

EAST BETHEL CITY COUNCIL MEETING

JULY 2, 2014

The East Bethel City Council met on July 2, 2014 at 7:30 PM for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Tim Harrington
 Heidi Moegerle Tom Ronning

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

1.0 The July 2, 2014 City Council meeting was called to order by Mayor DeRoche at 7:30 p.m.
Call to Order

2.0 The Pledge of Allegiance was recited.

**Pledge of
Allegiance**

3.0 **Harrington made a motion to adopt the July 2, 2014 City Council agenda as presented.
Adopt** **Moegerle seconded. All in favor, motion carries unanimously.**

Agenda

4.0 None.

Presentation

5.0 No one signed to speak at the Public Forum.

**Public
Forum**

6.0 Item A Bills/Claims

Consent

Agenda Item B Meeting Minutes, June 18, 2014 City Council Work Meeting
Meeting minutes from the June 18, 2014 City Council Work Meeting are attached for your review and approval.

Item C Accept Resignation of EDA Member Mike Connor
Staff is recommending acceptance of the resignation of EDA Member Mike Connor.

Item D Resolution 2014-19 Twins Tickets Donation for Booster Day Drawing
Staff is recommending adoption of resolution to accept donation of eight Minnesota Twins Tickets valued at \$296.00 from Hakanson-Anderson.

Item E Request for Proposals for Recording Secretary
Staff is recommending the City authorize the advertisement for Recording Secretary Services for minute preparation for the EDA, Planning, Roads and Park Commissions.

Item F Website Intern
Staff is recommending approval of Amy Norling for the position of website/office assistant at a rate of \$12/hour, limited to 240 hours, and no benefits.

Moegerle, "Want to pull B, Meeting Minutes, June 18, 2014 City Council Work Meeting, so I can abstain because I didn't attend that meeting."

6.0 **Moegerle motioned to approve A, C, D, E, and F. Ronning seconded. All in favor,**

motion carries unanimously.

DeRoche motioned to approve B, Meeting Minutes, June 18, 2014 City Council Work Meeting. Koller seconded. Vote: DeRoche, Harrington, Koller, Ronning-Aye; Moegerle-Abstain. Motion carries 4-0-1.

**7.0
New Business**

Commission, Association and Task Force Reports

7.0A
Planning
Commission
7.0A.1
Verizon IUP

Davis presented the staff report and request of Verizon to locate a cellular transmission tower along Highway 65 between 221st Avenue and 237th Avenue and is requesting approval of IUP for this purpose on City property just southwest of the Public Works Building. Per our Ordinance, Telecommunications Facilities, Appendix A, Section 16, the following locations are identified by the City in order of priority as to the placement of telecommunications towers:

1. Antennas located upon public lands or structures, i.e., water towers and public facilities.
2. Co-location on existing antenna support structures.
3. Within the easement of high power overhead transmission lines (69 KV or greater).
4. With the Central Business (B-2), Highway Business (B-3), and Light Industrial (I) districts within one-fourth mile of Trunk Highway 65.

City staff has conducted discussions with Verizon regarding a proposed location southwest of and on the site of the Public Works Building. The proposed lease site would be 100 feet by 55 feet and within this area would the gravel access pad, 190-foot monopole tower and the equipment shelter, enclosed by a 6-foot chain link fence. The location of the facility at this site would not interfere with any activities of the Public Works Department.

This proposal was presented to the Parks Commission at their April 8, 2014, meeting. The Parks Commission was not in favor of locating the facility in either Booster West or East Parks and recommended that if the proposal should move forward, the Commission would prefer it be located adjacent to the southwest corner of the Public Works Building.

This site, the southwest corner of the Public Works Building, was considered and approved as a location for the facility by City Council on June 4, 2014, with final approval contingent on an executed lease agreement between the City and Verizon and the approval of an IUP for this site. It is anticipated that the lease agreement for this site can be presented to City Council at July 16, 2014 meeting.

The Planning Commission approved and conducted a public hearing on this matter on June 24, 2014 and there was no one that spoke against approving the IUP.

The anticipated lease revenue from this tower would be \$24,000 per year, increasing by 3% on an annual basis with the potential for additional revenue from future carriers co-locating on the tower.

Planning Commission recommends that the City Council approve the IUP for a Verizon cell tower location, subject to the conditions as listed in the packet:

1. The lessee shall be required to execute a Lease Agreement in which the terms will be finalized and approved by City Council prior to any work or installation of the facility on the property.

