

**AGENDA**  
**MAPLEWOOD CITY COUNCIL**  
**MANAGER WORKSHOP**  
5:15 P.M. Monday, October 24, 2011  
Council Chambers, City Hall

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA**
- D. UNFINISHED BUSINESS**
  - 1. Update of 2011 Expenditures and Revenues
  - 2. Trash Collection System Analysis – Existing Open Hauling System
- E. NEW BUSINESS**
  - 1.
- F. ADJOURNMENT**

**\*Times Listed Are Approximate**

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AGENDA REPORT

**TO:** James Antonen, City Manager  
**FROM:** Gayle Bauman, Finance Manager  
**RE:** **Update on 2011 General Fund Expenditures and Revenues**  
**DATE:** October 13, 2011

**INTRODUCTION**

The Council was provided with a proposed Operating Budget for 2012 prior to the September 12<sup>th</sup> council meeting. That document included projections for the General Fund for the remainder of 2011. We now have financial information for the first 9 months of the year and would like to update the Council on where we are at.

**DISCUSSION**

To assist with budget preparation, re-estimates are calculated in May/June each year to see if we are staying on track or not. Revenue estimates are based on an average of the past three years' activity, data provided by departments and year to date actuals. There is not a lot of information available for expenditures so this estimate is usually based on the current budget. The 2011 numbers for the General Fund included in the proposed budget were as follows:

	<u>Original Budget</u>	<u>Re-Estimate</u>
Total Revenues	18,370,730	18,051,570
Total Expenditures	(18,046,090)	(17,941,720)
Operating Income	324,640	109,850
Other Revenues	73,320	55,900
Transfers	(150,000)	(612,360)
Change in Fund Balance	<u>247,960</u>	<u>(446,610)</u>

The re-estimate showed a decrease in fund balance because back in April 2011, staff presented a summary of the 2010 General Fund activity. The ending 12/31/10 unreserved fund balance was projected to be \$816,768 higher than anticipated. Of this amount, \$84,756 needed to be applied to encumbered items at 12/31/10 and \$115,740 needed to be applied to the carryovers authorized at the 02/28/11 council meeting. These items were over and above what was anticipated in the 2011 budget. This left \$616,272 of unreserved/unbudgeted one time money.

Staff recommended the following uses which increased the transfers out:

Increase the General Fund fund balance as a percentage of revenues from 36.1% to 38.5%	\$356,000
New phone system	90,000
MCC pool upgrades	150,000
City Hall/Police space needs study	<u>20,000</u>

\$616,000

For the updated re-estimate, staff used the following assumptions:

Revenues: The estimates prepared back in June appear still to apply, so no changes were made.

Expenditures: Year to date actuals were compared to similar information for the past two years. This method will not take into account any unforeseen major expenses that may arise between now and the end of the year.

General Fund 2011	Original Budget	9/30/11 Re-Est.	Difference over/(under)	% change from budget
Property taxes	12,393,500	12,185,540	(207,960)	-1.7%
Special assessments	37,430	32,120	(5,310)	-14.2%
Licenses and permits	1,204,400	1,065,310	(139,090)	-11.5%
Fines and forfeits	221,490	216,480	(5,010)	-2.3%
Intergovernmental	812,940	916,830	103,890	12.8%
Charges for services	3,516,560	3,543,630	27,070	0.8%
Miscellaneous	184,410	91,660	(92,750)	-50.3%
	<u>18,370,730</u>	<u>18,051,570</u>	<u>(319,160)</u>	<u>-1.7%</u>
Citizen Services	1,176,120	1,059,280	(116,840)	-9.9%
Comm Development	1,142,120	1,081,250	(60,870)	-5.3%
Executive	955,700	867,410	(88,290)	-9.2%
Finance	740,310	686,450	(53,860)	-7.3%
Fire	1,789,070	1,675,620	(113,450)	-6.3%
Information Technology	540,950	499,380	(41,570)	-7.7%
Legislative	159,020	143,240	(15,780)	-9.9%
Parks	463,990	460,480	(3,510)	-0.8%
Police	7,808,730	7,794,140	(14,590)	-0.2%
Public Works	3,270,080	3,283,980	13,900	0.4%
	<u>18,046,090</u>	<u>17,551,230</u>	<u>(494,860)</u>	<u>-2.7%</u>
Operating income	324,640	500,340	175,700	
Sale of assets	73,320	55,900	(17,420)	
Transfers out	(150,000)	(658,860)	(508,860)	
Net change-fund balance	<u>247,960</u>	<u>(102,620)</u>	<u>(350,580)</u>	

Below is a breakdown of the Transfers Out total used in the re-estimate. A few of these transfers have already been approved by Council. There is an item on the Consent Agenda tonight requesting approval for the transfers included in the original 2011 Budget as well as a transfer of \$50,000 to the CIP Fund and \$150,000 to the Public Safety Expansion Fund which staff has previously discussed with Council.

