

# City of East Bethel

## City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: February 19, 2014



### Item

- 7:30 PM 1.0 Call to Order**
- 7:31 PM 2.0 Pledge of Allegiance**
- 7:32 PM 3.0 Adopt Agenda**
- 7:33 PM 4.0 Sheriff's Department Report**
- 7:40 PM 5.0 Public Forum**
- 8:00 PM 6.0 Council Interviews for Vacant Council Seat, Appointment and Oath of Office**

### **9:00 PM 7.0 Consent Agenda**

*Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration*

- Page 12-16 A. Approve Bills
- Page 17-30 B. Meeting Minutes, October 23, 2013, Work Meeting
- Page 31-43 C. Meeting Minutes, February 5, 2014, Regular Meeting
- Page 44-51 D. Meeting Minutes, February 5, 2014, Special Meeting
- E. Approval to Advertise for Seasonal Employees
- F. Approval to Advertise for Website/Office Intern

### **New Business**

- 8.0 Commission, Association and Task Force Reports**
- A. Economic Development Authority
- B. Planning Commission
- C. Park Commission
- D. Road Commission

### **9.0 Department Reports**

- 9:05 PM** Page 52-60
- A. Community Development
1. Kirkeby IUP Renewal
- B. Engineer
- C. Attorney
- D. Finance
- E. Public Works
1. 2014 Class V Projects
- 9:10 PM** Page 61-63
- F. Fire Department
1. Fire Department Report
2. Set Work Meeting Dates for Presentation of the Emergency Operation Plan
- 9:20 PM** Page 64-67
- G. City Administrator
1. Commission and Committee Appointments
- Page 68-71

**9:30 PM**      **10.0**    **Other**  
A.    Staff Report  
B.    Council Reports  
C.    Other

**9:40 PM**      **11.0**    **Adjourn**



# City of East Bethel City Council Agenda Information

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**Date:**

February 19, 2014

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**Agenda Item Number:**

Item 4.0

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**Agenda Item:**

Sheriff's Department Report

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**Requested Action:**

Information Item

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**Background Information:**

Commander Shelly Orlando will present the January 2014 Sheriff's Report.

**Attachments:**

January Report

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**Fiscal Impact:**

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**Recommendation(s):**

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**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

## Item 4.0

### Anoka County Sheriff's Office Report January 2014

**DWI's:** There were 7 DWI's in January. One was the result of a personal injury accident where the impaired driver rear ended another vehicle traveling in the same direction on Hwy 65. One DWI involved a male who went to a residence at 2 a.m. reporting he had been run off the road and needed help getting his vehicle out of the ditch. The homeowner, smelling alcohol, contacted 911. Deputies found the suspect to be impaired. His bac was a .27. (He had not been run off the road). One DWI was the result of being stopped for speeding – driver was traveling 93 in a 65 mph zone. A second driver, also being stopped for speeding (83/55) decided he did not want to cooperate with the deputy and began being uncooperative and trying to get away. The suspect was taken into custody and ended up with a gross misdemeanor obstructing with force charge as well.

**Thefts:** There were 7 thefts reported. Four of the thefts involved vehicles. An old plow truck was taken from a business. One vehicle had been missing since April 2013, but the owner had not reported it, believing it had been repossessed by a loan company. The owner learned that the company had not repossessed it and reported it stolen. One theft report involved an acquaintance being allowed to use a vehicle then refusing to return it. There was a theft of a pop-up trailer that had been converted into an ice-fishing house. There was also a theft from a business, where the suspects came back to the business later in the day, and were arrested.

**Burglaries:** There were 2 reports of burglary. One report involved a house that was for sale where appliances and copper pipes had been taken from the residence. There were no signs of forced entry. The second report involved an intoxicated male who had assaulted his girlfriend as she was driving. She kicked him out of the vehicle and he then went to a house and entered into a vehicle that was parked in the driveway. The owner, seeing his brake lights come on, went to confront the male, who was getting out of the vehicle and began heading towards the house. The homeowner went back into his residence and the male suspect barged through the door. The male approached the homeowner in a threatening manner. The homeowner grabbed a baseball bat and threatened to hit the male with it. The male then

left the house and was stopped by a passerby on the road. The passerby kept the male there until deputies arrived.

**Arrest Breakdowns:**

**Felony: 6**

**Possess 5<sup>th</sup> Degree Controlled Substance -2 people arrested (same incident)**

**Criminal Sexual Conduct – 2 charges (same incident)**

**Burglary/Attempted Theft of Vehicle – 2 (same incident)**

**Gross Misdemeanors: 1**

**Obstruct Legal Process with Force**

**Misdemeanors: 11**

**7 from same incident (3 people arrested) 2 – theft, 3 –receiving stolen property, 2 – possess drug paraphernalia**

**1 – Assault**

**3 – Possess marijuana / possess drug paraphernalia/ dar (same incident)**



# City of East Bethel City Council Agenda Information

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**Date:**

February 19, 2014

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**Agenda Item Number:**

Item 6.0

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**Agenda Item:**

Interview Council Applicants

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**Requested Action:**

Interview Council applicants and appoint an individual to fill the City Council vacancy

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**Background Information:**

At the February 13, 2014 Special Meeting, the City Council selected three applicants to be interviewed for the Council vacancy. The three applicants invited for interviews on February 19, 2014 are Mr. Randy Plaisance, Mr. Tim Harrington, and Mr. Brian Bezanson.

Interviews will be limited to 20 minutes each. This will include up to five minutes at the beginning of the interview for applicants to provide a brief introduction and overview of their qualifications. The remaining 15 minutes will be designated for City Council questions. Interview times can be extended but if this is considered then all candidates should have an equal time for interviews. Candidates for the position will be sequestered and interviewed individually.

After the interviews are completed, a vote will be taken to select the person to fill the Council vacancy. Per Minnesota Statute 412.02 Subd. 2a, the Mayor may fill the vacancy on Council if the Council vote to fill the vacancy is tied.

Upon the selection of a candidate to fill the vacancy, a motion to appoint the Council member shall be in order. The motion should be in the form of: "I move to appoint \_\_\_\_\_ to the position of Council member for the City of East Bethel for the term ending December 31, 2014." Upon the receipt of a second, a vote shall be taken on the motion.

The applicant appointed will take their Oath of Office at this time and commence their position as an East Bethel City Councilperson.

**Attachments:**

- 1. Interview Questions
- 2. Oath of Office

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**Fiscal Impact:**

None

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**Recommendation(s):**

Staff recommends City Council interview Mr. Randy Plaisance, Mr. Tim Harrington and Mr. Brian Bezanson and make an appointment to fill the Council vacancy.

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

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Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_



## Oath of Office

I, \_\_\_\_\_, do hereby solemnly swear that I support the Constitution of the United States and the Constitution of the State of Minnesota, and that I will faithfully, justly, and impartially discharge the duties of Council Member for the City of East Bethel, County of Anoka, State of Minnesota, to the best of my knowledge and ability. So help me God.

\_\_\_\_\_  
, Council Member

ATTEST:

\_\_\_\_\_  
Jack Davis, City Administrator

**Subscribed and sworn before me,  
this \_\_\_\_ day of February 19, 2014.**

\_\_\_\_\_  
Notary Public



# City of East Bethel City Council Agenda Information

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**Date:**

February 19, 2014

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**Agenda Item Number:**

Item 7.0 A-F

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**Agenda Item:**

Consent Agenda

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**Requested Action:**

Consider approving Consent Agenda as presented

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**Background Information:**

Item A

Bills/Claims

Item B

Meeting Minutes, October 23, 2013, City Council Work Meeting

Meeting minutes from the October 23, 2013 City Council Work Meeting are attached for your review and approval.

Item C

Meeting Minutes, February 5, 2014, City Council Meeting

Meeting minutes from the February 5, 2014 City Council Meeting are attached for your review and approval.

Item D

Meeting Minutes, February 5, 2014, City Council Special Meeting

Meeting minutes from the February 5, 2014 City Council Special Meeting are attached for your review and approval.

Item E

Approve Advertisement for Seasonal Public Works Positions

Increased demands for road and park maintenance in the spring and through the summer have traditionally required hiring of seasonal personnel to support these activities. The increased work load during this time on park and street projects along with scheduled leave time for full time employees creates a situation where seasonal workers provide additional manpower to assist in project and maintenance activities.

These positions are limited to 67 days for each seasonal employee. Funding for one position in the amount of \$5,900 is provided for in the 2014 General Fund under the Parks Department budget. The other seasonal position is the amount of \$5,900 is provided for in the 2014 General

Fund under the Street Department. First year seasonal employees are proposed to be paid \$10.00/hr. and seasonal employees with previous employment with the City would be paid \$11.00/hr. There will be no benefits paid for these positions.

Staff is recommending approval to advertise for two seasonal employees for the period of mid-May to the end of August, 2014 with each position not to exceed 67 working days.

Item F

Approve Advertisement for Website/Office Intern

Staff is requesting approval to advertise for the position of Website/Office Intern. The City used an intern in this position in 2013 and was able to transfer most of the information from the old to the new website and address some of the functionality and navigation concerns identified by City Council and the Website Committee. This position would provide support service for continued Website update and development. We would need this position for up to 240 hours and the proposed rate of pay would be \$12/hour with no benefits. Funds are available in the City Clerk's 2014 Budget for this position.

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**Fiscal Impact:**

As noted above.

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**Recommendation(s):**

Recommend approval of the Consent Agenda as presented.

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_



**Payments for Council Approval February 19, 2014**

Bills to be Approved for Payment	\$93,639.04
Electronic Payroll Payments	\$27,317.03
Payroll City Staff - February 13, 2014	\$33,497.90
Payroll City Council - February 14, 2014	\$1,735.23
Payroll Fire Dept - February 14, 2014	\$7,187.57
<b>Total to be Approved for Payment</b>	<b>\$163,376.77</b>

# City of East Bethel

February 19, 2014

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Bldgs/Facilities Repair/Maint	84293	Minnesota Conway	615	49851	\$83.00
Arena Operations	Bldgs/Facilities Repair/Maint	012814	Wright-Hennepin Coop Electric	615	49851	\$21.32
Arena Operations	Concession	66	Gibson's Management Company	615		(\$500.00)
Arena Operations	Motor Fuels	1080537198	Ferrellgas	615	49851	\$290.88
Arena Operations	Professional Services Fees	66	Gibson's Management Company	615	49851	\$9,294.65
Arena Operations	Refuse Removal	11094869	Ace Solid Waste, Inc.	615	49851	\$402.89
Arena Operations	Telephone	012814	CenturyLink	615	49851	\$118.35
Building Inspection	Conferences/Meetings	17711	University of Minnesota	101	42410	\$495.00
Building Inspection	Electrical Inspections	020114	Brian Nelson Inspection Svcs	101		\$176.25
Building Inspection	Office Supplies	681732991001	Office Depot	101		\$40.08
Building Inspection	Office Supplies	692252876001	Office Depot	101	42410	\$43.01
Central Services/Supplies	Information Systems	B140211J	Anoka County Treasury Dept	101	48150	\$225.00
Central Services/Supplies	Information Systems	218350	City of Roseville	101	48150	\$2,254.25
Central Services/Supplies	Office Equipment Rental	246773600	US Bank Equipment Finance	101	48150	\$269.50
Central Services/Supplies	Office Supplies	691704635001	Office Depot	101	48150	\$48.04
Central Services/Supplies	Office Supplies	692251394001	Office Depot	101	48150	\$40.34
Central Services/Supplies	Office Supplies	692252877001	Office Depot	101	48150	\$6.85
Central Services/Supplies	Professional Services Fees	020614	Anoka County	101	48150	\$1,782.28
Central Services/Supplies	Telephone	012814	CenturyLink	101	48150	\$244.05
Engineering	Architect/Engineering Fees	32665	Hakanson Anderson Assoc. Inc.	101	43110	\$10,014.32
Fire Department	Bldgs/Facilities Repair/Maint	42797	Ancom Communications	101	42210	\$3,728.00
Fire Department	Bldgs/Facilities Repair/Maint	10939	Betz Mechanical, Inc.	101	42210	\$165.00
Fire Department	Bldgs/Facilities Repair/Maint	9353897664	Grainger	101	42210	\$235.48
Fire Department	Bldgs/Facilities Repair/Maint	84241	Minnesota Conway	101	42210	\$1,018.50
Fire Department	Bldgs/Facilities Repair/Maint	P47507250101	TigerDirect Inc.	101	42210	\$54.21
Fire Department	Bldgs/Facilities Repair/Maint	P47507250103	TigerDirect Inc.	101	42210	\$428.39
Fire Department	Bldgs/Facilities Repair/Maint	012814	Wright-Hennepin Coop Electric	101	42210	\$5.32
Fire Department	Conferences/Meetings	1282845235	MN Chapter IAAI	101	42210	\$95.00
Fire Department	Conferences/Meetings	619632057	MN Chapter IAAI	101	42210	\$95.00
Fire Department	Conferences/Meetings	970442348	MN Chapter IAAI	101	42210	\$95.00
Fire Department	Dues and Subscriptions	2014	Anoka County Fire	101	42210	\$210.00
Fire Department	General Operating Supplies	9351248480	Grainger	101	42210	(\$246.75)
Fire Department	General Operating Supplies	9351248480	Grainger	101	42210	\$644.31
Fire Department	Heavy Machinery	153469	Clarey's Safety Equipment Inc.	701	42210	\$1,126.14
Fire Department	Motor Fuels	2324492	Lubricant Technologies, Inc.	101	42210	\$536.04
Fire Department	Office Supplies	691704635001	Office Depot	101	42210	\$117.22
Fire Department	Personnel/Labor Relations	229158	First Advantage LNS Screening	101	42210	\$598.20
Fire Department	Professional Services Fees	89	Pretty Pigments, LLC	101	42210	\$550.00
Fire Department	Refuse Removal	11094869	Ace Solid Waste, Inc.	101	42210	\$66.76
Fire Department	Telephone	012814	CenturyLink	101	42210	\$421.90
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	10939	Betz Mechanical, Inc.	101	41940	\$297.32
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	15017	GHP Enterprises, Inc.	101	41940	\$345.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	84241	Minnesota Conway	101	41940	\$0.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-01-14	Premium Waters, Inc.	101	41940	\$31.11
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	123530	Robert B. Hill Company	101	41940	\$18.00