7.0A.1

Verizon IUP

2. Terms of the IUP shall include compliance with state and local building codes; written approval from the Building Department, compliance with permitting requirements; and documentation to support that the proposed site can withstand the facility.
3. The leased space must be secured with a minimum of a 6-foot chain-linked fence and the fencing must be installed within 30 days around the legally described lease space.
4. The IUP shall remain in compliance with all local ordinances.
5. The term of the IUP shall be described in the lease agreement.
6. The lessee shall be in compliance with the lease agreement at all times. A breach of any terms or condition of the lease will be grounds for termination.
7. Lessee must provide the City with required federal and state licenses and/or permits.
8. The tower shall not exceed a height of 199 feet.
9. The tower shall be removed within 90 days of the expiration of the IUP. After the facility has been removed, the site shall be restored to its original condition.
10. The parcel will continue to be zoned appropriately such that the tower is permitted as an interim use during the period of this IUP.
11. The Applicant shall provide an escrow of \$300.00 for the enforcement of the IUP and site restoration.
12. All comments from the City Engineer shall be met to his satisfaction.
13. All comments from the City Attorney shall be met to his satisfaction.
14. IUP shall expire three (3) years from approval date.

Moegerle motioned to approve the request of Verizon to locate a cellular transmission tower along Highway 65 between 221st Avenue and 237th Avenue and approval of IUP for this purpose on City property just southwest of the Public Works Building, subject to the fourteen (14) conditions as recommended by the Planning Commission. Koller seconded. All in favor, motion carries unanimously.

7.0B

None.

Economic
Development
Authority

7.0C

None.

Park
Commission

7.0D

Road
Commission

7.0D.1

Work
Meeting for
2015 MSA

Road

Project(s)

Davis presented the staff report, indicating that at the June 18, 2014, City Council meeting, the MSA portion of the 2015-2019 Street Capital Improvement Plan was tabled for further consideration of options for the 189th Street Project, which proposed to link the Classic Commercial Park to Jackson Street as a second access to this area. Council concerns with this project were the potential for additional truck traffic on Jackson Street and safety issues on this street with pedestrians.

The need for a secondary access to this area concern are safety and congestions issues at the intersection of 187th Lane and Highway 65 and the provision of an additional means of ingress and egress for emergency responders. The 187th Lane and Highway 65 intersection has been obstructed or closed on at least two occasions in the past 18 months. Mn/DOT 2011 traffic count numbers at this non-signalized intersection were 1,950 vehicles per day (vpd) and this number will increase as development continues within this area.

Prior to the recommendation to City Council for the 189th Street Project, the Roads Commission did explore other options to access this area and found this alternative the most

balanced alternative between the following proposals :

1. Extension of 185th Avenue to Highway 65 with a right in, right out only on Highway 65;
2. Extension of Ulysses or Buchanan Street directly north to connect with Viking Boulevard;
3. Extension of Buchanan Street directly south to connect with 181st Avenue; and,
4. Extension of 189th Avenue directly west of Buchanan Street and then north to connect with Viking Boulevard.

These options were rejected for the following reasons:

Option 1 – Mn/DOT has given preliminary indication that they will not approve an intersection at 185th and Highway 65;

Option 2 – This alternative would involve construction across a half mile of wetland and flood plain and may require a traffic light with the intersection of Viking Boulevard;

Option 3 – This alternative would require routing a portion of the road through the Village Green Mobile Home Park and could involve the acquisition of portions of existing residential properties and possibly one existing home; and,

Option 4 – This alternative would involve the construction of an additional 0.5 miles of road and possibly the acquisition of a residential property. In addition, a traffic signal may be required where this proposed street would intersect with Viking Boulevard.

Of the four above options that were rejected, only Options 1 and 4 would potentially be feasible for further consideration.

At the June 18th meeting, Council suggested that a Work Meeting be scheduled to address and consider these other options. Staff is requesting that Council set a date and time for the Work Meeting to review alternatives for a secondary access to the Classic Commercial Park.

Moegerle motioned to schedule a Work Meeting on July 9, 2014, to discuss alternatives to the 189th Street MSA Project, starting at 6:30 p.m. Ronning seconded.

Ronning, “How does the block of time look for that?” Davis, “I really think, with the presentations, it depends on how lengthy you want to get into the budget discussion. That could take a considerable amount of time, and perhaps most of the time allotted for the meeting.”

DeRoche, “I think we’re going to need two different dates. I think I’d prefer to keep the 9th for the budget and we’ll just have to do a Work Meeting on a separate. There’s just way too much discussion that’s going to have to happen on both sides. And, the budget is something we definitely have to get done. Or, at least get as far as we can with it. So, I think it’s pretty important that staff not feel like they are being hurried, trying to get things going because we have two meetings going. I don’t know.”

Davis, “As part of the budget discussion, all of the items in the budget are proposed to be presented. And, before you, you have your proposed budget handout for 2015. Also, the Anoka County Sheriff’s Department will be here to present their proposal so you can question, if you have any questions for them, they’ll be present to answer those. With the Sheriff’s budget, the Fire budget, and the Public Works budget, that’s 60% of the costs of our proposal. And, then there are other questions on transfers and bond programs. So, depending on what detail or how this goes, it could be a lengthy meeting.”

Moegerle, "Without abandoning my motion, I have a question about making this a joint meeting with the Roads Commission. Would that be useful? Because then we could hear their input and then we could kick things around because they have considerations they would probably bring up as well. So, we would get more voices on this at one time."

