

City of East Bethel
City Council Agenda
 Regular Council Meeting – 7:30 p.m.
 Date: August 20, 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
Page 1-2		
7:33 PM	4.0	Presentations
Page 3-7	A.	East Bethel Royalty
Page 8-12	B.	Sheriff's Report
7:53 PM	5.0	Public Forum
8:00 PM	6.0	Consent Agenda
Page 13-15		
		<i>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</i>
Page 16-19	A.	Approve Bills
Page 20-44	B.	Meeting Minutes, July 23, 2014 City Council Work Meeting
Page 45-58	C.	Meeting Minutes, August 6, 2014, City Council Meeting
Page 59-62	D.	Recording Secretary Contract
Page 63-67	E.	Pay Estimate 8, Castle Towers/Whispering Aspen Force Main
Page 68-69	F.	Pay Estimate 3, Lift Station # 1
Page 70-75	G.	Liquor Compliance Violation
Page 76	H.	Resolution 2014-30, Wendy Warren Appreciation Day
	I.	Website/Office Intern Employee Extension
Page 77	J.	Supplemental Payment Summary
		New Business
8:10 PM	7.0	Commission, Association and Task Force Reports
	A.	Planning Commission
	B.	Economic Development Authority
	C.	Park Commission
	D.	Road Commission
8:11 PM	8.0	Department Reports
Page 78-79	A.	Community Development
	1.	City Ordinance, Chapter 10, Article V, Farm Animals
	B.	Engineer
	C.	City Attorney
Page 80-120	1.	Data Policies
	D.	Finance
	E.	Public Works
	F.	Fire Department

Page 121-123
Page 124-161

1. Monthly Report
2. EBFRA By-Laws and Benefit Increase

Page 162-164

- G. City Administrator
1. Hwy. 65 Bus Service

8:46 PM

9.0

Other

- A. Staff Report
- B. Council Reports
- C. Other
- D. Closed Session - Union Contract, Mn. Stat.13 D. 03 subd. 1 (b)

9:05 PM

10.0

Adjourn



City of East Bethel City Council Agenda Information

Date:

August 20, 2014

Agenda Item Number:

Item 4.0 A

Agenda Item:

East Bethel Royalty for 2014-2015

Requested Action:

Recognize the East Bethel Royalty for 2014-2015.

Background Information:

The East Bethel Scholarship Pageant organizes and sponsors the annual Scholarship Pageant where individuals compete to represent the City of East Bethel as an Ambassador for a twelve month period with appearances at numerous City festivals, celebrations and other official functions.

At this time, the East Bethel City Council, appreciative of the time and effort these pageant winners devote to representing the City, will recognize:

- Heather Rickbeil as Miss East Bethel 2014-2015
- Allisyn Hulst as 2014-2015 Junior Princess
- Madison Hall as 2014-2015 Little Miss

Attachment(s):

Resolutions 2014-27, 2014-28 and 2014-29

Fiscal Impact:

None

Recommendation(s):

.

City Council Action

Motion by:_____

Second by:_____

Vote Yes: _____

Vote No: _____

No Action Required: _____

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2014-27

RESOLUTION RECOGNIZING THE 2014-2015 EAST BETHEL ROYALTY

WHEREAS, the East Bethel Scholarship Pageant organizes and sponsors the annual Scholarship Pageant; and

WHEREAS, the individuals recognized through this competition represent the City of East Bethel as an Ambassador for a twelve month period by appearing at numerous City festivals and celebrations and other official functions; and

WHEREAS, the City of East Bethel is appreciative of the time and effort these pageant winners devote to representing the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: Ms. Heather Rickbeil is hereby recognized as Miss East Bethel and an Ambassador for the City for the next year.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT: the City Council hereby expresses its thanks and appreciation for the time and effort Ms. Heather Rickbeil will devote to representing the City for the next twelve months.

Adopted this 13th day of August, 2014 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Robert DeRoche, Jr., Mayor

Tim Harrington, Council Member

Ron Koller, Council Member

Heidi Moegerle, Council Member

Tom Ronning, Council Member

ATTEST:

Jack Davis, City Administrator

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2014-28

RESOLUTION RECOGNIZING THE 2014-2015 EAST BETHEL ROYALTY

WHEREAS, the East Bethel Scholarship Pageant organizes and sponsors the annual Scholarship Pageant; and

WHEREAS, the individuals recognized through this competition represent the City of East Bethel as an Ambassador for a twelve month period by appearing at numerous City festivals and celebrations and other official functions; and

WHEREAS, the City of East Bethel is appreciative of the time and effort these pageant winners devote to representing the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: Ms. Allisyn Hulst is hereby recognized as Junior Princess and an Ambassador for the City for the next year.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT: the City Council hereby expresses its thanks and appreciation for the time and effort Ms. Allisyn Hulst will devote to representing the City for the next twelve months.

Adopted this 13th day of August, 2014 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Robert DeRoche, Jr., Mayor

Tim Harrington, Council Member

Ron Koller, Council Member

Heidi Moegerle, Council Member

Tom Ronning, Council Member

ATTEST:

Jack Davis, City Administrator

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2014-29

RESOLUTION RECOGNIZING THE 2014-2015 EAST BETHEL ROYALTY

WHEREAS, the East Bethel Scholarship Pageant organizes and sponsors the annual Scholarship Pageant; and

WHEREAS, the individuals recognized through this competition represent the City of East Bethel as an Ambassador for a twelve month period by appearing at numerous City festivals and celebrations and other official functions; and

WHEREAS, the City of East Bethel is appreciative of the time and effort these pageant winners devote to representing the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: Ms. Madison Hall is hereby recognized as Little Miss and an Ambassador for the City for the next year.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT: the City Council hereby expresses its thanks and appreciation for the time and effort Ms. Madison Hall will devote to representing the City for the next twelve months.

Adopted this 13th day of August, 2014 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Robert DeRoche, Jr., Mayor

Tim Harrington, Council Member

Ron Koller, Council Member

Heidi Moegerle, Council Member

Tom Ronning, Council Member

ATTEST:

Jack Davis, City Administrator



City of East Bethel City Council Agenda Information

Date:

August 20, 2014

Agenda Item Number:

Item 4.0 B.

Agenda Item:

Sheriff's Department Report

Requested Action:

Information Item

Background Information:

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

Attachments:

July Report – Attachment #1

Fiscal Impact:

Recommendation(s):

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

Anoka County Sheriff's Office Report July 2014

DWI's: There were three dwi's in July. One DWI involved a single vehicle crash, where a male passenger was injured. The vehicle had been traveling at a high rate of speed on Sims Rd when it left the roadway, struck an embankment, was airborne for several feet before rolling two to three times. The passenger in the vehicle as well as the driver sustained injuries. The driver smelled of alcohol and admitted to having "a lot" to drink. A blood test was taken. Charges are pending the results of the test. The two other dwi's were the result of traffic violations.

Thefts: There were 35 theft reports taken. Thirteen were financial transaction card fraud reports from East Bethel residents. The fraudulent activity was able to be pinpointed to having occurred at a local business. The business had its point of sale machine compromised by a hacker. The hacker was able to obtain credit card information for several customers. The credit cards information was then used in California, Nevada and New Jersey. Unfortunately no viable suspect information was developed. There were three theft from vehicle reports that occurred during the evening hours of July 26-27 at the Village Green trailer park. Items taken included a Garmin GPS, cigars, and an iPod touch. There were two separate reports of purses being taken from vehicles. One was parked in the driveway of a residence, one was parked at a boat launch. Two unrelated reports were of prescription medication missing where suspects were family members. There was a report of an ATV and two bicycles taken from a garage. There was another report of an ATV stolen after breaking into a garage. A neighbor had noticed a male driving an ATV at 4:30 a.m. and saw a red, older truck following it but had not called. One theft report involved a ring that was taken by an acquaintance. The deputy made contact with the suspect who denied having the ring. The owner did receive the ring back and requested no further charges be pursued. One theft report involved swindle with the reported selling of pigs. The victim reported paying \$1,000 for pigs. The suspect advised he was not able to sell the pigs and couldn't meet the order. The victim told the suspect to return their money. The suspect alleged that he had sent a check in the mail, which was not received.

Burglaries: There were two burglaries reported. One which involved the theft of the ATV from the garage, mentioned above. The second was a

report of pry marks found on a door and some empty medicine bottles were found on the floor. There was nothing else located.

Damage to Property: There were 11 reports of damage to property. There were two damage to mailbox reports. One report of damage to a fence post. There were two reports of spray painted graffiti located upon playground equipment as well as a mailbox nearby. There was one report of a male who drove through a few yards while leaving the neighborhood. The male advised he was being chased and threatened after being at a party and had to drive through the yards to get away. There was one report of a tail light being broken while it was parked at a boat landing.

Arrest Breakdowns:

CITY OF EAST BETHEL

JULY 2014

ITEM	July-14	June-14	YTD 2014	YTD 2013
Radio Calls *	410	401	2,172	2,530
Incident Reports	403	367	2,283	2,620
Burglaries	2	4	18	15
Thefts	35	18	109	92
Crim Sex Conduct	9	0	17	7
Assault	3	2	12	15
Damage to Property	11	5	26	30
Harass Comm	5	3	19	21
Felony Arrests	6	2	25	18
Gross Misd Arrests	0	0	4	4
Misd Arrests	14	13	61	67
DUI Arrests	3	3	29	20
Domestic Arrests	1	6	14	17
Warrant Arrests	3	2	33	50
Traffic Arrests	72	69	625	812

* Total Radio Calls for the month and YTD are the sum from City of East Bethel and Community Service Officer pages.

CITY OF EAST BETHEL – COMMUNITY SERVICE OFFICERS

JULY 2014

ITEM	July-14	June-14	YTD 2014	YTD 2013
Radio Calls	43	34	288	138
Incident Reports	29	29	237	132
Accident Assist	0	1	18	24
Vehicle Lock Out	5	3	31	13
Extra Patrol	56	44	270	338
House Check	0	0	0	0
Business Check	0	3	21	6
Animal Complaints	12	11	50	50
Traffic Assist	6	8	48	15
Aids: Agency	36	24	230	93
Aids: Public	22	14	131	312
Paper Service	1	3	4	0
Inspections	0	0	0	0
Ordinance Violations	1	0	4	2



City of East Bethel City Council Agenda Information

Date:

August 20, 2014

Agenda Item Number:

Item 6.0 A - J

Agenda Item:

Consent Agenda

Requested Action:

Consider approving the Consent Agenda

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, July 23, 2014 City Council Work Meeting

Meeting minutes from the July 23, 2014 City Council Work Meeting are attached for your review and approval

Item C

Meeting Minutes, August 6, 2014 City Council Meeting

Meeting minutes from the July 16, 2014 City Council Meeting are attached for your review and approval.

Item D

Recording Secretary

City professional service agreements are evaluated, generally, every 5 years and additional requests for services are solicited to ensure that the City is receiving the best value for both the cost and benefit that is being offered. Council authorized the advertisement for Recording Secretary Services for minute preparation for the EDA, Planning, Roads and Parks Commissions at their July 2, 2014 Meeting.

The position was advertised and we had 11 proposals/applications for the Recording Secretary position and 7 of the candidates were selected to demonstrate their ability to take and prepare minutes. Of the 7 candidates selected for testing, only three submitted the requested work. Timesavers did not test as we used their work as the standard for comparison. They along with Jill Anderson and Sue Irons will be considered as one of the finalists. Staff recommends that Sue Irons be offered a one year contract to provide Recording Secretary Service for the City of East Bethel.

Item E

Pay Estimate No. 8 for Castle Towers/Whispering Aspen 2013 Forcemain Project

This item includes Pay Estimate No. 8 to LaTour Construction, Inc. for the Castle Towers/Whispering Aspen 2013 Forcemain Project. This pay estimate includes payment for the fiber optic cable installation, electrical work, pavement construction and restoration. Staff recommends partial payment of \$58,747.81. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$1,868,235.21
Less Previous Payments	\$1,716,075.64
Less Retainage	<u>\$ 93,411.76</u>
Total payment	\$ 58,747.81

Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for this project. A copy of Pay Estimate No. 8 is attached.

Item F

Pay Estimate #3 for the Lift Station No. 1 Reconstruction Project

This item includes Pay Estimate #3 to LaTour Construction, Inc. for the Lift Station No. 1 Reconstruction Project. This pay estimate includes payment for construction of the lift station driveway pavement, clearing and grubbing, electrical work, site grading and restoration. Staff recommends partial payment of \$45,968.13. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$336,480.00
Retainage	\$ 16,824.00
Less Previous Payments	<u>\$ 273,687.87</u>
Total payment	\$45,968.13

Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for this project. A copy of Pay Estimate #3 is attached.

Item G

Liquor Violation

On July 1, 2014 Route 65 Discount Liquors sold alcohol to a minor and failed an alcohol compliance check by the County. Per City Code, Chapter 6-93, Article IV, Prohibited Sales and Compliance Checks:

A first violation will result in an administrative penalty of up to \$500.00 to the licensee and up to 8 hours of community service. The penalty assessed to the licensee will be waived if the licensee was not the individual clerk, bartender, or employee involved directly in the violation and if the licensee can provide proof within 14 days of the date of the violation that the clerk, bartender or employee involved had attended RBS (Responsible Beverage Service) staff training approved by the city prior to the alleged offense.

Due to the owner's record of no previous violations, history of involvement and support of many civic events and City activities and the enrollment of his staff in the RSB program, it is recommended that no community service be required in this case and that the fine for the offense be \$250.00.

Item H

Resolution 2014-30, Wendy Warren Appreciation Day

Wendy Warren tendered her letter of resignation to City Council on July 21, 2014. Wendy has been employed by East Bethel since August 2002 and her name has become synonymous with that of the City. In honor, appreciation and recognition of her 12 years of service to the City and the residents of East Bethel, Council is requested to approve Resolution 2014-30.

Item I

Intern Employment Extension

On July 2, 2014 City Council approved the hire of Amy Norling as the website/office intern for 2014. The term of her employment was for 240 hours and the scheduled end date of her duties is August 26, 2014. Amy has performed at an exceptional level and in addition to her continuing development and organization of the website, Amy is working with the CDBG project for Coon Lake Beach, Municode updates, and administrative assistance as required. More importantly, Amy has assisted Carrie with her duties, which has permitted Carrie to devote this extra time to election responsibilities. With the amount of work left to meet election requirements, website upgrades and other duties, it is requested that Council extend Amy's internship to after the General Election and end on November 6, 2014. This extension request is for the same rate of pay, \$12/hr. with no benefits, and would not exceed 320 hours. Funds for this extension of employment are available from the Deputy City Clerk's 2014 Budget.

Item J

Supplemental Payment Summary

Fiscal Impact:

As noted above.

Recommendation(s):

Staff recommends approval of the Consent Agenda as presented.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Payments for Council Approval August 20, 2014

Bills to be Approved for Payment	\$97,561.72
Electronic Payroll Payments	\$27,428.03
Payroll City Staff - August 14, 2014	\$32,973.77
Payroll City Council - August 15, 2014	\$2,145.32
Payroll Fire Dept - August 15, 2014	\$6,352.78
Total to be Approved for Payment	\$166,461.62

City of East Bethel

August 20, 2014

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Anoka County CDBG	Legal Notices	123302	ECM Publishers, Inc.	233	23300	\$30.75
Arena Operations	Bldgs/Facilities Repair/Maint	072814	Wright-Hennepin Coop Electric	615	49851	\$19.95
Arena Operations	Refuse Removal	11471355	Ace Solid Waste, Inc.	615	49851	\$101.79
Arena Operations	Telephone	072814	CenturyLink	615	49851	\$113.52
Building Inspection	Electrical Permits	080114	Brian Nelson Inspection Svcs	101		\$674.25
Building Inspection	Motor Fuels	772588	Mansfield Oil Company	101	42410	\$373.37
Central Services/Supplies	Cleaning Supplies	722567756001	Office Depot	101	48150	\$59.61
Central Services/Supplies	Information Systems	219049	City of Roseville	101	48150	\$2,254.25
Central Services/Supplies	Information Systems	08 2014	Midcontinent Communications	101	48150	\$1,278.00
Central Services/Supplies	Office Equipment Rental	259308559	US Bank Equipment Finance	101	48150	\$269.50
Central Services/Supplies	Office Supplies	724601360001	Office Depot	101	48150	\$64.43
Central Services/Supplies	Telephone	072814	CenturyLink	101	48150	\$233.68
City Clerk	Professional Services Fees	187431	STS Staffing	101	41430	\$475.88
City Clerk	Professional Services Fees	188672	STS Staffing	101	41430	\$442.13
City Clerk	Professional Services Fees	M20683	TimeSaver Off Site Secretarial	101	41430	\$772.25
City Clerk	Professional Services Fees	M20713	TimeSaver Off Site Secretarial	101	41430	\$232.50
Elections	Legal Notices	123301	ECM Publishers, Inc.	101	41410	\$25.63
Engineering	Architect/Engineering Fees	33406	Hakanson Anderson Assoc. Inc.	101	43110	\$480.60
Engineering	Architect/Engineering Fees	33406	Hakanson Anderson Assoc. Inc.	101	43110	\$365.00
Engineering	Architect/Engineering Fees	33406	Hakanson Anderson Assoc. Inc.	101	43110	\$725.82
Engineering	Architect/Engineering Fees	33406	Hakanson Anderson Assoc. Inc.	101	43110	\$87.00
Engineering	Architect/Engineering Fees	33406	Hakanson Anderson Assoc. Inc.	101	43110	\$115.20
Engineering	Architect/Engineering Fees	33406	Hakanson Anderson Assoc. Inc.	101	43110	\$813.75
Fire Department	Bldgs/Facilities Repair/Maint	072814	Wright-Hennepin Coop Electric	101	42210	\$4.98
Fire Department	Conferences/Meetings	9154	F.I.R.E.	101	42210	\$3,850.00
Fire Department	Motor Fuels	772588	Mansfield Oil Company	101	42210	\$593.98
Fire Department	Motor Fuels	772590	Mansfield Oil Company	101	42210	\$357.70
Fire Department	Motor Vehicle Services (Lic d)	79025	Hayford Ford	101	42210	\$918.65
Fire Department	Motor Vehicle Services (Lic d)	1539-309188	O'Reilly Auto Stores Inc.	101	42210	\$13.32
Fire Department	Office Supplies	722129998001	Office Depot	101	42210	\$213.98
Fire Department	Office Supplies	722130351001	Office Depot	101	42210	\$72.58
Fire Department	Refuse Removal	11471355	Ace Solid Waste, Inc.	101	42210	\$90.32
Fire Department	Small Tools and Minor Equip	2511	Emergency Apparatus Maint	701	42210	\$1,440.00
Fire Department	Small Tools and Minor Equip	2536	Emergency Apparatus Maint	701	42210	\$3,406.48
Fire Department	Small Tools and Minor Equip	156496	Clarey's Safety Equipment Inc.	701	42210	\$6,359.00
Fire Department	Small Tools and Minor Equip	81474116	Bound Tree Medical, LLC	701	42210	\$533.16
Fire Department	Telephone	072814	CenturyLink	101	42210	\$56.38
Fire Department	Telephone	072814	CenturyLink	101	42210	\$59.14
Fire Department	Telephone	072814	CenturyLink	101	42210	\$171.80
Fire Department	Telephone	072814	CenturyLink	101	42210	\$114.91
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	59693	Menards Cambridge	101	41940	\$26.96
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	15065	GHP Enterprises, Inc.	101	41940	\$345.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	124464	Robert B. Hill Company	101	41940	\$18.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-07-14	Premium Waters, Inc.	101	41940	\$38.60
General Govt Buildings/Plant	Refuse Removal	11471355	Ace Solid Waste, Inc.	101	41940	\$51.10