Capital Improvement Projects	\$ 50,000	Parks infrastructure
Community Center	211,000	Pool/brochures/wages
Information Technology	90,000	Phone system
Risk Management	60,000	New fund
Park Development	30,000	Park equipment
Public Safety Expansion	170,000	Infrastructure
Open Space	5,000	Open space
Redevelopment	20,000	Housing/commercial
Taste of Maplewood	6,000	Annual event
Recreation Programs	16,860	Brochures/wages
	<u>658,860</u>	

This gives us an ending fund balance of \$7,215,235, which is 40.0% of fund operating revenues. The State Auditor recommends that cities maintain unrestricted fund balances in their general fund of approximately 35 to 50 percent of fund operating revenues or no less than five months of operating expenditures. An adequate fund balance is needed to maintain our bond rating and provide a sufficient balance for our cash flow needs.

Back in April, the Finance Manager and Assistant City Manager debated over an appropriate fund balance percentage for the City. The desired range was 39% - 40%. In order to complete some needed items (phone system and pool upgrades), staff settled on the 38.5%. Our estimates are now telling us that we could end this year with a 40% fund balance level but there are many unknowns between now and the end of the year. A number of options are available to the Council including:

- Leave the higher fund balance in place
- Fund reserves for deferred maintenance items
- Reduce the deficit in the Employee Benefits Fund
- Fund reserves for future infrastructure costs
- Reevaluate workforce needs
- Reduce the 2012 tax levy
- Transfer additional funds to the Community Center or Ambulance Service Funds to help pay off the deficit balances

Staff's recommendation would be to focus on the first three items listed and do one or a combination of those items.

Similar to many (if not all) of our residents, the City has had to make sacrifices in all areas of government. Examples of this include:

- Reductions in workforce
- Pushing back the replacement of equipment
- Cutting budgets for training and/or consulting
- Deferring maintenance items
- Reduced funding for parks and economic development

The Council's number one priority from the February 2011 retreat was Financial Sustainability: *"Continue to provide quality, efficient services to our citizens while equalizing expenditures and revenues every year. Make budgeting decisions that comport with the principals of sustainability."* Some practices that reflect this goal are:

- Having sufficient fund balance to maintain or improve our bond rating and provide for our cash flow needs

- Setting aside funds for replacement of equipment
- Setting aside funds for building improvements (roofs, boilers, parking lots, etc.)
- Ensuring there is sufficient workforce to handle the needed services

The City has managed to continue to fund most day-to-day items but staff and resources are stretched pretty thin. The City needs to be more proactive and establish reserve funds for items that are slowly depreciating in value. They will need to be replaced and we need to recognize this and start planning for it.

To begin the process of being more proactive, staff is currently setting up the following new funds:

- Risk Management Fund – to account for revenues and expenditures related to servicing the City’s general insurance and risk management needs. This fund should help better manage any fluctuations in premiums, claims and deductibles. GASB 54 is disallowing the Legal Contingency Fund as a Special Revenue Fund. It will be converted to the new Internal Service Fund (Risk Management).
- Public Safety Expansion Fund – to account for revenues and expenditures related to maintaining and/or constructing buildings related to public safety. This should help alleviate the need for future borrowing when items need to be repaired, replaced or constructed.

Staff will also be changing the methodology regarding the fund balance for the Fleet Management and Information Technology Funds to ensure monies are reserved for future capital needs. We hope to have a new Fund Balance Policy adopted before the end of the year.