DeRoche, "We should keep them separate between us and the Roads Commission until we have a chance to discuss it. The Roads Commission has already weighed in on what they want, or what their recommendations are."

Moegerle, "And, we've rejected them." DeRoche, "Absolutely." Moegerle, "And so, I think that this is a time where we get together and find mutual ground, if there's possibility, and, hear all sides of it. I think that's valuable and reaffirms the value of the Roads Commission."

DeRoche, "Well, I wouldn't be in favor of that. I think it is something we need to discuss as a Council first."

Harrington, "They don't meet until August. They don't have a meeting in July, as far as I know, the Roads Commission." Davis, "That's correct."

Moegerle, "But it was discussed at the June 18th meeting. Wasn't it?" Harrington, "They discussed that but, I mean, if you want to bring the Roads Commission in for..." Davis, "The Roads Commission actually discussed this at their April meeting, their May meeting, and their June meeting. And, the Council discussed it at the June 18th meeting. And, I appreciate all the hard work that the Roads Commission did on this. But, they have given their opinion and their opinion was to move forward with the recommendation of extending 189th Street to Jackson. That was done with only one dissenting vote. Mr. Virta was here as a citizen. He's also a member of the Roads Commission, but he did present the alternative side of their discussion, to the Council at their June 18th meeting. I think we have the four options. When we schedule the meeting, we'll have costs for two of those. Two of them that, I think, can be just rejected on the surface because they're just not feasible. The other two we can explore and if there are any other options, we can also look at those. But, I think the Roads Commission has given their opinion on what they want to do on this. And, my other concern is that if you get more than four or five people involved in a meeting, it's very difficult to get anything done."

DeRoche, "Well, again, I would like to see the meeting set for the 23rd. I don't want to cram it into the budget meeting."

Moegerle, "I can't attend that meeting."

Harrington, "How about the 16th before the Council meeting? Not enough time?"

Ronning, "No. For whatever its worth, I've spoken with some of the drivers and that access to Highway 65 is the route that would work. If they're going north, they go south to the stop light, make a "U" turn, and go back up. The problem is going south on 65. They didn't say what they want but if they are interested in fixing the problem, they came with all kinds of ideas and plans without any input."

DeRoche, "And, I'm personally, not going to dump it on the residents." Ronning, "No." DeRoche, "I think, from a safety standpoint, I guess, would be key. You know you have

got people walking, biking, doing whatever on Jackson and I don't care, yeah, sure, well enforcement will take care of it. Well, no. We're not going to have somebody sitting down there making sure that everything is 'up to snuff.' And, I don't want it on my conscience if somebody gets hit or worse yet, gets killed out there."

Koller, "And in the mornings, when those trucks are leaving, the school busses are picking up kids on Jackson." DeRoche, "And, the drivers may say, 'Oh, no, we wouldn't do that.'" Well, you know what, maybe they will and maybe they won't. But, whatever."

Moegerle, "But it sounds like, without any discussion, that option number 4 has been chosen. You know, so why are we having a meeting? Why are we scheduling a meeting? If, you know we are not going to go through Jackson, 2 and 3 have been eliminated, that leaves 4. So..."

DeRoche, "I don't think anything has been decided yet and I think that..." Moegerle, "Well, you said you were not going to dump it on the residents, which is Option 1, which is Jackson. Jack has indicated that 2 and 3 can be dropped out. So, that leaves us with 4, you know."

DeRoche, "Well, 2 and 3, Jack said could be eliminated but, you know, I guess that's up, we should at least discuss them and see if there's another alternative. I don't know why we can't..."

Ronning, "Just for consideration, there's a preschool at the church and they have like 3-year-olds up to...and they're not in school busses. They are just in cars."

DeRoche, "I guess the 23rd, to me, would be the one to discuss the roads. The 9th on the budget and 23rd on the roads. Just for expedience sake, I don't think cramming meetings together and just allowing a certain amount of time to do it. You know if the meeting goes short, great. But, if it doesn't, you know, there's certain business that's got to be taken care of. And, if people don't want to be there that's up to them, I guess."

Ronning, "All right, now we're taking quite a bit of time talking about having a meeting to talk about this stuff. So, the real things going to be a lot more involved than this."

DeRoche, "Well, the motion is up, seconded, any more discussion about having them both on the 9th? All in favor?"

Vote: Moegerle-Aye; DeRoche, Harrington, Koller, Ronning-Nay. Motion fails 1-4.

DeRoche motioned to schedule a Work Meeting on July 9, 2014, for the budget and to schedule a Work Meeting on July 23, 2014, to discuss alternatives to the 189th Street MSA Project, starting at 6:30 p.m. Harrington seconded.

Moegerle, "I have a conflict. I won't be able to attend."

DeRoche, "Any more discussion? All in favor?"

Vote: DeRoche, Harrington, Koller, Ronning-Aye; Moegerle-Nay. Motion carries 4-1.

8.0

None.