# City of East Bethel

February 19, 2014

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
General Govt Buildings/Plant	Refuse Removal	11094869	Ace Solid Waste, Inc.	101	41940	\$107.75
Legal	Legal Fees	01 2014	Eckberg, Lammers, Briggs,	101	41610	\$7,951.28
Legal	Legal Fees	133319	Eckberg, Lammers, Briggs,	101	41610	\$72.00
Legal	Legal Fees	133366	Eckberg, Lammers, Briggs,	101	41610	\$2,276.00
Mayor/City Council	Conferences/Meetings	013014	Anoka County	101	41110	\$14.00
MSA Street Construction	Architect/Engineering Fees	32658	Hakanson Anderson Assoc. Inc.	402	40200	\$285.00
MSA Street Construction	Architect/Engineering Fees	32659	Hakanson Anderson Assoc. Inc.	402	40200	\$332.50
MSA Street Construction	Architect/Engineering Fees	32660	Hakanson Anderson Assoc. Inc.	402	40200	\$4,190.00
Park Maintenance	Clothing & Personal Equipment	1182134513	G&K Services - St. Paul	101	43201	\$18.21
Park Maintenance	Equipment Parts	02-61511	Lano Equipment, Inc.	101	43201	\$21.78
Park Maintenance	General Operating Supplies	453824	Ham Lake Hardware	101	43201	\$25.91
Park Maintenance	Motor Fuels	2324492	Lubricant Technologies, Inc.	101	43201	\$1,030.86
Park Maintenance	Other Equipment Rentals	72767	Jimmy's Johnnys, Inc.	101	43201	\$52.00
Park Maintenance	Refuse Removal	208104	East Central Solid Waste Comm	101	43201	\$76.59
Park Maintenance	Small Tools and Minor Equip	263384	S & S Industrial Supply	101	43201	\$18.41
Planning and Zoning	Architect/Engineering Fees	32674	Hakanson Anderson Assoc. Inc.	101		\$6,124.63
Planning and Zoning	Legal Fees	133366	Eckberg, Lammers, Briggs,	101		\$204.00
Planning and Zoning	Professional Services Fees	792	Flat Rock Geographics, LLC	101	41910	\$1,202.50
Planning and Zoning	Software Licensing	25608973	ESRI	101	41910	\$405.50
Planning and Zoning	Software Licensing	B01651606	SHI	101	41910	\$176.00
Police	Professional Services Fees	92282	Gopher State One-Call	101	42110	\$8.80
Police	Professional Services Fees	01 2014	Gratitude Farms	101	42110	\$670.00
Recycling Operations	Bldgs/Facilities Repair/Maint	84290	Minnesota Conway	226	43235	\$6.00
Recycling Operations	Other Equipment Rentals	72767	Jimmy's Johnnys, Inc.	226	43235	\$52.00
Recycling Operations	Refuse Removal	11094869	Ace Solid Waste, Inc.	226	43235	\$402.89
Sewer Operations	Architect/Engineering Fees	32665	Hakanson Anderson Assoc. Inc.	602	49451	\$333.50
Sewer Operations	Bldgs/Facilities Repair/Maint	012814	Wright-Hennepin Coop Electric	602	49451	\$24.53
Sewer Operations	Chemicals and Chem Products	3559833 RI	Hawkins, Inc	602	49451	\$3,267.00
Sewer Operations	Professional Services Fees	85400	UC Laboratory	602	49451	\$437.00
Street Capital Projects	Architect/Engineering Fees	32661	Hakanson Anderson Assoc. Inc.	406	40600	\$14.36
Street Maintenance	Bldg/Facility Repair Supplies	51253	Menards - Forest Lake	101	43220	\$117.92
Street Maintenance	Bldgs/Facilities Repair/Maint	1182134513	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	84313	Minnesota Conway	101	43220	\$372.00
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-01-14	Premium Waters, Inc.	101	43220	\$31.11
Street Maintenance	Bldgs/Facilities Repair/Maint	012814	Wright-Hennepin Coop Electric	101	43220	\$21.29
Street Maintenance	Clothing & Personal Equipment	1182134513	G&K Services - St. Paul	101	43220	\$17.70
Street Maintenance	Motor Fuels	2324492	Lubricant Technologies, Inc.	101	43220	\$2,556.55
Street Maintenance	Motor Vehicle Services (Lic d)	19855	Central Truck Service, Inc	101	43220	\$358.26
Street Maintenance	Motor Vehicle Services (Lic d)	19860	Central Truck Service, Inc	101	43220	\$2,617.90
Street Maintenance	Motor Vehicle Services (Lic d)	R241042778:01	I State Truck Inc.	101	43220	\$1,178.53
Street Maintenance	Motor Vehicles Parts	3282702	Auto Nation SSC	101	43220	\$457.06
Street Maintenance	Motor Vehicles Parts	3284147	Auto Nation SSC	101	43220	\$964.31
Street Maintenance	Motor Vehicles Parts	C241159744:01	I State Truck Inc.	101	43220	\$378.29
Street Maintenance	Motor Vehicles Parts	1539-268890	O'Reilly Auto Stores Inc.	101	43220	\$27.16
Street Maintenance	Motor Vehicles Parts	1539-270532	O'Reilly Auto Stores Inc.	101	43220	\$237.52

# City of East Bethel

February 19, 2014

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Street Maintenance	Motor Vehicles Parts	1539-270762	O'Reilly Auto Stores Inc.	101	43220	\$15.52
Street Maintenance	Motor Vehicles Parts	1539-270786	O'Reilly Auto Stores Inc.	101	43220	\$23.52
Street Maintenance	Motor Vehicles Parts	020614	Plow World, Inc.	101	43220	\$59.30
Street Maintenance	Office Supplies	691704635001	Office Depot	101	43220	\$33.43
Street Maintenance	Refuse Removal	11094869	Ace Solid Waste, Inc.	101	43220	\$200.29
Street Maintenance	Small Tools and Minor Equip	453330	Ham Lake Hardware	101	43220	\$7.99
Street Maintenance	Street Maint Materials	71120327	North American Salt Co.	101	43220	\$4,029.48
Street Maintenance	Street Maint Materials	71121344	North American Salt Co.	101	43220	\$3,958.00
Street Maintenance	Street Maint Materials	52028	Plaisted Companies, Inc.	101	43220	\$1,276.38
Street Maintenance	Telephone	012814	CenturyLink	101	43220	\$73.30
Tax Increment District No. 1-1	Professional Services Fees	020614	Anoka County	435	43500	\$1,066.70
Water Utility Capital Projects	Architect/Engineering Fees	32663	Hakanson Anderson Assoc. Inc.	433	49405	\$7,110.69
Water Utility Capital Projects	Architect/Engineering Fees	32664	Hakanson Anderson Assoc. Inc.	433	49405	\$85.61
Water Utility Capital Projects	Architect/Engineering Fees	32665	Hakanson Anderson Assoc. Inc.	433	49405	\$84.10
Water Utility Operations	Bldgs/Facilities Repair/Maint	84284	Minnesota Conway	601	49401	\$64.00
Water Utility Operations	Bldgs/Facilities Repair/Maint	012814	Wright-Hennepin Coop Electric	601	49401	\$26.67
Water Utility Operations	Chemicals and Chem Products	3556709 RI	Hawkins, Inc	601	49401	\$90.00
Water Utility Operations	Telephone	012814	CenturyLink	601	49401	\$306.92
						<b>\$93,639.04</b>

# City of East Bethel

February 19, 2014

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
<b>Electronic Payroll Payments</b>						
Payroll	PERA					\$5,918.33
Payroll	Federal Withholding					\$5,698.07
Payroll	Medicare Withholding					\$1,772.60
Payroll	FICA Tax Withholding					\$7,579.06
Payroll	State Withholding					\$2,348.61
Payroll	MSRS/HCSP					\$4,000.36
						<b>\$27,317.03</b>

## EAST BETHEL CITY COUNCIL WORK MEETING

October 23, 2013

The East Bethel City Council met on October 23, 2013 at 6:30 PM for a work meeting at City Hall.

MEMBERS PRESENT:        Ron Koller                      Richard Lawrence        Tom Ronning  
                                     Bob DeRoche                Heidi Moegerle

ALSO PRESENT:            Jack Davis, City Administrator  
                                     Andy Pratt, Eckberg, Lammers & Vierling

Call to Order        **The October 23, 2013 City Council work meeting was called to order by Mayor Lawrence 6:30 PM.**

Adopt Agenda        **Moegerle made a motion to adopt the October 23, 2013 City Council work meeting agenda. DeRoche seconded; all in favor, motion carries.**

Municipal Utility Project Assessments        Davis explained that the East Bethel City Council conducted a Public Hearing for the proposed assessments for the benefitting property owners served by the Municipal Utilities Project on October 16, 2013. Eight property owners filed letters of objection to the maximum assessment that was presented at the hearing. As a result of the objections and the fiscal impact to property owners, City Council tabled a decision on the matter and directed Staff to provide other assessment options.

The final assignment of costs, terms and interest can be reduced to whatever Council deems appropriate. Within this material there are several different options to consider for modifications to the maximum assessment. The key question in this process is how much is Council seeking in terms of assessments to apply to the project costs and what impact will the assessments have on the existing businesses and the marketability of the undeveloped property in this area.

The options proposed are as follows and are described in more detail in the accompanying attachments:

- 1.) The Maximum Assessment Option is presented in Attachment 1-Proposed Assessment Roll as Option 1. This is the same proposal that was presented at the October 16, 2013 Public Hearing;
- 2.) The No Assessment Option is presented as Attachment 1-Proposed Assessment Roll, Option 2. Under this proposal no assessments for the project would be levied against any of the benefitting property owners.
- 3.) Option 3 is proposed as an assessment of \$7,704.03 on each parcel. This option is presented in Attachment 1-Proposed Assessment Roll, Option 3.
- 4.) Option 4 is proposed as an assessment of \$ 7,704.33 against all vacant properties (9 parcels) and \$15,408.66 against all developed properties (13 parcels). The Option is further described in Attachment 1-Proposed Assessment Roll, Option 4.

The total principal and interest owed by the City on the 2010 A, B and C Bonds is \$40,991,000 at interest rates which varying from 4.5 to 7% for the A bonds, 3.1 to 7% for the B bonds and 3.1 to 3.45 for the C bonds. The four options for assessment would produce the following amounts to be applied toward the debt:

- 1.) Option 1, the maximum assessment of \$1,104,030 would produce \$1,847,700 if all those assessed financed their assessment for 20 years at 5.5%. This would represent 4.5 % of the funds necessary to retire the bonds;

- 2.) Option 2, no assessment, would produce no funds to apply to the debt;
- 3.) Option 3 would produce \$283,660 if all those assessed financed their assessment for 20 years at 5.5%. This would represent 0.7% of the funds necessary to retire the bonds; and
- 4.) Option 4 would produce \$451,280 if all those assessed financed their assessment for 20 years at 5.5%. This would represent 1.1% of the funds necessary to retire the bonds.

The concern for the assessment is the impact on the property owners. The options presented should provide a means to address these concerns. We will review these proposals, modifications to the proposal and/or new alternatives to address this situation.

It is recommended that we develop a proposal for assessment for consideration for the November 6, 2013 City Council meeting. An approved Assessment Roll must be submitted to the County Auditor by November 15, 2013 to be included in the pay 2014 assessments.

Staff is seeking direction from Council on this matter.

Ronning, "Is this inclusive of the levy or exclusive?"

Davis, "This is exclusive. We haven't added any cost or reduction for the levy. Assessment would range from \$7000 to \$370,000. Option 2 would be the opposite of this with no assessment. The City would fund the maximum allowable assessment through WAC, SAC or other means. Option 3 would be to assign one ERU whether the property was developed or not. This would generate \$169,000 in assessments.

Option 4 would be to assign one ERU for vacant properties and two for developed properties.

Option 5 would be a reversal of 4. It would be easy to prove benefit. All owners would be assessed \$7704.33 per lot. The amount that would be received is a total assessment \$238,000. This would amount to 6/10 of percent and 1%. We would collect \$100,152 from developed properties. What we tried to do is set up something that was minimal impact to the property owners. Option 4 and 5 represent 75% of the maximum assessment. There needs to be some assessment, and there is a danger of no assessment. We just need to make sure we don't set a precedent."

Moegerle, "Why the twenty years? Is that arbitrary?"

Davis, "It is based on the life of the bonds."

Moegerle, "4.5% and I noticed that bond costs range up to 7%. Why is 5.5 or 4.5 selected?"

Davis, "That is what was in the feasibility study. The interest rates are set on the bond rates. If you want to do an average we would have to do a calculation on what it was."

Moegerle, "How would Classic Construction and Aggressive Hydraulics be affected? Have you talked to Ken Tolzmann?"

Davis, "Mr. Tolzman thought that the property values would increase. If you have a vacant property and you are going to install a well and septic, it would cost \$20,000. We would be able to factor in benefit with these lower costs. The assessment per lot would typically be \$36,000."

Moegerle, "Are there seven vacant lots?"

Davis, "There are thirteen that are developed and nine that are vacant."

Moegerle, "But we have Aggressive Hydraulics, Classic Construction, Northbound Woodworks, and all of these, and we have Met Council that isn't vacant."

Davis, "The theater has six vacant lots and we are also counting the parking lot as a lot."

Moegerle, "We have twelve filled and nine vacant."

Ronning, "In one place it says \$7,705. Where does it come from?"

Davis, "It is the maximum assessable cost. It came from the feasibility study."

Ronning, "The water is \$1,527 and the \$6,178 is the sewer. Are we operating from Bolton and Menk?"

Davis, "That is the cost of the sewer and water assessment and what 1 ERU for water and 1 ERU for sewer."

Ronning, "Did that come from Bolton and Menk?"

Davis, "Yes".

Ronning, "Can we get that information?"

Davis, "It would be in your packet."

Koller, "Is it on the website?"

Davis, "Please pull up the summary sheets."

Ronning, "I want to keep apples to apples. I want to keep to the real story."

DeRoche, "Curt did the City bring up lateral benefit charges?"

Curt Strandland, "I just attended the meetings when they were lead by Kreg Schmidt. I don't recall any specific numbers. There was assessment talk, which I had a problem with that from day one. I never got a real definite answer."

Ronning, "They embellished the costs to begin with. Your group took out some numbers from that. It might be what Bolton and Menk said. We can't assess someone more than what the cost is."

Davis, "The costs are 75% less than what the maximum allowable is. The cost of that portion is \$1 million. The street costs are \$476,000. That cost wasn't included in here."

DeRoche, "Is there any information out there about lateral assessment benefits. Did anyone produce anything back then? If you are putting together a feasibility study for a project, didn't they have some idea of what they were going to charge?"

Moegerle, "October 15, 2010, October 20, 2010 it looks like lateral assessments were

discussed.”

Davis, “The feasibility study was completed in the fall of 2010, as part of the first public hearing. There were some letters of notification sent out suggesting what the assessment could be.”

Ronning, “The people on the street have a lateral benefit of some kind, but further down the block and on the cul-de-sac were assessed later. Would the assessment be permanent?”

Davis, “This is a one time cost.”

Ronning, “If the bond costs go up or down does the assessment change.”

Davis, “No.”

Moegerle, “There is developed, undeveloped and recently developed. The ones that are already developed there is a minimum difference. Then we have Aggressive Hydraulics, who wouldn't be here but for that. Does that make things more complicated or more simple to look at it how it was in 2010? This is a burden not a benefit for some business. If we look in term of burdens or benefits does that make it easier?”

Davis, “We said we have to do things equitably. It is somewhat confusing and is a definition of terms is not needed. There are lateral water benefit, future benefit, sewer and it goes on. It sets up a hierarchy that is difficult to comprehend.”

Koller, “I went over this with a calculator last night and it turns out so did you. I think that number five is the best plan.”

Davis, “I think that too. People didn't come knocking on our doors to get this implemented.”

DeRoche, “Some did.”

Koller, “Existing businesses paying 1 ERU is fair.”

Moegerle, “2010 or now?”

Koller, “I would count them as existing.”

Moegerle, “I would think the vacant lots should be three ERUS or more and would like to hear from Ken Tolzman what the availability of utilities increases the value of the area. Who is going to come in? Isn't that the fast lot alley?”

Davis, “These properties are suited for light industrial. They will develop along the same pattern of what is there. What cost can you add to these lots without affecting marketability. Our land costs are less, and the others costs are higher here.”

Ronning, “Another variable on the building sites some are more buildable than others.”

Davis, “As far as being developable, most of those lots are comparable.”

Moegerle, “What leads me to 3 ERU? This does not benefit the general public. The 1 million number was imaginary in 2010. All of this benefit is 100% commercial. The residents are carrying the burden. I am not to blame for this circumstance. To the extent that we don't assess it to commercial, the residents will have to pay.”

