

**AGENDA**  
**MAPLE PLAIN CITY COUNCIL – WORKSHOP**  
**MAPLE PLAIN CITY HALL**  
**October 10, 2016**  
**5:30 p.m.**

1. **CALL TO ORDER**
2. **ADOPT AGENDA**
3. **CITY HALL AND EMPLOYEE HOURS AND HOLIDAYS**
4. **PUBLIC WORKS COMPENSATION STRATEGY**
5. **FRANCHISE AGREEMENT APPLICATION AND PROCESS**
6. **ELECTRONIC SIGN POLICY DISCUSSION**
7. **OTHER BUSINESS**
8. **ADJOURNMENT**

**MN NW Metro City Hall Hours**

City	Mon - Thurs. Hours	Friday Hours	Population	Conclusions
Independence	8:00 - 4:30	8:00 - 12:00	3,645	<p><u>Conclusions</u></p> <p>*Half the cities (4/8) close early on Fridays. (At least part of the year)</p> <p>*All but one city is double our population or more, indicating a larger population served by the city.</p> <p>*Three of the four cities have earlier hours throughout the week to compensate for shorter Fridays.</p> <p>*Independence is our closest neighbor and geographically/demographically our closest comparison.</p>
Medina	8:00 - 4:30	8:00 - 4:30	5,221	
Orono	8:00 - 4:30	8:00 - 4:30	7,796	
Mound	Nov - April 8:00 - 4:30	8:00 - 4:30	9,270	
	May - Oct 7:30 - 5:00	7:30 - 11:30		
Wayzata	7:00 - 4:30	7:00 - 11:00	4,217	
Long Lake	8:00 - 4:30 (Closed daily 12:00 - 1:00)	8:00 - 4:30	1,804	
Delano	7:30 - 5:00; Tues 7:30 - 7:00	8:00 - 12:00	5,654	
Minnetonka	8:00 - 4:30	8:00 - 4:30	51,368	
Maple Plain	Fall - Spring 8:00 - 4:30	8:00 - 4:30	1,808	
	Summer 7:30 - 4:30			
<b>MN Metro City Hall Hours (Population)</b>				
Lakeland	8:00 - 5:00; PW 8:00 - 4:30	Admim: Closed; PW: 8:00 - 4:30	1,839	*Four out of seven close early or are not open at all on Fridays.
Mayer	8:00 - 4:30	8:00 - 4:30	1,903	*Three of the four cities that close early or not at all open have longer hours throughout the week.
Excelsior	7:30 - 5:30	Closed	2,245	*Loretto, another neighbor, is only open three days a week.
St. Bonifacius	8:00 - 4:30	8:00 - 4:30	2,337	
Osseo	7:30 - 5:00	7:30 - 11:30	2,476	
Lauderdale	8:00 - 4:30	8:00 - 4:30	2,456	
Loretto	Mon: 8:00 - 1:30; Wed: 8:00 - 1:30 and 3:00 - 6:00	8:00 - 1:30	666	



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To: Robert Schoen, City Administrator  
From: Taylor Richter, Assistant to the City Administrator  
Re: Public Works Employees On-Call Pay Schedule  
Date: October 5, 2016

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### **Background**

The City of Maple Plain is currently implementing a policy in which the two Public Works employees receive \$6,800 annually for on-call/weekend time. This constitutes as ten hours worked per weekend, with alternating shifts. To further clarify, each employee works twenty-six weekends at a pay grade of ten hours per weekend, totaling 260 hours, translating to \$26.15 per hour, or \$261.54 per weekend.

The questions at hand regarding the current practice are as follows:

1. Is this on-call compensation comparable with surrounding cities in the metro?
2. How does the City of Maple Plain's Public Works salaries compare with the metro area?
3. Is there another methodology that is a fairer pay schedule for on-call; such as an overtime rate, a per-hour rate, a separate rates for the responsibility of simply having the on-call phone and then answering to a call, or other options?
4. Will any change align with the approved preliminary 2017 budget?
5. City Staff need to work with Public Works and utilize their questions and preferences as necessary.