Department Reports

8.0A

Community Development

8.0B

Engineer

8.0A.1

Force Main

Project

Review

Davis presented the staff report, indicating the City Engineer will review the schedule for conversion of the Castle Towers Waste Water Treatment Plant discharge to the City Force Main Project/MCES Water Reclamation Facility at this point.

Jochum, "As we talked about this project on June 4th, we were shooting for a start up the week of June 23, last week. About mid-June, we found out from Connexus that they would not be setting the transformer for providing power to that facility until the week of July 8th. Because of all the storm activity, their crews are about three weeks out. So, we were on a schedule until we heard about the power situation. The lift station is ready to go and we actually started on the generator. The power is scheduled still to come on early the week of July 7th, which will put us in a start up, as of right now, of July 9th. That's when we plan to start to test this pump. Once it's running, the lift station that's existing then goes to the Wastewater Treatment Plant and will remain in place and running until we know this one is operational and things are going well. Then that lift station will be closed down. So they've just been working on punch list type items the last couple of weeks.

Now they know Lift Station #1 is ahead of schedule. It's actually operational and running. It does have temporary pumps in there because the pumps aren't scheduled to come for the next two or three weeks. The contractor got some temporaries from his vendor and they'll switch those out at no cost to the City. They wanted to get going on it before the pumps got here so that's all their costs, for putting in the temporaries and switching them. It's scheduled towards the end of this week."

DeRoche, "So all the pipes have been tested?" Jochum, "Yes." DeRoche, "All right, that will be nice. Anybody got any questions?"

Ronning, "Before the 2010 elections, I had asked, I just remembered this, this past week or so, I had asked a number of times for what the cost would be to run this assuming no break downs or anything. There's energy costs, there's some kind of PM, I imagine. Do the engineering books have that kind of data to plug in?" Jochum, "We could figure that out. We know horsepower of the pumps...that's something that can be estimated. You're talking about the lift station itself?" Ronning, "Well, I might ask for the whole thing. Whatever it costs to run the water tower and our portion of the sewer piece." Jochum, "We do have some real costs for water treatment a couple years ago."

DeRoche, "Didn't Bolton and Menk have proposed costs that they just kind of threw in there for number's sake?" Jochum, "Yeah, that's in the facility report but it's also based on so much use so it's probably on the low end." DeRoche, "Might be."

Moegerle, "Thank you." Ronning, "Any other questions?" DeRoche, "Anybody else have any questions?"

Ronning, "So, what's the date for on-line?" Jochum, "July 11."

Moegerle, "It's not going to be a photo op, is it?" Ronning, "No." Jochum, "...so they plan

8.0A.1
Force Main
Project
Review

on about seven days to take waste water down to the other end so they plan on the plant starting around the 18th of..."

Ronning, "They have a similar grade that plumbers use, or architects, when they are designing a house or building a house?" Jochum, "No, well this is a force main so we don't worry about slope. Typically they are a lot flatter than what's taking place."

Moegerle, "So, how long will it take to get down to the Metropolitan Council's station? And, are they, I mean it's going to be an hour or however long? I don't know how fast the flow is in a force main." Jochum, "They're talking about seven days." Moegerle, "Seven days, so that's how long Metropolitan Council has to gear up to anticipate that additional flow." Jochum, "It's not that the pumps take that long." Moegerle, "Right."

Ronning, "I think I heard somebody say that they've already hauled a load out of the Metropolitan Council facility?" Jochum, "Oh, I'm not in tuned to that but I assume they have hauled more than that." DeRoche, "Yeah."

Davis, "That sewer system is actually been on line and operating since May of last year. Aggressive Hydraulics was the first connection. And, at this point now, there's one, two, three, four, five, I believe there's eight connections on the system. Three which are getting ready to hook up, hopefully, within the next four to six weeks. Two are unknown at this time."

Ronning, "That system's, from previous discussion, that system's not designed to handle five increments of this project that was scheduled. Is that correct?" Davis, "That's correct. There would have to be expansions, several expansions, to the plant if the whole thing were built out as originally planned, or even as modified."

Ronning, "Is it anticipated that this can handle Phase 1?" Davis, "Oh yes, it will handle Phase 1 relatively easily. I think the capacity of that plant now is close to one-half million gallons." Jochum, "Correct."

Ronning, "Well, six-eight places have had two clean outs. Seems like that could get backed up a little, anyhow."

DeRoche, "Any other questions?"

Informational; no action required.

8.0C
City Attorney

None.

8.0D
Finance
8.0D.1
Interfund
Loan /
Permanent
Fund Transfer

Davis presented the staff report, indicating that in 2010, the City of East Bethel provided a loan of \$240,000 (Resolution 2010-074) from the Equipment Replacement Fund to the 2010A and 2014A bond funds. It is very unlikely that this loan amount will ever be repaid from future utility revenues as was originally proposed.

City staff is requesting that this loan be replaced with a permanent fund transfer of the same amount between the two funds. This means that the loan would be transferred back to the Equipment Replacement Fund and then a permanent one-time transfer from the Equipment Replacement Fund would be made to the bond funds. This would clean up an accounting

item, write off a bad loan, and remove it from the City's books.