City of East Bethel

August 20, 2014

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Legal	Legal Fees	137039	Eckberg, Lammers, Briggs,	101	41610	\$3,253.00
Legal	Legal Fees	07 2014	Eckberg, Lammers, Briggs,	101	41610	\$8,091.16
Mayor/City Council	Dues and Subscriptions	2013	Alexandra House, Inc.	101	41110	\$4,597.00
Mayor/City Council	Dues and Subscriptions	2014	Alexandra House, Inc.	101	41110	\$4,600.00
MSA Street Construction	Architect/Engineering Fees	33404	Hakanson Anderson Assoc. Inc.	402	40200	\$225.00
MSA Street Construction	Architect/Engineering Fees	33405	Hakanson Anderson Assoc. Inc.	402	40200	\$5,498.72
Park Maintenance	Bldg/Facility Repair Supplies	59690	Menards Cambridge	101	43201	\$154.61
Park Maintenance	Bldg/Facility Repair Supplies	59831	Menards Cambridge	101	43201	\$90.54
Park Maintenance	Bldg/Facility Repair Supplies	66952	Menards - Forest Lake	101	43201	\$58.33
Park Maintenance	Bldg/Facility Repair Supplies	269121	S & S Industrial Supply	101	43201	\$237.78
Park Maintenance	Bldg/Facility Repair Supplies	481560	Ham Lake Hardware	101	43201	\$26.56
Park Maintenance	Chemicals and Chem Products	480762	Ham Lake Hardware	101	43201	\$17.07
Park Maintenance	Chemicals and Chem Products	481403	Ham Lake Hardware	101	43201	\$15.19
Park Maintenance	Chemicals and Chem Products	482730	Ham Lake Hardware	101	43201	\$57.92
Park Maintenance	Clothing & Personal Equipment	1132429923	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1132441197	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Equipment Parts	106000-IN	Minnesota Wanner Company	101	43201	\$29.04
Park Maintenance	General Operating Supplies	60608	Menards Cambridge	101	43201	\$15.56
Park Maintenance	Motor Fuels	772588	Mansfield Oil Company	101	43201	\$509.12
Park Maintenance	Motor Fuels	772590	Mansfield Oil Company	101	43201	\$687.89
Park Maintenance	Other Equipment Rentals	78974	Jimmy's Johnnys, Inc.	101	43201	\$1,165.00
Park Maintenance	Park/Landscaping Materials	77144841	John Deere Landscapes	101	43201	\$53.47
Park Maintenance	Park/Landscaping Materials	77179725	John Deere Landscapes	101	43201	\$3.84
Park Maintenance	Park/Landscaping Materials	77244456	John Deere Landscapes	101	43201	\$36.43
Park Maintenance	Park/Landscaping Materials	77270479	John Deere Landscapes	101	43201	\$53.47
Park Maintenance	Park/Landscaping Materials	77272558	John Deere Landscapes	101	43201	\$11.26
Park Maintenance	Personnel/Labor Relations	412726	First Advantage LNS Screening	101	43201	\$32.00
Park Maintenance	Small Tools and Minor Equip	480581	Ham Lake Hardware	101	43201	\$48.91
Park Maintenance	Small Tools and Minor Equip	481977	Ham Lake Hardware	101	43201	\$7.10
Planning and Zoning	Architect/Engineering Fees	33403	Hakanson Anderson Assoc. Inc.	101		\$69.60
Planning and Zoning	Professional Services Fees	872	Flat Rock Geographics, LLC	101	41910	\$1,462.50
Police	Professional Services Fees	118146	Gopher State One-Call	101	42110	\$29.00
Police	Professional Services Fees	07 2014	Gratitude Farms	101	42110	\$455.00
Recycling Operations	Other Equipment Rentals	78974	Jimmy's Johnnys, Inc.	226	43235	\$70.00
Recycling Operations	Professional Services Fees	08 2014	Cedar East Bethel Lions	226	43235	\$1,200.00
Recycling Operations	Professional Services Fees	1st Half 2014	Cedar East Bethel Lions	226	43235	\$2,515.64
Recycling Operations	Refuse Removal	9192	East Central Solid Waste Comm	226	43235	\$110.00
Recycling Operations	Refuse Removal	11471355	Ace Solid Waste, Inc.	226	43235	\$211.77
Sewer Operations	Bldgs/Facilities Repair/Maint	072814	Wright-Hennepin Coop Electric	602	49451	\$22.95
Sewer Operations	Chemicals and Chem Products	3625492 RI	Hawkins, Inc	602	49451	\$35.00
Sewer Operations	Professional Services Fees	86693	UC Laboratory	602	49451	\$492.50
Street Capital Projects	Street Maint Services	15776	Classic Construction	406	40600	\$11,941.00
Street Maintenance	Bldg/Facility Repair Supplies	200939-IN	Zahl Petroleum Maintenance Co.	101	43220	\$302.52
Street Maintenance	Bldgs/Facilities Repair/Maint	072814	Wright-Hennepin Coop Electric	101	43220	\$19.92
Street Maintenance	Bldgs/Facilities Repair/Maint	1132429923	G&K Services - St. Paul	101	43220	\$5.33

City of East Bethel

August 20, 2014

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Street Maintenance	Bldgs/Facilities Repair/Maint	1132441197	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-07-14	Premium Waters, Inc.	101	43220	\$38.60
Street Maintenance	Chemicals and Chem Products	30072263	Federated Co-ops	101	43220	\$241.52
Street Maintenance	Clothing & Personal Equipment	1132429923	G&K Services - St. Paul	101	43220	\$19.40
Street Maintenance	Clothing & Personal Equipment	1132441197	G&K Services - St. Paul	101	43220	\$19.40
Street Maintenance	Equipment Parts	1539-309275	O'Reilly Auto Stores Inc.	101	43220	\$34.29
Street Maintenance	Equipment Parts	F35044	Crysteel Truck Equipment	101	43220	\$705.67
Street Maintenance	Lubricants and Additives	D10604	Gregory Cardey	101	43220	\$31.40
Street Maintenance	Motor Fuels	772588	Mansfield Oil Company	101	43220	\$220.62
Street Maintenance	Motor Fuels	772590	Mansfield Oil Company	101	43220	\$1,705.99
Street Maintenance	Motor Vehicles Parts	1539-311868	O'Reilly Auto Stores Inc.	101	43220	\$22.79
Street Maintenance	Refuse Removal	11471355	Ace Solid Waste, Inc.	101	43220	\$197.50
Street Maintenance	Repairs/Maint Machinery/Equip	20198	Central Truck Service, Inc	101	43220	\$407.98
Street Maintenance	Sign/Striping Repair Materials	269021	S & S Industrial Supply	101	43220	\$95.54
Street Maintenance	Street Maint Materials	10291	Commercial Asphalt Co.	101	43220	\$87.85
Street Maintenance	Street Maint Materials	10485	Commercial Asphalt Co.	101	43220	\$61.33
Street Maintenance	Street Maint Materials	BL0000002181	TrueNorth Steel	101	43220	\$810.64
Street Maintenance	Street Maint Services	1	WSB & Associates, Inc.	101	43220	\$1,087.50
Street Maintenance	Telephone	072814	CenturyLink	101	43220	\$69.41
Tax Increment District No. 1-1	Legal Notices	125371	ECM Publishers, Inc.	435	43500	\$76.88
Water Utility Capital Projects	Architect/Engineering Fees	33412	Hakanson Anderson Assoc. Inc.	433	49405	\$13,943.04
Water Utility Operations	Bldgs/Facilities Repair/Maint	072814	Wright-Hennepin Coop Electric	601	49401	\$26.67
Water Utility Operations	Chemicals and Chem Products	3625491 RI	Hawkins, Inc	601	49401	\$55.00
Water Utility Operations	Telephone	072814	CenturyLink	601	49401	\$121.98
Water Utility Operations	Telephone	072814	CenturyLink	601	49401	\$65.99
Water Utility Operations	Telephone	072814	CenturyLink	601	49401	\$107.80
						\$97,561.72
Electronic Payroll Payments						
Payroll	PERA					\$5,652.23
Payroll	Federal Withholding					\$5,384.32
Payroll	Medicare Withholding					\$1,805.90
Payroll	FICA Tax Withholding					\$7,722.03
Payroll	State Withholding					\$2,270.08
Payroll	MSRS/HCSP					\$4,593.47
						\$27,428.03

EAST BETHEL CITY COUNCIL MEETING

JULY 23, 2014

The East Bethel City Council met on July 23, 2014, at 6:30 PM for the City Council Work meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Tim Harrington
 Tom Ronning

MEMBER ABSENT: Heidi Moegerle

ALSO PRESENT: Jack Davis, City Administrator
 Nate Ayshford, Public Works Manager

1.0 The July 23, 2014, City Council Work meeting was called to order by Mayor DeRoche at
Call to Order 6:30 p.m.

2.0 **Harrington made a motion to adopt the July 23, 2014, City Council Work Meeting**
Adopt **agenda. Koller seconded; all in favor, motion carried.**

Agenda

3.0 Davis presented the staff report, indicating that at this time, Troy Lachinski will present the
East Bethel East Bethel Fire Relief Association (EBFRA) Financial Report and review a proposed
Fire Relief benefit increase that will be officially be presented at a future Council meeting.
Association

Presentation

Troy Lachinski, "Thank you for the opportunity to come and speak to you tonight in a less formal session. I'm going to go through a short presentation and, really, I'm looking for some feedback about a benefit increase. Because, there's still work I have to do on my side before we get right in to do that. If we can agree on what a benefit increase could be, if at all, I still have to go back to our Board and we still have to get approvals and a bunch of paperwork and go through many things before we're going to be ready to actually come to you at all. Tonight is just a lot of questions and answers and go through a presentation. I'll tell you how I came up with the numbers I came up with.

For 2014, I just want to go through an overview of the Relief Association, how it works, what our goals are, the reason that we have it, current status, talk about City contributions for 2015 and beyond, the current relief benefit level, and some requests that we have.

An overview: The Relief Association is set up, it was designed by the State. It is governed by State Statute and the sole purpose of having a Relief Association is to provide a pension benefit to members. It really is maybe a little bit of recruitment, but really a retention tool to keep experienced fire fighters to stick around for longer. It takes a very long time to get a fire fighter up-to-speed where they're able to perform at a high level. Once you get the people trained and up-to-speed, it really hurts when you have them leave the Department for any reason. It really puts more pressure on the younger, less experienced guys.

I can speak for myself. Even after having eight years of experience, when I watch other guys on the Department that have 15-20 years experience, I feel like an 'infant.' I feel like there's still a lot to learn and I would hate to have all those guys gone and people look to me to be the number one. I'm not ready for that.

The pension that we currently have is governed by State Statute, as I mentioned. Our

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vesting starts at ten years, so you have to stay in at least ten years to get any pension. And, you can't get paid your pension until you reach at least age 50. Currently, we invest our funds, it's overseen by the Trustees of the Relief Association. It is managed by **Harman and Hartman**, which is a financial group that specializes in Relief Associations among other investment groups.

The goals of the Relief Association are to provide the pension, make sure that we attract and retain volunteer fire fighters. We want to maintain a fully funded pension plan. As a matter of fact, our goal is to actually have at least 110% funding at all time just in case the stock market doesn't go the way that we want it to. We want to make sure that we have a fully funded plan and don't rely on the other outside organizations to bail us out, so to speak. We want to provide retirees with accurate and timely payments of their benefits and we want to monitor those investments all the time.

The last one is the most important one. We really want to communicate effectively with the City and the Council, just so there's no surprises and we're all on the same page, as a team."

DeRoche, "Troy, the timing benefits, now when these guys retire, is that just a payout? How is it paid out?" Lachinski, "It's a lump sum but you can't collect it...we've had guys that have retired and they're under age 50. For one reason or another. Maybe they moved out of the City or something. So, it actually continues to stay in our fund until they reach age 50. Once you reach age 50, all you have to do is fill out a form, which we help anybody with, and basically you would get that benefit. You know, maybe not immediately, because we have to transfer funds from our account to our checking account, which could take a few days. We would typically pay somebody out in less than a month if not in a couple weeks." DeRoche, "All right."

Lachinski, "So, our short-term goals. We want to maintain our self-sufficient 110% funded plan, which we are achieving. Our long-term goal is to continue to make sure that we're making prudent decisions and have a good plan. We'd like the payout to be about \$100,000 after 20 years of service, which is a benefit level of \$5,000.

So, once again, the key point for the Relief Association is retention. I ran some numbers, I just updated these last week before I gave this presentation to Jack. So, I went through all the members, look at how many years of experience, whether they're vested. Currently, on our Department, we have 14 members that are vested, which means they could retire at any time and collect something. That makes up 40% of our Department. That also includes 265 years of total experience, which is 74% of the total experience on our Department. So, you can see that if everybody that was vested decided to take their pay out and leave, we'd only have 26% of the experience left. It would be all guys and gals with nine years and under. It also includes numerous key leadership positions so, basically, 77% of the Department officers are vested.

We talked about this earlier. It takes about three years for a new recruit to be fully trained and experienced enough to operate confidently. But, like I said, they may feel confident but they still have some things to learn.

The Relief Association, I like this picture because it's like a lock box. We have this fund that is specifically for paying out pension. You might ask, 'Well, where does the money come from?' Typically, the breakdown is...I looked at our Relief Association over the last ten years and this is basically what it's made up of, 71% of the money that's in there that we

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earn now, that comes in as revenue, is investment earnings. City contribution makes up about 9% of that. State Aid makes up about 19%. Other/Miscellaneous makes up about 1%. Specifically, we can attribute that to the Safer Grant. We received some funds from the Safer Grant to go into the Relief Association.”

DeRoche, “Does any of that money, Mark you may know this, where I think the City was going to bill \$300 per incident if the HAZMAT Team had to go out or if it was a car accident, or whatever. I know the City was billing. Where does that money go?” Fire Chief DuCharme, “That goes right back to the General Fund. We don’t receive revenue as a Fire Department of the City.” DeRoche, “Well, I wouldn’t have a problem if you did. But I just, when I get asked that.” DuCharme, “I think the auditors would know.”

Lachinski, “That is a key point, though. Every year we actually have to fill out many forms that we have to give to the State Auditor at certain times of the year including a full audit done by a third party source. All of the numbers that we have are fully checked by not only ourselves, but also an independent auditor, and the State Auditor. There is very little chance of us to do anything that’s ‘outside the lines’ of State Statute.”

DeRoche, “Do you guys use the same auditor that the City does? Or, do you have an independent? Or, how does that...” Lachinski, “Currently we were using an independent auditor. I have talked to Jack. This is something we may talk about later this year, is trying to work with the City to maybe use the same auditor. It would create more synergy between the Relief Association and the City. It might be a cost savings for us as well if we could fall underneath the ‘umbrella’ of the City. But, anyway, that is to be discussed further. But, I think that’s a good idea.”

Lachinski, “So, where does the money in the Relief Association go? It only goes two places: 1.) It’s used to pay pensions and that varies from year to year depending on whether somebody retires or not; and, 2.) It goes to Administration, which is about \$5,000 a year for accounting and audits and things like that.

I just wanted to show this slide. I know that the numbers are a little bit old but it is from 2009, from the State Auditor’s Report. Every year the State Auditor does publish what all the Relief Associations are at for assets, liabilities, members, rate of return, how many people retired. It’s a great big report that’s a couple hundred pages long. I did this slide a few years ago just to show that if I broke down all of the Relief Association in the State of Minnesota, this is how it breaks down for their revenue sources.

If you look at the City of East Bethel that same year, our Relief Association, you can see that we’re pretty much the same as everybody else in the State. The bulk of the earnings comes from investments and then there is the State Aid that comes in every year, and then Local Government makes up the other portion of it. I just thought I’d show that we’re pretty much the same as everybody else.

This slide shows where our income has been coming from as far as State Aid and City Aid. You can see that the State Aid was going up and then it came back down and now it’s going back up. What the State Aid is, is all the homeowners, when they pay their homeowner’s insurance, about 3% of that money is paid to the State for fire protection services. At the end of each year, the State takes all that money that they collect, they look at the sizes of the cities, the coverage areas, the population, and then they break out that money and they give it back to each City specifically for the pension account.

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Our request is that we have ‘crunched’ our numbers and we are very over funded. We would like to request that you give us the ability to give ourselves a raise with our own money. I actually have an additional handout. I talked to Bob a little bit on Friday night and he was kind of asking me a little about where I came up with that number, of the \$400 increase. I thought that was a really good question.” DeRoche, “Thanks Troy.”

Lachinski, “You’re welcome. So instead of me just saying I came up with that number out of the ‘top of my head,’ what I did was I went back to my spreadsheet that I go through each year. If you look at the second page, I do ‘what if’ scenarios every year that show what would happen if we left everything the same. What would happen if we raised the benefit levels?

If you look at the first box, what we do every year on our State Auditor forms, we have to ‘throw a dart’ at the dartboard. We have to say, ‘What do we think our rate of return is going to be this year?’ Of course, when you look at the stock market, who knows. So, what we’ve decided to do as a Relief Association, about two years ago we decided the number we’re going to use is 3.5%. The reason we use 3.5% is that is our ten-year average for rate of return. Of course some years it’s been way more than that. Some years it’s been way less than that. But, over time, that’s what our rate of return has been. You also have to remember that this is a pension account so we are not investing our money aggressively. Even on a really good year, we’re looking at 14%. On a really bad year, like in 2008 when the stock market crashed, or 2001 when 911 happened, those are catastrophic years across the board. Those were 30% decrease years.

If you look at the first page with all the graphs, I just want to give you an idea of where we are at year-to-date. Year-to-date, we’re at just under 5%. But, who knows what’s going to happen. It was down a little bit in the beginning of the year, and then it came back up. If you look at this graph, it’s going in the right direction. We’re going up. I thought you might want to see.

If you look at Page 2 again, the top box is what would happen if our rate of return is 3.5%. If we leave it the same at \$3,600 and only went up to \$4,200 because I think the next slide shows, one of the forms we have to fill out is the...the black line is the good line, the red line is the bad line. We want to keep those numbers apart from each other. But, you can see we are doing really well right now. The two bad years that we had were 2002, we dipped down and 2008 we dipped down momentarily.

Go to the next slide, history of the benefit level. We were at \$3,400 for many years. We just went up to \$3,600 last year. This is the form I was looking for. So every year, one of the forms we have to fill out is the maximum benefit worksheet. The State has a formula where we put in how much money we think we’re going to get for State Aid and what the municipal contribution is going to be, what our surplus is or overfunded amount, they take 10% of that, how many members we have, and they do some calculations. They come up with what they feel is the maximum benefit. According to the form of the State Auditor, the maximum benefit that we could have right now is \$4,200. That’s why I went from \$3,600 up to \$4,200. I would never want to go up to the absolute maximum. It doesn’t make any sense. And I don’t necessarily think that we need go to \$4,000 but I’ll tell you why I came up with the \$4,000 amount.

The top box is stating what would happen if we did have a rate of return of 3.5%, like we’re

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predicting. You'd see that with a \$4,000 benefit level, we would still be 118% funded at the end of the year. The next box I did, well, what would happen if we had a 0% rate of return, there was not rate of return. If you look at the \$4,000 level, we'd still be at 115% funded at the end of the year. Then I did, well, what if it was a horrible year and something bad happened in the stock market and it was a rate of return of -3.5%. You can see that \$4,000 still keeps us over 110% funded, which is where we want to be. Even if it was a catastrophic year and it was a 7% down year, we'd still be at 107% with the \$4,000 benefit. Just so you have an idea, I didn't pick that number 'out of the air.' I wanted to give you the evidence of where I came up with that. I wanted to come up with a number that would still leave us at more than 110% funded even if we had a down year of -3.5%."