Paul Johnson, "I don't know if it was appropriate. Curt Strandland and I both spoke. Our interest in being here is for the community; we are residents of the community. We want to live in a city that is functional, and there is no discord and so on. You are talking about balance. One of the tangible things that we dealt with was that we paid a lot of money for appraisal that came up with numbers that I didn't believe. The land component was based on having city water and sewer services. We did some other due diligence. We challenged the appraisal and the comparables. The comparables were Blaine, Anoka and Andover. The appraised of our lot was \$2.20 per foot. I agree with Moegerle on her thoughts about a McDonalds. But having said that, we are here this week and last week. \$2.20 18 months ago. But everything we went through we validated. We paid over \$15,000 for the appraisal."

Ronning, "The assessment and appraisal was based on the availability of sewer and water."

Paul Johnson, "Yes."

Moegerle, "The property at 16835 Hwy 65 is 77 cents per square foot. I also found property in St. Francis for 36 cents per square foot. I am trying to get a balance on what is the cost in the area per square foot."

DeRoche, "We don't know what businesses are coming in."

Lawrence, "As we look through the information, I have a problem assessing someone for a parking lot. I have a problem with that one. All of the ERUS are coming from the water usage. When you look at the assessments, as I recall, to avoid any problematic issues with the business owners, don't we need to get an actual assessment of the actual value increase to actually assess."

Andy Pratt, "The general law states that the benefit of the work done cannot exceed the cost to the property. You can't assess a property \$10,000 if the work is only \$5,000 worth of value. Each property will have a different value. That is the touchstone that you have to follow."

Lawrence, "Have you looked at the value to each property?"

Davis, "We have reduced the amount by 75%. It would be hard to prove there is no value."

Lawrence, "There is no dispute on value."

Davis, "With all the improvements, we can prove the benefits."

DeRoche, "I don't have a problem assessing the parking lot. If the theater moves, then we would lose that."

Lawrence, "If the property came available at a different time, wouldn't you go back and assess that?"

Davis, "They are usually done at one time."

Moegerle, "The \$1,014 million, reducing it by  $\frac{3}{4}$  is exceedingly generous, because the rest of it goes onto the taxpayers."

Davis, "We are not here to decide. This is to try to get consensus, so we can present it at the next city council meeting for a decision on what Council feels appropriate."

DeRoche, "We can't put it all on the residents. The residents aren't going to close their doors and leave. You can't put it all on the businesses, because then they will leave. I think the lack of the way numbers on lateral connections. I think that there wasn't any information out there leaning this direction. I don't get it. Some businesses thought this was the greatest thing in the world. Now there is a lateral benefit, and the SAC/WAC."

Moegerle, "We could do 1/2 of the \$1,014 and then with regard with that, then split that in 1/3, and 2/3 go into vacant lots and look at dividing that based on square foot of the business. I had the privilege of drinking the water from Aggressive Hydraulics. If you did it based on the cost of the business, could we see how that turns out? That might be a fair way of doing it. Could you work that up?"

Davis, "That is what we are here for to see how you would like to proceed with it."

Ronning, "I don't think there is a fair way. I know time is wasting. But without knowing actual costs, without knowing them, it is hard to divide the costs with any kind of equity in his view."

Davis, "The actual cost for water and sewer were \$7,936,077. This is for the city share of the lateral lines. The total lateral assessment revenue that can be assessed is \$1,104,030.49."

Moegerle, "My idea was a starting point. I appreciate it will be skewed. I know what a burden it is going to be for some businesses."

Moegerle, "What if we back load this like our bonds? What if we said if in the first year the assessment is 10%, and then it keeps increasing? Will that make it more desirable?"

Ronning, "It is a worthy thought and suggestion. If the business sells after four years, and we wait for another theater to come for the rest of the twenty years, it doesn't work."

Moegerle, "Doesn't the bank take it over?"

Davis, "It would have to be assessed on their taxes. We would have to talk to the County to see if we could do this. I am not sure if they are set up to do this or if they would consider this."

DeRoche, "Originally the theater had 27, and there is a property that doesn't have any. So how did the one property wind up with none?"

Davis, "This isn't an assessment in there, it is a MCES SAC assignment. As far as SAC charges go, they will be reassigned based on use when a business changes."

Moegerle, "Is it \$4000 assessment per ERU?"

Davis, "When the notices were sent out in 2010, they were at \$8000 per ERU."

Moegerle, "Does Met Council get anything of the assessment revenue?"

Davis, "No. Met Council will be receiving an assessment for the water usage portion of the project."

Ronning, "Their business is using water."

Davis, "They will be a larger water user."

Moegerle, "They are water reclamation. They are transporting bio-waste."

Lawrence, "Is there a comment from the theater?"

Moegerle, "What about the idea of assessing the parking lot?"

Davis, "It is a separate lot and if they did develop, the parking lot would be the most valuable lot."

DeRoche, "For the right price the parking lot could disappear."

Lawrence, "I have a problem with the parking lot being assessed."

Davis, "It is being assessed as a vacant lot."

DeRoche, "In light of some things happening, I can see the parking lot turned into something else. Once it happens, nothing would be assessed."

Pratt "State law allows 30 years of assessment, that could ease the cash flow. The interest cost is then spread out over 30 years. If you have extenuating circumstances. Usually they are set with the term of the bonds."

Davis, "Most of these we would get probably get 2 or 3% that would be interest."

A resident "Are there any opportunity for any business to have an exemption from this due to extenuating circumstances? I am thankful that I didn't invest in a well and septic and then have to abandon it. There is a benefit. I have been to Northbound a couple of times. They did all the cabinetry in our business. I am a little sensitive to the fire suppression equipment. Here is a business that incurred a mandate approaching \$100,000. He was told that you don't have to hook up. He continued on with his investment. He put in an 8 inch well. As a neighbor, that is a pretty small business, and just a few employees."

Moegerle, "Maybe we could do a rebate. That value we are negating completely."

DeRoche, "If we do it for one, then all the businesses would come in and say the same thing."

Pratt, "The State law provides exceptions, and this wouldn't fall into this."

Lawrence, "There is a value for the residents to have businesses here. People go to the theaters, and Aggressive Hydraulics is a good business. The actual benefit spills over into the community."

DeRoche, "We are going to be taxing the resident for something they won't benefit from."

Moegerle, "How long has Northbound been in business?"

Resident, "Ten years."

Ronning, "When we talk about these things, we are talking about some degree of fairness. We have to make sure when we help one, we don't hurt the other one."

Moegerle, "All of the market values I was looking at are 1/3 of what they were last year."

Lawrence, "I wonder if you have enough direction Jack."

Koller, "I still like option 5."

Moegerle, "Yes, that is the best that is there."

Davis, "We had a recommendation from Moegerle, and they can work that up too, and will have it for the Council meeting."

Koller, "Option 1 and 2 are out of it, and I am not crazy for Option 3."

Moegerle, "If it could be put in a table, that would be easier for me."

Davis, "It is an attachment."

Moegerle, "After three p.m. I don't check my email."

Lawrence, "We have provided input, we need a work up and need to be sensitive to both sides of the coin."

Davis, "We can do whatever we want to on this. These are just the numbers that work out based on the maximum assessable costs. We can change values also."

Ronning, "If the distribution is reasonable and you reduce the cost per, to some extent, that is another thing to think about anyhow."

Davis, "The tough assignment is to figure out what is reasonable. Any guidance that can be given is welcome."

#### 2010A & 2010B Bond Issues

Davis explained that there has been an ongoing discussion since 2011 regarding the use of the 2010 A & B Bond Funds. City Staff was informed that these funds had to be used on infrastructure projects and defeasance was only a possibility in the event that alternative projects. As a result of Congressional budget reductions through sequestration, which became effective in 2013, the City's tax credits on the A and B Bonds were reduced by 8.7% on the amount we received for our August 2013 payment.

This reduction in the tax credits has been interpreted as a unilateral modification of the terms of the agreement and therefore permits the use of excess bond funds to defease or pay down the bond issuance as part of a refinancing sale of the bonds. Since the City receives Federal Tax Credits on these bonds, they are subject to final IRS rulings on this matter. There are still questions as to the tax liability on the use of the bond funds for other purposes than infrastructure expenditures that have not been fully answered.

As you know we've been working on this approach with Ehlers in regards to the bond refinancing. Ehlers is continuing to explore opportunities to use our bond surplus funds (up to \$800,000) to pay down the 2010 B bond to make it more attractive for a sale. They presented an option which was discussed at our HRA meeting on October 2, 2013 and this was tabled due to our concerns regarding:

- The need to keep these funds in the short term to address any potential change order costs for the Castle Towers Project;
- The need for the use of these funds for additional infrastructure projects that

were discussed at the above mentioned meeting; and

- The need for additional time to evaluate the proposal. The 2010 B bond sale that was presented by Ehlers would have been part of the 2005 B refinancing to save issuance costs and we only had 2 days to decide if including the 2010 B in this sale would have been in our best interests.

The timing issue of this proposed refinancing, through the fault of no one, and the initial prospectus of breakeven costs of savings of the 2010 B bond sale versus infrastructure benefits and the other reason listed above were our basis for informing Ehlers not to pursue this addition to 2005 B sale and to continue seeking opportunities to revisit a more attractive proposal.

We have been examining the issue of defeasance and the potential to pay down the bond debt for refinancing purposes since August of 2013. We have had numerous conversations with Ehlers, Dorsey and Whitney (the original Bond Counsel for the project) and Eckberg Lammers as to our options and interpretations in this matter. The issue of a reconsideration of refinancing the 2010 A & B Bonds has been the Council Agenda since September and the potential for defeasance of the bond fund balance has been on the Agenda for the October 2<sup>nd</sup> and 16<sup>th</sup> meetings

Councilperson Moegerle examined the 2010 A& B Bond Record Books and found some language that needs further explanation. Her concerns, and I'm also sure that they will be universal, are related to implications that excess bond funds could be used for defeasance, which was contrary to what we had originally been informed.

Should this have been an option to Council from the beginning, it may have influenced the decision to proceed with the Castle Towers/Whispering Aspen Force Main Project. However in this case, this project would have been needed to complete regardless of the opportunity to use the excess bond funds to finance the work. The costs to decommission the sewer plant at this location and install the force main with the bond funds would be same as those required to renovate the facility and keep it operating for the next 30 years using other funding sources. In addition this project will enable us to provide sewer service for larger developments along the corridor and apply SAC charges to new housing starts in Whispering Aspens and other new connections to this phase of the system.

I have attached those sections from the Bond Record Book that have been questioned by Ms. Moegerle. These are listed as Attachment 1.

The savings years were 2016-2020.

Davis, "Andy is here to answer these questions and Heidi can expound on her concerns".

Moegerle, "When I went to the State Fair, I picked up business cards from Franken and Klobuchar. When the Springsted bond books were at my home and I wanted to talk to the Senators about our rebates. However my concern was when I saw the documents, it talks about we can't reimburse ourselves. Andy and I talked about that earlier. This is on page 4 - P and Q. We know now, that Davis found on December 15, the HRA was repaid \$640,000. If we have repaid ourselves and we can't repay ourselves, is that an issue? We have to figure out what was done. That is one issue. We have identified the problem."

Lawrence, "I would like to know if there was a question on the answer."

Pratt, "We had talked about that earlier."

Moegerle, "The form of the resolution was convoluted and circular and looks like there is still something that needs to be done. 2010-86 and 2008-41. That one is pretty clear."

Ronning, "Due to the nature of these, your level of attention is going to drop when you get to the 10<sup>th</sup> or 11<sup>th</sup> one. Anyone else agree with that?"

Pratt, "I met with Davis, he doesn't know what was spent, etc. The general rule for reimbursement for bond proceeds. If there was a new project, capital, and you were going to bond for that in the summer of next year. You can spend money now, but in order to reimburse yourself, you must pass a resolution to authorize repayment by the bond in the future. For example there has to be reasonable relation between bonding and time. If you spend money you have to pass a resolution for reimbursement. In this resolution in 2010, it looks like you are in compliance. Where did the \$646,000 loan come from? There are a lot of moving parts. You have met the timelines that were required."

Moegerle, "It says we earlier declared that City to be reimbursed. There might be some limitation."

Pratt, "The one exception to this, for the big projects you have engineer costs up front. They are basically the first costs. Those costs can be paid before the bond is issued without having to do the resolution. You can spend up to \$3.3 million on up front costs without having to pass the resolution."

DeRoche, "There were bond attorneys and a city attorney and it was all looked at. I understood the HRA paid for the upfront engineering costs and when the money came back it was paid back. We've gone through all this, and there wasn't any incompetency. Now this stuff is coming up and why wasn't the question raised then?"

Moegerle, "I just got this October 4. This document is not on the website and wasn't in the packet. Is there an issue of three bonds being issued at one time?"

Pratt, "The certificate all had to do with one bond."

Moegerle, "The bonds."

Pratt, "Yes, but the Series."

Moegerle, "The funds will be deposited in a bond fund and different very long name for bond fund. Apparently the funds were commingled. Does it matter whether which fund they come from for reimbursement? It may be a technical error."

Pratt, "The name of the bond fund, they typically do get commingled. For paperwork and book keeping the bonds are names for each series of bond. As a book keeping function you keep track of the differential. This is an unchartered area for the City. We don't want the City to be a test case. We have newspaper articles that talk about cities all around the country that are trailblazing, and the city has not spent down all of the proceeds of the bond. If these were not BAB's or RZED, it would be a big deal. If you do things that jeopardized the rebate, then you are possibly getting in trouble through out the term of the bonds. I think one of the benefits of refinancing the bonds would be able to get out of the structure of the

Federal Government. If you refinance to tax exempt bonds, then you don't have to worry about the debt service. We also have this issue about the excess of the \$800,000 of the bond proceeds. You have four options."

Moegerle, "It says you shall defease the bonds."

Pratt, "Here is the problem with that language. For the most part the funds need to be spent on a hard project. That was the whole intent of the Federal Government at that time. Bond attorneys counseled the City to put the money on projects. Defeasance was talked about. Later on the IRS sent out guidance (unofficial), with BAB's and RZED that if you do some partial defeasance of the bonds, then that can jeopardize the whole tax rebate going forward. You can't reissue BAB's or RZED bonds anymore. That unofficial guidance post dated this document."

DeRoche, "We used the bonds proceeds to go ahead with Castle Towers."

Moegerle, "The document said we would have to spend 85% by December. \$2.5 million could have been used to defease the bonds. We might have been able to put the money into paying down the bonds. I can imagine we are going to hear questions from people at the public hearing."

DeRoche, "There is nothing we can do about it now. We can point out how it could have been done differently. We can't do anything, so we are going to ponder this thing for a little longer."

Moegerle, "There were no present facts that would change expectations. We weren't advised when we were making our decisions, and that really stinks. If we would have known this in 2011, we would have made better decisions."

Pratt, "I am not sure what the market looks like for refinancing. Back when these bonds were issued, bond counselors were wary on the Federal government paying back the rebates. That is why this language was put into the bond resolution. Normally you have to wait 8-10 years to do it. Ehlers would know more, if it was possible from the market perspective."

Moegerle, "The basis of the promise, was it backed by the full faith and credit."

DeRoche, "It irks me that we pay staff, and then we second guess staff."

Lawrence, "The question is we did do things correct and legal."

Pratt, "My review states it was all done legally. It would be nice to do some confirmation of the loan, and where it came from."

DeRoche, "We should go back and look for documents, we can't change anything that is going on."

Moegerle, "That is why it is a work meeting and that is why we are there. I don't have any more on this. Did we do the right thing for the right reason?"

DeRoche, "The next time there is an issue like this, it should come before Council and Council should direct staff."

Moegerle, "Does the shall require the \$800,000 to buy this down?"

