>th</sup> Budget Workshop.

Ihli opened the public hearing at 7:46 p.m.

Jim Kelley, when was the last rate increase? Herbert, annually with minimal increases.

Eiden moved, Gorecki seconded a motion to close the public hearing at 7:48 p.m. Motion carried 5-0.

Gorecki moved, Klick seconded a motion to Approve Ordinance No. 2018-09, An Ordinance Adopting the 2019 Master Fee Schedule for the City of Rogers and Summary Ordinance No. 2018-09. Motion carried 5-0.

Gorecki moved, Klick seconded a motion to Approve Ordinance No. 2018-10, An Ordinance Establishing Utility Rates for Sanitary Sewer, Water and Storm Water Within the City of Rogers and Summary Ordinance No. 2018-10. Motion carried 5-0.

## **6.2 Public Hearing to Consider Resolution No. 2018-100, A Resolution Approving a Business Subsidy Agreement with Graco Minnesota Inc. and an Economic Development Grant Agreement with Hennepin County**

Administrator Stahmer, Council has previously authorized staff to apply to the Hennepin County Economic Development Infrastructure (EDIF) grant fund as part of the Graco expansion project. City staff worked closely with County and Graco representatives to refine the application, which resulted in

a request for \$1 million in EDIF funds for soil and utility work on the site.

On November 6, 2018, the Hennepin County Board of Commissioners approved an award of \$836,000 for the project, which amounted to the remaining balance of budgeted EDIF program funds. The award is structured as a pass through grant with the County providing the funds to the City for disbursement to Graco on a reimbursement basis as actual qualifying costs are incurred.

The grant award requires that a minimum of 54 new jobs be created during the two-year compliance period. This is the same two-year goal required by the State MIF program award.

Stahmer, if the jobs are not created then the City would be responsible for paying the County back but it would be very unlikely.

Per the Minnesota Business Subsidies act, a public hearing is required in order for the City to provide these pass-through dollars to Graco Minnesota for the project. The attached resolution would approve the Business Subsidy Agreement with Graco and the Grant Contract between the City and Hennepin County.

Ihli opened the public hearing at 7:51 p.m. No persons addressed the Council.

Ihli moved, Jakel seconded a motion to close the public hearing at 7:52 p.m. Motion carried 5-0.

Ihli moved, Jakel seconded a motion to Approve Resolution No. 2018-100, A Resolution Approving a Business Subsidy Agreement with Graco Minnesota Inc. and an Economic Development Grant Agreement with Hennepin County. Motion carried 5-0.

## **7. General Business**

### **7.1 Memo of Understanding for Federal Equitable Sharing Guidelines**

Police Chief Beahen's Presentation:

1. Change in Federal Law
  - a. In July of 2018 the United Department of Justice enacted a law reinforcing that joint task forces MUST have a written sharing agreement in place before they distribute Federal forfeitures funds.
  - b. There are two options to be compliant – each agency can opt to handle the reporting processes themselves-or the task force can develop a MOU outlining which agency will act as the financial agent, and how the funds will be distributed.
  - c. Our task force is currently not compliant with this law change.
2. Doing This Ourselves Would Be Cumbersome
  - a. 10 minimum financial guidelines
  - b. Maintain equitable sharing funds with the same entity that maintains the agency's appropriated funds and administers procurement actions. Bank accounts, checkbooks, purchase cards, and other financial instruments or documents must be maintained in the same manner as appropriated funds.