### **Other Cities**

Using the data provided by the League of Minnesota Cities and their 2016 Salary Survey, the following information was discovered:

- Almost all of the 43 cities or counties that participated have an overtime compensation system that may cover on-call, but they do not specifically state such;
- Many cities consider on-call/weekend pay overtime compensation, resulting in higher per hour rate than separate on-call and overtime systems;
- Nine cities have various an on-call compensation systems;
- Under the city's current compensation system, Maple Plain's Public Works employees earn the average amount for a public works employee in the metro area;
- It is unknown how many public works staff each city has and the seasonality of the employees. This is important to keep in mind to compare the level and amount of work performed by Maple Plain's employees as to other cities'.

The statistical breakdown of the cities, and the general metro area, including Maple Plain, is as follows:

Public Works On-Call Data for Demographically and Geographically Similar Metro Cities						
City	Population	Total Budget	On-Call Rate of Pay	Comments	(Using Hourly Rate of \$26) (Assuming One Call/Weekend)	
Alexandria	12,441	\$10,160,372	1.5x regular pay	Two hour min.	\$	78.00
Centerville	3,916	\$3,923,346	\$50 per weekend		\$	50.00
Duluth	85,530	\$256,207,808	3 hours at 1.5x hourly rate, and 1.5x hourly rate if called back.		\$	117.00
Hawley	1,917	\$1,602,373	14 hours at regular pay	For primary on-call, if more than one on-call, then secondary paid at 7 hours regular pay.	\$	364.00
Lino Lakes	21,200	\$9,876,494	3 hours at 1.5x hourly rate		\$	117.00
Montrose	3,073	\$4,075,687	\$1.00/hour on call		\$	48.00
North St. Paul	12,006	\$6,920,636	10 hours at 1.5x hourly rate; \$457 with 1 holiday; \$568 for 2 holidays		\$	390.00
Red Wing	16,294	\$81,236,893	3 hours at 1.5x hourly rate		\$	117.00
Savage	15,062	\$5,462,524	4 hour overtime rate (unlisted)		Incomplete	
Shoreview	25,882	\$25,400,000	"Pager Pay," unlisted		Incomplete	
Thief River Falls	8,522		"Standby Pay"		Incomplete	
				Average On-Call/Weekend Compensation	\$	171.44
				Median On-Call/Weekend Compensation	\$	117.00
Maple Plain			\$261.54/weekend		\$	262.00
				Average On-Call Compensation of Cities with Same Structure as Maple Plain	\$	173.40
				Median On-Call Compensation of Cities with Same Structure as Maple Plain	\$	117.00
*No correlation of budget or population and pay schedule of on-call employees						
Total Salary Compensation Comparison						
			Change to System:		\$	3,042.00
			Average Metro Area Salary of PW Supervisor		\$	*Using Median On-Call Comp. of similar cities of \$117 multiplied by 26 weekends
			Average Metro Area Salary of PW Foreperson		\$	76,358.37
			End of Year Salary w/o change to On-Call Structure		\$	63,698.97
			End of Year Salary w/change with a Randomly Selected Change		\$	63,800.00
					\$	60,042.00

## **Recommendation**

After reviewing the data available and the current practices of the City of Maple Plain, the following is recommended in correlation with the questions and information presented above:

1. The City of Maple Plain leave their compensation system for Public Works Employees unchanged for the following reasons:
  - a. The total compensation for Public Works employees, including the on-call, pay is almost exactly average with the Metro area, signifying a competitive and acceptable rate;
  - b. The on-call compensation of the per weekend basis is high compared to all cities analyzed – over \$100 more than the median and slightly less than \$100 over the average;
  - c. A change in the structure of on-call pay may result in a pay decrease to employees if no other change in their compensation changes simultaneously;
  - d. Each employee is expected to give up half of their weekends throughout the year to be present in the City, including holidays;
  - e. Maple Plain has a small staff and in order to maintain the talent and loyalty to the city, competitive benefits and compensation may be necessary to eliminate a high turnover rate;
  - f. The City is currently budgeted for the year 2017 for the compensation rate that is currently being implemented;
  - g. City Staff sees this as preliminary research and would seek Council recommendation for any further research to be conducted if more information is needed to pursue a policy change.