Ronning, "May we?"

Pratt, "No you don't have to use the rest of the \$800,000 to defease. You have some potential projects you could use this money on. If you do that, they are all capital expenditures."

DeRoche, "If they are revenue bonds, and they are GO bonds and they have to be paid, correct?" Pratt, "Yes."

Ronning, "Your advice is to put it into capitol projects."

Davis, "In order to make a bond sale attractive, we have to buy down some of the debt. Can we do this without incurring any tax implications? The advantage to spending it down on the bond debt, even if the savings are minimal, is well worth the consideration."

Ronning, "The rebate is one thing."

Davis, "Our tax credit will be reduced 7.2% this year and this will be a chain that will be pulled every year."

DeRoche, "I would have made the same decisions."

Davis, "We would have had to do something for Castle Towers either way. It would be difficult to explain it on some levels. There are still some costs that are/maybe out standing."

DeRoche, "We already discussed that we had reserved funds to cover the change orders."

Davis, "We left it with Ehlers to still continue to looking."

DeRoche, "I would recommend council direct staff to look for the resolution."

Moegerle, "I would have liked to have all the information upfront."

Davis, "There are some gaps in the pre 2011 records , hopefully we will be able to have it out in an update by the end of next week."

DeRoche, "Wouldn't the resolution have been in the Council packet?"

Davis, "Yes, typically they would have been."

DeRoche, "The law suit wasn't settled with the County."

Davis, "There was money transferred out of the equipment replacement."

DeRoche, "I have the paperwork that shows the amounts were and how it was moved."

Ronning, "The battle with the County and the HRA. Did that money come into the City or

the HRA?”

Moegerle, “That is why we have \$800,000.”

DeRoche, “They borrowed the money to do the engineering, and then paid it back.”

Our Saviour’s  
Lutheran  
Church  
Utilities  
Project

Davis explained that Our Saviors Lutheran Church (OSLC) approached the City and made a preliminary request to connect the City’s water and sewer system in November 2011. This extension would connect to the City system on Viking Boulevard and extend south along the GRE power line to a point inside the Church property just south of Crooked Brook (see attached site plan).

This project stalled and OSLC has expressed an interest in renewing the discussions for the extension. OSLC has had conversations with several developers concerning this matter and needs updated utilities cost to proceed with their negotiations. Staff met with OSLC on Thursday, October 17, 2013 and, as a result of the meeting, will provide OSLC with updated costs for the project. Staff informed OSLC that as soon as they had a commitment, Council could examine and consider options and proposals for the project.

Attachment 2-Alternative 1 presents the costs to serve only OSLC. Attachment 2-Alternative 2 presents the costs to upsize the lines for extension to areas, which could potentially be served and to provide for a future loop to connect the water lines the lines that are currently serving the Classic Commercial Park.

The extension of water and sewer service to OSLC would open up the potential for development for the 51.5 acre Church campus. OSLC has plans for a 40-60 unit Senior Housing Project and there is the possibility of the expansion of existing Church building and the addition of an expanded preschool program and facilities which would add to the City’s ability to meet its ERU mandates and acquire connections and user fees necessary to pay the indebtedness of the system.

The first cost estimate was \$330,000. The second would be to upgrade the lines and to serve any other future extensions, the cost \$476,000.

DeRoche, “Are they looking at running it the same way?”

Davis, “Yes. The church said they are ready to look at the full range of services to put. If they get a commitment from a developer, I would like to get these numbers to them so they can use them for their negotiations.”

DeRoche, “It needs to be more formalized for them.”

Lawrence, “It is a proposal, and the cost would be valid for 30 days. At least that gives them some sort of number they can use.”

DeRoche, “Would it be easier for them to come up 189<sup>th</sup>?”

Davis, “It is closer to come up County Road 22.”

Moegerle, "Are they planning on paying their fees?"

Davis, "There are many ways we could assist them."

Moegerle, "Anoka County did their housing assessment, the Oak Grove Senior Center is not full, we would have to look at their housing assessment. Karen Skepper was pretty firm that City of East Bethel wouldn't get assistance on this from Anoka County."

DeRoche, "There would be more opportunity for people here with the strip mall."

Davis, "We could apply for CDBG funds, and we could apply for it on our own. Essentially they would have a presale of the rental units. They would have 60 or 70% occupancy before they started out. This is a little different project and we have to have a written commitment. It is very refreshing that they are renewing discussions. If it is a 40 unit complex, that is 40 SAC/WAC charges."

Lawrence, "The City of East Bethel would have a lot more to offer than Oak Grove."

**DeRoche made a motion to adjourn at 8:40 PM. Moegerle seconded; all in favor, motion carries.**

Respectfully submitted,

Jill Anderson  
Recording Secretary

## EAST BETHEL CITY COUNCIL MEETING

February 5, 2014

The East Bethel City Council met on February 5, 2014 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT:        Bob DeRoche                Ron Koller  
   Heidi Moegerle             Tom Ronning

ALSO PRESENT:            Jack Davis, City Administrator  
   Mark Vierling, City Attorney  
   Craig Jochum, City Engineer

Call to Order        **The February 5, 2014 City Council meeting was called to order by Mayor DeRoche at 7:30 PM.**

Adopt Agenda        **DeRoche made a motion to adopt the February 5, 2014 City Council agenda with the additions to the agenda, bonding series (handout) and the supplemental bills that were submitted after the submission of the packet and a motion for censure that was tabled.**

DeRoche, "A couple of resolutions have 2013 on them and now they are 2014, do they need to be corrected? The motion for censure was overlooked the last time and something done with it."

Moegerle, "Where are they going to be added to the agenda?"

Davis, "The first one is the ordinance and it can be added to 4.0 bond sales. The supplemental bill should be added to the consent agenda as A.1."

DeRoche, "For the censure, I don't know, I guess 8. 4A, after town hall meeting date."

**Ronning seconded; all in favor, motion carries.**

2010 B Bond Refinance Proposal        At the January 22, 2014 City Council Meeting, Council authorized Ehlers and Associates to solicit proposals for the sale of refunding bonds 2014A with a par amount of \$5,590,000. These bonds will be used to refund the 2010B GO Utility Bonds.

Ehlers, Inc. will compile the bid results for this bond issue and provide the tabulations for Council consideration on February 5, 2014.

We have provided the Resolution, less the award information, for your review: Resolution 2014-04 Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$5,590,000 General Obligation Refunding Bonds, Series 2014A. Ehlers will revise the resolution with the sale results once they become available.

Ehlers, Inc. will provide additional information regarding the interest and debt service schedules during the presentation on February 5, 2014.

Pending an acceptable sales proposal, staff is seeking direction from City Council regarding adoption of Resolution 2014-04.

Stacey Kvilvang with Ehlers will provide more information. Staff is seeking direction regarding adoption of resolution 2014 -04.

Kvilvang, "We did have the sale today, there were six bidders. The lowest responsible bidder was Piper Jaffrey. This was about 20 basis points lower than what we expected. The future value savings of about \$1.5 million it is about \$220,000 than what we expected. Before you tonight the new PAR amount is \$5,485,000. "

Moegerle, "If you could clarify in section six on page 19, it references the City owning the sanitary system, we don't own the system, because Met Council does own the treatment facility, are there concerns with that statement?"

Kvilvang, "No concerns."

Ronning, "Can you restate the savings?"

Kvilvang, "It would be \$1.5 million, that was to allow savings up front to allow development to happen. It shows in 2015 you have \$77,000; 2016, \$140,000, 2017, \$175,000 and 2018, \$262,000 and thereafter you have approximately \$40,000 per year."

Moegerle, "What that does is absolve us from paying principal until later?"

Ronning, "The first fifteen were interest only on the old bond".

Kvilvang, "No they wouldn't allow that. It looks like before 2018 is when you would have been kicking in principal before".

**Koller motion to adopt the Resolution 2014-04 Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$5,590,000 General Obligation Refunding Bonds, Series 2014A. . Ronning seconded; DeRoche-Aye, Koller –Aye, Ronning-Aye, Moegerle-Nay, motion carries 3-1.**

Public Forum

Council member Ronning, "I don't know how many people were here at the last meeting. It was a lively meeting to say the least. Richard Lawrence had made some comments and that were very accusatory and damaging. On his behalf, that is uncharacteristic as anyone that knows him. It seems he was pushed or put up to this. I retained an attorney, Michael H Daub and asked him to look into some of this. He issued a letter on February 4.

Dear Mr. Ronning:

I appreciated the opportunity to meet with you in my office. You have requested that I advise you whether you are eligible to hold public office in Minnesota. In 2012, you were elected to the East Bethel City Council.

You have inquired because on March 31, 1992, when you were living in Oakland County Michigan, you were convicted of carrying a "concealed weapon." Under § 750.227(1) of the Michigan Penal Code a person carries a concealed weapon when they are in possession of a "double edged nonfolding stabbing device" in a motor vehicle, whether concealed or not.

According to the information I reviewed from Oakland County Michigan, you entered a plea of guilty to that charge, were sentenced to pay court costs of \$300 and placed on probation for one year. You were discharged from probation on February 8, 1993.

Based upon the facts that have been related to me, the Michigan conviction does not disqualify you from holding public office in Minnesota. To determine if you can hold public office following your conviction, two issues must be reviewed: (1) if you are eligible to vote and, (2)

have your civil rights been restored.

In Minnesota, municipal elections where voters nominate or choose by ballot any public officials are governed by Minn. Stat. ch. 205. Under Minn. Stat. § 205.13, subd. 1, “An individual who is eligible and desires to become a candidate for an office to be voted for at the municipal general election shall file an affidavit of candidacy with the municipal clerk.” The affidavit must be in the form specified in Minn. Stat. § 204B.06, subd. 1. Under Minn. Stat. § 204B.06, subd. 1(1), the affidavit must provide information including that the candidate is an eligible voter.

Eligibility to vote is governed by Minn. Stat. § 201.014. To be eligible to vote an individual must be 18 years of age or older, a citizen of the United States and maintain a residence in Minnesota for 20 days immediately preceding the election. However, under Minn. Stat. § 201.014, subd. 2(a), certain individuals are not eligible to vote, including an individual convicted of any felony whose civil rights have not been restored.

The rights felons lose are primarily governed by state law. Under Michigan law, certain rights and privileges are lost upon conviction of a felony. Michigan prohibits persons who have been convicted in state and federal court from voting while incarcerated. Under Michigan Election Code § 168.758b, this right is lost if the crime is a misdemeanor or felony. The right to vote is automatically restored upon release.

Under Minn. Stat. § 609.165, subd. 1, when a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and full citizenship, with full right to hold office, the same as if such conviction had not taken place. Under Minn. Stat. § 609.165, subd. 2, you were discharged by an order of the court on February 8, 1993. As a result, it appears that under Minnesota law, when you were discharged from probation on February 8, 1993 your civil rights were restored, including your right to hold public office.

If your eligibility to hold public office is still the subject of any further question, I will be glad to evaluate any additional factual or legal information which might support such a claim. I have appreciated the opportunity to assist you. Should you have any other questions or concerns, do not hesitate to contact me.

Very truly yours,

Michael H. Daub”

Consent  
Agenda

Item A  
Bills/Claims

Item B

Meeting Minutes, January 22, 2014 Regular City Council  
Meeting minutes from the January 22, 2014 Regular City Council Meeting are attached for your review and approval.

Item C

Resolution 2014-05 Accepting Work

The Contractor has completed all construction and punch list items for the Jackson Street Reconstruction Project and has submitted all the required documentation to consider this project for final payment. All costs associated with this project are paid 100% by the

Municipal State Aid Construction Fund. Staff recommends final payment of \$57,010.21. A copy of the final payment form and resolution accepting the work are attached.

Moegerle, "I would like to pull B please."

DeRoche, "Do you want to pull B for grammatical errors or content?"

Vierling, "You have added A, A1, B and C."

**Ronning motioned to approve the consent agenda with the addition of A1. Koller seconded the motion.**

Moegerle, "Are we approving the full consent agenda?"

Ronning, "Full."

Moegerle, "I would like to pull b for a substantive issue, and I think clarification is required."

Ronning, "That would require an amendment to the agenda."

Vierling, "Yes, if the majority doesn't want to remove an item."

**DeRoche-Aye, Koller-Aye, Ronning-Aye, Moegerle-Nay. Motion carries 3-1**

New Business  
Review of Ordinance 49, Second Series Amending the Zoning Code Relating to Accessory Structures in the City and consider approval or modification of the sidewall heights for accessory structures

Review of Ordinance 49, Second Series Amending the Zoning Code Relating to Accessory Structures in the City and consider approval or modification of the sidewall heights for accessory structures

On September 25, 2013 City Council adopted Ordinance 46, Second Series amending the Zoning Code relating to accessory structures. Council also directed staff to have Planning Commission look at some additional items in the zoning code relating to Section 14. Detached Accessory Structures.

Planning Commission discussed this item at their October 22, 2013 meeting. A public hearing was held at the November 26, 2013 Planning Commission meeting for the Zoning Code changes and the approval provided at the October 22, 2013 Planning Commission meeting was reaffirmed.

At the January 8, 2014 City Council Meeting, Staff presented those changes that were recommender Planning Commission as Ordinance 48. Mayor DeRoche made a motion to table Ordinance 48, § Amending Appendix A, Zoning, Section 1, General Provisions of Administration and Section 14 Accessory Structures. Councilperson Ronning seconded; all voted in favor and the motion carried to table was made due to a previous Council request to re-examine the wall height requirements structures and furnish Council with information on the regulations of surrounding Cities.

Included in the attachments are a spreadsheet of the sidewall height regulations and the narrative of each City's requirements. Our current regulations are similar to those of our surrounding Cities. The table that have been approved for Ordinance 49 is attached and the table in the Ordinance that lists sidewall heights that are our current standards.

Staff is seeking direction from Council as to approval as is or with modifications to

Ordinance 49, Second Series, Amending Appendix A, Zoning, Section 1, General Provisions of Administration and Section 14. Detached Accessory Structures and direction to publish.

**DeRoche moved to table the agenda item.** “My reason not only the wall height, because of the concerns on metal on the side of the building. Does that include aluminum? I would recommend there be a work meeting and discuss this with the Planning Commission. We need to figure out what it is going to be. Otherwise we will get into a revolving door. I have had numerous calls on this topic.” **Ronning seconded.**

Ronning, “Accompanying with this there are examples from Ham Lake.”

Davis, “The other community examples are Ham Lake, St. Francis, Andover, Cambridge and Isanti.”

Ronning, “I think this is selective. I would like to see what our tax fee is for cigarette license, and car license. No one else in the state has it.”

Davis, “We have the comparison table on fees. Ours are comparable with others. We did lower the cigarette license fee to \$100 a few years ago.”

DeRoche “To compare us with other cities is fine, you’re not comparing apples to apples, we represent the City of East Bethel residents. There is no one over on Coon Lake that has an acre. I couldn’t put up my house legally right now. People buy their lots and I would caution anyone on a commission, to consider personal feelings or what you don’t like but doesn’t mean other people shouldn’t have it. Any decision doesn’t affect one or two people out there. Are there things that I have seen that I don’t like; sure, you have to deal with it. There may be things on my property that others don’t like. I have handled quite a few calls on this. It is really restrictive. Maybe the new development coming in. Well those are being set by the plan. An accessory building, you can’t build a garage big enough to put something inside. Heck I have boats, snowmobiles atv, trailers, tractors, and they aren’t junky, but if I have two or three trailers sitting there, I don’t want to drive somewhere to get it.”

Davis, “Your motion is to table and have a joint meeting. Since the Planning Commission has already had the meeting concerning this , City Council can act on Planning Commission approval and make additional amendments.”