8.0D.1

Interfund
Loan /

Permanent

Fund Transfer

Staff recommends Council consider the adoption of Resolution 2014-20 Permanent Transfer of Funds.

Moegerle motioned (for discussion purposes only) to adopt Resolution No. 2014-20 Authorizing a Permanent Fund Transfer. Ronning seconded.

Moegerle, "The reason I said 'for discussion only' is that way back when, the HRA loaned \$600,000-some to this project in order to get the plans prepared for it. Then we got the bond proceeds, that \$640,000 was taken back and put back into the HRA fund. My question is, if we proceed with this, how does this affect our Equipment Fund? If this is going to hurt our Equipment Fund issue, maybe we, could we retroactively take the money out of HRA and put it into the Equipment Fund? But, that only comes up if this is really going to hurt what we're planning for to come out of the Equipment Fund."

Davis, "I wouldn't recommend another interfund loan unless it's just an absolute 'have to' case. As far as our Equipment Replacement Fund, we'll have about \$1.4 million left. There may have to be a few things that we can extend out. Those will probably be done on a normal basis anyway. So, I think we're fairly well funded now, as it is, and this will not affect us in the future."

DeRoche, "Well if I remember right, this was a discussion two years ago. And, the decision was made to do what we did. I don't know, I'm not sure why it's coming up again."

Ronning, "The last sentence, second paragraph, 'This would clean up an accounting item, write off a bad loan, and remove it from our books.' It's, some of those are not 'callable.' The 2010A, B, C. This says the 2012A is at..." Davis, "The As and Bs, those two bonds are callable. 2014A is the one that we've refinanced back, about a year ago, and saved the \$1.3 million. The 2010A is the Recovery Zone Economic Development Bonds of \$11.5 million. They are callable and we're still looking for options and opportunities to refinance that bond. This loan, the reason they made it, was because there was a cost of issuance associated with these two bonds and there's only a certain amount that you can pay for from the bond proceeds. So, this loan was approved to cover that difference, that balance. That's why they made this interfund loan at that time. At the time, and also in your packet, there was a ten-year period to repay the loan. We're almost into the fifth year of that and we've repaid absolutely nothing. It's essentially a loan that you make to yourself. And, in my opinion, there's no point having it out there on the books when, I think, we know we're not going to repay it. If we're going to repay it, it would be a different story. But, we haven't set up any schedules to do it. If we did it over the next five years, we would have to put in approximately \$50,000 extra a year to repay this loan. So, it's my recommendation we just take it back to the Equipment Replacement Fund and do that permanent transfer and then it's over and done with."

Ronning, "So, just to clarify this for anybody that may not understand. This is a loan from us to us and we're calling the loan and that expense will be gone." Davis, "That's correct."

DeRoche, "Makes sense to me. Any more discussion?"

Moegerle amended her motion to remove 'for discussion purposes only'. Ronning seconded that amendment. All in favor, motion as amended carries unanimously.

8.0E None.
Public Works

8.0F None.
Fire
Department

8.0G None.
City
Administrator

9.0 Other Davis, "There will be a local government officials meeting on July 30th in Lino Lakes. I'll send some information out as we get agendas on that. If anybody's planning on going, just a head's up, let me know and we'll get you registered and post notices, if needed."
9.0A
Staff Reports

DeRoche, "Is that the one with the commissioners?" Davis, "That's correct." DeRoche, "Out at the golf course?"

9.0A.1 Davis, "The other item I have a report on, is we had a meeting with the service road east side businesses on Monday night. Of the 13 property owners down there, 9 were in attendance. We discussed the possibility of extending sewer service to them, to get a final decision from the group as to what their preference was for service. Surprisingly, of the 9 there, there were 7 that were either in favor of it or had some inclination that they would want the service. One that didn't want the service had an excessive amount of ERU's assigned to their business. They are going to appeal that designation. If they get some relief, they may be in favor of having the service.
Sewer Service to East Side of Service Road

There are several appealing factors to them about the service. Number one is that the road would be improved as a part of this project. Something will have to be done to the road anyway, but this would allow us to do, probably, a little bit more. The other thing is there are a couple properties there that would like to use the area that their drain field is on for expansion of either buildings or parking lots. A couple of them had some issues last winter with septic systems freezing up. So, we're going to present them with some other details, come back to Council, and discuss if there's a possibility of doing another type of loan program like we did for the west side businesses.

Their cost to hook up would range anywhere from \$20,000 to \$50,000 with the exception of two properties. For those properties, the cost for hooking up would be \$80,000 and \$250,000 respectively. The one that had the \$80,000 assessment didn't have any issues and the one that had the \$250,000, obviously, did. So, we're going to wait and see how it goes with Metropolitan Council and the appeal of their ERU assessment and then it will come back to Council with a presentation of a potential loan program that we can consider for them to pay their connections fees. Metropolitan Council also has a loan program for connection fees that utilizes their portion to pay for that so we wouldn't tie up so much of our funds.