Council has approved a preliminary maximum tax levy for 2012 of 2% or \$350,069. This amount is going to the Ambulance Service Fund to help cover operating losses incurred due to the Medicare Law. There is no tax levy increase being recognized by the remaining funds of the City. The levy is simply being redistributed among the funds. The City will also realize an increase in tax revenue due to the elimination of the Market Value Homestead Credit program. The total tax levy not received over the past few years due to MVHC unallocations kept and used by the State of Minnesota is:

2008	\$ 244,473
2009	514,877
2010	564,315
2011	624,383
TOTAL	<u>\$1,948,048</u>

### **RECOMMENDATION**

No action is recommended on this item. This is a discussion issue. Thank you for your continued support of achieving a financially sustainable Maplewood.

**MEMORANDUM**

TO: James Antonen, City Manager  
FROM: Shann Finwall, AICP, Environmental Planner  
SUBJECT: **Trash Collection System Analysis – Existing Open Hauling System**  
DATE: October 18, 2011 for the October 24 City Council Workshop

**BACKGROUND**

On March 28, 2011, the City Council adopted a Resolution of Intent to Organize Trash Collection. The adoption of this resolution is required by Minnesota Statutes, Section 115A.94, Subdivision 4 to begin the planning process for organized trash collection.

On April 25, 2011, the City Council approved a scope of work for the Trash Collection System Analysis. The scope included the formation of a Trash Hauling Working Group to analyze trash collection systems and update the City Council.

**DISCUSSION**

The Trash Collection System Analysis has included two tracks of analysis including a contractual (organized) system and improvements to the city's subscription (open) system.

**Contractual System**

On July 11, 2011, the City Council authorized the release of a request for proposal (RFP) for residential trash collection.

On August 19, 2011, the City received six responses to the RFP from the following companies:

- Allied Waste Services
- Dick's Sanitation, Inc.
- Highland Sanitation and Recycling
- Tennis Sanitation, LLC
- Walters Recycling and Refuse, Inc.
- Waste Management, Inc.

On September 13, 2011, the Trash Hauling Working Group met to review and rank the proposals based on the evaluation criteria specified in the RFP. Allied Waste Services was chosen as the top ranked proposer.

On October 10, 2011, the City Council authorized staff to negotiate with the top ranked proposer, Allied Waste Services, for city-wide residential trash collection services.

**Subscription System***Trash Hauling Working Group Report*

On August 29, 2011, the Trash Hauling Working Group gave a report to the City Council on improvements that could be made to the city's solid waste management ordinance and licensing requirements. Following is a summary of those recommendations:

- Increased review and enforcement of existing ordinance and licensing requirements to include:
  - monitoring rates
  - enforcement of truck equipment and weight requirements
  - enforcement of trash hauling pick-up times
  - enforcement of noise and litter caused by haulers
  - monitor yard waste and bulky item requirements
  - monitor route maps
  - other
- Increase licensing fee to cover increased review and enforcement as described above.
- Incremental fines and enforcement for violations of ordinance and licensing requirements.
- Limit the number of trash hauling licenses issued in the City.
- Implement a pay as you throw trash collection system.
- Financial incentives to residents for reducing waste, similar to recycle banks.
- Education

*National Solid Waste Management Association (Minnesota Chapter)*

Mike Berkopec, Vice Chairman of the NSWMA MN Chapter, attended the August 29, 2011, City Council workshop and gave testimony on improvements the City could make to our existing open trash collection system. Staff has recently met with Mr. Berkopec to discuss details of the improvements. In order to meet the City's goals of improved economics and decreased environmental impacts in an open trash hauling system, Mr. Berkopec recommends the City work with the haulers on increased transparency of rates and limiting trash hauling licenses. Mr. Berkopec stated that most trash haulers would not be opposed to increased license fees to cover the changes.

1. *Increased Transparency of Rates*

Mr. Berkopec suggests a city-monitored web based system where the City publishes the reported rates and residents can share their actual trash hauling rates for comparison.

2. *Limited Trash Hauling Licenses*

Mr. Berkopec suggests the City review the City of Lakeville's solid waste ordinance which limits the number of trash hauling licenses to no more than six Class A licenses at any time (ordinance attached).

**RECOMMENDATION**

Review the additional information supplied to the City by NSWMA on improvements that could be made to the City's open trash hauling system. Allow for additional comments and suggestions from trash haulers present during the workshop.