**Public Works On-Call Data for Demographically and Geographically Similar Metro Cities**

City	Population	Total Budget	On-Call Rate of Pay	Comments	(Using Hourly Rate of \$26) (Assuming One Call/Weekend)
Alexandria	12,441	\$10,160,372	1.5x regular pay	Two hour min.	\$ 78.00
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Duluth	85,530	\$256,207,808	3 hours at 1.5x hourly rate, and 1.5x hourly rate if called back.		\$ 117.00
Hawley	1,917	\$1,602,373	14 hours at regular pay	For primary on-call, if more than one on-call, then secondary paid at 7 hours regular pay.	\$ 364.00
Lino Lakes	21,200	\$9,876,494	3 hours at 1.5x hourly rate		\$ 117.00
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Shoreview	25,882	\$25,400,000	"Pager Pay" unlisted		Incomplete
Thief River Falls	8,522		"Standby Pay"		Incomplete
				<b>Average On-Call/Weekend Compensation</b>	\$ <b>171.44</b>
				<b>Median On-Call/Weekend Compensation</b>	\$ <b>117.00</b>
Maple Plain			\$261.54/weekend		\$ 262.00

	Paid the same/for whole weekend			<b>Average On-Call Compensation of Cities with Same Structure as Maple Plain</b>	\$ 173.40
				<b>Median On-Call Compensation of Cities with Same Structure as Maple Plain</b>	\$ 117.00

\*No correlation of budget or population and pay schedule of on-call employees

**Total Salary Compensation Comparison**

Change to System:	\$	3,042.00	On call Pay/Year
<b>Average Metro Area Salary of PW Supervisor</b>	\$	76,358.37	*Using Median On-Call Comp. of similar cities of \$117 multiplied by 26 weekends
<b>Average Metro Area Salary of PW Foreperson</b>	\$	63,698.97	
End of Year Salary w/o change to On-Call Structure	\$	63,800.00	
End of Year Salary w/change with a Randomly Selected Change	\$	60,042.00	

**CITY OF MAPLE PLAIN CABLE COMMUNICATIONS  
FRANCHISE PROPOSAL REQUIREMENTS**

5050 Independence St. P.O. Box 97  
Maple Plain, Minnesota 55359

Qualified applicants who wish to provide cable services within the City of Maple Plain must submit a notarized franchising proposal containing all information required by Minnesota Statute §238.081, subd. 4 and comply with all federal, state, and local requirements. The application must be received by 12:00 p.m. on October 31<sup>st</sup>, 2016 at the address above. The application must be accompanied by an initial application escrow of \$5,000 payable to the City of Maple Plain.

Each proposal must contain the following information:

- 1) All plans for channel capacity, including both the total number of channels capable of being energized in the system and the number of channels to be energized immediately, please include a specific channel list, if known.
- 2) A statement of the television and radio broadcast signals for which permission to carry will be requested from the Federal Communications Commission.
- 3) A description of the proposed system design and planned operation, including at least the following items:
  - a) The general area for location of antennae and the head end, if known.
  - b) The schedule for activating two-way capacity.
  - c) The type of automated services to be provided.
  - d) The number of channels and services to be made available for access cable broadcasting.
  - e) A scheduled of charges for facilities and staff assistance for access cable broadcasting.
- 4) The terms and conditions under which particular service is to be provided to governmental and educational entities.
- 5) A schedule of proposed rates in relation to the services to be provided, and a proposed policy regarding unusual or difficult connection of services.
- 6) A time schedule for construction of the entire system with the time sequence for wiring the various parts of the area requested to be served in the request for proposals.
- 7) A statement indicating the applicant's qualifications and experience in the cable communications field, if any.