- c. Establish separate Department of Justice and Department of the Treasury accounts or accounting codes to track both revenues and expenditures for each respective Program. No other funds may be commingled in these accounts or with these accounting codes.
- d. Department of Justice and Department of the Treasury equitable sharing funds are direct payments for specified use. Auditors should consult the Catalog of Federal Domestic Assistance (CFDA) number 16.922 for Department of Justice equitable sharing funds and CFDA number 21.016 for Department of the Treasury equitable sharing funds to determine applicable audit guidance. Expenditures of these funds must be included on the jurisdiction's Schedule of Expenditures of Federal Awards (SEFA) as federal financial assistance.
- e. If state law permits, a participating state or local law enforcement agency may request a share of the forfeited assets by submitting a TD F form to the federal agency processing the forfeiture. An agency may not file a TD F on behalf of another agency.
- f. When multiple assets are seized in a single investigation, one TD F may be filed with an attached listing of all the assets for which a share is being requested. Sharing requests may be submitted at any time following the seizure, but no later than 45 days after forfeiture. A waiver request must be included with any sharing requests submitted after 45 days following the forfeiture. The lead seizing agency determines whether such a waiver will be granted.
- g. The TD F must include both work hours contributed and a detailed narrative of the agency's contribution to the law enforcement effort resulting in federal forfeiture of the asset. The agency is responsible for ensuring the deciding authority is provided with enough information to adequately evaluate the qualitative and quantitative contributions. Without this information, the deciding authority may not award a share that fully captures the agency's law enforcement contributions resulting in federal forfeiture of the requested asset. Agencies must certify that the information provided on the TD F is a true and accurate statement of the agency's activities. Falsified information on the TD F could, among other things, result in the agency's suspension or expulsion from the Program.
- h. The Task Force Advisory Council met and discussed this issue at a special meeting. All agreed that appointing Anoka County as the financial agent for the Task Force is the most effective and efficient manner in handling the Federal Forfeitures from this point forward. A memorandum of understanding was provided by the United States Attorney General as a suggested fiduciary document. A unanimous vote of approval was made. The MOU was sent to all participating agencies for Council or Board approval. No cost to the City of Rogers. Benefit to the task force in that Federal funds can be used to supplant the budget, freeing up State forfeiture funds for local distribution.

Klick, is Anoka already doing this? Beahen, yes, they have always done this.

Jakel moved, Klick seconded a motion to approve authorizing the City's approval of the Memorandum of Understanding between the participating agencies in the Anoka/Hennepin Narcotics and Violent

Offender Task Force, authorizing Anoka County to act as the Fiduciary Agent responsible for all Federal Asset Distributions to all the member agencies. Motion carried 5-0.

## **7.2 Approval to Enter into a Contract with the State of Minnesota for NIBRS Integration**

Beahen's presentation highlights:

1. What is UCR?
  - a. Collective effort on part of city, county, state, tribal and federal law enforcement agencies to present a nationwide view of crime.
  - b. Collected in Summary and NIBRS format
  - c. Provides common language for criminal state statutes
  - d. Allows for the publication of the Minnesota State Crime Book, and the FBI's Crime in the U.S.
2. What is NIBRS?
  - a. National Incident Based Reporting System
  - b. Collects data on each offense for
    - i. Crimes Against Persons
    - ii. Crimes Against Property
    - iii. Crimes Against Society
  - c. Data is collected in Segments for
    - i. 23 Group A offense categories contain 49 specific crimes
    - ii. 10 Group B offense categories.
3. NIBRS vs. Summary

NIBRS	Summary
One electronic specification	12 separate reports
Data produced as a CAD/RMS byproduct	Data manually tracked and collected or a CAD/RMS byproduct
10 offenses per incident	Aggregated offense data/Hierarchy Rule
49 Group A offense classifications	10 Part I offense classifications
UCR offense codes	MOCs

Gorecki moved, Eiden seconded a motion to approve authorizing the payment of \$8,000 to LETG for the creation of an adapter between our current Records Management system to become National Incident Based Reporting compliant, and subsequent to that, entering into a SWIFT agreement with the State of MN to be paid \$8,000 for the completion of the adapter before June 30, 2019. Motion carried 5-0.

### **7.3 Approve Plans and Specifications, and Authorize Advertisement for Bids for Pedestrian Improvements to the East side of TH 101 at the Interchange of I-9**

City Engineer Weiss's presentation highlights:

In June 2017, staff submitted a request to Metro District through the Fiscal year 2019 Municipal Agreement Program for funding pedestrian improvements along the east side of TH 101 and I-94 northbound exist ramp. This is currently the only pedestrian crossing that serves to connect the City of Rogers across I-94. The request was successful, and the City was approved for funding these pedestrian improvements. The project was funded for \$111,500, which includes \$103,300 for State-funding eligible construction and \$8,200 (8% of the eligible construction amount) for Construction Engineering.