What we proposed to them is the same basic fees, the same assessment that we looked at over on the west side of a per lot assessment of \$11,500. We would have to have those in order to generate the additional revenue to pay for the costs. If this went through as we presented it, then these owners would be paying for approximately 25% of the cost for the entire project, and approximately 50% of the sewer. We're looking, still, at some ways to obtain all the funds that would be necessary. But, we think that we could probably put

9.0A.1
Sewer Service
to East Side
of Service
Road

something together. It looks like there may be ample support there to pursue this. One thing, the real value of extending that sewer service to this area is probably more for future development than it is for existing business. But, it would be nice if these could profit, or benefit, from that extension also.”

Moegerle, “What about the four that didn’t attend? Do we know their preference or views?” Davis, “One of them previously had expressed some interest in it. Of the others, one of them is a bank-owned property and one of them is an individual that we’ve had little communication with. He’s the one that owns that little strip that’s where the old service station building was at 187th. The last one owns the property to the north of there. We’ve had conversations with him and he’s definitely in favor of service over there. And, it’s possible that even that one, if they didn’t want it, he could be left out of it because he could receive service from another area.”

DeRoche, “I think the one to the north is interested, from the conversation I’ve had. It’s kind of the accessibility to his property, or to that property.”

Ronning, “It might be pretty early to ask the question. Would this be anticipated to go to the south end of the City? Or, would it stop at the last business?” Davis, “It would be anticipated to go approximately where that drainage pond is, below what used to be 5K Auto and is now Luxury Imports Auto. The other thing, too, the land going to the south from where the service currently ends in front of the NACE building, would be a 24-inch line. We would design that so future extensions could be made even farther south, even outside of East Bethel. One of things we’ll look at, too, is to see if there’s any way that we could work something out for collecting some of the costs for over sizing that line for the five businesses south of the existing service termination point so they won’t have to pay for the 24-inch line because the line going to the north is only an 8-inch line.”

9.0B
Council
Report –
Member
Koller

Koller, “I don’t have a whole lot to say. Went to the Booster Days meeting. Everything is going quite well setting up for the Booster Day event. The only thing they need is turtles, if you happen to see any in your yard. Drop them off at Ruth Larson’s house. That’s about it.”

Council
Member
Harrington

Harrington, “I’ve got a couple questions, e-mailed, I think everybody received yesterday about the culvert problems on Viking. I was over there today. I counted four culverts. We just talked about replacing the two that are bad.” Davis, “Currently, they’re talking about replacing the one and that would be the culvert that’s on that private drive north of Viking. It’s an 8- or 10-inch culvert and the drainage area it serves is quite extensive, several hundred acres. We think that’s the real ‘choke point’ in letting a lot of that water out of there. The Anoka County Highway Department is going to replace that culvert.”

Harrington, “Okay. Then, my second question. What’s the status on the oil tank over at the Recycling Center? I thought that was voted on that it would be removed. Is there anything in the works?” Davis, “Nate is getting quotes on that so, hopefully, we can present that within the next Council meeting or two and get that done before wintertime.”

DeRoche, “Just so everybody knows, there’s still going to be that Royal Recycling. They’re just taking the old tank out.” Harrington, “The one that’s in the ground.” Davis, “That’s correct. The current facility has an above ground tank and that service will still remain.”

Council
Member
Harrington

Harrington, "And lastly, there are still openings for the July 18th golf tournament for the Chamber of Commerce, if anybody is interested."

Council
Member
Ronning

Ronning, "A comment, I guess, more than...this past week, I had a call from Washington, D.C. It's a lady that identifies herself as the IRS and that it's urgent that I call. I don't believe the IRS makes phone calls, they send letters in the mail. My wife was pretty upset about it though because it's a scam, very likely. We didn't follow it that far but it's very likely a scam to try and get somebody to 'cough up' information. And, so the caution I would try to issue, is be careful with that stuff. There's, especially the elderly that, they've lost their entire savings, their retirement, their everything. There's some pretty nasty people out there. Be careful please."

Council
Member
Moegerle

Moegerle, "Quite a few things. I missed the last meeting because I was at the annual meeting of the League of Minnesota Cities. The thing was 'For the Love of Cities.' The theme was how to engage citizens and get more people involved, to fill this room with interested citizens. One of the things is, they talked about, 'bottom up,' development of ideas. When you have grass-roots development, whether it's the commissions or individuals coming up. Cities that utilize that approach are often surprisingly successful and, in gauging and places that are sought out, particularly.

The other final speaker you'll appreciate. The theme was 'Nice Bike,' and how that relates to, as you bikers would say, and the Harley people would say, 'Nice Bike.' What the gentleman said is that is how you should also deal with other people, is with that same tone of respect and acknowledgment. And, appeal to their emotions by saying appreciative things.