DeRoche, "I think part of the discussion last year, and one of the sticking points people didn't understand, is this is the firefighter's money. This is not City money." Lachinski, "That's right. It's in a 'box' specifically to pay pensions." DeRoche, "Right."

Ronning, "Have you considered where you'd be if those 14 people left? They got angry, or whatever, and they just, 'I'm done.'" Lachinski, "That's actually, if you'll look at the second page, the liability, if all those people left, all the money is actually already in the fund. So even if everybody quit today, and let's just say that everybody was at ten years, we would still have whatever the surplus amount. Let's just say we're at \$3,600 now at the top box, and it was a 3.5% and every single person left the Department, and we'll just assume that everybody got paid even though the people under ten years won't get paid anything, we would still have a \$400,000 surplus. That would still be in there when we rebuilt the Department."

Ronning, "How many are there? 38 or something?" Lachinski, "38 is the number we used for the State Auditor. I think we're down to 35 right now at the moment."

Lachinski, "With this slide I was going to show you my prediction from last year. Last year, I was predicting the end of 2013 we'd be at \$1.3 million. The reality was that we were at \$1.7 million. We had a great year, we had a 12% rate of return. I called our financial advisor and asked for a guarantee that we could get that same rate of return this year and every year from now on. But, she hung up on me.

This is our prediction for next year. It doesn't correspond exactly to the numbers on this form just because, the form that you see here is already taking into account how much money we're going to take in next year and also how much money that we would be paying out. So, that's the big difference. The numbers I use on here don't take into account the State Fire Aid and the municipal contribution because we haven't realized those yet."

Ronning, "Did you say that's a lump sum?" Lachinski, "Yes." Ronning, "And, it's entirely based on your years of service past ten?" Lachinski, "100%. So, at ten years of service, like today our benefit is \$3,600. You only get 60% of that at ten years. Then after 11 years, you get another \$3,600. So, it's \$3,600 times 11 and then it's 64% of that. At 12 years, it goes up to 68%. So, it goes up 4% every year until you get to 20. Then it's the full \$3,600 a year."

Ronning, "Okay. It says 'total active member liabilities' and 'deferred member liabilities.'" Lachinski, "So, we have five people that are deferred right now that have retired. Four of them haven't reached the age of 50 yet so their money sits. And, we have one former member that is 50 and I'm not exactly sure why, but he has not requested his money yet."

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DeRoche, "He's going to make more." Lachinski, "He won't make more because your benefits stops so if we get a raise, he will get paid at the level when he left the Department. It doesn't make any sense to pay, we have one deferred member and when he left the Department a long time ago, it was at \$2,400. You have to be on the Department and active when the benefit goes up to realize it."

Ronning, "Those things are typically based on a point in time." Lachinski, "Yes." Ronning, "So, if your point in time is 1976, you have 1976 figures." Lachinski, "That's right."

Lachinski, "So, if we keep the current benefit level, if we don't change it at the end of the year with the 3.5% rate of return, we're going to still be over funded by 131% and that would be one of the highest overfunded percentages in the State. We do feel that it is time for a benefit increase. Like I said, I'm not 100% sold on, I mean if you guys said you didn't feel comfortable with the \$400, we could sure discuss putting a different number in this scenario. But, that number seems to be the right number based on the numbers that I've 'crunched.' In summary, we've been maintaining our status of 110% funded and, of course, to maintain that we need healthy investments, prudent yet competitive benefit levels. We don't want to go to the maximum and have a down year and not be where we want to be. We want to be sure to do this in 'baby steps.' The term I like to use, it's not a 'cash grab.' It doesn't do any of our members any good to suddenly raise it. Except for the guys that are just about to retire. This is a long-term process and a long-term thing. We're in it for the long haul. Doing a really big jump here, every five years doing a really big jump, is not good. We'd rather do small 'baby steps' and make sure we stay where we need to be along the way."

DeRoche, "It's kind of an incentive to stick around." Davis, "One other thing to point out is that the City has reduced its contribution to the Fire Relief Association the last two years. So, they've really been doing well with their investments in making the fund grow with less contribution from the City"

DeRoche, "The last two years? I thought it was just the one year." Lachinski, "Last year we went down and then three years ago we went down as well."

DeRoche, "Any questions Tim? Tom?"

Ronning, "Just real simple, raw numbers, no compounding. You did from 2007 to 2013, amounts to 0.8% of an increase per year. It would be a little bit less than that. I think the start-in would grow a little more. That's not, that's pretty respectable." Lachinski, "Yes, and to be honest with you, during those years, like 2008, 2009, 2010, we were not in a position to do an increase just because our fund was not where it needed to be. We were severely under funded in 2008, after the stock market crashed. But, we were not as bad as some cities. The City of Bloomington had a mandatory \$3 million payment to their Relief Association to get them back to funded. It was a catastrophic year. The stock market dropped almost 40% that year. Luckily, it came back. If you don't have any other questions, what I'd like to do is know if you guys feel confident with the \$400 number, to go up to \$4,000 and then I'll go back and do my job with the Relief Association and then come back and formally request it at a later City Council meeting."

DeRoche, "I personally don't have any problem with it." Koller, "I think it's quite fair."

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Harrington, "I think it's quite fair too."

Ronning, "I don't disagree one bit. You're the one that does all the 'number crunching,' it looks like. Just for general purposes, could you throw, like a ten-year payouts, returns, what the history is?" Lachinski, "Sure, absolutely. And, any time you guys have any questions, I'm more than happy to meet you down at the station and open up the books and show you anything." Ronning, "I'm just curious for myself." Lachinski, "Sure."

Ronning, "I don't know if we're very committal right now. It seems reasonable."

Lachinski, "Okay, great. I have just one other thing I wanted to mention and I didn't want to mention it before because I didn't want it to sway your opinion. One of the things we're working on too that we're going to start off this year. I've talked to Mark and I've talked to Jack a little bit. I think we talked to you too Bob, about me and a couple guys on the Department. We feel really strongly about making East Bethel a Heart Safe Community. It's a program that started, I don't know where they started, but it's very strong in Minnesota. I think it was kicked off by Allina but it's been taken over by another organization. What it really is, is a commitment by community to make sure there are as many AEDs as possible in public buildings. Then as many people in the cities are trained on how to use them. That's not only the people that work in those buildings, but just citizens as well. Minnesota has a goal of having 10% of the people in Minnesota actually trained on how to use an AED. I've already started the paperwork to sign up to become a Heart Safe Community. I'll need some signatures by some of the folks in the City and get some partnerships from other people. Everybody I've talked to feels really strongly about it. I've already got myself and at least three firefighters that are super excited to get this initiative started. Just thought I would bring that to your attention because we will bring it up to the Council and I'm going to make it into a big event and make sure that it gets into the newspaper, things like that."

DeRoche, "I think it's a good idea. Well, that's kind of the trend now days anyway."

Ronning, "None of this is in a hurry or anything. When you get a chance. But it would be interesting to see how many firefighters you have drawing and what level they're drawing at. And, how do you make your distributions?" Lachinski, "I actually have a spreadsheet that shows all that."

Ronning, "How do you make your distributions? How do you pay them?" Lachinski, "How do we pay them? When they get ready to retire, we look at how many years of service they have and there's a formula. So, you times it by the benefit level, which today is \$3,600 and then times the vesting percent. Just a lump sum, one time payment." Ronning, "A single distribution." Lachinski, "Yes, one lump sum."

DuCharme, "What Troy does do also, is kind of keeps a lookout as far as the possible retirements so that, you know, you can't have all your money tied up into long term commitments. The Relief Association actually has an investment policy of where that money should go so if we kind of get the feel that somebody might be retiring. Slowly, that money is transferred to more of a short-term account so that it's available when that person puts in the paperwork."

Ronning, "You have to have a liquid asset to be able to pay some of these things." DuCharme, "Exactly, right." Lachinski, "We have a five-year plan. We talk to all the

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members. Anybody that's over the age of 50 and vested, shows up in this five-year plan because they could retire and want their money immediately. Some of them say, 'Get me off there.' But, 'Too bad, you're on the report because you could retire and you could take money.' We have a long-term account and a short-term account and a special fund. We try to keep the short-term account with enough money that we could pay out everybody over the next five years if they retired in the next five years."

Ronning, "you're still getting what, 5% was it?" Lachinski, "Well, 3.5% has been the average. We're still getting that rate of return."

DeRoche, "Mark, I think you and I talked that it's set up where guys couldn't just walk out the door. There has to be a little bit of notice, I hope." DuCharme, "Actually that mix of people who are vested who could retire and those that are somewhere in the middle and the new ones, the mix on our Fire Department is a pretty good mix. Because you want the experience, the high experience senior people. Then you've got the middle people who have just reached a level where they're confident. Like Troy has said, they're building for leadership and things like that. Then you've got the new group that's learning everything. So, the mix we've got works out really well. You've got to remember that the last retirement we had was 2008. We had one that retired in early 2008 and then we had another one that retired about two years ago."

DeRoche, "Okay. Anybody else have any questions? Anybody out there got any questions?"

Lachinski, "I've left my mail address and my phone number on the last page. If anything pops into your head, just let me know."

Ronning, "Thanks for your time to put all of that together." Harrington, "Thanks Troy." DeRoche, "Thanks Troy. Thanks Mark." Koller, "Thanks."

4.0
189th Street
MSA Road
Project and
Options

Davis presented the staff report, noting the purpose of this Work Meeting item is to continue the discussion of the MSA portion of the 2015 Streets Capital Improvement Plan

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 (CCP) 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. This issue was discussed at the July 2, 2014, City Council meeting. As a result of that meeting, a Work Meeting for tonight was scheduled to continue the discussion.

The need for a secondary access to this area are safety and congestion 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 and Highway 65 intersection has been obstructed or closed on at least two occasions in the past 18 months. Mn/DOT's 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 recommendation to City Council for the 189th Street Project, the Roads Commission did explore other options to access this area and found the improvement of

189th Street
MSA Road
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189th Avenue to Jackson Street the most balanced alternative between the other proposals that were considered. The other alternatives considered by the Roads Commission were:

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 via Taylor Street.

These options are open for discussion but were rejected by the Roads Commission for the following reasons:

Option 1 – The extension of 185th Avenue to Highway 65 was rejected because Mn/DOT has given preliminary indication that they will not approve an intersection at 185th and Highway 65 and this option would not address issues of north bound traffic requiring entrance to the CCP;

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

Option 3 – Was rejected because 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;

Option 4 – Was rejected because this alternative would involve the construction of an additional quarter mile 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;

Option 5 – This option was added. It was suggested to me by another party and was kind of interesting so we just wanted to bring it up so we can say we've considered everything that's been proposed. This alternative would be identical to the Roads Commission's recommendation of improving 189th Avenue to access Jackson Street but would add a separated pedestrian trail along Jackson Street between Viking Boulevard and 181st Avenue. This option was not considered by the Roads Commission but is presented as a consideration for this discussion.

Of the five above options, Options 1 and 4 appear to be feasible for further consideration.

Davis, "In your packet, there's a list of attachments and we'll scroll through these maps and individual proposals themselves. The first one on the screen is the option that the Roads Commission recommended and that's to extend Buchanan Street north to 189th Avenue and then go directly west to Jackson Street."

Ronning, "Are we in discussion yet?" Davis, "We can stop for discussion any time you'd like." Ronning, "Or, if you want to hold until." Davis, "Whichever you want to do. I'll scroll through these and we can go back, whichever you want to do Tom."

Ronning, "I'm curious about the vehicles per day. There's more than one way to look at that. There's cross traffic, east to west, coming and going. There's north and south. They're entering and exiting. I don't see how they could determine that one went in and stayed there and then a different one came out so is this 1,950 divided by 3,900 original? Or, is it half of 1,950?" Davis, "They'll set the strip up across the road and it could be half or there could be some, most that go in are going to come out. So, it's probably half. And, those numbers vary. There is another study that shows that the traffic count was 2,900 vpd.

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I used the one that had the lesser one. We'd probably have to go down there if we really want to determine the accuracy of the number and do our own traffic count."

Ronning, "At the minimum, it is very close to a thousand vehicles." Davis, "That's probably correct. And, here again, that could vary too. Some days it could be less. And, the major generators of traffic in volume now, the Theater is the major generator. River County Co-Op or the Marathon is probably the second major generator. And, of course all of these figures were done prior to Aggressive Hydraulics locating there. We'd anticipate the number is higher but it is a fairly significant intersection on 65."

Ronning, "It's probably over some kind of period of time and then divided by, it wouldn't be just one day or even five days." Davis, "Well, it's generally on a day. Nate, two days?"

Ayshford, "They do it over two days, that'd be pretty average." Ronning, "Okay, is that with a good movie? Or, a bad movie?"

Koller, "I've looked at all of these and Jackson Street and 181st are residential streets. Like I said before, we have bicyclists, pedestrians, horseback, and you want to get heavy traffic on that in the morning? Shaw's trucks come down there in the morning when the school buses are trying to pick up kids. It's going to be a nightmare. If they use Jackson or 181st, they come out on 181st and 65, which is the exact same intersection as 187th. It's just six blocks farther south so you're going to end up with more accidents there. The only reasonable thing would be to go north to Viking. In my opinion, Buchanan Street north to Viking. Because, if you jog it over like it shows in Option 4, you're going to be interrupting other people's property and there's also a house right on where it will intersect with Viking. I don't like taking people's property."

Davis, "That's the problem with some of these options. Let me just run through these others real quick, on the graphics. On the map, the one showing now, this would be the option going directly north from either Buchanan Street, which is this route, or Ulysses Street and coming out on Viking Boulevard. You would come out one-quarter mile from the existing intersection of 22 and 65, which would place it right here, which is also the proposed intersection to whatever commercial development would be there. So, there would be a traffic light, more than likely, required at that intersection if this was the route taken.

The next option would be to extend 185th Avenue directly east and tie into Highway 65. This could be a route in/route out only. One of the other problems with this, it doesn't really address traffic turning west in here. So this turn lane that enters to 187th Lane would probably have to be lengthened also. Also, in the cost estimate, there is no deceleration lane added in there.

Options 3 and 4. Option 4 is to go directly north on Buchanan then west on 189th to where Taylor Street grid would intersect here and then go due north to Viking Boulevard. Here again, this would be the other intersection where Viking Preserve is going to go. So, there would probably have to be a traffic light with that option.

The other option is to go directly south on Buchanan Street, past the Metropolitan Council's wastewater treatment plant, along the west edge of the property of Village Green and then through this residential property right here, which would involve acquiring either right-of-way from it or taking the house. In all likelihood, it would probably involve buying the

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whole property.

The final option would be the original Roads Commission's recommendation to go west to Jackson Street and construct a separated pedestrian bike trail along Jackson to 181st. In addition to the roads extension, we need to also look at consideration of potential utility extension so that no damage is done to the roads. We have two options of utility extensions. This option here would follow for Options 1 and 4. If we went Options 1 and 2 going north or to 185th, we wouldn't have to worry about it. Or, this is another option to come in to serve what could potentially be a senior housing project area.

If the roads were going west and accessing Jackson Street or even going north to the church property, there would be four benefiting properties of about 60 acres to which some of the project costs could be assessed. These are indicated here. One of them is 18811 189th, the other is Our Savior's Lutheran Church, and the other two portions belong to T & G Land. If this were done, it would probably be one of those situations where the assessment would probably have to be done upon development of the property. I don't think it would be fair to assess someone when they have no plans for development at this time and then being forced to do something to pay the assessment costs.

Here's a chart that's going to show some comparisons on the summary of the options. The first chart is a summary of the options for the access road itself. Option 1 is the initial Roads Commission's recommendation, which the secondary benefit would open up approximately 50 acres. Property acquisition would involve right-of-way only and the estimated cost of this option is \$1,484,000. Option 1, which is to extend 185th Avenue to Highway 65, the base cost is \$296,000 but that does not include a deceleration lane or an extension of the northbound turn lane on Highway 65.

Option 2 is extending Buchanan or Ulysses Street directly north and intersection with Highway 22 a quarter mile west of the existing 22/65 intersection. This estimate comes in at about \$2,700,000.

Option 3 is to go south on Buchanan Street, skirting the Village Green Mobile Home Park. Just the construction cost is approximately \$830,000 but this does not include any right-of-way or property acquisition costs, which could add quite a bit to this amount.

Option 4 is to go parallel to the Our Savior's Lutheran Church property on the east, intersect with 189th and then come down Buchanan. This is estimated at \$2.4 million and it would involve the possibility of acquiring one residential property.

Option 5 is the bike trail addition to Jackson Street. It would add \$400,000 to the cost of the original option, making it come in at \$1.9 million.

The next chart is a cost benefit summary, which shows what the length of the extensions are, the construction costs. The value added would be the connections that we could get for property to serve. So for the Roads Commission's option, with the construction cost less the value added, the final cost per foot would be \$59/foot, ranging all the way up to Option 1, which is the extension of 185th, at \$946/foot. These are footage costs and total costs are different. It's just going to depend on the length of what that extension is supposed to be.

The final chart in your packet is a summary of potential funding sources. These are MSA streets and MSA funds can be used for that. There's also the possibility of getting a

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Cooperative Extension Grant because we would be lessening some of the impact at the intersection of 187th and 65. Trails Funds could be used if Option 5 were selected. And for the payment of the extension of utilities, we'd have some HRA funds should we get a commitment from the senior housing project. Or there's a possibility we would have some bond funds left over, depending on how our decommissioning goes with the Castle Towers Wastewater Treatment Plant.

It's estimated that the water would cost about \$243,000 to install on the 189th proposal. The sewer is still optional because we don't know which option we're going to take. Sewer could run anywhere from \$200,000 to \$444,000. However, it wouldn't be essential that the sewer be installed at this time. The road could be offset in the right-of-way to provide some additional room to add that at a later date.

So, that's just kind of an overview of what some of our options are. They are open for discussion."

DeRoche, "Well, if it goes through to Jackson to 22, I think there would have to be some kind of traffic control. Now, I realize there is that left turn lane coming off of 22. But right now, that's kind of a 'trick' to try and get on and off Jackson onto 22 no matter what time of day. And, if the reason we need this road is because of the increased traffic, then we're going to have to do something with traffic control. I guess I don't really see the County getting all excited about that seeing how they just did 22. Mn/DOT has no 'say' in it, right?" Davis, "No, not at 22 and Jackson."

DeRoche, "And, so, what would it cost us for a traffic light? And, that would be whether it's on Jackson or Buchanan Street straight up through the wetlands." Davis, "According to our engineer's estimate, a traffic light, signal, at an intersection along there, which wouldn't include any large-scale grading activities like we had at 221st, would run \$350,000 to \$400,000."

Ronning, "There's a number of considerations that I hadn't thought of. Tim and I were at a meeting this past week that was kind of an 'eye opener' for me. I originally was looking at it as strictly the potential hazard for Jackson so I had a little 'tunnel vision' in that regard. But, some of the things that are going to be universally true, I think, anything that goes onto 22. You're going to have to have a left turn/right turn lane on 22, left turn/right turn lane on whatever the ingress is. And, we learned a term, 'stacking.' Stacking is how much traffic backs up so your turn lanes have to be prepared for a certain amount of stacking. All that's costs that I haven't seen or heard anything addressed on.

Another thing we learned is that it's mostly start and end of shifts but they do have night operations. So you're going to have to think of trucks coming down a road at 2-3 o'clock in the morning or whatever it might end up being. My neighborhood sleeps at that time. Those are some thing that should be on a table as well."

DeRoche, "I noticed someone here from Village Green. Would you like to throw in your two-cent's worth? Or, what your thoughts are?"

Lady in audience, "I just know the intersection there (*off mic inaudible*)."