During final design, MnDOT required additional American Disabilities Act (ADA) improvements be completed as part of the project which included the replacement of the existing pedestrian ramps and additional lighting at the intersection. MnDOT also required the placement of the new pedestrian crossing sign to be placed in the median instead of on the mast arm as previously discussed. This additional work increased the construction cost to be in excess of what was approved as part of the cooperative agreement; however, through negotiations, MnDOT agreed to fund the additional work that was added to the project.

Project improvements include the following:

Intersection Improvements at the north ramp:

- Push button activated pedestrian flasher that notifies drivers that a pedestrian is in the intersection and prohibits the right turn on red (RTOR) using blank out signs
- ADA improvements including: new pedestrian ramps, new push button locations, wider crosswalk markings, new light on the south side of the intersection.

Replace existing substandard bridge metal railing with a fencing or railing that meets current safety and design requirements: Although more expensive than standard black vinyl coated chain link fencing, the preferred aesthetics for the bridge lends itself to the use of an ornamental metal railing. Ornamental metal railing is the typical type of pedestrian barrier used on new bridges. The Transportation Task Force discussed including a bid alternate for Ornamental Metal Railing to determine if bid prices are favorable enough to award the bid alternate. The replacement railing will be bid with the following:

- Bid alternate 1 - black vinyl-coated chain link steel fencing on bridge that meets current FHWA standard and MnDOT standards. It will be the standard 8'-0" tall to prevent pedestrians/bicyclist from falling/jumping off the bridge and prevent/limit the throwing of debris onto the I-94 below.
- Bid alternate 2 – black ornamental metal railing which is similar to MnDOT's standard bridge railing and meets current FHWA and MnDOT requirements. It will consist of narrow vertical pickets spaced at 4" on center. It will be the standard 8'-0" tall to prevent pedestrians/bicyclist from falling/jumping off the bridge and prevent/limit the throwing of debris onto the I-94 below.



To be eligible for the cooperative agreement funds the council will need to choose either the vinyl fencing option (Base + Bid alternate 1) or the ornamental railing option (Base + Bid alternate 2) for approval.

MnDOT has agreed to fund the additional cost of the ADA improvements and the vinyl fencing option (Base + Bid alternate 1) estimated at \$158,037. If the council chooses to select the ornamental railing, the cost difference between Bid alternate 1 and Bid alternate 2 would be City expense estimated at \$25,755.

This project is being expedited due to steel delays that are causing delivery dates to be pushed back 20 to 30 weeks. With the potential for council to choose ornamental railing at the time of project award, preorders would only save 4 weeks and the City would take on the risk if further steel delays affected the selected contractor's schedule.

The project will utilize a City provided shuttle during the one-week closure to avoid the expense of a barrier protected pedestrian bypass across the bridge. This bypass along with the construction delays due to access during construction would exceed \$15,000. There are currently less than 20 pedestrian crossings per day of the bridge.

Looking for council direction so that steel can be pre-ordered for ornamental railing.

Jakel moved, Klick seconded a motion to approve Plans and Specifications and authorizing advertisement for bids for the TH 101 & I-94 ADA and Bridge Rail Improvements Project. Motion carried 5-0.

#### **7.4 Authorization to Construct Additional Parking Space for the Rogers Police Department**

Seifert, City staff is requesting authorization to expend reserve funds in 2018 to begin creating additional parking space at the Rogers Police Department. This project is included in the current 2019 City budget/levy pending final Council approval in December.

The Public Works Department is requesting authorization to purchase and install the drainage, grading, sub base and class five material with in-house labor. With the authorization from Council to begin the project, City staff can proceed with creating temporary additional parking for the winter season. The remaining pavement and concrete curb construction would take place in the spring of 2019 when weather conditions allow.

Ihli, how many stalls? Seifert, about 14 (as many as they can fit).

Eiden moved, Jakel seconded a motion to approve the construction of additional parking space for the Rogers Police Department. Motion carried 5-0.

**8. Other Business**

**8.01 Setting a Budget Workshop**

Ihli moved, Gorecki second motion to set a Budget Workshop for Tuesday, November 27, 2018 at 6:00 p.m. at the Community Room. Motion carried 5-0.

**9. Correspondence and Reports**

None.

**10. Adjourn**

Mayor Ihli adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Paul Byun  
Deputy Clerk/Communications Coordinator