

City of East Bethel
City Council Agenda
Special Meeting – 8:00 AM
Date: May 31, 2012



	Item	
8:00 AM	1.0	Call to Order
8:01 AM	2.0	Adopt Agenda
8:02 AM	3.0	Review & Approve GRE Route and Athens Township Annexation and Road Improvement Conditions
8:10 AM	4.0	Adjourn



City of East Bethel City Council Agenda Information

Date: May 31, 2012

Agenda Item Number: Item 3.0

Agenda Item:

GRE/Athens/East Bethel Amended Route Agreement Special Meeting

Requested Action:

Consider approving the GRE/Athens/East Bethel Amended Route Agreement

Background Information:

As a condition of Athens Township’s approval of the GRE transmission line Route change from Route A to what is described as Route E-1 in Athens and to correspond to the amended Route I-1 in East Bethel as approved by the East Bethel City Council on May 16, 2012, the East Bethel City Council must approve the attached agreement that specifies the obligations of the City that are required for Athens’ consideration of the route change. These obligations are:

- 1.) The common road improvements for 245th Avenue, a shared boundary street with Athens Township as listed in 9 a. and 9 b. of the attachment; and
- 2.) The agreement to not initiate annexation proceedings concerning lands within Athens Township for a period of 25 years.

Upon approval by the City of East Bethel, this agreement will be sent to Athens Township for their approval on June 4, 2012. Both the approval of the City and the Township will be contingent on GRE’s approval of this agreement.

Attachment(s):

GRE/Athens/East Bethel Amended Route Agreement

Fiscal Impact:

The City of East Bethel will pay for the road improvements on 245th Avenue at an estimated cost of \$35,000. These improvements will benefit approximately 80 East Bethel residents.

Recommendation(s):

Staff recommends approval of the agreement.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

AGREEMENT

The parties to this Agreement are Great River Energy, a Minnesota cooperative association ("GRE"), the City of East Bethel, a Minnesota municipal corporation (the "City") and Athens Township, a town under the laws of the State of Minnesota ("Township").

This Agreement is made effective this ____ day of _____, 2012.

RECITALS:

1. GRE desires to place a new electrical transmission line across the City, the Township and other jurisdictions.
2. GRE has been working with the City, the Township and others to secure appropriate governmental permissions for installation of the aforementioned transmission line.
3. The current plan for the routing of the transmission line, subject to minor variations that may be required during actual construction to accommodate specific needs regarding the precise positioning of poles as set forth and described on the attached Exhibit A incorporated herein is referred to as "Route I1A" (the "Route").

GRE's Offers

4. In order to benefit the Township, defray some of the Township's costs in dealing with the application for the Route, and as a donation to communities in which GRE operates, GRE has offered to give certain monies and benefits to the Township. GRE understands approval of the Route by the Township is not contingent upon GRE providing these benefits. However, the parties have determined it is most simple and appropriate to memorialize the offers of GRE in the same instrument as the terms of the application for the Route. At the time this Agreement is executed, GRE has never made formal application to the Township for approval of the Route and the Township has never made any formal statement about whether the Route will or will not be approved. Nonetheless, GRE acknowledges that the Township may act in reliance on GRE's offer when considering the CUP for the Route.

The City's Offers

5. Subject to Recital no. 6, the City has offered certain benefits to the Township related to approval of the Route which are of benefit to the Township, the City and the broader community. To that end, the City has agreed that it will do the following:
 - a. Regrade and resurface with Class V to 245th Avenue, east of University Avenue.

- b. Repair and repave 245th Avenue west of Highway 65 to the Castle Towers entrance and regrade and add Class V resurfacing from the Castle Towers entrance approximately 400 feet to the end of the street.
- c. The City has agreed not to initiate any annexation proceedings to acquire lands within Athens Township for a period of twenty-five (25) years. This agreement will be memorialized in the Court approved settlement of certain litigation by and between GRE and the City.

The Township

6. The Township agrees to process the Conditional Use Permit (“CUP”) application for the Route and understands that the various obligations and offers of GRE and the City are expressly contingent and dependent upon the Township approving the CUP for the Route. The Township retains its discretion to deny the Route, and has not committed to grant a CUP for the Route, nor has the Township conditioned approval of the Route on receipt of any of the benefits or offers of the City or GRE.

Agreement

The Recitals are made part of this Agreement.

GRE

7. Upon the Township approving the CUP for the Route, GRE shall place into an escrow account the amount of \$_____ from which the Township shall be free to draw to move lights from Castle Field in Anoka to Mann Field in the Township. GRE’s offer, gift and commitment shall be limited to the amount set forth in the account. Any amounts not reasonably and necessarily expended by the Township to move the lights as described herein shall be promptly returned or released to GRE.

8. GRE agrees to write a check in the amount of \$125,000.00 to the Township for the Township to use for playground equipment at Collin Park with the remainder, in the Township’s discretion, to be used for construction of Field No. 2 at Collin Park.

The City

9. The City agrees that, within twelve months of the date hereof, and at its sole expense, it will:

- a. Resurface with Class V material the traveled portion of the right-of-way from _____ to 245th Avenue, east of University Avenue, to City specifications in effect as of the execution date of the Agreement.
- b. Repair and repave 245th Avenue west of Highway 65 to the Castle Towers entrance and regrade and add Class V resurfacing from the Castle

Towers entrance approximately 400 feet to the end of the street to City specifications in effect as of the date of this Agreement.

- c. Not initiate any annexation proceedings concerning lands within Athens Township for a period of twenty-five (25) years from the date of this Agreement. This Agreement will be separately memorialized in the Court approved settlement of certain litigation by and between GRE and the City.

The Township

10. The Township agrees to process the CUP for the Route promptly and in good faith and understands that if the CUP for the Route is not approved, this Agreement shall be null and void and neither the City nor GRE shall have any obligations or commitments hereunder.

Releases and Acknowledgments

11. GRE acknowledges that the benefits and payments it is agreeing to undertake hereunder are its own free will offers to the Township. GRE understands that the Township has not processed any application for GRE regarding the Route and has never denied a CUP for the Route or any other route nor has the Township indicated that GRE must make the offers and commitments it is making hereunder in order to have the Route approved.

12. The City and Township acknowledge that the City's obligations under 9a and 9b shall be in the form of a joint powers agreement pursuant to statute, including, but not limited to Minn. Stat. § 471.59.

CITY OF EAST BETHEL

Dated: _____

By: _____

Its _____

By: _____

Its _____

GREAT RIVER ENERGY

Dated: _____

By: _____

Its: _____

ATHENS TOWNSHIP

Dated: _____

By: _____

Its: _____



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City Council Action

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No Action Required:_____