DeRoche, "You know, I've heard the excuse, 'Well, you know, we don't want too many stop lights in a row.' But, if you go down through Blaine, Stillwater, Woodbury, Eagan,

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that way, it doesn't matter where you go, they've got stop lights on some of the main drags. They had to do that, especially like on 36 going into Stillwater. Heck, it used to be a nice road. Now there's a lot of stop lights. Same thing with Woodbury and Valley Creek Road, when that all came in, Radio Drive, old Cottage Grove, new Cottage Grove."

Ronning, "On 65 through Blaine, there's only so many intersections you could put an overpass. There might be two more to eliminate lights."

DeRoche, "Well, Roger, you have some comments you'd like to make?"

Roger Virta, 18921 University Avenue NE, "You know, I guess my position has been kind of the same. I was in the minority on the Roads Commission." DeRoche, "Could we get you to sit in that chair? We won't make you stand up at the main podium tonight, you can sit in that one because that mic is 'hot' too, I think. Isn't it Jack?" Davis, "Yes, it's good." DeRoche, "Nate didn't want to be in the 'hot seat.'"

Virta, "My general position is that I think it's a bad idea to put it on Jackson. I was in the minority. Four Roads Commission members voted for the proposal that you guys have in front of you. I think the rationale was kind of based on, as Jack has summarized, that the thinking was in terms of relative cost benefit. I always look at it from the point of view of if I lived there. Any of those people who live on Jackson Street, put yourself in that 'boat.' I didn't realize that they had night operations, Tom." Ronning, "That's what we just heard."

Virta, "And that's an absolute, I mean, from a livability standpoint, that's just a bad deal. I can't imagine having to put up with that. Especially if you've been there and thought that was relatively quiet when people moved in. There is certainly more traffic on Jackson than there used to be but I don't think there is a lot of truck traffic. It's mostly residential or vehicle traffic. This would represent a significant decrease in terms of quality of life for people that live there in addition to the other safety concerns."

DeRoche, "Well, one thing we also have to look at is that Jackson is an arterial road. I think we have Jackson, 65, 68 comes out of Ham Lake and then turns into Greenbrook then goes across 22 and what is it, East Bethel Boulevard?" Davis, "That does tie into East Bethel Boulevard."

Davis, "This is a very difficult 'nut to crack.' There's no real good way to provide secondary access to this area without some kind of complications, impact, or consequences to someone. It's going to take a lot of thought to come up with the one that is of minimal impact or minimal impact among the alternatives available. Ideally, if you could extend 158th Avenue to 65, it would probably be the best in terms of impact to other areas and neighborhoods. Also, in terms of total cost, it would provide the secondary access out of there. It probably wouldn't provide the best solution in that term. But, in terms of impacting other neighborhoods and total dollar cost, that one would be the best. However, we would have an uphill battle with Mn/DOT in getting an intersection permitted at that location."

Ronning, "You know one of the things in this discussion was trucks would slow traffic down. I don't even think about that. But, things happen and there's no way you can prepare for it. About three-four years ago, there were two women who left the church and they got to 22, they're stopped, and just talking and distracted, pulled out and the passenger died, got 'T-boned.' Nobody plans those things. So, that's always a possibility, whether

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it's a bicycle or somebody pulling out that didn't pay attention."

Koller, "I know we've had some very bad accidents on 181st." Davis, "Right. And, I'm not advocating one over the other at this point. I certainly respect and appreciate the additional traffic on Jackson to the residents. But, also, if something is not done at 187th, we're also increasing the danger of the situation at that intersection. One of the things about Jackson Street right now is probably as big of concern are the people that speed on that street. Those may be more of a danger than anything else at this time. Here again, there is a lot of considerations to weigh and try and make a decision on this."

Ronning, "With regard to that 185th, the people that were here and grumbled about everything from Johnson Street to whatever, and said they were not interested in 185th, I don't think any of those guys had the authority to sign checks or make any real decisions. So, I wouldn't give up on 185th myself."

DeRoche, "Well, it certainly would have been nice for a little forethought when this whole project was put together and everything was laid out, to make two ways in/two ways out, at least. I understand you can't go back and change the 'hands of time,' but it's something that we still have to look at. What a poor design." Davis, "Unfortunately, that's why we're here today, because this problem wasn't addressed in the past."

Koller, "With all the heavy truck traffic on Jackson Street, you have to remember that in the Spring, there are road restrictions on it." Davis, "Generally we just typically classify all City streets as 5-ton streets in the winter so it would be uniformity of the road restrictions so nobody's guessing. Jackson Street was designed and built as a 9-ton street. It could be open to that but it would be my recommendation, if this did, we still keep everything at 5 tons. Emergency situations could come in and out of there, we don't question that. But, for daily use, we'd want to keep that heavy traffic off that, as a minimum."

Koller, "We already have the church emptying onto Jackson Street and Bear Hollow Housing Development empties onto Jackson Street. And there's the housing development off of 181st that empties there plus a mobile home park empties at 181st. There's already a lot of traffic on those two streets." Koller, "You start putting more heavy truck traffic on that, I just see a lot of accidents."

Ronning, "The other thing is that I still believe it's wishful thinking that so many are going to go down 189th or whatever street. They're going to go with whatever's convenient. If somebody is running late for an appointment, work, whatever it is, they're not going to take the extra five to ten minutes to go out to 22 on the north way. They'll do what they've always done."

DeRoche, "We also have to look at the businesses that are down there, how it affects them." Ronning, "It would help some of them."

DeRoche, "And future development, how ever much we can put into that area yet. But then, 187th, I know a couple people that own property on the east side and until there's a stop light or access into their property, a decent one, they're not going to do anything with it. So, for Mn/DOT to have this attitude, 'Well, we don't want a stop light there.' Well, how are we going to develop?"

Davis, "We did have the Mn/DOT representatives that were at the May 13th Roads

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Commission meeting and they presented their position. Just because they said they wouldn't advocate a traffic light at 187th or an intersection at 185th doesn't mean it can't be done. It just means it's going to be a little bit more difficult. I don't think it's fair to sit back and ask East Bethel to pay the price for traffic congestion and limiting development because Mn/DOT will not allocate funds to improve certain intersections and relieve some of this congestion. Why should we be sitting back and wait 30 years for something to be done at Viking Boulevard, as far as an overpass or interchange, and have to rely strictly on service roads that we essentially have to fund ourselves?"

DeRoche, "I guess I'd be kind of curious to know if the people that were here from Mn/DOT, if that was the whole Mn/DOT opinion. Was that their opinion? Did they have a 'dog in the fight' because of the Johnson Street project, which at the time was going nowhere as far as I'm concerned, unless somebody was going to develop up there. Maybe we need to get Senator Benson or Representative Hackbarth and somebody with a little bit more 'muscle' and make a couple calls. I hate to 'jump' over people but if we have to go higher, then we need to go higher. The worst thing they can do is say 'no.'" Davis, "That would be the thing. The two gentlemen who were here representing Mn/DOT, I don't think they have any stake in the matter at all. That's just Mn/DOT's overall policy. But, you know, policies can be amended and policies can be adjusted. This is the first step in the process and you deal with them at this level and if that doesn't work then you go on 'up the ladder' until you get the final 'no,' 'yes,' or whatever the decision is. Again though, this doesn't solve the problem of that secondary access. Even if we get a traffic light on 187th, that's going to solve a lot of issues on the east side but it's not going to address some of the problems on the west side with this secondary access. I think that's something that we need to look at to see if there's any way we can address that and come up with some kind of recommendation or solution."

DeRoche, "Well, we come out at 185th and go across the highway and all the way over to the other side." Davis, "I think it would be easier to get a traffic light at 187th than to get a crossover at 185th."

Ronning, "And, it's primarily southbound traffic that it is involving. Another thing, if things hadn't changed with Johnson Street, I don't believe any of this would be on paper right now." DeRoche, "I don't think it would be an issue."

Ronning, "With that in mind, if that's correct, is there, right now it's a wish list. Was there an anticipated activity/timeframe?" Davis, "For this project?" Ronning, "Yeah." Davis, "This project has been discussed occasionally. It's always been on our long-range plans. But, I think with the abandonment of the Johnson Street project, it did focus more attention down in the sewer area and it did indicate that some monies may be freed up and be available to do this. I think that with the recent things that have happened there at the intersection of 187th Lane and the fact that intersection was blocked twice for some significant periods of time over the past 18 months, it's just brought further attention to the need for that secondary access."

DeRoche, "Well, from a safety standpoint, there really should be. If there's an emergency and they can't get in 187th, how the heck are they going to get in?" Davis, "The real issue is primarily in the wintertime. If there were a fire, and if that intersection should happen to be blocked, which upon one occasion it was, we had trucks trying to exit on 187th Lane that were coming up that little grade between the theater entrance and 65 and they got stuck, and they backed up. Getting fire equipment or something there would have proven rather

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difficult. This time of year, now you could come in the back way and go off road and it would take you a few more minutes. But in the winter time, it would prove to be a real challenge.”

DeRoche, “Has any conversation come up at Village Green about concerns that should certain things happen there would be more traffic? Would there be any safety concerns? Everyone knows 181st is kind of a busy/bad spot.” Davis, “One of the things about extending this road south, Buchanan Street along the edge of Village Green, not only would it probably require the loss of maybe four to six existing trailer spaces that they have, it would funnel a lot more traffic through a really, really dense residential area that has almost no setbacks from the road. That would be a real prime safety concern going through that area.” DeRoche, “I’m sure the people in the trailer park don’t want a bunch of cars going by all the time.”

Koller, “And the seven properties on the other side of it wouldn’t like that either.” Davis, “No.” Koller, “You are trying to push it right through a whole bunch of people.” Davis, “Well, all we’re trying to do is look at what are the ways that you could get in and out of there and let’s see if we can find the best one.”

Koller, “I think Option 1 is probably, it is definitely the lowest cost option and it would be worth checking with the DOT. Other than that, I’d go for Option 2 and just run up to Viking, straight up. If we need a light there, we put a light there.”

Davis, “What about Option 4? If you’re going to run it up to Viking, you’d get more ‘bang for your buck’ and it would probably cost a little less if you went farther west on 189th and ran it by the church property.” DeRoche, “Yeah, that wouldn’t be bad. We could maybe work out some kind of deal with them.”

Koller, “There’s also a house sitting there that would have to be, we would have to take their house from them.” Davis, “You know, maybe they might be willing to sell. I don’t know. Nobody’s ever talked to them because...” Koller, “Right there, isn’t there also a substation?” Davis, “No, it would come out just adjacent to and to the east of the substation.”

Davis, “To me, if we were looking at that, I’d like to maybe explore the other one also because we’d be opening up about another 60 acres on this side and the church has a couple other places that they may even consider developing. It cost about \$300,000 or \$400,000 less. If we go due north from Ulysses or Buchanan Street, it’s all across swamp and flood plains. We’d also have several problems with the Corps of Engineers too, as we’ve found out that Viking Preserve has run into, as far as getting permits for construction. There would be several obstacles going that way too. Like I say, there’s no easy way to solve this problem.”

DeRoche, “If we go out to Jackson, we’re going to be going almost through that guy’s yard.” Ronning, “We’re going to be what?” DeRoche, “That owns that property, that had the barricades up.” Davis, “Yes.”

DeRoche, “So now we’re going to be diverting all those vehicles past his place.”

DeRoche, “What was the rationale for the Roads Commission to pick going out to Jackson? There had to be a reason.” Davis, “The rationale was, #1, going out 185th is going to be a

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challenge with Mn/DOT to get an intersection there. Going north from Buchanan and Ulysses Street directly up to 22 was going to be a real problem because you're going across a half mile of swamp, wetlands, and flood plains. Going by the church, the option you see right here, would involve the addition of at least one-quarter of a mile more of road construction. So, the one to east or west of Jackson Street, in terms of cost, was the most economical, to come this way right here."

Virta, "I think the cost differential was one of the big driving concerns."

Harrington, "And the opportunity to open up maybe three pieces for development." Davis, "Yes, you'd have this piece, this piece, this piece, a piece right here, and also if you go this way, you'd still have some property right here that has some secondary benefit even though it can be served from 22. But, overall, the extension to Jackson Street, when you weighed all the options, appeared at the time to be the best and the Roads Commission made their decision on that."

DeRoche, "Go back to that Jackson Street one, would you Jack, going down 189th? Because I'm kind of wondering now. I know going through the wetlands and stuff, we'd probably run into the same situation we had with the sewer/water project and Weidma saying we couldn't do anything unless it was frozen ground because their stuff would be stuck. That's another consideration, that it can only be done at certain times of the year. And is the DNR going to get involved? Is the Army Corps of Engineers going to get involved? Which one of these are we going to need all of these permits for? I can't believe it would just be that simple."

Davis, "The DNR would have some involvement. The primary agency that we'd have the most difficulty dealing with is the US Army Corps of Engineers. What you see, and the reason I didn't show it, all these gray areas right here are all wetlands."

DeRoche, "Is that peat or like swamp?" Davis, "Well, for 22 when they did the excavation up here, in this area right here, they had to over excavate 35 feet to get down to out of the peat." DeRoche, "Yeah, that was quite a canal for a long time."

Davis, "Yeah, so everything you see right up through here, all this, is designated wetlands. One of the costs that you're going to have to do for every acre disturbed here, which is going to be a significant amount, you're going to have to replace it double somewhere else. You're going to have to pay for those wetland credits. All of this is flood plain so it will have to be elevated and still all of this is some really, really, terrible soil conditions. It's all peat material. Just with this estimate, there's been no borings, but it was assumed we'd encounter the same depths that they encountered up here on 22 when they did the reconstruction of Viking Boulevard. Also, there's a stream crossing here, which would require a fairly expensive box culvert. It wouldn't be anywhere near what a bridge cost would be, but it would be an additional cost. The US Army Corps of Engineers would be the ones that we'd have the most difficulty getting the permits from. Currently, what they've experienced with the Viking Preserve project for large-scale developments like this, it's going to take a year to a year and a half to get a permit from them."

DeRoche, "Well, another thing that I think maybe I'll do is take my camera out and take some photographs." Ronning, "Do what?" DeRoche, "Take my camera with my wide angle and my telephoto lens, of the area. Lines on a map are one thing but if you look at a photograph and kind of see what's what."

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Ronning, "This shows a lot. If you have an 11 by 17 printer, you can blow up that whole area really well." DeRoche, "Is that off the GIS?" Davis, "Do you want to pull some color aerial photographs up and take a look at any of those? Is that beneficial for tonight's meeting?"

DeRoche, "So, what would be the benefit of going out, other than cheaper, to go out 189th? If we have so much wetlands and stuff in there, we really can't develop much. What's the gain going to be other than we're saving some money putting the road in?"

Ronning, "I still think, unless you have one way in/one way out, the notion that they're going to go out that back way is just wishful thinking. Once they get there, they're going to have an option for right, north, or south. If it goes south onto 181st, that road wouldn't last a month, I'd bet. That's falling apart now and Ham Lake doesn't agree that it needs work, I guess. If you go through the stop lights south farther, you're really going through residential."

Davis, "If you did the 189th to Jackson, which would be this line right here, all these areas that are hatched or cross-hatched, are developable properties. There's another property right here that's developable. Of course, it wouldn't be affected by this road, only if we went north. This along 22 was, if you actually went north here instead of going out to Jackson, there's 14, 14, 28, and 9, there's 60 acres there that are all high ground and developable."

DeRoche, "But, you have to have someone that wants to develop it." Ronning, "Yes."

Davis, "Here again, we're not going to get into the danger of making assumptions that it wouldn't be developed. That's why we're saying if we ever did assessments, the assessments would be triggered only when the property was developed. We do know that the owner of this property is interested in developing. This person right here probably not anywhere in the near future, although I can't exactly speak for what his total desires are. This property right here is ready to go if the senior housing project details can be worked out on that. Again, there are no guarantees that if you put it in, it would ever be developed but this property is scheduled and ready to be developed, as is this. When it would be, is anybody's guess."

DeRoche, "Part of the premise of the sewer and water project is 'build it and they will come.'" Davis, "Well, that's the point on this though. We'd be using MSA road funds, which we already have. No borrowed money would be used in any of this. With the utility extension, we'd have to find ways within our existing funding sources to do this because we would not put any borrowed funds into any part of this project."

DeRoche, "No matter which way we go to put sewer and water in, I mean, if we're doing it to potentially develop that, then we're going to have to run the utilities. Otherwise, we're going to be coming back and doing it again. Right?" Davis, "As I said before, if we went 189th, we would want to do the water when we did the road. Mainly because the water is the least expensive and we would have a funding mechanism to do that. We wouldn't have to do the sewer. We could offset the road within the right-of-way, which would leave ample room to put the sewer in at a later date without disturbing the road. One other interesting thing about this map here, the black areas are flood plain. So, you can see if you go up this way, Buchanan Street north or Ulysses, all of this is in a flood plain area. I don't

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know if you recall, in May of 2011 right after the sewer project started, we had a 10-inch storm event down here and this whole area was under water for about two weeks.”

Koller, “On 189th, if you move the road to 189th and up to Viking, what’s to keep the trucks from just going to Jackson Street and heading south?” Ronning, “There’s nothing.” Davis, “You mean if you take them this way up here and bring them out right here Ron?” Koller, “They could just drive right to Jackson and head south again to 181st.”

DeRoche, “Can we put, ‘No Right Turn for Trucks?’ *Speaker off mic inaudible.*”

Davis, “That would be closed.” Koller, “Okay, that would make a little more sense.”

Ronning, “I’ve been trying to think of this to the extent. If you put water in there, in my opinion, it’s good to be prepared for development. But, count on zero. Count on nothing for the next 20 to 50 years.” Davis, “We don’t. That’s why we say if we’re counting on getting that paid back, it would only be when it was developed.”

Ronning, “Right. But when you put the water line, then you add more that has to be drained. It has to be drained if it isn’t used.” Davis, “It will have to be flushed anyway. But eventually, this will lead us to where we can get a loop. This will be another connection. Eventually, we would like to see this waterline looped in here, which will increase pressures and decrease maintenance costs. As Nate was saying, if we ran this road, Buchanan, north then along 189th then north along the edge of the church property to 22, this last remaining section of 189th, which is dirt, it would be our proposal that it’s not needed for access because you could still come off and serve the church property from Jackson Street. You can serve this property from Jackson Street. We would close it off. The gentleman that lives here does have two driveways. He has one off Jackson, he has one off 189th. We could leave him just a temporary driveway easement open there, if we have to. But, we would close this portion of the road off so that would prevent any traffic from short-circuiting this right there, Ron.”

Koller, “Has anybody talked to the person on 22?” Davis, “No, we haven’t talked to anyone yet because all of these are just concepts. I don’t want to really initiate a conversation with anyone until we can narrow some things down.”

DeRoche, “You get anything out there and it’s, it’s like playing ‘telephone.’ By the time it gets out four people down the road, “My god, East Bethel’s taking our house.””

Virta, “Jack, since the extension to 22 is more expensive, would that be eligible for the MSA pre-allocation? Or, basically, we take some previous year’s MSA funds and apply them to that. Could we do that in this case?” Davis, “Yes, we could advance fund that and borrow against a future project. One thing that we’d have to do. From this point on 189th to 22, this is not designated as an MSA street. So, what we’d have to do, if we close this portion of 189th we could apply that to MSA designation.” DeRoche, “Right.” Davis, “But, we’d have to find another one-quarter to three-tenths of a mile somewhere else to trade and designate that as an MSA trade off.”

Virta, “One of the things that we learned is that Ham Lake, for example, doesn’t feel the same urgency to redevelop 181st as we do, feeling that East Bethel benefits more than Ham Lake does. At least that’s what I heard. So that might be a candidate. That is on the five-year MSA plan, to fix 181st. But, the guess is that Ham Lake is going to help us out with

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half of that.”