- 8) An identification of the municipalities in which the applicant either owns or operates a cable communications system, directly or indirectly, or has outstanding franchises for which no system has been built.
- 9) Plans for financing the proposed system, which must indicate every significant anticipated source of capital and significant limitations or conditions with respect to the availability of the indicated sources of capital.
- 10) A statement of ownership detailing the corporate organization of the applicant, if any, including the names and addresses of officers and directors and the number of shares held by each officer or director, and intercompany relationship including a parent, subsidiary, or affiliated company.
- 11) A notation and explanation of omissions or other variations with respect to the requirements of the proposal.
- 12) A list of the applicant's representatives, including the contact information for those individuals, who may be contacted to clarify any aspects of the application.
- 13) An identification of any municipalities in which the applicant has been denied a franchise upon application within the last 10 years.
- 14) The title and contact information of the duly authorized representative who completes the application.

All applicants shall have a duty to update all information provided in their proposal from the time the information is submitted through the public hearing on this matter on October 15th, 2016.

All proposals shall be signed by a duly authorized representative of the applicant and that signature shall be notarized.

Please direct any questions about the proposal process to Robert Schoen, City Administrator at (763) 479-0516.

**238.081 FRANCHISE PROCEDURE.**

Subdivision 1. **Publication of notice.** The franchising authority shall have published once each week for two successive weeks in a newspaper of general circulation in each municipality within the cable service territory, a notice of intent to consider an application for a franchise other than a franchise renewal pursuant to United States Code, title 47, section 546.

Subd. 2. **Required information in notice.** The notice must include at least the following information:

- (1) the name of the municipality making the request;
- (2) the closing date for submission of applications;
- (3) a statement of the application fee, if any, and the method for its submission;
- (4) a statement by the franchising authority of the services to be offered;
- (5) a statement by the franchising authority of criteria and priorities against which the applicants for the franchise must be evaluated;
- (6) a statement that applications for the franchise must contain at least the information required by subdivision 4;
- (7) the date, time, and place for the public hearing, to hear proposals from franchise applicants; and
- (8) the name, address, and telephone number of the individuals who may be contacted for further information.

Subd. 3. **Other recipients of notice.** In addition to the published notice, the franchising authority shall mail copies of the notice of intent to franchise to any person it has identified as being a potential candidate for the franchise.

Subd. 4. **Contents of franchising proposal.** (a) The franchising authority shall require that proposals for a cable communications franchise be notarized and contain, but not necessarily be limited to, the following information:

- (1) plans for channel capacity, including both the total number of channels capable of being energized in the system and the number of channels to be energized immediately;
- (2) a statement of the television and radio broadcast signals for which permission to carry will be requested from the Federal Communications Commission;
- (3) a description of the proposed system design and planned operation, including at least the following items:
  - (i) the general area for location of antennae and the head end, if known;
  - (ii) the schedule for activating two-way capacity;
  - (iii) the type of automated services to be provided;
  - (iv) the number of channels and services to be made available for access cable broadcasting; and
  - (v) a schedule of charges for facilities and staff assistance for access cable broadcasting;

(4) the terms and conditions under which particular service is to be provided to governmental and educational entities;

(5) a schedule of proposed rates in relation to the services to be provided, and a proposed policy regarding unusual or difficult connection of services;

(6) a time schedule for construction of the entire system with the time sequence for wiring the various parts of the area requested to be served in the request for proposals;

(7) a statement indicating the applicant's qualifications and experience in the cable communications field, if any;

(8) an identification of the municipalities in which the applicant either owns or operates a cable communications system, directly or indirectly, or has outstanding franchises for which no system has been built;

(9) plans for financing the proposed system, which must indicate every significant anticipated source of capital and significant limitations or conditions with respect to the availability of the indicated sources of capital;

(10) a statement of ownership detailing the corporate organization of the applicant, if any, including the names and addresses of officers and directors and the number of shares held by each officer or director, and intracompany relationship including a parent, subsidiary, or affiliated company; and

(11) a notation and explanation of omissions or other variations with respect to the requirements of the proposal.

(b) Upon submission of a proposal, the municipality and applicant may negotiate franchise terms.