One of the real interesting parts of the seminar is the exhibit hall. One of the things that I think you'll be interested in, particularly Ron, was quite a number of vendors were there saying that they can retrofit equipment and major machinery. And, I asked specifically about the Ice Arena. Several vendors indicated that the dehumidifiers can be retrofitted. So, I have a card from one of those vendors. But, it would be a way of saving money.

The way they save the money is on your utilities. You save the money and then you pay a portion of what you save back. And, they guarantee it. So, that might be a way we can save some money on the utilities for the Ice Arena, which I know the Ice Arena is one of your favorite issues. So, I have that for Jack and it's something that we might want to discuss.

I met with members of neighboring cities. We discussed a lot of legal issues. One of the things that came up were how our criminal cases are handled. Many cities get monthly or quarterly reports on the results of their criminal cases, which I thought was very interesting because, as you know, we don't. I thought that was a very interesting thing that maybe we should adopt at some future point.

East Bethel was known to many of those people up there. And, I wish I could say it was favorable, but that was not nearly a unanimous view.

Interestingly, at the exhibit hall, there was an East Bethel resident there who identified me before, it was completely shocking. Just goes to prove that to see your neighbors sometimes you have to drive 12 or many more miles to see them.

Council
Member
Moegerle

The other thing is from a different source than the newspaper. I learned that there is a U.S. Supreme Court from 1971 which states that ordinances that include the words 'to annoy' or 'annoying' was determined to be too vague to be enforceable. And, part of this was interesting to me because it also cited the *Wall Street Journal* and Indiana Deputy Attorney General. So, I did some research on it, moments before this meeting started, and that happens to be true. We have two such ordinances. They are the Blight Ordinance and the Excavation Ordinance. The citation is *Coates versus Cincinnati*, 402 U.S. 611. So, those ordinances seem to need to be updated.

With regard to the weekend and Booster Day, it's a great time to take great photos to put on our website. We talked earlier about putting new photos that really display what East Bethel is about. This weekend and actually this month is a good time to do that.

From Public Works, Dallas got an award for participating in recycling activities in the County, which is really great. He's also involved with the Lions and the Lions recently took over the beautification and plantings around the East Bethel sign on the south end of the City on 65. And, it does look remarkable, just like the Recycling Center does. So, another 'shout out' to the Lions and Dallas for all of their work.

Look for this on the website. This is how to opt out of getting the yellow pages. So, that's all I have and I found that at the League meeting too."

Mayor
DeRoche

DeRoche, "Just a couple of notices. The paving project on 65, from 245th Avenue intersection to Isanti has begun and will continue through the month of July. Expect traffic delays in this section of Highway 65 through the end of the month. That's unfortunate being it's a holiday. But, you know what, apparently they think it needs to be done.

The City is working with Commissioner Julie Braastad and the Anoka County Highway Department to advance the schedule for repaving of County Road 74, 221st Avenue, for 2015. The completion of these improvements will provide better access for emergency responders from Fire Station #2. Approximately 1,000 residents that are served on the road, Booster Park and City Hall. And I think anybody else that happens to go down that road will appreciate it because it is in tough shape, and especially if you're on a bike.

I also talked to many people from other cities quite a bit and, contrary to what was said, I don't hear bad things. I hear East Bethel is doing rather well, kind of the circus attitude is gone. They've read the paper and seen financially how we've been holding things together, and it's just too bad that some people still feel the need to put that out there, the negative stuff.

You know what, I think we're doing good. I think, from the people I've talked to and, like I said before the meeting, if you go out to the website and look at the meetings that are in the Media Center, there are maybe 30-some hits now versus 1,400. So, either something is going right and the City is going in the right direction, or people are just bored and saying, 'You know what, things are going all right so I guess we don't have to follow that.'

But, either way, everybody knows they are welcome to come out here. They are welcome to ideas. For anybody who has anything, whether it's complaints or ideas with the City, don't worry about, I know there was a lot of fear about retaliation and, 'Well, if I say something, then somebody at the City is going to get mad and they're going to come

Mayor
DeRoche

looking.’ But, you know what, I don’t necessarily hear that and I think that’s turning around. There are a few people that send that signal but it’s not everybody.

I hope everybody has a great 4th, be safe on the lake. If you are on a bike, be careful. A lot of people like to text and drive. That’s all I’ve got.”

9.0C
Other
9.0D
Closed
Session

None.

Vierling, “At this time we’d note for the record that the Council is about to go into Closed Session, authorized under Minnesota Statutes 13D.05, subdivision 1(d) and 3(a), with regard to a performance review that was initiated at the last Council meeting relative to the City Administrator and continued as part of this Closed Session meeting. This is a routine performance review and there’s no particular issues involved other than it’s a periodic check in between the Council and the City Administrator. But, pursuant to the Statute, those performance review documents are closed and private. So, with that information and knowing that the Closed Session will be recorded as per Statute, I recommend that the Council make a motion to go into Closed Session under the authority and for the purposes indicated.”

DeRoche made a motion to go into Closed Session at 8:19 p.m. for the purposes indicated by Attorney Vierling. Moegerle seconded. All in favor, motion carries unanimously.