DeRoche, “Well, it was that we were borrowing out to 2018 for the Jackson Street project. Correct Jack? Or, am I wrong about that?” Harrington, “Go out five years.” Davis, “Originally when this was proposed two years ago, but there’s been some changes and delays in some projects so the funds have kind of been balanced out. I think if we did this and Nate ran some numbers, we would still have to borrow out to 2019 and there would be two years where we wouldn’t be able to do an MSA street project. If we did this and did the improvements on the service road on the east side. There’s a number of combinations and ways that we could do this but we could utilize MSA funds for the road construction portion of this. I wouldn’t want to use any of our Street Capital Funds for this.”

DeRoche, “Is there any money left from our infrastructure project that we have to get rid of?” Davis, “We project that there will be \$200,000 and that’s what we would like to use for the payment of the water on this. However, we’re getting into a lot of permutation now. We still have to decommission the plant at Castle Towers. But, we’re going to apply to the Metropolitan Council for a grant because this is going to clean up a contaminated area and then provide for additional housing opportunities.” DeRoche, “Oh, yeah, that’s true.”

Virta, “One of the things that the Mn/DOT guy said when they spoke to the Roads Commission is that they look kindly to any improvements that basically takes traffic off of 65. I don’t know if the implication of that is that they’d be willing to help with part of the expense of what is basically now a frontage road, or not. But, that’s my recollection. Nate, do you remember the guys kind of saying that, ‘Yeah, we look favorable to basically any frontage road that takes traffic off of 65?’” Ayshford, “Yes, and Jack...*(inaudible off mic)*.”

Virta, “Oh, that’s right, Jack...” Davis, “They did indicate that and that would be akin to these Cooperative Agreement Grants that we’ve gotten in the past where we’ve actually closed crossovers and things. So, their interpretation is if we did this road or this road or even that road, they would look at it relieving some of the congestion here so we would be eligible for some Cooperative Agreement Grant money. How much, they didn’t specify. On a totally funded project, we can get up to about \$700,000. So if we got a quarter of that, we might be able to get a couple hundred thousand dollars from them for this.”

Harrington, “At the May 13th meeting it was said, ‘Any sort of frontage or backage road we find in favor of that. We probably would put some money or funding towards it.’”

Virta, “And that might be a way to, you know, if we go north to 22 that might be a way to help moderate the cost differential. I’m just kind of thinking in terms of where do you get the money from. That was one of the considerations that the Roads Committee looked at, ‘Okay, here’s a certain amount of money that we can kind of allocate.’ That’s what drove the ‘out to Jackson Street’ decision, I think, it was a big part of it.”

Davis, “The only property owner that we’ve actually spoken to is along this section here. They have no objections, of course. But, we did speak with one representative from the church. In his opinion, he thought that they wouldn’t have objections to routing the road there. But, here again, that’s nothing that’s ever been formally presented to them. We’d have to do that to make sure that they didn’t have any objections. But, again, this route right here would require, at a minimum, the purchase of right-of-way from a residential property. With the way this curve is and the radiuses to meet the design requirements of MSA streets, it would probably involve the acquisition of the whole property itself.”

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Harrington, "I've got to ask this question. If it did go to Jackson and they would do this trail, would there be any change in anybody's, you know, when it comes up for a vote? The trail is a waste of time? Or?"

DeRoche, "I don't know if that trail is going to 'fly.'" Davis, "We just looked at the trail because, it's something to look at and after we looked at the cost, it's going to be probably in the neighborhood of \$400,000 just for the trail. And, there's already those widened shoulders there anyway. It's like it's a redundant cost..."

Koller, "There's a wetlands along one part of it." Davis, "Actually, there's three parts of it, there's three different wetlands." DeRoche, "We could go through Rod's yard."

Davis, "The other problem with the trail, Tim, is that on the sections where there are no curb and gutter, it will have to be set back from the pavement a greater distance. So, some of those places instead of it being separated with a 3- or 5-foot boulevard, it may have to have a 10- or 20-foot separation."

Koller, "All the underground utilities in the east side." Davis, "Yeah." Ronning, "East side of Jackson?" DeRoche, "Jackson." Davis, "Yes." Koller, "All the phone and cable tv." Davis "Yes, I just wanted to put the trail in there so if somebody came and said, 'Did you consider that?' Well, yes, we're looking at anything that anybody wants to throw out, we'll consider."

Koller, "It isn't going to help with the school buses at all either."

Harrington, "I had to ask."

DeRoche, "Well, Tim, what are your..." Ronning, "What's the answer Tim?" DeRoche, "That's why we hired you on."

Harrington, "The only one I'm not crazy about is Option 2, Buchanan Street. I can't see spending \$2.6 million. I don't think you can do anything on either side of the road. So, Jackson or go up to 189th and go out to 22. Wherever we can maybe find some development. I think that's where this is all driven, to get some development in there."

Ronning, "If you're looking at some consensus building, about the only thing we have right now is probably that something needs to be done and that's the end of the story."

Koller, "For me it would be either Options 1 or 4."

Davis, "Well, again, the purpose of this meeting tonight is not necessarily to make a decision. It's just to get some of these facts presented so we can weigh our options a little bit more. One thing we can do is to make some additional contacts with Mn/DOT. If they're going to say no to 185th, I'd like to have that a written response rather than a verbal response." DeRoche, "Yes."

Davis, "So we'll know, maybe we don't need to spend any time on this. As far as some of the other stuff goes, we might want to look at Jackson Street again and see what times the school buses run. See exactly how much traffic is going to be generated in terms of trucks. Maybe we could get some idea, too, what times the majority of them will be there. There's

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still a lot more information that can be factored into this decision. I just wanted to get as much of it as we could out tonight on the whole broad concepts of each one of the options, and get that on the table. But, I didn't expect to get any direction, if there was going to be one over the other, from tonight's meeting. I think this is one of those things that's so complicated it's going to take a couple more sessions to flesh out."

DeRoche, "I don't want anyone on the Roads Commission to think we're just circumventing what their decision was. But, kind of like the Planning Commission, at the end of the day, it's the five people up here. That's where the 'buck stops.' There's a lot more information that we're probably, well not privileged to, but without someone asking for it, we get a lot of information and do a lot of groundwork. I wouldn't expect anyone on the Commissions to do that because..."

Davis, "And really, with the Roads Commission, this wasn't just one meeting and they said, 'Well, this is what we'll do.' This, to my knowledge, was discussed over three consecutive meetings. So, they did spend some time on this and realized too, there was no easy answer. This was the recommendation they thought was the best from their perspective at that time. They spent three meetings on it. This is the third meeting the Council will spend on it. I didn't expect to have any direction on the resolution as to the options tonight."

DeRoche, "How were they addressing the safety issues? What was their..." Virta, "I don't think that there were any specific points made about mitigating the safety issues. I think it was just a decision to meet these other goals, secondary entrance and exit, safety concerns, and costs. Safety concerns were, on the 65 end of it. I don't remember, Nate, in those three meetings, whether we had any sort of counterpoints about how to address the safety concerns over on Jackson. I don't remember ever hearing someone saying, 'Well, we could do such and such instead.'"

DeRoche, "Or, how about talks of controlled intersections or traffic lights? If you're going to dump on Jackson and it's that much, I mean we're discussing this because there's that much traffic. Obviously, that's going to kick up the traffic a lot on Jackson. It's pretty tough now to get on and off, during rush hour especially. I'm just kind of curious, did they talk about traffic lights?"

Ronning, "It can be tough getting across Viking on Sunday morning when people are home."

Davis, "At the Roads Commission that I attended, the safety factor was more or less discussed as a balancing act. No matter what you do, there's a safety issue regardless. One of the options that we don't list down here is to take no action. To take no action exacerbates the safety concerns on 187th Lane and Highway 65 also. So, if you dump it out on 22, or you increase the traffic on 65, or you bring it onto Jackson, no matter which way you go, safety is an issue with every concern."

DeRoche, "I don't think the 'do nothing' is even an option, personally." Davis, "No." DeRoche, "We have to create another way in and out." Davis, "Yes. I think 'do nothing' is an option that you look at and you say, 'Do nothing is not an option. .'" DeRoche, "Right."

Ayshford, "With the Roads Commission, that road, 189th has been on the planning for a long time. This is kind of a drawn on line on the map. When the Johnson Street project was canceled, which the Roads Commission was against, after that stop light went in they

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wanted to see the money put down into the area where the sewer and water was taking place. A big issue they talk about all the time is the cost of taxes in the City and they would like to see as much development as possible taking place down there. They focused on, you know, each year they take a look at what we get for our MSA money and look at what roads we already have that need to be fixed, and where we could maybe do some new construction. One of the issues was, when 189th came up. Another issue that came up was the safety issue. One of the members on the Roads Commission actually works down in that area for one of the trucking companies and had an issue with all the stacking that takes place, that you see in the morning and in the evenings. Those are the two driving factors that kind of brought this up before the Roads Commission.”

DeRoche, “I remember even looking at it in 2010 before, we were elected but hadn’t taken office yet until 2011.” Ayshford, “And I think their biggest factor for choosing that 189th road was overall costs. It would allow us to do some projects down the road. We have a few other projects on the capital planning at 181st, University Avenue, and Davenport behind the Post Office. They’re all in need of repair. If we do one of the other options, those are going to be pushed back a few more years, which we can maybe handle too. Or, we can move one of those projects up a year if this needs to be held back for a year. Those are options to look at too.”

DeRoche, “What, if any, money are we still putting into the Johnson Street thing? Is that just...as a Council we basically said that’s not even a, other than all the easements are paid for, right?” Davis, “There’s been no money put into the Johnson Street project since it was terminated.” DeRoche, “All right.”

Ronning, “If something was to be getting considerable consideration for Jackson Street, I would ask for the equivalent of a public hearing with the people that live there. It’s no popularity contest, but we know what three to five people can do to a City with what happened to us in 2010. You can’t listen to everything that happened, that everybody’s interested in, but we’re not going to do 2010 again where you got a group of people that won’t listen for ten years.”

DeRoche, “A public hearing...I prefer something like this, just like the ATV stuff and, you know, the dirt bike stuff, I want to hear what people have to say.” Ronning, “Yes.”

Davis, “I would have no problem with a public hearing on this. I think you will have a wide variety of opinions. I think you will have a lot of opinions on bringing it out in another direction, the need for another direction. We’re going to hear a lot of the same discussions that we’ve had among ourselves. I think all of us are trying to look at it, play the devil’s advocate. You know, ‘What if I lived there?’ ‘What if I did this?’ I know that’s the way I try to put myself in a position, is try to look at it from both sides. That’s why I’m having, I wouldn’t tell you what my recommendation was now because I don’t know what it is.”

DeRoche, “Well, and I think most people appreciate, whether you go with their idea or not, if you listen to it and who knows, maybe somebody had something different to throw into the ‘mix.’ But, I think a lot of people understand, like I said before, they don’t have the same information that we have.” Davis, “I think that if you have a public hearing, though, you’d want to have it narrowed down to at least two alternatives. If it wasn’t Jackson Street it would be another option. To throw five options out would be difficult to present and get any meaningful discussion...”

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Koller, "Before you have that, I'd like to see about 185th and what he has to say about it."
Davis, "Again, I think if we have a public hearing, that's not the next step. I think there's some more information gathering that we probably need to do on some of these options that have been presented to clarify them and see if some of them can be eliminated, or be eliminated for other reasons."

Koller, "The Roads Commission gave us five different options. They pretty much covered every possibility we could think of." Virta, "Yes, we worked on this a lot and everyone that voted on it said that this was a very difficult 'nut' to crack. The options are limited. We took the road tour on the same night that recommendation came out so everyone on the Roads Commission had an opportunity to see the area that would be impacted."

DeRoche, "Right, even Jack and I discussed going right by the Metropolitan Council plant, kind on the west side of Village Green."

Ronning, "Jack's right when he says that this requires a written question and a written answer. People are going to put a lot more thought into something before they sign their name on it." DeRoche, "All right, let's do that."

Harrington, "I've got one more. On 189th, besides that house on the corner, when we had that meeting last week, wasn't there supposed to be some easements we need from the church that we'd have to look at?" Davis, "On this one right here, Tim, the one you're referring to, if this was the one selected, there's a residence at this proposed corner here that we'd have to probably, in all likelihood, there would have to be the acquisition of that property. The portion that runs up by the church, we would have to acquire right-of-way there. And, we'd have to acquire right-of-way from this gentleman right here who owns property between Crooked Brook and Highway 22."

DeRoche, "Well, that would make his property worth more if he wanted to do something."
Davis, "No matter which way we go, even if we go 189th or Buchanan to 189th, we've only got 33 feet of right-of-way on one side here. We're still going to have to get an additional 33 feet here. And, from Fillmore Street onto this curve, we'd have to get right-of-way right there. No matter which way we go on that. There will be some cost. Some of the things that may be involved in right-of-way."

Davis, "One of the things that I've been thinking on, not necessarily for this project but for future MSA projects, and as a result of one project that we had that we couldn't get through, if we do an MSA project, if you donate the right-of-way, we don't assess you. Like I say, I'm not advocating that that's what we do on this project. But, there's a previous project we probably should have considered that. I won't mention what it was now. That's just something to consider too because right-of-way acquisition can be very expensive and people do benefit. Property owners do benefit from these road extensions. It makes their property much more valuable. Even though they'll pay some higher taxes on it initially, when it's sold it will be worth a lot more money."

DeRoche, "All right, anybody else have any input?"

Davis "With that, I think we know that you are looking for us to come back to you with as much additional information as we can on all these other options, so we can continue this discussion at a date to be determined."

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DeRoche, “And, something in writing from Mn/DOT.” Ronning, “Yes.” DeRoche, “And, I don’t know, what’s the chances of getting a hold of Senator Benson or Tom Hackbarth?”

Ronning, “Where’s the place to start? With a Commissioner or go straight to the legislative body?” Davis, “As far as trying to work something out with Mn/DOT? I think I would go with the proper chain of command and protocol and go up the ‘ladder.’ If you get to the top and you get nothing, then you’d look at the political route.”

Ronning, “Every step you bypass is not support.” Davis, “That’s correct.” DeRoche, “Well, again, I don’t like to by-pass people but we’ve already kind of got what their thoughts are, on some of them.” Ronning, “We don’t want to be on a public record that we’re skipping anybody. That’s why I raised that.”

**5.0
Adjourn**

Koller made a motion to adjourn at 8:54 p.m. Harrington seconded; all in favor, motion carried unanimously.

Submitted by:
Carla Wirth
TimeSaver Off Site Secretarial, Inc.

EAST BETHEL CITY COUNCIL MEETING

AUGUST 6, 2014

The East Bethel City Council met on August 6, 2014, at 7:30 PM for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Heidi Moegerle

MEMBERS ABSENT: Tim Harrington Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
Mark Vierling, City Attorney

1.0 Call to Order The August 6, 2014, City Council meeting was called to order by Mayor DeRoche at 7:30 p.m.

2.0 Pledge of Allegiance The Pledge of Allegiance was recited.

3.0 Adopt Agenda **Moegerle made a motion to adopt the August 6, 2014, City Council agenda revising Agenda Item 8.0A.1 to separate consideration of the amendment to Code relating to farm animals from consideration of the rezoning of the property on Highway 65. Koller seconded. All in favor, motion carries unanimously.**

4.0 Presentation
4.0A. Dangerous Dog Hearing Davis presented the staff report, noting the hearing is requested by the filer of a complaint relates to a dog bite incident that occurred on June 6, 2014. The Anoka County Sherriff's office reported that a dog owned by Gayle Murphy, 814 South Lakeshore Drive NE, Wyoming, Minnesota, bit Randy Jon Bohland, 445 Elm Road NE, Wyoming, Minnesota, at the address of 814 South Lakeshore Drive.

The investigating officer, Cullen Czech with the Anoka County Sheriff's Department, reported the incident as a Notice of a Potentially Dangerous Dog pursuant to Chapter 10 of the City Code. A copy of the incident report is included in the attachments for this item. A review of City records indicates that the dog is not licensed but is current on rabies vaccination.

On June 10, 2014, the City received a request from Mr. Bohland for a hearing before City Council. Pursuant to City Code Chapter 10, Section 10-72, a hearing is to be granted before the City Council. Ms. Murphy was notified of the hearing by certified mail dated June 27, 2014. As of Friday, July 11, 2014, Ms. Murphy has not provided written notice of request for an appeal of the notification and decision that the dog in question is a potentially dangerous dog by virtue of the evidence provided in the police report.

The City Council pursuant to Section 10-72 has several obligations and options regarding this matter.

1. Conduct the hearing allowing the owner to present reasons why the potentially dangerous dog determination should be lifted or sustained.
2. If the potentially dangerous dog determination is sustained, identify the action to be taken:
 - a. dispose of the animal
 - b. allow the owners to keep the animal with restrictions.

3. If the potentially dangerous dog determination is not sustained, make a determination that the animal is to be released without further action from or by the City Council.

The requirements for maintaining the animal should the potentially dangerous dog determination be sustained are outlined in your packet.

Davis, "This hearing was tabled at your July 16, 2014, Council meeting in order to allow documentation as to the placement of the animal in question. Ms. Murphy is listed as the owner in the Sheriff's report but Ms. Murphy stated to me on July 29, 2014, that Joe Alvite is the owner of the dog. Mr. Alvite's address is also 814 Lakeshore Drive. According to Ms. Murphy, she is currently unaware of the whereabouts of the dog. The City has no record that the dog is licensed to either Mr. Alvite or Ms. Murphy. As there has been no resolution as to the placement of the dog in question, staff recommends that the potentially dangerous dog hearing be continued tonight."

DeRoche opened the public hearing at 7:34 p.m.

Davis, "We have Ms. Murphy present tonight. The owner of the dog. Is Mr. Bohland present?" DeRoche, "No."

Moegerle, "Would you like to say anything?"

Gayle Murphy, 814 South Lakeshore Drive, "I have repeatedly told everybody that the dog is actually owned by Joseph Alvite. The reference to the ownership of the dog is Joseph Alvite. His address was 26911 Fernwood Avenue, Apartment 8, Wyoming, Minnesota. He also receives mail at my residence so the address on the paperwork is 814. There was an incident where he had, I believe, one of the police officers or something, mentioned to him, because he also had resided at 415 Cedar Road in East Bethel, so when he goes back and forth from Mexico, from time to time, the dog went back and forth as well. There was an incident with one of the police officers asking about licensing so I know he was licensed. Because it was an issue with the police and he had to prove that he did get the license so I'm not sure why you're not finding the license. But, there was a license and it was to him."

Moegerle, "Do you know how long ago?" Murphy, "The first time, I'm not sure. That was a few years back when that happened. I don't know if he continued the license but I know it was when he was at the 415 Cedar Road address."

Murphy, "Also, on the paperwork that I had given to the officer, I was there. I handled the matter because it was at my residence when this thing took place. I gave him the paperwork with Joe Alvite's number, him being the one who got the vaccinations and all that sort of stuff. As far as the dog bite incident, there's some, I guess it says it has to be unprovoked. And I'm questioning. I think he states that he, when the dog approached he did something. I can't remember, but he kicked the dog and the dog responded. He came into the yard and was just, you know, screaming and hollering for the daughter. She had been at my house all day. When he arrived he was very upset, screaming and hollering. The dog approached him and he kicked the dog and then the dog nipped him. Dawn was witness to it, the neighbors as well. Her name was mentioned in the report. The officer didn't take a statement but he did mention that she was there as a witness. I don't know if you have any further questions for me."

Moegerle, "Where's the dog now?" Murphy, "He left my residence on the 8th. I'm not sure

where he was given to but he's not at my house. He hasn't been there since then."

Vierling, "On the 8th of what ma'am?" Murphy, "The 8th of June."