**Subd. 5. Time limit to submit application.** The franchising authority shall allow at least 20 days from the first date of published notice to the closing date for submitting applications.

**Subd. 6. Public hearing on franchise.** A public hearing before the franchising authority affording reasonable notice and a reasonable opportunity to be heard with respect to all applications for the franchise must be completed at least seven days before the adoption of a franchise ordinance.

**Subd. 7. Award of franchise.** Franchises may be awarded by ordinance or other official action by the franchising authority.

**Subd. 8. Costs of awarding franchise.** Nothing in this section prohibits a franchising authority from recovering from an applicant the entire reasonable and necessary costs of processing a cable communications franchise.

**Subd. 9. Franchising nonprofit or municipally owned system.** Nothing contained in this section prohibits a franchising authority from franchising a nonprofit or municipally owned system. The municipality or nonprofit entity is considered an applicant for purposes of this section.

**Subd. 10. Franchise; joint powers.** In the cases of municipalities acting in concert, the municipalities may delegate to another entity any duties, responsibilities, privileges, or activities described in this section, if the delegation is proper according to state and local law.

**History:** 1985 c 285 s 20; 2004 c 261 art 7 s 5



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To: Robert Schoen, City Administrator  
From: Taylor Richter, Assistant to the City Administrator  
Re: Electronic Sign Policy  
Date: October 5, 2016

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### **Background**

The City of Maple Plain owns and operates an electronic sign for public viewing with the ultimate purpose of informing residents of upcoming events in the City and surrounding areas. The City is approached by individuals, organizations, nonprofits, etc. to post about upcoming events. However, the City is approached by religious institutions to post about their services, their events, etc. The City does not have a written policy regarding the use of the sign and the material that may be posted on it, and, therefore, has not restricted any request of information to be displayed on the screen, including the posting of religious service times and other similar content.

The City wanted to bring this question in front of Council and seek their recommendation: How do we maintain the separation the city and religious affiliation but also seeking inclusion of city events and community building?

City Staff reached out to the League of Minnesota Cities to see if they had a position on the issue. The City asked the following question:

“The City of Maple Plain has and is solely responsible for updating an electronic sign outside of the building we rent for city hall. Recently, churches have been approaching the city to advertise services coming up, etc. In the past, churches were only asking to promote events - such as a rummage sale, or seasonal festival. These seemed to be community-related and most inclusive. However, where does the city draw the line? What sorts of items are allowed - or are there no specific parameters set? Maple Plain is looking for guidance on the posting of community events of a religious fashion and the best practices of such on a public sign controlled by the city.”

The League representative responded with the following:

“Unfortunately, this is a complicated question involving constitutional free speech and freedom of religion issues. I strongly suggest the city discuss this issue with the city attorney. One important consideration is whether the city allows other groups to advertise on its sign. If the city does not allow anyone other than the city to advertise on the sign, than the sign would not be considered a public forum under the First Amendment and the city would not need to allow anyone to advertise on it.

However, if the city opens the sign up to advertising, it may be creating a public forum. Under the First Amendment, city regulation of speech in a public forum must be content neutral. Content neutrality applies whether the content of the message is secular or religious. Also, opening the sign up to advertising may result in the city not being able to limit the posting of messages that it finds objectionable. For these reasons, the city should carefully consider consultation with the city attorney, and crafting a policy for advertising on the city's sign, if the city does not currently have a policy.

For additional information on sign ordinances and the first amendment, please see the League's memo here:

[http://lmc.org/media/document/1/signordinancesandfirstamendment.pdf?inline=true.](http://lmc.org/media/document/1/signordinancesandfirstamendment.pdf?inline=true)”

The link provided by the League states what is needed for a city-wide sign policy, such as the one we currently have. The link does not contain any specific information on a city-run sign that provides us with draft language.

### **Recommendation**

City Staff recommends Council to give their input on the issue and give direction to draft ordinance language for an electronic sign policy with consideration of the League of Minnesota Cities' and the City Attorney's perspectives.