Reconvene
Open Session

Vierling, “For the benefit of the public and for the minutes, we would note that the City Council got back into Open Session after having concluded the performance review relative to the City Administrator. Council reviewed the tabulation of their individual survey results that had been prepared from individual surveys that they had completed. All members were in attendance at the Closed Session, as was the City Administrator, Mr. Jack Davis, and myself, Mark Vierling as City Attorney. The performance review was completed. The results of the performance review, in the specific, are of course private. But, the Council did review and commend the City Administrator generally as performance results were very high. And, they concluded the meeting within four minutes.”

553
Lakeshore
Drive Update

Ronning, “Jack, what’s the status on 553 Lakeshore Drive? It’s been a couple months now and I think we’re 16.5 months into a demolition permit. It’s been a couple months and I’m curious where we are with it.” Davis, “I sent Ms. Moegerle a summary of what needed to be done with the property. She met with the Building Inspector in April. That was considered to be the renewal of the demolition permit, which lasts six months from that time. At the end of that period, it’s expected that all things should be completed.”

DeRoche, “Why was there a six month extension? I mean, there was already an extension on the property.”

Moegerle, “I would like to make a clarification. My husband and I, Gary Otremba and Heidi Moegerle, own 553 Lakeshore. So people who are concerned about whether individuals on this Council are vindictive, make your own decision.”

Davis, “Extensions are things we generally do on things of this nature. There are many sets of circumstances with individual that don’t get their work done on time. If they don’t get it done on time and request an extension, then we grant one. We try to work with everybody and give no special consideration to anyone, regardless of their position.”

553
Lakeshore
Drive Update

Ronning, "What stage of demolition is this in?" Davis, "I'll have to let Ms. Moegerle answer that question."

Ronning, "Before you do though, I made it about as nondescript as possible by just using a number. And, if there's any 'vindictiveness,' you called it." Moegerle, "Well, all you have to do is look at the Local Board of Equalization meeting."

Ronning, "You put a 'face' on the number." Moegerle, "Yes I did because you just asked a question and it was going to come to me anyway. And, folks, just look at the Local Board of Equalization minutes and meetings and you'll get a full idea of what's going on here. Frankly, I answer to, on that issue, to the Building Official and to the City Administrator. They are up-to-date on what's going on with that and that's all I have to say."

Ronning, "Well, if that is the chain of command for information sort of thing, I'm requesting of the Administrator and the Building Official what, where we are." Davis, "The demolition permit was extended the beginning, I think, April 23rd for an additional six months. Approximately a month ago I sent Ms. Moegerle an e-mail stating what she had to do on the lot of 553 Lakeshore. Specifically, it stated that the lots had to be combined, the older portion of, or the cabin portion still had to be torn down and removed. They want to use the remainder of the building as an accessory structure. They can keep up to 960 square feet as an accessory structure provided the lots are combined. If the lots are not combined then the whole building has to be torn down."

DeRoche, "Well, the question that's been posed to me, Jack, is regarding the extension. Was it because the person is a Councilperson? She has already identified herself so I guess I'm not 'spilling any beans' there. But, the question was posed. Is it because she's a Councilperson that she gets extensions? Or, that nothing has to be dealt with? And, she's welcome to address the public because those are the people asking the questions."

Davis, "On the question of the extension, absolutely not. It doesn't matter who you are. If somebody had had the same issue and couldn't or didn't get their work done and came up and wanted an extension, for that purpose we would grant it. If it were the point where it was causing an eminent threat or danger or an attractive nuisance, we would look at it differently. But in cases like this, where somebody requests some additional time, then we give it to them regardless of who they are. Again, it is our policy of trying to work with everyone."

DeRoche, "You know, it seems kind of odd that there was this big rush on, to get it to the point where it was at so that the valuation could be down for the assessment. Whether it was or not, I'm asking a simple question."

Moegerle, "Anybody who has a question, come and ask me. As a practical matter, both of those properties have been held differently from the beginning. They haven't been held in the same exact way so they can't have ever been combined. So, you know, the letter that Jack has sent requires a written response. He asked that from me and that's going to be something that takes a considerable response because I know all of you gentlemen will be eagerly looking at it. And, anyone of the public is welcome to look at it as well. And, so, I want to do that in an even-handed manner. As soon as something changes on that, I'm sure you'll all know but if anybody wants to ask what's going on at any time, if I'm outdoors stop and see me, call me, ask me."

553
Lakeshore
Drive Update

Ronning, "The simple answer to my question was the permit's been extended for six months. Do you know if there's an implied, or otherwise intent, to comply with whatever ordinances are in effect regarding the property?" Davis, "I couldn't speak to what the intent is. I don't know. But, in this situation with the extension, we expect the work to be completed at the end of that period." Ronning, "Thank you."

**10.0
Adjourn**

Moegerle made a motion to adjourn at 8:36 p.m. Koller seconded. All in favor, motion carries unanimously.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial, Inc.