Moegerle, "Was he taken to a pound or to a rescue organization?" Murphy, "I contacted Joe and he had someone take him so I couldn't really tell you where it is. I mentioned to Jack that there's some stuff going on there. That's why I'm here and he is not available to be here. The dog isn't even here. I mentioned to the police officer at that point, and maybe he assumed it was my dog. It's a likely assumption because he was at the house. I was just trying to take care of it and be as diplomatic and hospitable as I could. At that point, I knew right then. Was there any mention in the police report about him and the whole thing about money? He basically called me and asked me for \$5,000. Then he went down to saying \$2,500 and, 'We don't have to call the police.' It was like this whole thing was just, you know, blown up. It says 'unprovoked' and I think kicking an animal is not 'unprovoked.' I think it's a moot point even talking about it because he's not even here. He's not even a part of this but, that's your determination."

DeRoche, "On Paragraph 4 of the report, I'm just going by what's on here because I wasn't there, it said Ms. Murphy stated, 'Yes' that she was the owner of the gray Schnauzer named Gringo." Murphy, "I think he's assuming that. No, I'm not the owner." DeRoche, "I can't dispute it. I wasn't there."

Murphy, "I think it's an easy assumption for him to think that. You know, he comes to my house. The dog is there. I think it's easy to assume that I'm the one handling it, giving him the paperwork. But, it's clearly Joe's name on the paperwork. The vaccinations, it's his animal. I've taken care of it from time to time when he's here because sometimes he'll have a place where you can't have an animal and this time he's at his apartment residence and there are no animals allowed. I don't know what more I can do address to that. If you look in the licenses, you're going to find a license that's in his name as well."

DeRoche, "I'm going to ask for a legal opinion. With nobody else here, Mr. Vierling, what do we do?" Vierling, "Certainly the Council has the opportunity because of the incident. The process so far, the animal is presumptively potentially dangerous unless the Council wants to determine otherwise. You can either sustain that finding or reverse it. If you sustain it, then you go on to the issues of the opportunities to impose requirements. Relative to the issue of ownership, your ordinance defines 'ownership' as anybody that owns or harbors a dog. Obviously the dog was at this residence for a period of time. I don't think 'ownership' is really an issue. What is an issue is whether or not you wish to sustain the finding and if so, what you intend or want to do about it. If the dog is not here and is not going to be brought back, it would seem that you could certainly have a requirement that the dog not return to the City. Again, it's up to the Council, in your discussion, to choose what you will."

Moegerle, "Could we hear from Dawn, the witness to the provocation? The hearing hasn't been closed."

Dawn Steinke, 337 Aspen Road, "My grandsons were fishing that evening and I happened to walk down to our dock which is just a few down from Ms. Murphy's. I heard the yelling. This Randy got out of his vehicle screaming and yelling for his daughter Kyrstin. The dog, you know, turned and looked at him and as he screamed more, then Randy kicked the dog. Then I saw the dog lunge at him because he had kicked the dog. I thought, 'Oh, my gosh,

that guy is just screaming and yelling and he's sounding like he was just a maniac.' That's what brought my attention to turn and look."

Moegerle, "How long did he scream and yell?" Steinke, "Quite a while." Moegerle, "What's that mean? Five minutes? Three minutes?" Steinke, "Well, for me to turn and look at his yelling, I'd say about three to four minutes it went on. And, he was continuing yelling as he kicked the dog."

Vierling, "Where was the man in proximity to the property when he was yelling?" Steinke, "In the front." Vierling, "In the street?" Steinke, "Uh huh. He pulled up and then the dog was on a leash." Vierling, "So, the dog charged the man while he was in the street?" Steinke, "No. He when he got out of his van..." Vierling, "He being the man?" Steinke, "The man. Randy got out of his van and as he was yelling, the dog kind of walked that way and then Randy kicked him because, umm, and then the dog leaped out at him." Vierling, "While the man was in the street?" Steinke, "Uh huh." Vierling, "So, the man was not on private property?" Steinke, "Well, I don't know if you'd call it private property right there."

Vierling, "There's a report that the dog also bit the daughter of the man. Is that correct?" Murphy, "I heard that on the report. Kyrstin had been at our house and then she was there for the next three days. There was never any mention of anything like that. She had been there, I mean, almost non-stop. In fact, the day that she was there that this incident supposedly happened, she was left home alone all day and that is why I had her the entire day. I think he was upset because she had left home and came down there. I think he'd left instructions. I'm just assuming because he seemed upset that she was there. If there had been any kind of an incident, and he's never had any kind of an incident biting kids or anything like that, I would have heard about it. The only thing I could think of, and I've never seen any marks or anything, is that we're in the process of replacing carpet and there's tack strips, if she had knelt on something. But, I can't think of anything. There was never anything and if that had happened, why would she be down there again, consecutively, three days straight? That just doesn't make any sense. There was never mention of, 'Oh, she's been bit. Has he got rabies shots?' There was nothing."

Vierling, "In reading the report, ma'am, the police report reflects that there's a claim that the dog bit the child." Murphy, "You're correct, that..." Vierling, "Not at the same time. At a different time." Murphy, "Right, but it was all brought up that same day." Vierling, "I understand that."

Moegerle, "When did you last see Kyrstin? Have you seen her recently?" Murphy, "Yes. In fact the reason they couldn't contact me, is I had emergency business and I was out of town when you had been trying to contact me. While I was gone, the person that was staying with my children had reported that she had came over, you know, wanting to play with the kids. Like I said to her, I think that right now, because of the circumstances and this whole thing about extorting money and all that kind of thing, I thought it was just best not to, you know, have her mingle there right now. It's just too risky. So, yeah, I don't know when that would have been. Two weeks, a week and a half ago? I don't know, something like that. While I was gone."

DeRoche "Who lives on Lexington Avenue?" Murphy, "It's a tenant. What's her name? It would be? You're asking me their name? The party that's renting, you're asking the tenant's name? I own the property. Are you asking? That's what I'm trying to clarify."

DeRoche, "I don't know if I really need the name of the people." Murphy, "Okay."

DeRoche, "I'm just looking at the paper and it said you, 'Ms. Murphy escorted me to the address of 4740 Lexington. At this time, I conducted photographs of Gringo.' So, is that where he wound up?" Murphy, "No, he's not there. No. He was just there...my basic thought was these people are trying to extort money. At that point, I wanted him in no vicinity of anywhere and have any more problem until it was all resolved. So, he went there and that night the officer then went there. He photographed the dog and it says on there that he wasn't aggressive, showed no aggressive behavior or anything like that. Then he rode back in the car with me. He was there that night, the next day, and then he came and got him the following day."

Moegerle, "'He' the dog? Not, 'he' the police officer?" Murphy, "Yes, sorry, the dog was there back at the 814 residence from that evening after the officer had done his protocol, whatever he had to do, until the 10th."

Moegerle, "Is Gringo still alive?" Murphy, "I hope so." Moegerle, "Had Gringo ever bit anyone before, unprovoked?" Murphy, "No. No, he liked to chase things but that was the extent of it. That's why he was kept leashed all the time."

Moegerle, "Had he bit anyone after he was provoked before?" Murphy, "No, nothing that I'm aware of. Like I said, I don't have him all the time."

Steinke, "My little grandkids walk by there all the time and we go by on the golf cart and the dog has always been just a nice dog with the kids. The kids always play with him. Never was assertive with our grandsons. Dakota just loves little dogs and he, if that dog can tolerate Dakota, Dakota is quite rough with dogs and Gringo never did anything to Dakota. Always a gentle dog to our kids." Murphy, "He's like one of those dogs that's always 'Mr. Happy.' Happy, happy, constantly wagging his tail. Not like any kind of aggressive breed or anything like that."

Moegerle, "26 pounds, right?" Murphy, "Yes, I think that's what...Schnauzers are known, I never looked up to see their temperament but I'm assuming that."

DeRoche, "Got any questions Ron?" Koller, "So the dog isn't there anymore?" Murphy, "No, and honestly I think that due to the circumstances, I feel really, really vulnerable with what Randy and this whole circumstance. Like I said, the minute this took place and he asks me for money, there was no way I was going to do a favor or have him there with the ability to have him, you know, try and do this whole money thing. Basically, when it happened, he called me and said, 'You know, this can all be resolved. I've been through this. My brother got 5 grand.' And, I was, 'Say what?' And then he's hanging on the phone and pretty soon it's like, '\$2,500 or I'm calling the Sheriff right now.' And, it's like, 'Call the Sheriff.' You know? I mean it's ridiculous. I felt totally like he put the whole situation together. I'm all for if you want to put a restriction that he's not allowed back there, or anything like that, in East Bethel. Makes total sense. Whatever that type of situation...but it seems a moot point that he's not there, to go any further, in my opinion."

Moegerle, "The hearing is still going, but I think that since the dog is not here, the complainant is not here, we have a witness that says it was provoked, that the dog does not belong to Ms. Murphy, that the dog be prohibited from returning to any of Ms. Murphy's properties in East Bethel. Zero tolerance. And, that would be the end of it."

Dangerous
Dog Hearing

DeRoche, "I would like to see the license. I don't understand why, if it's licensed to Joe..."
Davis, "If there was a license, there was not a license issued in 2013 nor in 2014. I did have one of our ladies go back and double check our records and there was no license issued in either of those years."

Murphy, "Can you go any further back than those years?" Davis, "They could but I didn't see any point because it means the dog was not currently licensed. That was all we were concerned about." Murphy, "If you are looking for ownership, if that's what they're worried about, then I believe it could have been 2010 or 2011."

DeRoche, "No, I think that the license has to be renewed every year. Isn't that what it is? And, then the rabies thing is good for two-three years." Murphy, "I believe the rabies he just had was in October, something like that." Davis, "He was current on his rabies vaccination."

Moegerle, "But the licensing thing is kind of a different issue than the unprovoked attack."
DeRoche, "Let's close the hearing before we discuss what's going to happen."

Moegerle made a motion to close the dangerous dog hearing. Koller seconded. All in favor motion carries unanimously.

DeRoche closed the dangerous dog hearing at 7:51 p.m.

Steinke, "Are all the dogs in the Coon Lake Beach area supposed to be licensed?" Davis, "Yes." Moegerle, "Yes if they reside there. Visiting dogs aren't."

Vierling, "Ma'am, the hearing's been closed. Why don't you hold your questions until they get done with this matter." Moegerle, "You'll have an opportunity at the Public Forum to ask those questions."

DeRoche, "What is staff's opinion on this?" Davis, "Well, it's hard to pursue this when the plaintiff is not present. I think that probably a prohibition of the dog returning to East Bethel is a valid recommendation, or any other restrictions you wish to place upon it. We don't know the whereabouts of the dog and are never likely to know. So, some of the things that we can require are conditions for keeping a potentially dangerous dog are a moot point in this. They're not applicable."

Moegerle, "And, Mr. Alvite also lives in Wyoming so the dog may have been licensed there. When you have people moving in and out, where the license is...if you don't change it every time you move, you don't know. So, he's not here to answer that question. I think that's a real difficult one to enforce on the licensing but, I don't think the dog should return."

Moegerle made a motion to sustain the finding that the gray Schnauzer named Gringo owned by Joseph Alvite, 814 South Lakeshore Drive NE, Wyoming, MN 55092, is potentially dangerous and order that said dog shall not return to any property within East Bethel. Koller seconded. All in favor, motion carries unanimously.

**5.0
Public
Forum**

Dawn Steinke, 337 Aspen Road, "I have questions regarding the dogs that are roaming in the Coon Lake Beach area. When we call on the dogs, nobody seems to come and check on these dogs." DeRoche, "That's not necessarily true. We write out quite a bit to the dog catcher." Steinke, "Okay." DeRoche, "East Bethel, for a while, seemed to be a haven for people to drop their animals off. If you see one and she comes out and doesn't see it, well, we get billed and there's no 'dog in the hopper,' as it were."

Steinke, "We had put one in our back yard and kept him there and we were trying to locate a dog catcher to come get him." Moegerle, "Call animal control."

Steinke, "I called the City and they didn't have no numbers for me." Davis, "When did you call? When did this happen?" Steinke, "This happened nine months ago, about." Davis, "Who did you talk to with the City?" Steinke, "It was a gal and she sent me to, I don't know if it was Nick, or, I can't remember the name. I'm not sure. We've also called on the barking of a residence that's continuous barking and they told me that I have to tape record it."

DeRoche, "Who told you that?" Steinke, "When I called the City and had the complaint about the barking dogs."

Moegerle, "The ordinance requires two complaints for someone to come out. So, they could be two people in your household or you and another neighbor, that's what activates it. I don't have the ordinance right in front of me, but I remember that very clearly. So, you hang up, you complain, get your husband on the phone and have him complain. Or, you can complain also via our website and then you have a paper trail." Steinke, "Okay, we do have a video."

Davis, "When you have a dog issue, call Central Dispatch, 763-427-1212. The Anoka County Sheriff's Department is responsible for enforcing our City Code regarding dogs. They will come out as quickly as possible to address the issue."

DeRoche, "Make sure you tell them it's a non-emergency. Because, if you call 911 or the 427, you're going to get the same place. But, they need to know if it's an emergency or if it's just, I hate to say, 'It's just a dog.' But that's kind of how they look at it. They're going to go take a 'bad guy' down before they come for a barking dog. I would hope that's what they'll do. I've always heard they respond because I've talked to people who've gotten cited for it." Steinke, "Okay, thank you."

Moegerle, "Is part of your issue about dogs without leashes? Is that it?" Steinke, "Leashes and the barking. The people who own them...just continuously bark and they have like five dogs, Beagles."

Moegerle, "Do they have a kennel license?" Steinke, "I don't know that. And, my husband has a brain injury and it's really frustrating because it goes on day and night. No matter who walks by, the dogs..."

DeRoche, "Where are they?" Steinke, "They are on Birch. I don't know if it's actually Birch or Aspen because their house is in between. Actually, I think it's Aspen. Their mailbox is on Aspen." DeRoche, "I think I've heard that but I haven't heard the dogs and I'm not going to just walk..." Steinke, "You can hear them three blocks away. My brother lives a little ways away too and it's like, they're..." DeRoche, "Do they do it all day long?"

Steinke, "Yes, constantly."

Davis, "If you will call Central Dispatch. Even if they don't get out there immediately, they will get out there and they will, give them the address and they will go and investigate, talk to the owner. If they have more than two dogs, they'll cite them for not having a kennel license. Dogs are probably our biggest complaint in the City. We have more complaints over dogs and they're one of the hardest things to enforce. But, if you will call that number, they will come out and they will do what they can to address the problem."

Steinke, "Okay, thank you. This will work." Moegerle, "Thank you."

**6.0
Consent
Agenda**

Item A Bills/Claims

Item B Meeting Minutes, July 9, 2014, City Council Work Meeting
Meeting minutes from the July 9, 2014, City Council Work Meeting are attached for your review and approval.

~~Item C Meeting Minutes, July 16, 2014, City Council Meeting
Meeting minutes from the July 16, 2014, City Council Meeting are attached for your review and approval.~~

Item D Deputy City Clerk – Letter of Resignation
Staff is recommending acceptance of the Deputy City Clerk letter of resignation, with regret.

Item E Resolution 2014-23, Check Signatories Resolution
Staff is recommending approval of Resolution 2014-23 to designate check signatories.

Item F Resolution 2014-24, Domestic Violence Awareness Month
Staff is recommending approval of Resolution 2014-24 declaring October 2014 as Domestic Violence Awareness Month.

Item G CDBG Contract
Staff is recommending authorization execution of the CDBG Contract between Anoka County and the City of East Bethel.

Item H Resolution 2014-25, Designating Castle Towers WWTP Surplus Property
Staff is recommending approval of Resolution 2014-25 designating surplus property and approval for disposal.

Item I Acceptance of Quote for Culvert Replacement on Klondike Drive
Staff is recommending acceptance of quote and award of bid to replace the culvert on Klondike Drive to Classic Construction Company in the amount of \$11,800.

Item J Resolution 2014-26, SCNA Grant Application
Staff is recommending approval of Resolution No. 2014-26 authorizing application to the Minnesota Natural Resources Damages Grant Program for outdoor recreation facility development and natural resources restoration at the Sandhill Crane Natural Area and to negotiate in good faith to establish and execute a Joint Powers Agreement with SCNA partnering agencies.

Item K HRA Meeting

Staff is recommending to schedule an HRA meeting on August 20, 2014, starting at 6:30 p.m.

Moegerle, "Want to pull C."

Moegerle made a motion to approve A, B, D, E, F, G, H, I, J, and K. Koller seconded. All in favor, motion carries unanimously.

Item C Meeting Minutes, July 16, 2014, City Council Meeting

Moegerle, "No discussion, I'm just not going to vote for it. So, if you want to approve them, that's fine."

DeRoche made a motion to approve Item C, Meeting Minutes, July 16, 2014, City Council Meeting. Koller seconded. Roll call: DeRoche and Koller-Aye; Moegerle-Nay, motion carries 2-1.

**7.0
New Business**

Commission, Association and Task Force Reports

7.0A
Planning
Commission

None

7.0B
Economic
Development
Authority

None.

7.0C
Park
Commission

None.

7.0D
Road
Commission

None.

**8.0
Department
Reports**

Davis presented the staff report, indicating the Council is asked to consider scheduling a Work Meeting to discuss changes to City Code, Chapter 10, Article V, Farm Animals.

8.0A
Community
Development
8.0A.1.
Amendment
to City Code,
Chapter 10,
Article V,
Farm Animals
8.0A.1.

City Council has been considering amending City Code as it relates to the keeping of chickens. The following is a timeline of meetings that have discussed this subject:

- June 4, 2014, City Council met and directed Staff to survey the policies of other cities in regards to the keeping of chickens;
- June 18, 2014, City Council Meeting met and Staff presented a report to City Council as to the policies of other cities in regards to the keeping of chickens. As a result of this meeting and discussion, Council scheduled a Work Meeting for June 25, 2014 for further consideration of this matter;
- June 25, 2018, City Council Work Meeting the matter was further discussed and Council was requested to forward recommendations to the City Administrator for

inclusion in a revised draft ordinance to be presented to Council at a later date. Two options for the ordinance will be ready for discussion by Friday, August 8, 2014. Staff requested that a Work Meeting be held on August 13, 2014, to continue this discussion with these two options for the ordinance.

Moegerle made a motion directing staff to schedule a Work Meeting on Wednesday, August 13, 2014, starting at 6:30 p.m., to discuss an amendment to City Code, Chapter 10, Article V, Farm Animals. Koller seconded. All in favor, motion carries unanimously.

8.0A.2.
Rezoning
Property from
B-2 and R-2
to I-1, PID
#2033234300
01,
19801 Hwy.
65 NE,
33.5 acres

Davis presented the staff report, indicating the Council is asked to consider scheduling a Work Meeting to discuss for a Rezoning for Central Wood Products, at 19801 Highway 65 NE.

The Planning Commission has approved a request for rezoning 19801 Highway 65 NE, Central Wood Products, from a split zoning of B-2 and R-2 to Light Industrial. This property is 33.5 acres in size and the need for the action is to correct a split zoning issue and address the land use of this area of the Corridor.

Staff recommends that this matter also be scheduled for a Work Meeting for August 13, 2014, to further discuss the issue.

DeRoche, "Seeing that the Planning Commission has already approved this, I guess I looked at it and I'm ready to take a vote if everybody else is."

DeRoche made a motion to take action on the request for rezoning of 19801 Highway 65 NE, Central Wood Products, from a split zoning of B-2 and R-2 to Light Industrial. Koller seconded.

Moegerle, "Vote on what this evening?" DeRoche, "The rezoning." Moegerle, "We don't have a write up on this. I'd like more information on that. It's fine if you want to postpone it to the next Council meeting. That's fine, but I don't have a write up on it."