Attachment

# Chapter 8

## MIXED MUNICIPAL SOLID WASTE AND RECYCLABLES COLLECTORS

### 3-8-1: DEFINITIONS:

As used in this chapter, the following terms and phrases have the following meanings:

**COLLECTION:** The aggregation of mixed municipal solid waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

**COMMERCIAL ESTABLISHMENT:** Any premises where a commercial enterprise of any kind is carried on and shall include restaurants, clubs, churches, and schools.

**COMMERCIAL/MULTIPLE-FAMILY (APARTMENT) DWELLING COLLECTION:** Mixed municipal solid waste and/or recyclable material collection provided to any commercial establishment or any multiple-family (apartment) dwelling units of which all residents commingle their mixed municipal solid waste in a dumpster or other similar container for shared collection service by the collector or commingle their recyclable material in a dumpster or other similar container for shared pickup service by the collector.

**CONSTRUCTION DEBRIS:** Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

**GARBAGE:** Animal, vegetable, or other putrescible wastes, but excluding human excreta, sewage, or other forms of water-carried wastes.

**INDUSTRIAL WASTE:** The following waste from an industrial or manufacturing business that is managed as a separate waste stream: ash, sand, wood waste, contaminated soil, organic resin, and food waste from manufacturing; paper waste from manufacturing; empty containers, printed circuit boards, ink and sludge.

**MIXED MUNICIPAL SOLID WASTE:** Garbage, refuse and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

**MULTIPLE-FAMILY (APARTMENT) DWELLING:** A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but sharing hallways and main entrances and exits.

**RECYCLABLE MATERIAL:** Materials that can be readily separated from mixed municipal solid waste for the purpose of recycling, including, but not limited to, paper, glass, plastics, metals, automobile oil and batteries. Recyclable materials that have been separated from the waste stream, processed, and sold or given away for reuse are no longer considered waste.

**REFUSE:** Solid wastes such as nonrecyclable glass, crockery, cans, paper boxes, rags, but excluding ashes, sand, earth, brick, stone, concrete, trees, tree branches, and wood.

**RESIDENTIAL DWELLING COLLECTION:** Mixed municipal solid waste and/or recyclable material collection services in which the collector specifically services an individual residential dwelling unit for the collection of mixed municipal solid waste and/or recyclable material, regardless of whether it is a single-family dwelling or a dwelling unit within a multiple-family (apartment) dwelling unit structure.

**SPECIAL PICKUP:** Any collection of materials other than mixed municipal solid waste, recyclable material or yard waste including white goods, furniture, oversized materials, construction debris, and other materials collected, processed, and disposed of as separate waste streams.

**TARGETED RECYCLABLE MATERIAL:** Aluminum and steel beverage containers, tin cans, glass, newsprint, plastic containers with a neck, corrugated cardboard, magazines, catalogs and mixed paper, or other materials that may be designated by resolution of the city council.

**YARD WASTE:** Organic materials consisting of grass clippings, leaves, and other forms of organic garden waste, prunings, tree waste, and fresh-cut Christmas trees and boughs, but excluding garden vegetables and materials that are not readily compostible within the calendar year. (Ord. 686, sec. 1, 6-18-2001)

### **3-8-2: COLLECTION LICENSE REQUIRED:**

- A. License Requirement: It shall be unlawful for any person to engage in the business of collecting mixed municipal solid waste or recyclable material without having first secured from the city council a license to do so.
- B. Term Of License: No license issued hereunder shall be for a period longer than one year, and all licenses shall expire on December 31 of each year.
- C. Exceptions: A license under this chapter is not required for the following:
1. Collecting industrial waste.
  2. Collecting food waste to feed farm animals.
  3. Nonprofit organizations collecting recyclable materials.
  4. Collecting household appliances.
  5. Collecting construction debris.
- D. Two Classes Of Licenses: Two (2) classes of licenses for collection of mixed municipal solid waste and/or recyclable material shall be issued:
1. Class A: A class A license authorizes the collection of mixed municipal solid waste and recyclable material from all locations within the city.