Ronning, “It isn’t just a garage or a shed; it is dogs houses and sheds or doll house and a trailer that was included and subtracted from the total amount. Steel siding is used every place. They will do the siding onsite. They will do the entire length of their home and to go way back I have never seen a need for a change in the ordinance. I don’t know why it is a subject.”

Moegerle said “I looked at that, and looked at St. Francis, and I saw another example that was provided that showed the side wall height could be higher if you got approval from your neighbors. I think if they have several acres they could have higher wall heights. I appreciate the 10 foot sidewall height in small areas, but we should have the option of higher side wall heights available.”

DeRoche, “We should have a work session and hammer it out, along with a couple of issues.”

Moegerle, “Why can’t we talk about it tonight when these people are here?”

DeRoche, “Because I want to do more research and don’t lay the openness on me.”

Ronning, “I don’t know that everyone has a complete understanding of what we are being asked to do. I have sat through a lot of this. I have concerns. I don’t want to put an ordinance in that makes

people say this messes me up.”

Winter, “Zoning text amendment, it was part of two or three different ordinances. The intent was to clean it up. It wasn’t meant to make it more restrictive. Someone who is on a large acreage. You couldn’t put it along side yard; you could put it in front. The steel siding isn’t anything in there; you can’t have a pole building that is less than three acres. It has to match the character of the house. We are not legislating that you have to have that, it is less restrictive. The only thing that is missing is the sidewall height. The planning commission elected to approve it the way it was. The majority of it has not changed. Fish houses were taken out of there. Miscellaneous play structures were taken out. I think it has become less restrictive and easier to understand. We are willing to take a look if the intent is to allow larger accessory structures? Is that what you are thinking?”

DeRoche, “This is why I made the motion to table, so we could have the discussion.”

Davis, “They were talking sidewall heights.”

Winter, “Remember impervious surface.”

Ronning, “We sent it back, because we didn’t like the way it was.”

Winter, “You have looked at it twice, your recommendations the second time were incorporated into the revised amendment. The City Council would like to see a different side wall height. All the other changes you recommended were included.”

Moegerle “How difficult would it be to add a permit for higher side wall height?”

Winter, “We are still operating on the old on.”

Davis, “No.”

Ronning, “Once it is passed, that is it, is anything not falling under the ordinance would be a variance.”

Vierling, “Former definition of a hardship was they had to prove the condition was not created by them, it wasn’t economic and was detrimental to their property, they have modified that standard somewhat. If it is determined as a reasonable option by the Council you can allow it.”

Ronning, “There is a lot more in the picture.”

**DeRoche called the question. DeRoche-Aye, Koller-Aye, Ronning-Aye, Moegerle-Nay. Motion carries 3-1.**

Davis, “Is there a date you would like to schedule a work meeting?”

DeRoche, “Are there other issues we can work on?”

Davis, “What is the date of the next Planning Commission meeting?”

Winter, “There is only one item on their next agenda, Viking Preserve.”

DeRoche, “Thoughts from everyone.”

Davis, “I asked for a special meeting for next Wednesday, I would recommend it be changed to next Thursday night.”

Moegerle, “I might be out of town on the 13<sup>th</sup>.”

Moegerle, "What about the 11<sup>th</sup>?"

Davis, "That is Roads Commission."

Winter, "You could come in on the Planning Commission. We have talked about a couple of other ordinances."

Davis, "If you have it on the same night of the Planning Commission half of the equation is already there."

DeRoche, "How receptive are they going to be to the change? The meeting would be on the 25<sup>th</sup> at 6:00 p.m. for a work meeting."

New Business  
Utility  
Infrastructure  
Loan Program  
Extension

The City's portion of the Municipal Utility Project is complete and there are 13 businesses that were required to connect to the system. There is a substantial cost to these businesses owners for accessing the new utilities and City Council and the Economic Development Authority discussed ways to minimize the financial impact. As a result, "The Utility Infrastructure Loan Program" was approved by City Council on April 17, 2013 to address this situation.

The program provides for loan amounts to cover up to 4 City SAC and WAC and MCES SAC charges and an additional \$5,000 toward costs for the physical connection to the system. Approved loans are for a five year period at an interest rate of 4%. Eligibility for the loan requires that all eligible applicants must be in good standing with the City and all property taxes, applicable city licenses, and utilities must be current and paid. This program expired on December 31, 2013. Three of the affected properties in the service area have not paid their SAC and WAC fees and/or have not applied for these loan funds.

The expiration of the Utility Infrastructure Loan Program was discussed at the January 22, 2014 HRA meeting and it was recommended that City Council extend this program for an additional 90 days. This extension would enable any remaining property owners to address any eligibility issues for loan applications that are outstanding. One loan has been approved from this a fund and a second loan was tabled due to issues with eligibility.

The original loan amount was capped at \$37,800 for 2013 and is itemized as follows:

- Up to 4 City SAC (\$2,000) and WAC (\$3,600) units.....\$22,400
- Up to 4 MCES SAC (\$2,600) units.....\$10,400\*
- Up to \$5,000 to be applied to connection costs.....\$ 5,000
- Maximum Loan Amount.....\$37,800

The MCES SAC charges are subject to a 4.9% annual increase and the charges for 2014 for this fee have increased from the 2013 fee of \$2,600 to \$2,727.40

Staff recommends City Council consider extending the deadline for the Utility Infrastructure Loan Program for an additional 90 days with an expiration for May 6, 2014 and increase the maximum loan amount from \$37,800 to \$38,309.60 to reflect the increased costs of the MCES SAC charges.

**Moegerle motioned to extend the deadline for the Utility Infrastructure Loan Program for an additional 90 days with expiration for May 6, 2014 and increase the maximum loan amount from \$37,800 to \$38,309.60 to reflect the increased costs of the MCES SAC charges. Koller seconded the motion.**

Moegerle, "Have we had conversations with people that haven't paid?"

Davis, "No, we wanted to make sure this was approved."

Ronning, "Do you know if any of them have had their situation change?"

Davis, "No."

**All in favor, motion carries unanimously.**

Local Board of Appeals and Equalization Training

Per Mn. Statute 274.014 at least one voting member of each Local Board of Appeal and Equalization (LBAE) must have attended and equalization training course within the last four years. The local LBAE, which is the City Council, hears all appeals for property tax objections and requests for adjustments at an annual LBAE meeting. This year's LBAE meeting is scheduled for April 16, 2014 at 6:30 PM at City Hall.

The Minnesota Department of Revenue teaches the course and provides the training for those LBAE members who require certification. Traditionally, the City has selected two Council persons, who have a majority of their terms remaining, as the City's designees for the training. Mayor DeRoche and Councilperson Moegerle completed the training in 2011 and their certifications expire at the end of 2014.

The local board's duties will be transferred to the county for the current year's assessment if the training is not completed or if only one member is trained and is absent from the LBAE meeting.

The schedule for the training will be announced in March. It is recommended that Councilpersons Koller and Ronning attend the training. Upon completion of the course their certification will be valid for four years.

We will provide the information on the training schedule as soon as it is released.

Staff requests that City Council designate Councilpersons Ron Koller and Tom Ronning as the LBAE Councilpersons for the required LBAE training.

**DeRoche made the motion that City Council designate Councilpersons Ron Koller and Tom Ronning as the LBAE Councilpersons for the required LBAE training. Koller seconded.**

DeRoche, "Could I take it also?"

Davis, "Yes, we would just have to post it."

Moegerle, "Our training is good through 2014."

Davis, "Anyone else who wishes to attend can go."

DeRoche, "I would be interested in going."

**All in favor, motion carries unanimously.**

Schedule  
Special City  
Council  
Meeting for  
February 13,  
2014 to Review  
City Council  
Vacancy  
Applicants

Consider scheduling a Special Meeting for February 13, 2014 to review applications for the vacant City Council seat and discuss the impact of the Army Corps of Engineers permit decision on the Viking Preserve Project

At the January 8, 2014 City Council Meeting, a vacancy was declared for the Council seat which was previously held by Bob DeRoche. Council directed that applications be taken for this position and be accepted until noon on February 12, 2014. It was further directed that Council would consider calling a Special Meeting at 6:30 PM on February 13, 2014 to review the applications and select those that would be extended an invitation for interview at the February 19, 2014 meeting.

A second agenda item for consideration for this meeting is a discussion of and a proposal to address the financial impact of the lot of reduction for the Viking Preserve Project and its impact on the feasibility of the project.

Staff recommends that City Council schedule a Special Meeting for February 13, 2014 at 6:30 PM to review the Council vacancy applications, select applicants for interviews and discuss the Viking Preserve Project's feasibility issues as a result of the proposed lot reduction.

**DeRoche motioned to schedule a Special Meeting for February 13, 2014 at 6:30 PM to review the Council vacancy applications, select applicants for interviews and discuss the Viking Preserve Project's feasibility issues as a result of the proposed lot reduction. Koller seconded; all in favor, motion carries unanimously.**

Set Date for  
Spring Town  
Hall Meeting

Consider approval of a date for the Spring Town Hall Meeting

The Spring Town Hall Meeting has been held since 2005. The meeting is generally held in April and is designed to be scheduled on a date that doesn't conflict with any other municipal or school district meetings. ISD # 15 and ISD #831 don't list any meetings for Thursday April 10<sup>th</sup> or 17<sup>th</sup>, 2014. Other potential dates that don't appear to pose any scheduling problems for the City Town Hall meeting are Tuesday April 15<sup>th</sup> and Thursday April, 24<sup>th</sup> 2014.

In the past the Question and Answer/Public Forum presentation in Council Chambers has focused primarily by citizen questions for City Council. While the number of participants for this part of the program has declined since 2010, it still presents a valuable opportunity for residents to express concerns and present questions to City Council.

We need to set the date for this meeting so we can place the notice in our Spring Newsletter. The newsletter will be sent to the printer on or before February 28, 2014 and be distributed to City residents by mid-March.

Staff is requesting that City Council set a date in April for the Spring Town Hall Meeting.

**Moegerle motioned to set the Spring Town Hall Meeting for April 24. Koller seconded; all in favor of the motion, motion carries unanimously.**

4a Censure of  
Council Person  
Moegerle

Ronning, "Is there any action required to discuss this item."

Vierling, "No"

Ronning, "I made the original move to censure, because we were having an uncontrolled debate. It was becoming unresponsive to the Mayors responsive. It was seconded and tabled."

Moegerle, "My comments were based on the letter we received. I didn't get an answer on that. Many times when we get a letter like that, we deal with it right away, so we are assured things are dealt with and assured. That affected on how I voted and how things were done. Since I didn't get comments back until this afternoon. I have been in the dark on how things were being done. If legal advice is going to be provided to the Council it should be provided to everyone. Until this afternoon I didn't get that. I apologize. I didn't think I was out of line."

Ronning, "My recollection wasn't a request for information, it was explaining that we were doing things wrong, that we were commingling funds."

Moegerle, "The first issue was which was not reflected in the minutes."

DeRoche, "You could have found it when you were talking to the Anoka County Union. There were slanderous accusations that went out against Ronning, Koller and DeRoche. You made statements against the three of us and then you stated the meeting was illegal. You voted against everything except you going to the LMC meeting."

Moegerle, "I wanted to go so I could learn more. The Anoka County Union must have taken their quotes from the meeting tape. Once I heard what was in the union, I contacted them so they could change the record. I want people to see transparency and openness."

DeRoche, "You always put out transparency. What was your comment after the censure?"

Moegerle, "I said smack my hand."

DeRoche, "We aren't going to talk about the censure."

Moegerle, "I didn't bring up the commingling, since that meeting on October 23. I am more concerned about the other facts than about that."

DeRoche, "You are getting off the agenda."

Moegerle "I wanted to get a legal determination on the matter if the letter was not of value. I kept being interrupted. If the allegations were true, what would the affect be?"

DeRoche, "He was giving you legal advice; it isn't his determination to say if it was good legal advice. The point is do we censure you or not."

Moegerle, "I don't know if he is being hired by Richard and he has been hired for her on a different issue. Whether we can go ahead with the bond sale, with what we had learned in that issue. I didn't know what it would say before we received it. I wanted a legal opinion and didn't get the information."

Ronning, "These have been brought up more than one time; I have copies of your emails. This is not a new issue. Bad mouthing. We have never done that except at your end of the table. Move for censorship. The council person here smack my hand."

Moegerle, "We have a lot of comedy in the Parks Commission. I was directed at one thing. The

remaining part of the council thought I was going in a different direction. For whatever reasons, it was the words of other people. Co-mingle wasn't here issue. They didn't come from her. She felt it was very important to deal with the original letter."

Ronning, "I made the comment on co-mingling and I apologize for that."

**DeRoche called for the vote. Deroche-Aye, Koller-Aye, Ronning-Aye, Moegerle-Nay. Motion carries 3-1.**

Staff Reports Meeting with the HRA committee on the CBDG funding at 10:30 at the Court house.

DeRoche, "We just got an email today with a synopsis of the meeting. Are they just starting the process and how many people will be at the meeting."

Davis, "Colleen or I will be at the meeting."

Council Reports Moegerle, "Parks Commission is excited on planning on the trails. We can't get funding on trails until we are on the Anoka County Master plan. They are currently getting that all into the GIS, so we will have a full inventory of the trails.

Council Member Moegerle Moegerle, "Always file your property tax refunds."

Moegerle, "Spoke with Kurt Glasier, the Traffic Education Program is making a lot of money for Circle Pines. They have their own police department so that is why they are moving ahead. The decision this council made, the ACSO said we would go ahead with the ticket education program."

Moegerle, "LMC conference was great and educational; the topics were dealing with difficult people. I found out there are some questions that can't be answered. How do I work with people on the different end of the spectrum?"

Moegerle, "I spoke with Carl Neu and he had some great information on open meeting laws and the application of that."

Moegerle, "I have gotten calls and letters from residents, with the issue of proof reading. Can we get the unapproved minutes from October 23 posted?"

Davis, "The Sheriff said he would consult with the County Attorney he stated they wanted to wait for the State Legislature to decide on the Traffic Education Programs."

Vierling, "The Cities participating are having data requests in a class action."

Council Member Ronning Ronning, "December 18, probationary period, we had a motion to suspend that. There were charges of co-mingling and there were damaging statements. We don't employ anyone here. We don't direct anybody to do anything. We communicate with the city administrator. Some of the comments were damaging. I started with this last time. The comments made by Council person Moegerle meeting about minutes. In no way does this reflect my opinion. Council Moegerle was misleading and inappropriate. Wendy, Chad and Mike have made valuable contributions as staff members.

Some of the stuff is unfortunate. We do have the right, we don't hire and fire. That is the job of the administrator. I have heard the term is it puts us in a hostile work environment. I am not going to put anyone in a hostile work environment."

“Last meeting we requested the city engineer to come up with numbers on right of way, easements. Frontage road on 221 to 215.”

Jochum, “I prepared a memo and sent it to Jack.”

Davis, “It will go out in the Friday update.”

Council  
Member Koller

Koller, “Fire chief isn’t here tonight. He is at fire fighter training graduation. Fire Station 1 has developed a leaky roof. We need to look into that. Station 1 has one in the conference room and it is staining the ceiling.”

Ronning, “Do we have insurance that covers that?”

Davis, “We have a building capitol fund that can cover those repairs. Insurance no. Warranty has expired.”

Mayor  
DeRoche

DeRoche, “I attended LMC and the Mayor part was good. Everyone down there was very well aware of the City of East Bethel. That is one of my biggest concerns. I started out three years ago and never planned on being the mayor. I have had a lot of people compliment me on the meetings. One of his questions to the mayors was what do you do with unruly people. Their comments were you can’t judge your employees, everything they were saying to me, was explaining East Bethel. I would endorse Tom’s statement. I don’t know, maybe people don’t want to call me with bad stuff.”