DeRoche, "How much of a time thing is this Jack?" Davis, "We would need to take action by the next Council meeting. The quicker we can do something on it, the better. Central Wood Products has some expansion plans. They want to add to their building. They will be coming in very soon to try to get permits to expand their lawn furniture line, which they have been very successful with. I don't think there are any major issues here with this. The lot that they own, the 40-acre lot, was arbitrarily divided into two zones. The zoning that was done does not really make any sense at all. The frontage is zoned B-2, the back portion and equal half was zoned R-2. The R-2 designation is definitely one that is probably not compatible with that area. But, in order for them to expand their business and give them the flexibility, even the B-2 zone is too restrictive."

DeRoche, "Isn't that the same thing that happened with the Johnson place on Klondike?" Davis, "That's essentially the same thing, right."

Moegerle, "In theory, I don't have any objection to it. But, I do think that for transparency we need to have a hearing. I will make a motion that we have a special meeting."

8.0A.2. DeRoche, "There's already a motion still up." Vierling, "There is." Moegerle, "Why don't

August 6, 2014
Rezoning
Property from
B-2 and R-2
to I-1, PID
#2033234300
01,
19801 Hwy.
65 NE,
33.5 acres

we do a special meeting? Because, we were in the discussion.” DeRoche, “I guess what I would like to do is, I’ll retract my motion.”

Motion on the floor retracted by DeRoche.

DeRoche made a motion to add the request for rezoning of 19801 Highway 65 NE, Central Wood Products, from a split zoning of B-2 and R-2 to Light Industrial, to the Council Meeting Agenda on August 13, 2014, with discussion held prior to consideration of the Amendment to City Code relating to Farm Animals.

Davis, “Do you want to do that as a Special Meeting so we can vote on it?” DeRoche, “Yes.”

DeRoche clarified the motion was to add the request for rezoning of 19801 Highway 65 NE, Central Wood Products, from a split zoning of B-2 and R-2 to Light Industrial, to a Special Council Meeting Agenda on August 13, 2014, starting at 6:30 p.m.

Moegerle amended the motion to schedule a Special Council Meeting starting at 6:25 p.m. on August 13, 2014, for the purpose of considering the request for rezoning of 19801 Highway 65 NE, Central Wood Products, from a split zoning of B-2 and R-2 to Light Industrial.

DeRoche, “Didn’t I just do that?” Vierling, “The motion to amend would probably be out of order because I hadn’t heard a second on the main motion yet.”

Koller seconded the main motion (by DeRoche). Vierling, “The main motion is there.”

Moegerle, “Do you second my amendment?” Koller, “No.” Moegerle, “Thank you.” DeRoche, “The main motion is to have a special meeting prior to the chicken ordinance on the 13th.” Moegerle, “At 6:30 p.m.” DeRoche, “So, to amend it to have a special meeting on the 13th...there’s already a motion.” Moegerle, “I said at 6:25 p.m.” DeRoche, “At what time?” Moegerle, “I said at 6:25 p.m.”

DeRoche, “6:30, 5:30? Well, Tom, nobody else can get here before 6:30, right?” Koller, “I can.” DeRoche, “I know. I can but I can’t speak for Tom and Tim. They’re not here. I’d say tentatively for 6:30 p.m.” Moegerle, “So, we’re having two meetings scheduled at the same time.” Vierling, “It’s a common practice. One would follow the other one.” Moegerle, “Which will go first since we’re going to have people who will be coming?” DeRoche, “I think the chicken ordinance should go second. I think the rezoning, being as time sensitive as it is, we need to take care of that one way or another.” Vierling, “Under normal priorities, the Special Council Meeting would take priority over a Workshop. The Workshop would follow.”

Koller, “Do I have to second that one?” Vierling, “No it doesn’t need any more seconds.” Moegerle, “You already seconded it.” Moegerle, “I would like to have the motion restated, please.” DeRoche, “The motion is to have a Special Meeting on the 13th of August at 6:30 p.m. and to follow will be a Workshop on the chicken ordinance, ‘chicken chat.’”

All in favor, motion carries unanimously.

8.0B
Engineer

None.

8.0C
City Attorney
8.0C.1.
Verizon Cell
Tower Lease

Vierling, "This is an update for Council with regard to, the Council, at its last meeting did approve the opportunity to negotiate with Verizon in regard to having other cell leases on City premises. We're engaged in that process. The City staff has reviewed and really has some recommendations relative to capacities within that cell service, or the opportunity to put other cell providers in there and make sure there is enough capacity for other antennae to be located on there. And, a few other items that we prepared for a draft lease. We're engaging in that. We haven't completed it. We have had a little bit of pushback from Verizon, which is not uncommon. We have seen that before, especially lately. This is a status update. We'll bring it back to you when we get it finalized out or if there are impassible problems that we can't resolve, we'll certainly come back to you with that. Just wanted to let the Council know that we had tendered a draft lease to them that had the staff recommended provisions in it. We'll continue to work with them and, hopefully, bring that back to you."

DeRoche, "Thanks Mark. Any questions?"

Informational; no action required.

8.0D
Finance

None.

8.0E
Public Works

None.

8.0F
Fire
Department

None.

8.0G
City
Administrator

None.

9.0 Other
9.0A
Staff Reports

Davis, "The only thing I have to add is that the concrete overlay project of Viking Boulevard, just east of University Avenue to the Stock Lumber building in Oak Grove, was bid last week. The bids came in at approximately \$600,000 higher than the estimates. The Anoka County Highway Department presented this to the Board. They rejected the bids and this project will be bid again in a couple of weeks. Hopefully, it can still be done this year but this may be something that is delayed until next year."

9.0B
Council
Report –
Member
Koller

Koller, "I was at the Fire Department this week and Oak Grove Fire Department came over and looked at our new Engine 31 because they are thinking about buying one.

The Charter School in the old Our Saviors Church is, hopefully, going to open next month provided they pass all the State inspections.

There was a safety alert that the Fire Department received from New York about a 'Fire Challenge' that's going around with teenagers where they pour alcohol on themselves and light it on fire. Then they have somebody videotape them to put on the internet. They are warning about taking care of situations like that.

9.0B

Council
Member
Koller

Next Monday, I get to go with the Fire Department and tour the new Sewage Treatment Plant. That's about it."

Council
Member
Moegerle

Moegerle, "Yes, quite a few things. The CLIA Picnic was several weeks ago, catered by Smokey's. It was very educational about the drainage and issues of Coon Lake. It was a success. There's more to be discussed there, I see.

Last week, Thursday and Friday, was the 3-M Championships. We were all invited to attend. Anoka County and Blaine sponsor a hospitality suite and they sponsor some economic development-type of information. It's also a good time to get to know staff and elected officials there.

I attended a conference/educational-type of presentation by Web.Com, which was helpful in formulating some new concepts in what we may need to apply to our website to get it used more effectively. East Bethel website statistics may be something we should be looking at.

I have a better appreciation of how strenuous golf is and how fit you have to be to play. I'm not a big golf fan. I also spoke with Tom Ryan, the Mayor of Blaine. He was very excited about what the 65 Corridor group is discussing about issues of speeding traffic through/along 65 and applying what they had learned with regard to getting overpasses for farther up north. He was excited. That is something that will be looked at more closely. He also had more things to talk about with regard to a 500-acre natural preserve that is going to be going in along Lexington Avenue, which so many of us are going to see. He is also concerned that we're not getting transportation monies up here because it's all going to the rail in the southwest part of the Cities.

To change the subject, I noticed the reader board says that filing for election is 'to August 12.' It's 'through August 12 at 5 p.m.' So, you have an extra day on Tuesday if you're interested in so doing.

I also spoke with Tim Yantos at the 3-M Championships. He's in charge of emergency calls. He had several things to say. They get one emergency call every minute in Anoka County. They get two calls a day on failed attempted suicides and they also get 'baiting calls' to get officers into odd situations. Who thought that kind of thing happened here? I certainly didn't.

Last night was Night-to-Unite. It was an opportunity for kids to do the 'officer friendly, your fireman is your pal' kind of thing. It was a success over at Coon Lake Beach and I imagine it was throughout the City. That's what I know."

Council
Member
Harrington

Council Member Harrington was absent.

Council
Member
Ronning

Council Member Ronning was absent.

Mayor
DeRoche

DeRoche, "First, I guess, on behalf of myself and the City of East Bethel, I'd like to personally extend our heartfelt condolences to the family of Officer Patrick who was with the Police Department. He was laid to rest today. That was really kind of a tough deal. It's a tough deal any time when guys go down.

I went to the Unite over at the Community Center. A couple deputies came. The Fire Department came over. The kids had a good time. There was a lot better turnout last night than it was last year. A lot more people are starting to come out, a lot more younger people seemed to be coming into the Beach. Hopefully, they're coming into the City.

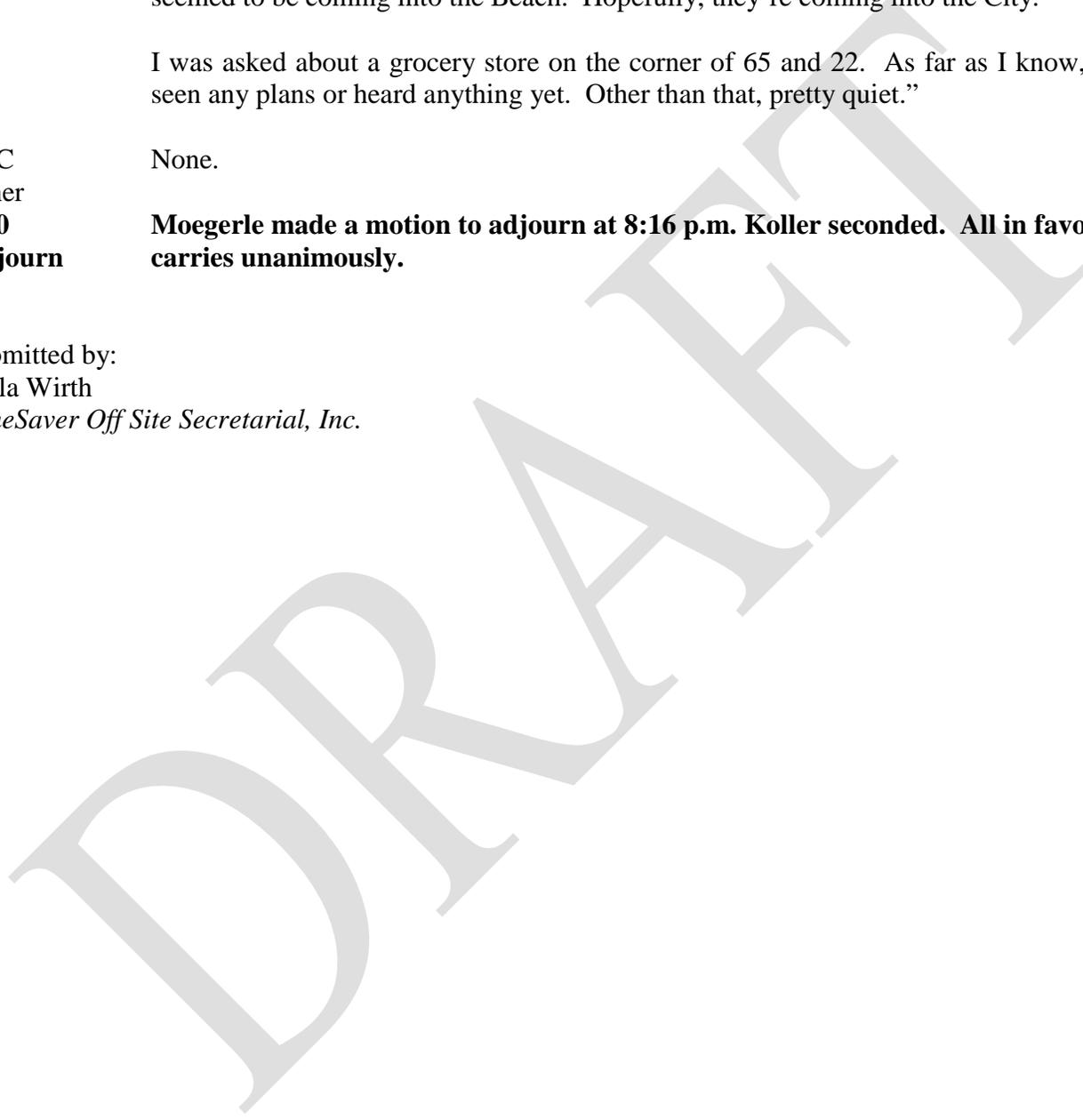
I was asked about a grocery store on the corner of 65 and 22. As far as I know, I haven't seen any plans or heard anything yet. Other than that, pretty quiet."

9.0C
Other
10.0
Adjourn

None.

Moegerle made a motion to adjourn at 8:16 p.m. Koller seconded. All in favor, motion carries unanimously.

Submitted by:
Carla Wirth
TimeSaver Off Site Secretarial, Inc.



Recording Secretary Agreement

This Agreement is between the City of East Bethel, hereinafter the “City”, a municipal corporation under the laws of the State of Minnesota and _____, Recording Secretary, hereinafter the “Recording Secretary.”

Section 1. Scope of Services and Responsibilities.

Basic services, for the purpose of this Agreement, shall include those services generally understood within the field of a recording secretary. The following is a summary and it is not intended to represent the entire scope of work involved, but rather characterize a list of tasks required and not necessarily limited to the following:

1. Recording Secretary shall attend all Parks Commission, Planning Commission Roads Commission and Economic Development Authority meetings and record, transcribe and submit the minutes of those meetings to the appropriate departments as designated by the City Administrator.
2. As needed from time to time, the recording secretary shall attend City Council meetings, and sub-committees of the Council, and record, transcribe and submit minutes of those meetings to the appropriate departments as designated by the City Administrator.
3. The Recording Secretary shall have the ability to produce edited verbatim transcripts in Microsoft Word Format of any City meeting, delivered electronically to the appropriate city department with a turnaround time of 12 o'clock noon, or sooner, of the 6th calendar day following the meeting.
4. Minutes shall be prepared within the existing format and style of minutes unless otherwise directed by the City Administrator.
5. The Recording Secretary shall provide their own laptop or necessary recording equipment at each meeting to take the minutes, and maintain internet and email service in order to facilitate the timetable and needs of the City Commissions. The City shall provide recordings of the meeting (if available) for the recording secretary if requested.
6. If the recording secretary is unable to attend a scheduled meeting due to a vacation, illness, or other emergency, it the responsibility of the recording secretary to notify the appropriate Department Head in charge of the particular meeting in a reasonable time. If absent for a planned event, a two-week notice is required. For an emergency, notify the Department Head or City Administrator, as soon as possible.

Section 2. Time of Performance. Recording Secretary shall commence September 1, 2014 and end August 31, 2015, unless terminated by 30 days notice by either party.

Section 3. Compensation.

1. The City of East Bethel shall pay Recording Secretary the sum of \$16.00 per hour worked to include time for attending the meeting and for any additional time required to produce acceptable minutes for the term of this Agreement. Any time over 3 hours billed per meeting must be approved by the appropriate Department Head.
2. Except as otherwise provided for in this Agreement, the City of East Bethel shall not provide any additional compensation, payment, service or other thing of value to the Recording Secretary in connection with performance of Agreement duties.

Section 4. Method and Time of Payment.

1. Normal billing cycle is 30 calendar days from receipt of an invoice.
2. No payment will be disbursed until a copy of the minutes in draft form has been submitted to the Administrative Coordinator.
3. All invoices must be submitted to the City Administrator, or his designee, for approval. All invoices shall be submitted to:

City of East Bethel
City Administrator
2241 221st Ave NE
East Bethel, MN 55011

Section 5. Termination. This Agreement may be terminated by either party upon 30 days written notice to the other party for any reason.

Section 6. Modifications. The parties may mutually agree to modify the terms of this Agreement. Modifications to this Agreement shall be incorporated into this Agreement by written amendments.

Section 7. Conflict of Interest. Recording Secretary covenants that she presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Recording Secretary further covenants that in the performance of this Agreement no person having any such interest shall be employed.

Section 8. Findings Confidential. To the extent permitted, or required by law, any reports, information, data, etc. given to or prepared or assembled by Recording Secretary under this Agreement which the City of East Bethel requests or is required by law to be kept confidential shall not be made available to any individual or organization by Recording Secretary without the prior written approval of the City Administrator in his/her capacity as the City's Information Officer.

Section 9. Relationship to the City. The services to be rendered under this Agreement are those

of an independent contractor (Recording Secretary). The Recording Secretary will not at any time directly or indirectly act as an agent or employee of the City of East Bethel or make any commitments or incur any liabilities on behalf of the City of East Bethel.

DRAFT

For the City of East Bethel:

Mayor

City Administrator

Date

For Recording Secretary:

Recording Secretary

Date

DRAFT

PAY ESTIMATE #8
CITY OF EAST BETHEL
Castle Towers/Whispering Aspen 2013 Forcemain Project

August 13, 2014

City of East Bethel
 2241 - 221st Avenue N.E.
 East Bethel, MN 55011-9631

RE: Castle Towers/Whispering Aspen 2013 Forcemain Project
 Contractor: LaTour Construction, Inc.
 Award Date: July 11, 2013

The following work has been completed on the above-referenced project by LaTour Construction, Inc.