2. Class B: A class B license authorizes the collection of mixed municipal solid waste and recyclable material from commercial/multiple-family (apartment) dwellings. (Ord. 686, sec. 1, 6-18-2001)

### **3-8-3: APPLICATION AND FEE:**

- A. Application For License: Any person desiring a license to collect mixed municipal solid waste and/or recyclable material shall make application for the same to the clerk upon a form prescribed by the city council. The application shall set forth:
1. The name and address of the applicant.
  2. The type of license requested.
  3. A list of the equipment which is proposed to be used in such collection.
  4. The place or places to which the mixed municipal solid waste and/or recyclable material is to be hauled.
  5. The portion of the city in which collections are to be made and the number of residential dwelling units and/or commercial establishments and multiple-family (apartment) dwelling units which are served.
  6. Fees which they require for collections and conditions attached to such collection.
  7. List of recyclables collected at curbside and the method of preparation which is preferred.
  8. Certificate of insurance (see section [3-8-4](#) of this chapter). (Ord. 686, sec. 1, 6-18-2001)
  9. All convictions in the last five (5) years involving collection, disposal, storage, or hauling of mixed municipal solid waste or recyclables. (Ord. 805, sec. 1, 6-5-2006)
- B. Investigation: The application shall be submitted to the city clerk for investigation and report. If the city clerk finds that the applicant is responsible and has proper equipment for such collection and that no nuisance is liable to be created by the granting of the license, the city clerk shall endorse approval upon the application.
- C. License Fees: Before any license may be issued, the applicant shall pay to the clerk a license fee in an amount established by resolution of the city council, which fee shall accompany the application. (Ord. 686, sec. 1, 6-18-2001)
- D. License Approval: The city council shall issue the license if the requirements of this chapter are met. A license shall not be issued to anyone who has been convicted within the last five (5) years of improper collection, disposal, storage, or hauling mixed municipal solid waste or recyclables. (Ord. 805, sec. 2, 6-5-2006)

**3-8-4: LIABILITY INSURANCE REQUIRED:**

An applicant must obtain all of the insurance required by this section. All costs and expenses are the responsibility of the applicant. All insurance coverage is subject to approval by the city and shall be maintained by the licensee during the term of the license. No work under this license shall be commenced until the requirements of this section have been satisfied.

- A. The licensee shall obtain and maintain statutory workers' compensation insurance as required under the laws of the state.

In the event licensee is a sole proprietor and has not elected to provide workers' compensation insurance, licensee shall be required to execute and submit an affidavit of sole proprietorship in a form satisfactory to the city.

- B. Licensee shall obtain and maintain the following minimum coverage for comprehensive general liability (including premises' operations; independent contractors' protective; products and completed operations; broad form property damage):

Bodily injury:		\$1,000,000.00 per occurrence
		1,000,000.00 products/completed operations
Property damage:		1,000,000.00 per occurrence

- C. Licensee shall obtain and maintain the following minimum insurance coverage for personal injury liability (with employment related exclusion deleted):

Limit:		\$1,000,000.00 per occurrence
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- D. Licensee shall obtain and maintain the following minimum insurance coverage for comprehensive automobile liability (owned, nonowned, hired):

Bodily injury:		\$1,000,000.00 per person
		1,000,000.00 per occurrence

Property damage:		1,000,000.00 per occurrence

E. Insurance certificates evidencing that the insurance required by this section is in force with companies acceptable and licensed in the state, and in amounts required, shall be submitted for examination and approval prior to the execution of the license. Thereafter, the certificates shall be filed with the city. The insurance certificates shall specifically provide that a certificate shall not be modified, canceled or nonrenewed, except upon thirty (30) days' prior written notice to the city. Neither the city's failure to require or insist upon certificates, or other evidence tending to show a variance from the coverages specified in this section shall change a licensee's responsibility to comply with these insurance requirements. (Ord. 686, sec. 1, 6-18-2001)

### **3-8-5: REQUIRED EQUIPMENT:**

Applicants for a class B license and class B license holders, as a condition of maintaining their license, must own or lease a front or rear load truck and a roll-off truck. (Ord. 686, sec. 1, 6-18-2001)

### **3-8-6: COLLECTION REGULATIONS:**

A licensed mixed municipal solid waste collector shall comply with the following collection regulations. Failure to observe these provisions may be a basis for suspension or revocation of a license.

- A. Collecting Mixed Municipal Solid Waste Required: It shall be the duty of each licensed mixed municipal solid waste collector to haul away once each week to such places as designated in their license application all mixed municipal solid waste from premises located within the area in which they are authorized to collect mixed municipal solid waste.
- B. Collection Truck: Each licensed mixed municipal solid waste or recyclable material collector shall provide a covered tank or wagon, so constructed that the contents will not leak or spill therefrom, in which all mixed municipal solid waste or recyclable material collected by them shall be conveyed to the place designated in their application. The wagon or conveyance used shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street, alley, or public place longer than is reasonably necessary to collect mixed municipal solid waste or recyclable material.
- C. Collection Hours: No collections of mixed municipal solid waste or recyclable material shall be made except between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., Monday through

Friday. Operations during these hours may also be conducted on Saturdays only to accommodate recognized national holidays or a "special pick up" as herein defined.