“LMC about getting along with people was like taking a class at the U of M. There was touchy feely stuff. I am a meat and potatoes sort of guy. Being all mushy doesn’t work, some people don’t figure it out.”

“Ticket education, I follow it pretty close. If I see something on KSTP, I will email it to Jack. If judges are saying it is illegal, there must be something to it. There is so much talk about staff time. In reading certain emails, there have been 33 calls on the Kurt Glasier thing. The City Attorney might have had one or two. If an issue comes up, you get your packet soon enough, you read it. you call staff ahead of time. When you get here, you should be ready. We shouldn’t go on and on and on.”

“If we bring something up, it is talked about and you vote on it, and then you move on to the next issue. To consistently go over things is a big waste of time.”

“When I read the Tribune, most people say that isn’t you. Well at the local government meeting, people said I read about you in the paper. You can’t believe everything you read in the paper. Even if it is not factual. You’re being tried without having a trial. Why would we want to go up there? Read the Anoka County Union that stuff has to stop. I don’t think it is just one reporter. They can’t interpret what you are saying. There are certain liabilities. I think it has to stop. This Preserve thing is moving forward. I know a couple people are interested in doing some stuff. If we get some nasty articles it kicks you backwards.”

“There was a fishing contest on Saturday on Coon Lake. Fish for the Cure was last weekend. Route 65 is coming up.”

Closed Session  
– Purchase of  
Real Property –  
Minnesota  
Statute ....

Vierling, “Thank you Mr. Mayor. For the benefit of the public, we would note that the Council is about to go into closed session, pursuant to Minn. Stat. §13D.05, subd. 3(c), with regard to the issue of potentially obtaining easements from affected property owners adjacent to 185<sup>th</sup> Avenue, Laurel Road and Lincoln Drive reconstruction projects.

As the statute requires the City in the notice to go into closed session to identify each of the parcels, I will read the following parcel ID numbers into the record; those are the 8 parcels that are impacted by this meeting, are: 36.33.23.13.0015; 36.33.23.13.0005; 36.33.23.13.0008; 36.33.23.14.0003; 36.33.23.14.0001; 36.33.23.14.0002; 36.33.23.41.0001; 36.33.23.42.0001; as I indicated, the Council will be going into closed session.

The closed session will be tape recorded as required by statute. That tape will be maintained for a period of 8 years. If the Council should take any action during the course of that closed session, then an action will be announced when we come back into open session immediately following the closure of the closed session. With that Mayor and Council, I recommend that a motion be made at the present time to go into closed session for the purposes I have indicated.”

**DeRoche motioned to go to the close session for the discussion. Koller seconded the motion. All in favor, motion carried unanimously.**

**Following the closed Session**

Vierling, “For the benefit of the public and the members public on the cable viewing audience, as well as the Minutes, we note that the Council conducted a closed session from 9:08 p.m. to 9:26 p.m. reviewing the Engineer’s project as it affects the 185<sup>th</sup> Avenue, Laurel Road and Lincoln Drive reconstruction project. Council reviewed the Engineer’s recommendations with regard to necessary takings or acquisitions for easements for right-of-way purposes along 8 parcels. All 8 parcels were those that I indicated in the notice that was read into the record before we entered the meeting. Based upon that, the Council didn’t make any specific motions during the closed session, but it’s anticipated that they will as soon as this notice is concluded. We note for the record that the meeting was tape recorded, and attended by Mayor DeRoche, Councilpersons Moegerle, Ronning, and Koller, also Craig Jochum, the City Engineer, Jack Davis, City Administrator, and myself as the City Attorney. That is the end of the report.

If Council also wishes to make a motion at the present time to authorize the Engineer to begin contacts with the affected property owners for purposes of negotiating acquisitions of right-of-way that would be appropriate.”

**DeRoche motioned to direct City Engineer to enter into negotiations on the property needed for the Lincoln/Laurel reconstruction. Moegerle seconded. All in favor, motion carries unanimously.**

Adjourn

**DeRoche made a motion to adjourn at 9:30 p.m. Koller seconded; all in favor, motion carries unanimously.**

Submitted by:

Jill Anderson  
Recording Secretary

## EAST BETHEL CITY COUNCIL MEETING

February 5, 2014

The East Bethel City Council met on February 5, 2014 at 6:00 PM for a special meeting at City Hall.

MEMBERS PRESENT: Mayor Bob DeRoche Ron Koller  
Heidi Moegerle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator  
Mark Vierling, City Attorney  
Craig Jochum, City Engineer

Call to Order **The February 5, 2014 City Council special council meeting was called to order by Mayor DeRoche at 6:00 PM.**

Adopt Agenda **Koller made a motion to adopt the February 5, 2014 City Council Special Council agenda. Ronning seconded; all in favor, motion carries.**

Introduction of State Legislators DeRoche, "We are honored that Senator Michelle Benson and Representative Tom Hackbarth have accepted our invitation to be our guests tonight and discuss legislative and economic development issues that have an impact on and will shape the future of East Bethel.

State Senator Michelle Benson represents District #31, which serves the northern half of Anoka County, along with segments of Isanti and Sherburne counties. Senator Benson has been assigned to the Environment and Energy committee, and the Health and Human Services Division of the Finance Committee. She is also the Ranking Minority Member of the committee for Health, Human Services and Housing.

State Representative Tom Hackbarth serves House District 31B, which is comprised of the communities of East Bethel, Linwood, Columbus, and Ham Lake, and portions of Oak Grove and Andover. Representative Hackbarth is a Republican-Lead on the Environment and Natural Resources Policy, and is also involved in the committees for Energy Policy; Environment, Natural Resources and Agriculture Finance; and Ways and Means.

DeRoche, "Thank you for coming and welcome to East Bethel."

Legislative Discussion with Senator Michelle Benson and Representative Tom Hackbarth Davis, "As the next legislative session begins on February 25<sup>th</sup>, the City of East Bethel is very interested in being briefed on and informed of the funding priorities and issues that will be considered by the Legislature. As a City, we have a strong interest in what is happening at the State level and have needs we feel are relevant for consideration for assistance. The priorities that we wish to discuss with our Legislators on February 5<sup>th</sup> are as follows:

- **East Bethel Water and Sewer Project** – As you are aware, the City of East Bethel is involved in a sewer and water project that was approved by an outgoing City Council in 2010 and had limited public support. The financial feasibility of this project has been in question since its conception and the impact of the debt of this project, coupled with the lack of growth upon which the projects financial pro forma was predicated, is now being placed

upon the taxpayers of the City. The 2014 City Levy increase of 15.1%, required to pay just the bond interest on this project, is evidence that the project is not sustainable from a standpoint of revenue generation. The City is seeking information on and support for bonding bill assistance or economic development grants to assist us in our efforts to address this financial challenge.

- **Transportation Needs** – Transportation is a critical part of the future development in the City of East Bethel, particularly along the Highway 65 corridor. In order to stimulate development along this Corridor, it is very important that we work with MnDOT to provide access to properties that can be developed with high density uses. A particular area of concern is the area in the vicinity of the intersection of Hwy 65 and 187<sup>th</sup> Lane. This is an intersection that was planned to be signalized by MnDOT both in 2001 and in 2006. However, in MnDOT's most recent Congestion Management Safety Plan, the intersection of 187<sup>th</sup> Lane and Hwy 65 is no longer included as a priority and is not even mentioned in the plan. The City has met with MnDOT officials and we were told that it is the current intent to limit signaled intersections on Hwy. 65 as much as possible. While we respect MnDOT's vision of Hwy 65 as future freeway, we do not believe that we should be required to have our access to this vital transportation route on hold for the next 30 to 50 years while we wait for the construction of interchanges on this route. Signaled intersections are essential for traffic safety, an interim solution to traffic management and an immediate need as a stimulus to economic development on Hwy 65 in East Bethel.
- **Agency Partnership/Funding** – The City would like to take advantage of funding opportunities at the State level and would like to have a discussion about how to best improve our relationship with DEED, MnDOT, and Greater MSP. In addition we need your support and advocacy to encourage these agencies to invest and steer development opportunities to East Bethel.
- **Other Concerns or Issues**

The City is seeking input and direction from Senator Benson and Representative Hackbarth as to means to address these issues.”

Benson, “The legislative session is starting February 25. There will be a bonding bill this year and the Governor has set out his proposals. The House and the Senate did have some strong opinions on bonding. The bullying bill will come back and citizens should get involved in that. Minimum wage is being considered. That will come up again. Everything will move fairly quickly this session and there are hopes to get out quite early. There will be some education reform and some human services policy dealing with the sex offender program. The Federal Government has asked the State to make changes in the sex offender program. Difficult decisions will be made.”

Tom Hackbarth, “I am curious to hear what the Session has to say. They want to start late and end early. The deadlines will end about the first of April. Michelle did a good job of covering hot topics. MNSURE is something that should be thrown out and started over. The bonding bill is something that has to get done this year. \$800 million bill deal was

made this year. The word has already been broken. The Governor has already said it would be a \$1 billion dollar bonding bill. It will be a hard time to get Republicans to vote on that. They will have hard time getting out. The beverage container deposit will be pushed. There are going to be a number of things addressed. I was on a panel about the gas tax. There are very controversial topics and I don't see it ending soon or good. Is there anything you have heard about or would like to talk about?"

Davis, "I want to thank both of you in addressing the Sandhill Crane clear cutting issue. Thank you so much for that. We would like to talk about the Sewer and Water Project. As you are aware, the City of East Bethel is involved in a sewer and water project that was approved by an outgoing City Council in 2010 and had limited public support. The financial feasibility of this project has been in question since its conception and the impact of the debt of this project, coupled with the lack of growth upon which the projects financial pro forma was predicated, is now being placed upon the taxpayers of the City. The 2014 City Levy increase of 15.1%, required to pay just the bond interest on this project, is evidence that the project is not sustainable from a standpoint of revenue generation. The City is seeking information on and support for bonding bill assistance or economic development grants to assist us in our efforts to address this financial challenge."

Tom Hackbarth, "I don't know of an issue or project like this, and don't know if individual cities have come to the House or Senate to get bailed out by someone. Your project is all done and a huge burden. I haven't heard about a bail out at the Capital. You could write a bill to get included in the bonding project. Coming up with money from the State, I don't know. There are grants but they do cover some of these things in emergency situations. We can talk to different departments to see if there is something."

DeRoche, "Why hasn't there been legislation introduced so another city council isn't put in this same situation. So a lame duck council doesn't tie the hands of another council."

Hackbarth, "We could draft legislation on that. Maybe we can pass something like that."

Moegerle, "I was appointed to the LMC legislative committee, and have brought up the point there and it didn't gain any traction. They couldn't find something that wasn't too restrictive. They struggled with my ideas."

Hackbarth, "You will need to have the LMC on board with you."

Moegerle, "In one of their legislative sessions they had a presentation on the City of Tamarack. They were bailed out on a particular issue."

Hackbarth, "It might not have been the same amount of money."

DeRoche, "We are not looking for getting the entire thing bailed out."

Hackbarth, "For your situation your in right now, I don't see anything out there."

Moegerle, "We have talked about the Met Council. Is there a Chinese wall around this? Does it cross some lines?"

Hackbarth, "No, the legislature oversees the Council."

Moegerle, "The population projections you have are way out of line. I didn't have any traction with our Met Council representative. It is a tough situation to be in."

Hackbarth, "It all depends on who is in office."

Ronning, "You are kind of limited to what you can say. You do something for the middle kid, and you need to do it for the older kid and younger kid."

Hackbarth, "This is a pretty unique situation."

Ronning, "We had a 15.2 levy increase over and above."

Davis, "Our population has declined since 2007/08."

Ronning, "There aren't a whole lot of people who are happy about this. If people get to the point where they can't afford this, if the revenues decline significantly, how would the state look at a failing City. We are not in that shape."

Hackbarth, "There are cities that are failing. We always want to see economic growth. We want everyone to do well. It isn't favorable for anyone when those things happen. State of Minnesota help bail us out, so we don't go broke, is a stretch."

Ronning, "Are you aware of any kind of direction that a community like that could be guided towards?"

Hackbarth, "I don't know of a solution. I have tried to find a program for cities in this situation and haven't found a solution."

Ronning, "You are on the Ways and Means committee. What is the potential for infrastructure in the State? What equates to jobs? If anyone can find a road without holes. So many of the roads are in bad conditions."

Hackbarth, "The pool of money, we have plenty of money at the State level for roads. It is the way the money is being handled. In my opinion the gas tax money shouldn't be going for transit. I have been trying to get an express bus to East Bethel. I believe in buses, the trains are a bad deal. The money could be spent on roads."

Ronning, "Train transportation, are we breaking even?"

Hackbarth, "No, it is a huge subsidy. I don't know the exact numbers. We will never break even on transit."

Moegerle, "I met a person from Chaska at the League of Minnesota Cities Conference, and there is a whole lot of money going to the southwest metro for transit. What is that dynamic and how do we change that?"

Hackbarth, "It has to come from the Governor. If you get the right transportation commissioner, that can change. Transportation dollars have to be appropriated by the legislature, but the Department of Transportation has a plan or formula on how the dollars are allocated. The Commissioner can manipulate and work the monies in different ways. Sometimes the legislators can get special things done. Deals do take place."

DeRoche, "Touching on that point, where are the checks and balances? When putting together East Bethel's project, and the numbers didn't balance, where was someone at Met Council checking the numbers from East Bethel? Dealing with Transportation monies, where are the checks and balances to ensure too much money doesn't go to one area? If you put a multimillion dollar water reclamation plant in our city and then you won't put

transportation monies in the same area.”

Hackbarth, “It is the administration, the Governor. If they aren’t doing something right, we can put in a bill to change something. The legislative auditor looks at things if they aren’t appropriating things out correctly. You have probably seen the legislative auditor on the news on a number of things.”

Benson, “The Governor appoints the representatives to the Met Council. The administrator from the Met Council and staff impacts the decision-making. The members of the Council set high level policies, transit and transportation dollars from the Met Council. Things ending up being skewed to the Met Council. They have a very strong voting block. The Met Council then takes those projects and moving forward. That is why it is happening in the Southwest metro. You need to keep your eye on the administration, and not just the Council.”

Ronning, “When we had a meeting with Met Council, it was with staff.”

Benson, “What you will find, is that staff makes decisions. They did not do the math right. They didn’t listen to people in the community. It is impossible to hold people in an agency responsible. They have all the responsibilities and none of the blame. We will do our best to things to make things better. If we can hold Met Council responsible, and reprimand them we will. We have never been down the path of bailing out a city in this situation.”

Davis, “We realize there is no bail out. We would like to let you know that we want to work with our legislators to promote economic growth.”

DeRoche, “In our meeting with Met Council, there is nothing they can do about the bonds. The way the whole thing was figured out math wise just doesn’t make sense. There was a feasibility study and feasibility studies make me chuckle. You can skew them any way you want. They have admitted they wouldn’t do East Bethel the same way again.”

Moegerle, “Now they have corrected their population projections. They have given us projections saying the people aren’t coming here. What we need is not something they can deliver to us. They can’t make us immediately desirable. Can they deliver things that would help with the problems from the bonds?”

Benson, “I would like to see the list of things the Met Council is doing to make this more difficult.”

Moegerle, “We had some grants and loan programs. That is the issue, yes loan programs would help. How do we get those to be accepted and utilized?”

Koller, “Back in 2010 before this was bought up to the City of East Bethel, I told the Council to put it on the ballot. I think a City of this size should have to have it on the ballot. To protect other cities from what happened to us, there should be something put in place.”

Benson, “What kind of power can we give to cities. Again the League of Minnesota Cities is going to be a helpful resource. Has it been tried in other states, or locations?”

Moegerle, “We ‘as the League’ like to do legislation that allows the cities to elect to do certain things. They didn’t want to come across as mandating during lame duck council they don’t do certain things. They were really taken aback by the audacity of what it would

take for them to do. It would probably be very good for them to hear it from you.”

Ronning, “It is our job to address these problems. We are stuck with generic answers. If there is any subtle guidance, can you contact the Mayor on these issues?”

Benson, “You can have the Met Council Rep advocate for this region. That would be a reasonable first step.”

Moegerle, “One of the things that is difficult is that they have their day jobs and have an appointment to the Met Council. Our Rep is a very busy man, and we are seldom on his radar. The Metropolitan Council appointment process is a great boon, as far as being taxed by Metropolitan Council and then have our representative appointed to us. It is very difficult to feel that East Bethel is top priority. It is just a matter of the representatives have their own jobs.”

Benson, “They aren’t really accountable to local elected officials and that is due to the structure of the organization.”

Davis, “Transportation is a critical part of the future development in the City of East Bethel, particularly along the Highway 65 corridor. In order to stimulate development along this Corridor, it is very important that we work with MnDOT to provide access to properties that can be developed with high-density uses. A particular area of concern is the area in the vicinity of the intersection of Hwy 65 and 187<sup>th</sup> Lane. This is an intersection that was planned to be signalized by MnDOT both in 2001 and in 2006. However, in MnDOT’s most recent Congestion Management Safety Plan, the intersection of 187<sup>th</sup> Lane and Hwy 65 is no longer included as a priority and is not even mentioned in the plan. The City has met with MnDOT officials and we were told that it is the current intent to limit signaled intersections on Hwy. 65 as much as possible. While we respect MnDOT’s vision of Hwy 65 as future freeway, we do not believe that we should be required to have our access to this vital transportation route on hold for the next 30 to 50 years while we wait for the construction of interchanges on this route. Signaled intersections are essential for traffic safety, an interim solution to traffic management and an immediate need as a stimulus to economic development on Hwy 65 in East Bethel.”

Benson, “I would be happy to have that meeting to discuss the transportation need.”

Moegerle, “They were going to add another lane on 35W, where is that in the discussion. That would really disrupt transportation for East Bethel.”

Benson, “They were talking about another MnPass lane. It would not come this far north, I don’t believe.”

Ronning, “Last year the budget was balanced.”

Benson, “The budget has to balance every year. The school shift has been paid off and there are excess funds in the projections.”

Ronning, “That is interesting to know.”

Davis, “I would like to point out the uniqueness of our situation. We would like to ask for assistance in dealing with other State agencies, such as DEED. We would appreciate your assistance in explaining our case.”

Benson, "We have very good staff, and they see a broader view of government and they do a lot of research. It might be your first time through and we will make recommendations, and help you though."

Ronning, "About Hackbarth's commented on completed projects. What about non-completed projects, would you be willing to speak about that with the Mayor?"

Hackbarth, "I have legislative meetings with lobbyist and department heads in my office all the time."

Ronning, "If there is an issue, would you facilitate a meeting prior to a project?"

Hackbarth, "I would facilitate the meeting, Senator Benson and I would be willing to do that. I do that all the time. When you're saying there might be something you want to bring forward then let's get a little meeting together."

Ronning, "There are a number of things that would promote growth. It is almost like you're stuck in the mud with this problem. Your comment gave me some ideas."

Benson, "The Sandhill Crane is an excellent example of what we are talking about. There were disagreements and Departmental priorities that had to be adjusted. Start the conversation earlier rather than later and that way everyone knows what is going on."

Moegerle, "In the worse case scenario if the city wanted to try to a legislative approach, for future legislative sessions, what would be the time to put a proposed bill to have you sponsor?"

Benson, "For bonding, it can take a very long time. The St. Cloud Civic Center was put together in 2009 and still isn't done. If you want something for 2015/16, let's start after the election."

Hackbarth, "If it is a bonding issue, the sooner the better. Sometimes they pass but then they can get line item vetoed. It all depends on the situation and the issue. The sooner the better."

Moegerle, "We have an excellent staff, with regards to lobbying, do we need a lobbyist?"

Hackbarth, "The League of Minnesota Cities is your lobbyist. They might draft something and get your approval. You can come to us first. Then we will have to get the League of Minnesota Cities on board with it. You might be asking for something that neither of us agrees with. It all depends on the situation."

Benson, "Anoka County is very good at having the County Commissions come down and lobby for the issues. If we work on draft legislation, get us on board as early as possible. If it something that is going to change policy statewide, it will take a while."

Hackbarth, "It is not easy to get things passed. The item can die anyway and could also get vetoed by the Governor. We talked about Metropolitan Council and there are a lot of different times where the State of Minnesota doesn't hold people accountable and there numbers are not correct. You go through all these different things. The voters are the ones that hold us accountable."

February 5, 2014

East Bethel City Council Meeting

Page 8 of 8

DeRoche, "We will have staff send you information on what the numbers are."

Benson, "I am glad you have moved past fighting and are looking for solutions."

Adjourn

**DeRoche made a motion to adjourn at 6:55 p.m. Koller seconded; all in favor, motion carries unanimously.**

Submitted by:

Jill Anderson  
Recording Secretary



# City of East Bethel City Council Agenda Information

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**Date:**

February 19, 2014

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**Agenda Item Number:**

Item 9.0 A.1

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**Agenda Item:**

Request for an Interim Use Permit RENEWAL in the Rural Residential District (RR) for a pavement maintenance and restoration business, DBA Pavement Resources at 23310 Monroe St  
\*\*\*\*\*

**Requested Action:**

Consider Granting an Interim Use Permit (IUP) to Jeff Kirkeby, DBA Pavement Resources at 23310 Monroe Street NE, East Bethel, MN 55005, for a period of three years. **Renewal**  
\*\*\*\*\*

**Background Information:**

Property Owner/Applicant  
Jeff Kirkeby  
23310 Monroe St. NE  
East Bethel, MN 55005  
PIN 31-34-23-13-0013

The property owner/applicant is requesting a Renewal for his existing Interim Use Permit. The original IUP was granted in December, 2012. The IUP is for an asphalt maintenance/equipment sales business for the parcel located at 23310 Monroe St. NE. This application is similar to a temporary IUP that was granted to Gordon Hoppe at 189<sup>th</sup> Avenue for an excavation business on February 4, 2004. At the time of approval of Mr. Hoppe’s IUP, there were 3 employees, not counting Mr. Hoppe, working from that residence and his business traffic accessed the property through a residential area.

Mr. Kirkeby’s business would generate a lower volume of traffic and the traffic from the business would flow directly to Jackson Street, a MSA and a City arterial street. There would be no traffic through a residential area from Mr. Kirkeby’s business.

Mr. Kirkeby was unable to find a suitable location for his business in 2013 and is working on finding an alternative location for the majority of his business by this summer. However he would still like to keep his IUP at his residence for purpose of utilizing his accessory building for storage of business equipment. He is currently in compliance with the conditions that were outlined in his original IUP. Mr. Kirkeby employs two full time and five part-time employees at this location. However, upon relocation of the home occupation to another site, the number of employees will be reduced to less than the stipulated amount required by the Home Occupation Ordinance. For this reason, in December, 2012 the City Council granted an IUP to Mr. Kirkeby. Upon relocation to a new site, Mr. Kirkeby proposes to continue to utilize the Monroe Street address for equipment storage inside his existing facility.

Home occupations are a permitted use in the Rural Residential District as long as the applicant can meet the requirements of the City Code and complies with the conditions of the IUP. This proposed home occupation will meet requirements of the ordinance if the IUP conditions are approved. In the event the conditions are not being met, the IUP would be revoked.

Attachments:

1. Site Location
2. Original IUP

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**Fiscal Impact:**

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**Recommendation:**

Staff recommends City Council consider approval for an Interim Use Permit Renewal in the RR-Rural Residential District for an asphalt maintenance/equipment sales business for the property known as 23310 Monroe St. NE, East Bethel, PIN 31-34-23-13-0013 with the following conditions:

1. Signage must comply with East Bethel City Code, Chapter 54, which states “for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet.” Signs must be placed on the business property as directional signs are not allowed.
2. The structure must be inspected by the Fire Inspector on a yearly basis.
- 3 Business street parking shall be prohibited and business parking must be on the driveway.
4. The Interim Use Permit shall expire at the time the property changes hands and/or any of the prescribed stipulations have been violated.
5. Conditions must be met and an IUP Agreement executed no later than 30 days from the date of City Council approval of the IUP. Failure to comply will result in the revocation of the IUP.
6. The IUP will be issued for a period of three years from the date of Council approval. The IUP could be renewed for an additional term with the limits and conditions subject to City Council approval.
7. There will be no expansion of the current accessory building on the site.
8. There will be no additional employees utilized in the business from this site.
9. No additional equipment can be stored outside on the property.
10. Outside storage is limited to essential business related material and personal possessions and is to be in compliance with Ordinance, 26-40, 26-52 and 26-110.
11. Business must not emit odors or noise to the extent that surrounding property owners are affected with the exception of vehicle back up alarm systems.
12. Hours of operation shall be from 6 a.m. to 7 p.m.

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**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

CITY OF EAST BETHEL  
ANOKA COUNTY, MINNESOTA  
INTERIM USE PERMIT (IUP) AGREEMENT RENEWAL

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Dated: February 19, 2014

Property Owner: Jeff Kirkeby  
23310 Monroe Street NE  
East Bethel, MN 55005

Applicant: Jeff Kirkeby  
Pavement Resources, Inc.

Parcel Location: 23310 Monroe Street NE  
Anoka County  
East Bethel, MN 55005

Parcel Number: 31-34-23-13-0013

Present Zoning District: RR – Rural Residential

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IUP REQUEST: to continue a home occupation for an asphalt maintenance and equipment sales business known as *Pavement Resources, Inc.*, at the above referenced parcel located within the City of East Bethel.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on December 5, 2012 with the conditions listed below.

DECISION

The City Council hereby grants the Interim Use Permit to allow for a home occupation, asphalt maintenance and equipment sales, located within the City of East Bethel.

CONDITIONS AND REQUIREMENTS

The granting of this IUP is subject to the following conditions and requirements:

1. Signage must comply with East Bethel City Code, Chapter 54, which states, “for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet.” Signs must be placed on the business property as directional signs are not allowed.
2. The structure must be inspected by the Fire Inspector on a yearly basis.
3. Business street parking shall be prohibited and business parking must be on the driveway.

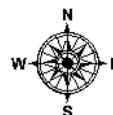




# Property Map - 23310 Monroe St NE



Disclaimer: Maps and documents made available to the public by the City of East Bethel are not legally recorded maps or surveys and are not intended to be used as such. The maps and documents are created as part of the Geographic Information System (GIS) that compiles records, information, and data from various city, county, state and federal resources.  
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CITY OF EAST BETHEL  
ANOKA COUNTY, MINNESOTA  
INTERIM USE PERMIT (IUP) AGREEMENT

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Dated: December 26, 2012

Property Owner: Jeff Kirkeby  
23310 Monroe Street NE  
East Bethel, MN 55005

Applicant: Jeff Kirkeby  
Pavement Resources, Inc.

Parcel Location: 23310 Monroe Street NE  
Anoka County  
East Bethel, MN 55005

Parcel Number: 31-34-23-13-0013

Present Zoning District: RR - Rural Residential

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IUP REQUEST: approval of a home occupation that will allow an asphalt maintenance and equipment sales business known as Pavement Resources, Inc. at 23310 Monroe Street NE, East Bethel, Minnesota 55005.

PLANNING COMMISSION ACTION

A public hearing was held on November 27, 2012 at which all interested parties had the opportunity to be heard. Planning Commission recommended approval of the IUP request.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on December 5, 2012 and approved the IUP request with conditions.

DECISION

The City Council hereby grants the IUP for an asphalt maintenance and equipment sales business.



THIS INSTRUMENT WAS DRAFTED BY:  
PLANNING DEPARTMENT  
CITY OF EAST BETHEL  
2241 - 221<sup>ST</sup> AVENUE NE  
EAST BETHEL, MN 55011  
763-434-9569



# City of East Bethel City Council Agenda Information

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**Date:**

February 19, 2014

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**Agenda Item Number:**

Item 9.0 E.1

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**Agenda Item**

2014 Class 5 Projects

\*\*\*\*\*

**Requested Action:**

Consider approving the recommended 2014 Class 5 projects for advertising for bids

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**Background Information:**

The following streets were resurfaced as Class 5 projects in 2013:

- 1.) Buchanan St 3,540'
- 2.) Quincy St 3,198'
- 3.) 216<sup>th</sup> Ave 2,424'
- 4.) 241<sup>st</sup> and London St (second) 2,500'

In 2012, we began the repeat cycle of gravel road resurfacing. The previous cycle was completed in 6 years, however, with the increase in material and trucking costs and a budget that has remained the same over that timeframe, the next cycle will need to be extended out to 8+ years unless budgets for this activity are amended to cover the increased costs.

The recommended roads for 2014 Class 5 resurfacing includes:

- 1.) Naples St 2,700'
- 2.) 197<sup>th</sup> Ave 1,886'
- 3.) 225<sup>th</sup> Ave 1,058'
- 4.) 245<sup>th</sup> Ave 1,833'
- 5.) 189<sup>th</sup> Ave 2,656'
- 6.) 196<sup>th</sup> Ave 2,715'

\$35,000 has been budgeted in 2014 for gravel road maintenance. The costs for these projects are for material and delivery. The City conducts the grading, compaction and finishing of this material. Prior to the placement of any new class 5 material, staff will reclaim the shoulders and reshape the existing road surface.

It is estimated that 3,100 tons of class 5 material along with delivery will cost approximately \$11/ton for a total project cost of \$34,100. Attached is a map that lists the streets proposed for resurfacing.