- D. Refusal To Collect: The collector may refuse to make collections from any premises when the fees are not paid within one month from the date such mixed municipal solid waste or recyclable material is collected. The collector shall notify the city clerk of the discontinuance of service to any premises within two (2) days after service is discontinued.
- E. Collecting Recyclable Material Required: It shall be the duty of each licensed mixed municipal solid waste collector to haul away, on the same day as mixed municipal solid waste service, to such places as designated in their license application the targeted recyclable materials from residences with individual curbside mixed municipal solid waste containers within the area in which they are authorized to collect mixed municipal solid waste or recyclable material. Each licensed mixed municipal solid waste or recyclable material collector shall do the same from residences who occupy multiple-family (apartment) dwellings. Nothing herein shall be construed to prevent a collector from offering residences recyclable collection or other recyclable materials.
- F. Recyclable Material Report: It shall be the duty of each licensed mixed municipal solid waste or recyclable material collector and nonprofit organization collecting recyclable material to provide the city with a quarterly report on quantity and type of all material recycled within the city. A legible copy of the weight slips obtained from each recyclable material purchaser shall accompany each quarterly report as documentation that the material was recycled. Failure to certify accurate volumes may be cause for revocation of license.
- G. Necessary City Approval: It shall be unlawful for any person engaged in the business of collecting recyclable material to landfill or incinerate collected recyclable material without approval from the city.
- H. Yard Waste: Each licensed mixed municipal solid waste or recyclable material collector shall refuse to knowingly accept for collection any mixed municipal solid waste which contains yard waste except for the purposes of directly delivering such waste to a facility which has been approved by the city for composting or cocomposting, as applicable.
- I. Notice To The City: The licensee shall operate in a manner consistent with its application materials and shall provide notice to the city within ten (10) days of any changes in information, forms, or certificates filed as a part of the license application process, except for the thirty (30) day notice required by subsection [3-8-4E](#) of this chapter.
- J. Minimum Service: Residential mixed municipal solid waste and recyclable material collector rates shall include a minimum of three (3) levels of regular service, priced on the basis of volume with a rate structure designed to encourage reduction, reuse, and recycling. The rate structure shall increase with the volume of the waste collected. Residential mixed municipal solid waste and recyclable material

collectors are prohibited from imposing a greater charge on residents who recycle than on residents who do not recycle. (Ord. 686, sec. 1, 6-18-2001)

### **3-8-7: LIMITATION ON NUMBER OF LICENSES:**

A. Purpose: A limitation on the number of mixed municipal solid waste or recyclable material collectors in the city is necessary for the following reasons: proper inspection and control is more difficult as the number of collectors increases; more trucks use more fuel, create wear and tear on city streets, create more pollution and noise; more collectors create an increased risk to public safety, decrease efficiency, and increase rates and energy costs.

#### **B. Limitation On Licenses:**

1. No more than six (6) class A licenses may be in force at any time, except that all persons licensed by the city on September 7, 1999, and continuously thereafter may be relicensed and licenses shall be allocated first to such persons. (Ord. 686, sec. 1, 6-18-2001)
2. There is no limit on the number of class B licenses. (Ord. 854, sec. 1, 4-6-2009)
3. The city shall maintain a list of persons who want a class A license. Names on the list shall be kept in the chronological order in which they are received except that persons already having a class B license shall be placed at the top of the list for a class A license. After June 6, 2006, a person may place their name on the list. Lists maintained prior to that date shall be discarded. If a license becomes available the first person on the list will be notified and shall have ten (10) days to apply for a license. If the person does not apply, the name shall be removed from the list and the process will be repeated. (Ord. 805, sec. 3, 6-5-2006; amd. Ord. 854, sec. 1, 4-6-2009)

### **3-8-8: PENALTY:**

Any person convicted of violating this chapter shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment, or both as specified by state statute. (Ord. 686, sec. 1, 6-18-2001)