**Attachment(s):**

- 1. Project Location Map

\*\*\*\*\*

**Fiscal Impact:**

\$35,000 was budgeted for Class 5 gravel road resurfacing projects in the 2014 budget

\*\*\*\*\*

**Recommendation(s):** The Road Commission and staff recommend approving Naples St, 197<sup>th</sup> Ave, 225<sup>th</sup> Ave, 245<sup>th</sup> Ave, 189<sup>th</sup> Ave, and 196<sup>th</sup> Ave for Class 5 resurfacing projects in 2014 and to solicit for bids.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

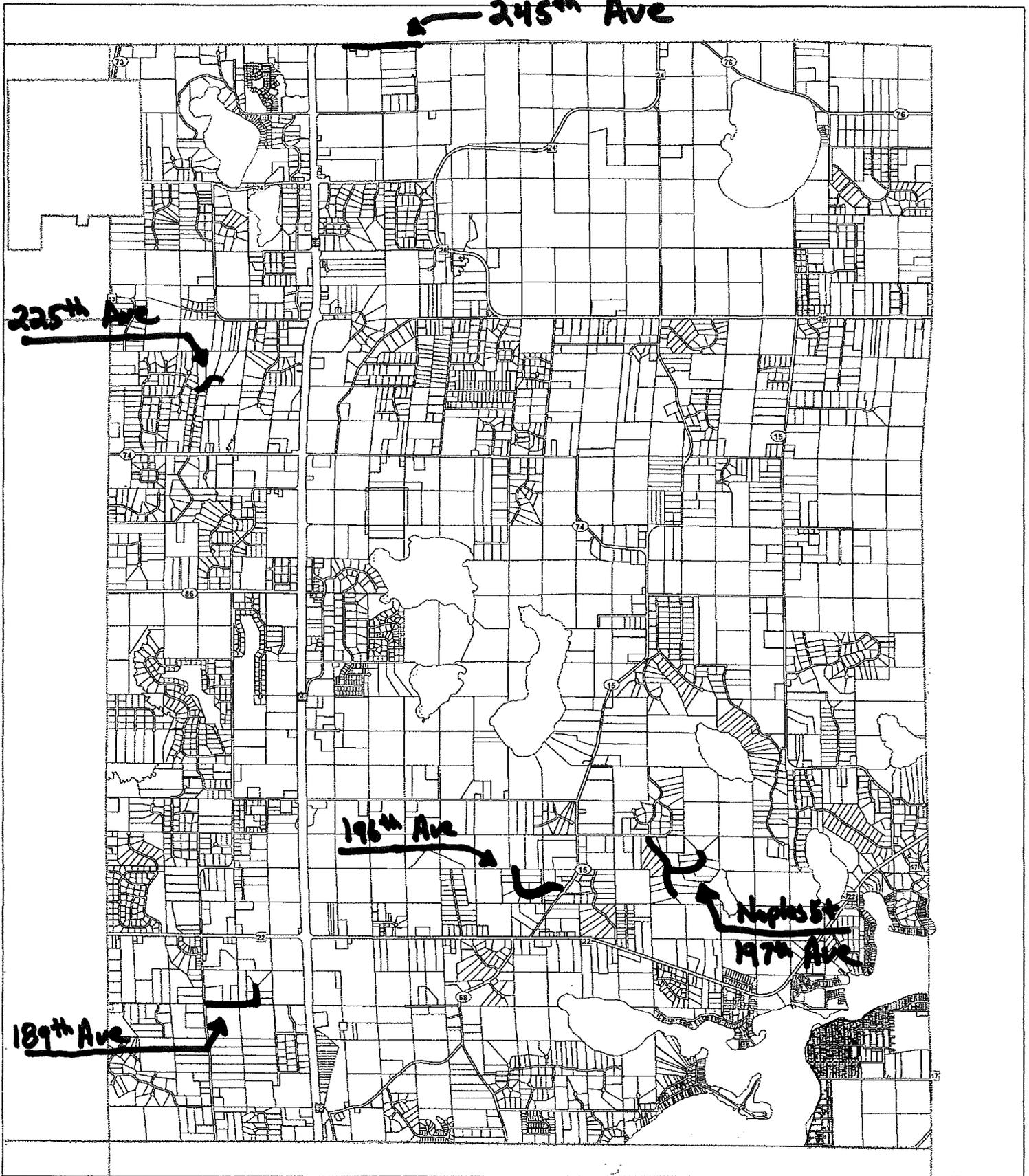
Second by:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_



# 2014 Class 5 Project Locations



SOURCE: ANOKA COUNTY SURVEY DEPARTMENT, MCES, CITY OF EAST BETHEL & LANDAIR



# City of East Bethel City Council Agenda Information

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**Date:**

February 19, 2014

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**Agenda Item Number:**

Item 9.0 F.1

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**Agenda Item:**

Fire Department Report

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**Requested Action:**

Informational only

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**Background Information:**

The Fire Chief has provided reports of Fire Department emergency calls, fire inspections, and emergency medical calls from the previous month.

Staff is also requesting Council to consider a work session on February 26, 2014 for review and comments on the Emergency Operations Plan (EOP) for the City of East Bethel.

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**Fiscal Impact:**

None

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**Recommendation(s):**

Informational only.

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**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

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Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



## East Bethel Fire Department January 2014 Response Calls

Incident Number	Incident Date	Alarm Time	Location	Incident Type
044	01/31/2014	10:43	3841 Edmar LN	EMS call
043	01/30/2014	13:58	24127 Pierce ST NE	Cooking fire (Oven), fire out
042	01/28/2014	13:30	1046 181 LN NE	EMS call
041	01/28/2014	09:31	1046 181 LN	EMS call
040	01/27/2014	14:42	22426 Sunrise RD	Dispatched and cancelled en route; Mutual Aid
039	01/27/2014	00:41	600 229 LN	EMS call
036	01/26/2014	23:19	533 218 AVE NE	Fire in Outside Boiler
038	01/26/2014	19:41	1851 210 AVE	Smell of Smoke
037	01/26/2014	17:05	4565 Wild Rice DR NE	EMS call
035	01/25/2014	15:44	1696 229 AVE	Check on Permit Burn
034	01/25/2014	13:55	1696 229 AVE	Check on Permit Burn
033	01/25/2014	00:09	1046 181 LN NE	EMS call
032	01/23/2014	16:20	21073 Rendova STS NE	EMS call
031	01/23/2014	06:02	1747 237 AVE	Alarm system sounded due to malfunction
030	01/22/2014	21:46	1696 229 AVE	Check on Permit Burn
029	01/21/2014	22:23	22320 Tulip ST	Building fire – Mutual Aid
028	01/21/2014	17:53	4876 Tri Oak CIR	EMS call
027	01/20/2014	08:10	4588 194 AVE	EMS call
026	01/19/2014	04:15	19231 East Front BLVD NE	EMS call; Dispatched and cancelled en route
025	01/18/2014	13:34	231 Elm Road ST NE	EMS call; Dispatched and cancelled en route
023	01/17/2014	15:42	2643 182 LN NE	EMS call
024	01/17/2014	10:43	1310 233 AVE NE	Gas leak (natural gas or LPG)
022	01/16/2014	17:43	21757 University AVE NE	CO detector activation due to malfunction
021	01/15/2014	09:06	19001 Jackson ST NE	EMS call
020	01/14/2014	11:49	Hwy 65 & 225 Avenue	Vehicle accident with injuries
019	01/14/2014	09:18	19520 Jackson ST NE	EMS call
018	01/13/2014	18:36	19755 University AVE	EMS call
017	01/12/2014	11:34	3322 207 AVE NE	EMS call
016	01/11/2014	21:43	Jackson ST & 237 AVE	EMS call
015	01/10/2014	14:58	23416 Baltimore ST	EMS call
014	01/07/2014	03:22	23759 Hwy 65 NE	EMS call
013	01/06/2014	20:09	HWY 65 & 187 Lane	Vehicle accident with injuries
012	01/06/2014	17:14	20860 Naples ST NE	Report of flames seen
011	01/06/2014	08:04	19458 Leyte ST	CO Alarm
010	01/05/2014	06:09	734 205 LN NE	EMS call
009	01/04/2014	01:40	323 Dogwood RD NE	EMS call
008	01/03/2014	21:03	18164 Hwy 65 NE	EMS call
007	01/03/2014	18:17	18360 Leyte ST NE	EMS call
006	01/03/2014	16:41	HWY 65 NE	Vehicle accident with injuries
005	01/03/2014	16:01	23000 HWY 65 NE	Dispatched and cancelled en route
004	01/03/2014	13:01	1233 221 AVE NE	EMS call
003	01/03/2014	12:03	18425 Lakeview Dr NE	EMS call
002	01/01/2014	22:59	20204 Hwy 65 NE	EMS call
001	01/01/2014	04:24	3841 Edmar Ln NE	EMS Standby
<b>Total</b>				<b>44</b>

**East Bethel Fire Department  
Type of Medical Calls**

**January, 2014**

Number of Medical Calls 25

<b>Type</b>	<b>Number</b>	<b>Transport by Ambulance</b>
Medical Complications	10	10
Short of Breath	0	0
Cardiac	3	3
Bleeding	2	1
Illness	4	4
Trauma	0	0
Assist	0	0
Other	4	3
Cancelled Medical Call	2	1
<b>Totals</b>	<b>25</b>	<b>22</b>



# City of East Bethel City Council Agenda Information

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**Date:**

February 19, 2014

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**Agenda Item Number:**

Item 10.0 G.1

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**Agenda Item:**

Commission/Committee Assignments 2014

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**Requested Action:**

Appointments by the Mayor with the approval of City Council for Council Liaison

Commission/Committee assignments for 2014

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**Background Information:**

Attached is a spreadsheet with the Commission/Committee assignments for 2010-2013. The following are the Commission, Authority, Committee and appointed positions for consideration:

Acting Mayor

The Acting Mayor performs the duties of the Mayor in his absence. Tom Ronning has been appointed Acting Mayor for 2014.

Commission Assignments

The Planning, Parks and Roads Commissions have traditionally had a Council Member assigned as a liaison non-voting member. The purpose is to provide guidance and historical perspective to issues and items that come before these Commissions.

Fire Department: Traditionally, a member of the City Council is assigned as the liaison to the Fire Department and attends at a minimum the quarterly informational meetings.

Police Department: Traditionally, a Council Member is assigned as the liaison to the Anoka County Sheriff's Department.

Economic Development Authority: Per EDA By-Laws, two Council members are appointed to this Commission. Council Member Moegerle was appointed to a two year term on January 9, 2013. Her appointments to the EDA will expire on December 31, 2014. There is currently one Council vacancy on the Authority.

Water Management Organizations (WMO's)

Sunrise River and Upper Rum River WMO: The City is statutorily required to participate in the watershed management organizations (WMO's) to review, develop and approve water management plans and budgets for the basin area. These organizations have authority to review

surface water discharge plans as proposed by developers to ensure they comply with WMO plans. These organizations are contractually managed by the Anoka Conservation District (ACD). The City belongs to both the Upper Rum River WMO and the Sunrise River WMO.

The WMO's meet quarterly with notices provided in advance of the meeting with agenda materials.

#### Committee Assignments

Cedar Creek Joint Advisory Committee: This is a committee of City and University of Minnesota representatives that meet periodically to discuss uses of Cedar Creek Ecosystem and Scientific Reserve (CCESR) Property as part of the Memorandum of Understanding between the City and the University. The City and University appoint three members each to serve as representatives on this Committee. Of these three appointees, a Council person has traditionally been appointed as a member. The Council has only appointed one of its own members with the other two appointments remaining vacant since at least 2006. Due to a change in CCESR directorship, Council may desire to continue the appointment of only a Council member to this committee and consider the additional members at the time that the Committee becomes more active.

Sandhill Crane Committee: This is a Joint Powers Organization composed of the City of East Bethel, Anoka County, DNR and the MPCA. The group collectively plans for public uses within this area. Traditionally, one City Council Member is appointed to this Committee.

Finance Committee: This committee meets in April or as is necessary to provide recommendations for budget development. From the guidelines set by this Committee, the preliminary budget is developed for presentation to City Council by the first Council meeting in July of each year. In the past, two Council Members have been appointed to this Committee but Council may desire to have the full Council comprise this Committee.

Ordinance Committee: This Committee is composed of two appointed Council Members and meets as required to review City Ordinance revisions or new proposals with City Staff for recommendation to the full City Council.

Website Committee: This Committee was created on June 6, 2012 and is composed of two Council Members, a member from the EDA, a member from the Planning Commission and two citizen members. There were no terms associated with these appointments. Staff is requesting direction from Council as to appointments or continuance of this Committee as it has completed its designated function.

Booster Day Committee: Traditionally, two Council members have been assigned as the liaisons to the Booster Day Committee to assist with coordination of the annual event. The full committee consists of members of several organizations and residents interested in this event.

GRE Work Group: The GRE Work Group was created on September 1, 2010. The Work Group's responsibility was to meet with GRE, the applicant for a CUP, to review the proposed project and alternatives for the proposed locations of an electric transmission line. By Ordinance, Section 74-Article VI/ Permits for Transmission Lines, the work group must consist of the applicant, city planner, one council member, one member of each of the city's commissions, and up to two city residents appointed by the City Council.

The GRE Work Group was originally appointed as follows: Council Member Bill Boyer, Planning Commission Chair Eldon Holmes, Parks Commission Member Tim Hoffman, Roads

Commission Member Tanner Balfany and Lou Cornicelli and Jeff Criswell as Citizen Members. Jeff Corney, Cedar Creek ESR Executive Director, served as an advisory member. Councilperson Moegerle and Mayor Lawrence joined the group in 2011. Ex-Councilperson Boyer is no longer included in the group.

The Work Group has completed its directed duty and Council may wish to consider the de-designation of GRE Work Group.

Anoka County-Blaine Airport Advisory Commission

The City is a member of the Anoka County-Blaine Airport Advisory Commission. Membership on the Commission enables the City to keep abreast of developments at the airport as they relate to economic development through access to general aviation facilities and as part of the overall transportation element. The Commission is advisory only and there are no dues or costs to the City to belong. Current municipal members on the Commission include Circle Pines, Blaine, Mounds View, Lexington, Lino Lakes and Anoka County. This Commission meets quarterly.

City Council appointed Ed Fiore as the official City member with a term of two years and Jack Davis as an alternate member. Mr. Fiore’s appointment expired on January 18, 2014 and he has expressed a desire for re-appointment.

The Mayor recommends the appointments to the Commissions, Committees and Authorities for Council approval.

**Attachment(s):**

- 1. Commission/Committee Assignments 2010-2013

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**Fiscal Impact:**

Payments to Commission members approved for reimbursement are included in the 2014 Budget.

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**Recommendation(s):**

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

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Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

Commission/Committee Assignments for 2014

<b>Commission/Committee</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Acting Mayor	Council Member Voss	Council Member Moegerle	Council Member Moegerle	Council Member Moegerle	Council Member Ronning
Road Commission	Council Member Paavola	Council Member DeRoche	Council Member DeRoche	Council Member DeRoche	
Park Commission	Council Member Boyer	Mayor Lawrence	Council Member Voss	Council Member Moegerle	
Planning Commission	Council Member Voss	Council Member Moegerle	Council Member Moegerle	Council Member Ronning	
Watershed Mgmt Organizations	Mayor Hunter	Council Member Voss	Mayor Lawrence	Council Member Koller	
Cedar Creek Committee	Council Member Boyer	Council Member Boyer	Council Member Boyer	Council Member Moegerle	
Sandhill Crane Committee	Mayor Hunter	Council Member Boyer	Council Member Moegerle	Council Member Moegerle	
Fire Department	Council Member Channer	Council Member DeRoche	Council Member DeRoche	Council Member Koller	
Police Liaison	Council Member Paavola	Council Member Voss	Council Member Voss	Council Member DeRoche	
Booster Day Committee	Mayor Hunter	Mayor Lawrence	Mayor Lawrence	Council Member Koller	
Booster Day Committee	Council Member Channer	Council Member Voss	Council Member Voss	Council Member Ronning	
Finance Committee	Mayor Hunter	Council Member DeRoche	Council Member DeRoche	Mayor Lawrence	
Finance Committee	Council Member Boyer	Council Member Boyer	Council Member Boyer	Council Member DeRoche	
EDA Commission	City Council	Council Member Boyer	Mayor Lawrence	Mayor Lawrence	
EDA Commission		Council Member Moegerle	Council Member Moegerle	Council Member Moegerle	Council Member Moegerle
Ordinance Committee				Council Member Moegerle	
Ordinance Committee				Council Member Ronning	
Website Committee			Council Member Moegerle	Council Member Moegerle	
Website Committee			Council Member Voss	Council Vacancy*	
			EDA Member-Conner	EDA Member- Mike Conner	
			Planning Comm. Member-Balfany	Planning Comm. Member-Balfany	
			Citizen Member-Mundle	Citizen Member- Mundle	
			Ciitizen Member-Plaisance	Citizen Member-Plaisance	
Anoka County-Blaine Airport Comm				Citizen Member- Ed Fiore	
		<b>Attachment #1</b>			