Base Bid Schedule "A" - Removals

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	Clearing	0.80	ACRE	\$4,200.00	1.06	\$ 4,452.00
2	Grubbing	0.80	ACRE	\$4,200.00	1.06	\$ 4,452.00
3	Clearing	32	TREE	\$105.00	24	\$ 2,520.00
4	Grubbing	32	TREE	\$105.00	24	\$ 2,520.00
5	Remove Sidewalk	51	SQ YD	\$6.25	0	\$ -
6	Remove Watermain and Forcemain	60	LIN FT	\$5.00	0	\$ -
7	Remove Concrete Curb and Gutter	85	LIN FT	\$5.05	183	\$ 924.15
8	Remove Bituminous Pavement and Bituminous Curb	749	SQ YD	\$4.00	1,182	\$ 4,728.00
9	Cap Existing Forcemain Pipe	1	LUMP SUM	\$630.00		\$ -
10	Sawing Bituminous Pavement (Full Depth)	312	LIN FT	\$3.25	276	\$ 897.00
11	Mill Bituminous Surface	81	SQ YD	\$10.45	60	\$ 627.00
12	Salvage Metal Flared End Section and Grate	1	EACH	\$130.00	1	\$ 130.00
13	Salvage Storm Sewer	20	LIN FT	\$7.50	20	\$ 150.00
14	Salvage Signs	20	EACH	\$90.00	5	\$ 450.00
15	Salvage Chain link Fence	141	LIN FT	\$6.25	494	\$ 3,087.50
16	Salvage Gate	3	EACH	\$128.00		\$ -
17	Salvage Valve Box	2	EACH	\$90.00		\$ -
Total Bid Schedule "A"						\$ 24,937.65

Base Bid Schedule "B" Forcemain and Gravity Sewer

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
18	Stabilizing Aggregate (LV)	100	CU YD	\$36.00		\$ -
19	Granular Borrow (CV)	400	CU YD	\$16.50	98	\$ 1,617.00
20	Aggregate Backfill (CV)	550	CU YD	\$36.50	67	\$ 2,445.50
21	Geotextile Filter Type IV	2,200	SQ YD	\$2.45	134	\$ 328.30
22	Ductile Iron Fittings	3,330	POUND	\$5.60	6,390	\$ 35,784.00
23	8" PVC Sanitary Sewer - SDR 35	38	LIN FT	\$78.50		\$ -
24	10" PVC Sanitary Sewer - SDR 26	20	LIN FT	\$98.00	20	\$ 1,960.00
25	12" PVC Sanitary Sewer - SDR 26	92	LIN FT	\$114.00	75	\$ 8,550.00
26	12" DIP Sanitary Sewer - Class 52	20	LIN FT	\$173.00		\$ -
27	10" PVC Plug	1	EACH	\$185.00		\$ -
28	12" PVC Plug	1	EACH	\$190.00	1	\$ 190.00
29	4" PVC Sewer Forcemain (DR 18)	22	LIN FT	\$24.00		\$ -
30	6" PVC Sewer Forcemain (DR 18)	1,590	LIN FT	\$19.00		\$ -
31	8" PVC Sewer Forcemain (DR 18)	6,997	LIN FT	\$20.50		\$ -
32	10" PVC Sewer Forcemain (DR 18)	9,133	LIN FT	\$24.25	9,043	\$ 219,292.75
33	Steel Casing Pipe - Jacked - 8" Carrier Pipe	120	LIN FT	\$264.00		\$ -
34	Steel Casing Pipe - Jacked - 10" Carrier Pipe	120	LIN FT	\$282.00	120	\$ 33,840.00
35	6" PVC Sewer (DR 18) - Directional Drill	70	LIN FT	\$51.75		\$ -
36	8" PVC Sewer (DR 18) - Directional Drill	1,869	LIN FT	\$45.75		\$ -

PAY ESTIMATE #8
CITY OF EAST BETHEL
Castle Towers/Whispering Aspen 2013 Forcemain Project

Base Bid Schedule "B" Forcemain and Gravity Sewer - Continued

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
37	10" PVC Sewer (DR 18) - Directional Drill	400	LIN FT	\$57.30	490	\$ 28,077.00
38	Meter Manhole -4" Meter	1	EACH	\$12,150.00		\$ -
39	Meter Manhole -8" Meter	1	EACH	\$19,400.00		\$ -
40	Forcemain Cleanout Type 1 - 8" Forcemain	2	EACH	\$8,755.00		\$ -
41	Forcemain Cleanout Type 1 - 10" Forcemain	3	EACH	\$9,775.00	3	\$ 29,325.00
42	Forcemain Cleanout Type 2 - 8" Forcemain	1	EACH	\$8,345.00		\$ -
43	Forcemain Cleanout Type 2 - 10" Forcemain	1	EACH	\$10,500.00	1	\$ 10,500.00
44	Air/Vacuum Release Valve Manhole - 8" Forcemain	6	EACH	\$11,100.00		\$ -
45	Air/Vacuum Release Valve Manhole - 10" Forcemain	3	EACH	\$12,125.00	3	\$ 36,375.00
46	8" Gate Valve and Box	7	EACH	\$1,610.00		\$ -
47	10" Gate Valve and Box	8	EACH	\$2,285.00	8	\$ 18,280.00
48	Tracer Wire	21,959	LIN FT	\$0.35	18,639	\$ 6,523.65
49	Access Boxes For Tracer Wire	22	EACH	\$91.00	7	\$ 637.00
50	Passive Electronic Markers	122	EACH	\$26.50	40	\$ 1,060.00
51	Marker Posts for Access Boxes and Structures	22	EACH	\$130.00		\$ -
52	4" Polystyrene Insulation	504	SQ FT	\$6.00	256	\$ 1,536.00
53	Connect to Existing Manhole	1	EACH	\$2,000.00		\$ -
54	Connect to Existing Pipe	8	EACH	\$1,500.00	3	\$ 4,500.00
55	Clean and Video Tape Pipe Sewer	112	LIN FT	\$5.25	100	\$ 525.00
56	Construct Sanitary Structure Design 48-4007	6	LIN FT	\$450.00		\$ -
57	Construct Sanitary Structure Design 48-4007 - Drop Manhole	28.5	LIN FT	\$465.00		\$ -
58	Casting Assembly - Sanitary Sewer	2	EACH	\$860.00		\$ -
59	Dewatering	1	LUMP SUM	\$176,000.00	1	\$ 176,000.00
Total Bid Schedule "B"						\$ 617,346.20

Total Base Bid Schedule "C" - Lift Station No. 2 Construction

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
60	Fiber Optic Cable With Schedule 40 Conduit	1,650	LIN FT	\$18.00	1,700	\$ 30,600.00
61	Tracer Wire for Buried Fiber Optic Cable	1,680	LIN FT	\$0.01	1,730	\$ 17.30
62	Access Boxes For Tracer Wire	4	EACH	\$0.01	3	\$ 0.03
63	Marker Posts for Access Boxes and Structures	3	EACH	\$129.00		\$ -
64	84" Diameter Valve Manhole Structure and Appurtenances	1	EACH	\$21,000.00	1.0	\$ 21,000.00
65	96" Diameter Sanitary Sewer Lift Station Structure and Appurtenances	1	EACH	\$62,300.00	1.00	\$ 62,300.00
66	Portable Davit Crane With Power Winch	1	EACH	\$3,350.00	1.0	\$ 3,350.00
67	Trash Basket With Ladder	1	EACH	\$3,850.00	0.6	\$ 2,310.00
68	Submersible Lift Station Pump and Discharge Elbow	2	EACH	\$12,250.00	2	\$ 24,500.00
69	Pump Rails, Chains, Guide Brackets and Appurtenances	1	LUMP SUM	\$3,075.00	1	\$ 3,075.00
70	Control Panel, Level Floats and Transducer	1	LUMP SUM	\$38,600.00	1.0	\$ 38,600.00
71	Generator	1	LUMP SUM	\$29,000.00	1.00	\$ 29,000.00
72	Electrical and Startup	1	LUMP SUM	\$16,000.00	0.75	\$ 12,000.00
73	Dewatering	1	LUMP SUM	\$50,000.00	1	\$ 50,000.00
Total Bid Schedule "C"						\$ 276,752.33

PAY ESTIMATE #8
CITY OF EAST BETHEL
Castle Towers/Whispering Aspen 2013 Forcemain Project

Base Bid Schedule "D" - Site Work and Storm Sewer

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
74	12" RC Pipe Sewer Design 3006 CL V	91	LIN FT	\$44.30	90	\$ 3,987.00
75	15" RC Pipe Sewer Design 3006 CL V	41	LIN FT	\$53.00	41	\$ 2,173.00
76	15" RC Pipe Apron	1	EACH	\$640.00	1	\$ 640.00
77	Construct Drainage Structure Design H (27")	1	EACH	\$1,400.00	1	\$ 1,400.00
78	Construct Drainage Structure Design 48-4020	1	EACH	\$1,900.00	1	\$ 1,900.00
79	Aggregate Base Class 5	490	TON	\$26.00	441.9	\$ 11,489.40
80	Bituminous Material for Tack Coat	77	GALLON	\$4.15	192	\$ 796.80
81	Type SP 9.5 Wearing Course Mixture (2,B)	179	TON	\$100.00	150	\$ 15,000.00
82	Type SP 12.5 Non Wearing Course Mixture (2,B)	148	TON	\$97.00	134.12	\$ 13,009.64
83	Concrete Curb & Gutter Design Surmountable	71	LIN FT	\$18.25	26	\$ 474.50
84	Concrete Curb & Gutter Design B618	205	LIN FT	\$18.75	343	\$ 6,431.25
85	4" Concrete Walk	459	SQ FT	\$5.25		\$ -
86	6" Concrete Pavement	846	SQ FT	\$5.75	1,062	\$ 6,106.50
87	Bollard	12	EACH	\$562.00	10	\$ 5,620.00
88	Coniferous Tree, 6' HT B&B	20	EACH	\$236.00		\$ -
89	Deciduous Tree 2.5" CAL B&B	20	EACH	\$300.00		\$ -
90	Random Riprap Class II	3	CU YD	\$190.00	3	\$ 570.00
91	Floatation Silt Curtain Type Moving Water	200	LIN FT	\$16.25	50	\$ 812.50
92	Silt Fence Type Machine Sliced	5,000	LIN FT	\$1.60	3,000	\$ 4,800.00
93	Temporary Rock Construction Entrances	10	EACH	\$810.00	4	\$ 3,240.00
94	Topsoil Borrow (LV)	2,000	CU YD	\$13.35	178	\$ 2,376.30
95	Turf Establishment	27	ACRE	\$3,050.00	31.2	\$ 95,160.00
96	Erosion Control	1	LUMP SUM	\$3,600.00	1.00	\$ 3,600.00
Total Bid Schedule "D"						\$ 179,586.89

Bid Schedule "E" - Watermain

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
97	Ductile Iron Pipe Fittings	376	POUND	\$4.65		\$ -
98	6" Watermain Ductile Iron Class 52	60	LIN FT	\$37.25		\$ -
99	6" Gate Valve and Box	1	EACH	\$1,370.00		\$ -
100	Connect to Existing Watermain	2	EACH	\$945.00		\$ -
101	Polystyrene Insulation	32	SQ FT	\$4.00		\$ -
102	Hydrant	1	EACH	\$4,105.00		\$ -
Total Bid Schedule "E"						\$ -

Base Bid Schedule "F" - Mobilization, Traffic Control and Allowances

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
103	Mobilization	1	LUMP SUM	\$61,400.00	1	\$ 61,400.00
104	General Construction Allowance	1	LUMP SUM	\$40,000.00	0.66	\$ 26,412.08
105	Private Utility Allowance	1	LUMP SUM	\$50,000.00		\$ -
106	System Integrator Allowance	1	LUMP SUM	\$50,000.00	0.33	\$ 16,563.75
107	Traffic Control	1	LUMP SUM	\$9,300.00	1	\$ 9,300.00
Total Bid Schedule "F"						\$ 113,675.83

PAY ESTIMATE #8
CITY OF EAST BETHEL
Castle Towers/Whispering Aspen 2013 Forcemain Project

Alternate Bid No. 1

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	Connect to Existing Lift Station	1	EACH	\$4,500.00	1	\$ 4,500.00
2	8" PVC Sanitary Sewer - SDR 35	547	LIN FT	\$72.00	549	\$ 39,528.00
3	8" PVC Sanitary Sewer - SDR 26	965	LIN FT	\$73.00	959	\$ 70,007.00
4	10" PVC Sanitary Sewer - SDR 26	125	LIN FT	\$77.50	105	\$ 8,137.50
5	Clean and Video Tape Pipe Sewer	1,637	LIN FT	\$1.30	1,613	\$ 2,096.90
6	Construct Sanitary Structure Design 48-4007	142.9	LIN FT	\$211.00	165.24	\$ 34,865.64
7	Construct Sanitary Structure Design 48-4007 - Drop Manhole	25.9	LIN FT	\$314.00	25.93	\$ 8,142.02
8	Casting Assembly - Sanitary Sewer	8	EACH	\$860.00	8	\$ 6,880.00
9	Dewatering	1	LUMP SUM	\$46,100.00	1	\$ 46,100.00

Total Alternate Bid No. 1 **\$ 220,257.06**

Alternate Bid No. 2

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	10" PVC Sewer Forcemain (DR 18)	6,997	LIN FT	\$24.00	7,249	\$ 173,976.00
2	Steel Casing Pipe - Jacked - 10" Carrier Pipe	120	LIN FT	\$182.00	120	\$ 21,840.00
3	10" PVC Sewer (DR 18) - Directional Drill	1,869	LIN FT	\$56.75	1,919	\$ 108,903.25
4	10" Gate Valve and Box	7	EACH	\$2,300.00	8	\$ 18,400.00
5	Meter Manhole -8" Meter	1	EACH	\$20,100.00	0	\$ -
6	Forcemain Cleanout Type 1 - 10" Forcemain	2	EACH	\$9,835.00	2	\$ 19,670.00
7	Forcemain Cleanout Type 2 - 10" Forcemain	1	EACH	\$10,445.00	2	\$ 20,890.00
8	Air/Vacuum Release Valve Manhole - 10" Forcemain	6	EACH	\$12,000.00	6	\$ 72,000.00

Total Alternate Bid No. 2 **\$ 435,679.25**

Bid Schedule "A"	\$ 24,937.65
Bid Schedule "B"	\$ 617,346.20
Bid Schedule "C"	\$ 276,752.33
Bid Schedule "D"	\$ 179,586.89
Bid Schedule "E"	\$ -
Bid Schedule "F"	\$ 113,675.83
Alternate Bid No. 1	\$ 220,257.06
Alternate Bid No. 2	\$ 435,679.25
TOTAL WORK COMPLETED TO DATE	\$ 1,868,235.21
Less 5% Retainage	\$ 93,411.76
Less Pay Estimate #1	\$ 160,298.01
Less Pay Estimate #2	\$ 614,735.88
Less Pay Estimate #3	\$ 617,961.46
Less Pay Estimate #4	\$ 122,542.22
Less Pay Estimate #5	\$ 26,295.61
Less Pay Estimate #6	\$ 84,016.67
Less Pay Estimate #7	\$ 90,225.78
WE RECOMMEND PAYMENT OF:	\$ 58,747.81

**PAY ESTIMATE #8
CITY OF EAST BETHEL
Castle Towers/Whispering Aspen 2013 Forcemain Project**

APPROVALS:

CONTRACTOR: LATOUR CONSTRUCTION, INC.

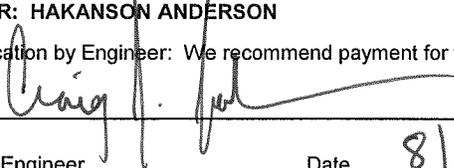
Certification by Contractor: I certify that all items and amounts are correct for the work completed to date.

Signed: _____

Title: _____ Date _____

ENGINEER: HAKANSON ANDERSON

Certification by Engineer: We recommend payment for work and quantities as shown.

Signed:  _____

Title: City Engineer _____ Date 8/13/14 _____

OWNER: CITY OF EAST BETHEL

Signed: _____

Title: _____ Date _____

**PAY ESTIMATE #3
CITY OF EAST BETHEL
Lift Station No. 1 Reconstruction Project**

August 13, 2014

City of East Bethel
2241 - 221st Avenue N.E.
East Bethel, MN 55011-9631

RE: Lift Station No. 1 Reconstruction Project
Contractor: LaTour Construction, Inc.
Award Date: September 18, 2013

The following work has been completed on the above-referenced project by LaTour Construction, Inc.

Base Bid

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	MOBILIZATION	1	LUMP SUM	\$3,800.00	1	\$ 3,800.00
2	GENERAL CONSTRUCTION ALLOWANCE	1	LUMP SUM	\$10,000.00	0.71	\$ 7,164.05
3	SYSTEM INTEGRATOR ALLOWANCE	1	LUMP SUM	\$10,000.00		\$ -
4	CLEARING	0.15	ACRE	\$4,280.00	0.50	\$ 2,140.00
5	GRUBBING	0.15	ACRE	\$4,280.00	0.50	\$ 2,140.00
6	SALVAGE CHAIN LINK FENCE	200	LIN FT	\$25.25	208	\$ 5,252.00
7	REMOVE BITUMINOUS PAVEMENT	194	SQ YD	\$4.00	194	\$ 776.00
8	REMOVE CONCRETE CURB & GUTTER	83	LIN FT	\$5.25	150	\$ 787.50
9	REMOVE CONCRETE SIDEWALK	344	SQ FT	\$0.75	600	\$ 450.00
10	REMOVE WATERMAIN, HYDRANT, GATE VALVE, AND BOX	1	LUMP SUM	\$1,500.00		\$ -
11	REMOVE FORCEMAIN	78	LIN FT	\$5.25	79	\$ 414.75
12	REMOVE EXISTING WET WELL	0	LUMP SUM	\$6,935.00	0	\$ -
13	ABANDON EXISTING DRY WELL	1	LUMP SUM	\$3,745.00	1	\$ 3,745.00
14	CAP EXISTING FORCEMAIN PIPE	1	LUMP SUM	\$630.00	1	\$ 630.00
15	CONNECT TO EXISTING SANITARY SEWER MANHOLE	1	EACH	\$3,000.00	1	\$ 3,000.00
16	8" PVC SANITARY SEWER PIPE - SDR 26	0	LIN FT	\$136.00		\$ -
17	8" PVC SANITARY SEWER PIPE - SDR 35	38	LIN FT	\$78.50	42	\$ 3,297.00
18	CONSTRUCT SANITARY STRUCTURE DESIGN 48-4007	6.2	LIN FT	\$240.00	6.2	\$ 1,488.00
19	CASTING ASSEMBLY - SANITARY SEWER	1	EACH	\$1,145.00	1	\$ 1,145.00
20	CONNECT TO EXISTING SANITARY SEWER PIPE	0	EACH	\$6,000.00		\$ -
21	6" PVC SEWER FORCEMAIN (DR 18)	145	LIN FT	\$31.50	157	\$ 4,945.50
22	DUCTILE IRON FITTINGS	250	POUND	\$5.60	135	\$ 756.00
23	6" WATERMAIN DUCTILE IRON CL 52	60	LIN FT	\$37.25		\$ -
24	CONNECT TO EXISTING WATERMAIN	2	EACH	\$945.00		\$ -
25	HYDRANT AND 6 INCH GATE VALVE AND BOX	1	EACH	\$5,475.00		\$ -
26	FIBER OPTIC CABLE WITH SCHEDULE 40 CONDUIT	0	LIN FT	\$19.75		\$ -
27	TRACER WIRE FOR BURIED FIBER OPTIC CABLE	0	LIN FT	\$0.01		\$ -
28	ACCESS BOXES FOR TRACER WIRE	0	EACH	\$0.01		\$ -
29	MARKER POSTS FOR ACCESS BOXES AND STRUCTURES	0	EACH	\$134.00		\$ -
30	METER MANHOLE	1	EACH	\$9,800.00	1	\$ 9,800.00
31	72" DIAMETER SANITARY SEWER LIFT STATION STRUCTURE AND APPURTENANCES	1	EACH	\$116,325.00	1	\$ 116,325.00
32	SUBMERSIBLE LIFT STATION PUMP AND DISCHARGE ELBOW	2	EACH	\$5,325.00	2	\$ 10,650.00
33	PUMP RAILS, CHAINS, GUIDE BRACKETS AND APPURTENANCES	1	LUMP SUM	\$2,845.00	1	\$ 2,845.00
34	PORTABLE DAVIT CRANE WITH POWER WINCH	1	EACH	\$4,555.00	1	\$ 4,555.00
35	CONTROL PANEL, LEVEL FLOATS AND TRANSDUCER	1	LUMP SUM	\$36,800.00	1	\$ 36,800.00
36	ELECTRICAL AND START UP	1	LUMP SUM	\$13,725.00	0.90	\$ 12,352.50
37	AGGREGATE BASE CLASS 5	214	TON	\$33.45	180	\$ 6,021.00
38	BITUMINOUS MATERIAL FOR TACK COAT	81	GALLON	\$4.50	30	\$ 135.00
39	TYPE SP 9.5 WEARING COURSE MIXTURE (2,B)	155	TON	\$124.50	27.04	\$ 3,366.48
40	TYPE SP 12.5 NON WEARING COURSE MIXTURE (2,B)	62	TON	\$118.00	74.79	\$ 8,825.22

PAY ESTIMATE #3
CITY OF EAST BETHEL
Lift Station No. 1 Reconstruction Project

Base Bid (Continued)

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
41	4" CONCRETE WALK	344	SQ FT	\$7.00	600	\$ 4,200.00
42	CONCRETE CURB & GUTTER DESIGN B612	143	LIN FT	\$22.50	168	\$ 3,780.00
43	CONCRETE CURB & GUTTER DESIGN SURMOUNTABLE	83	LIN FT	\$22.50	150	\$ 3,375.00
44	CONCRETE FLUME	1	LUMP SUM	\$1,100.00	1	\$ 1,100.00
45	6" CONCRETE PAVEMENT	501	SQ FT	\$7.50	521	\$ 3,907.50
46	BOLLARD	4	EACH	\$875.00	4	\$ 3,500.00
47	SITE GRADING	1	LUMP SUM	\$2,400.00	1.0	\$ 2,400.00
48	GRANULAR BORROW (LV)	15	CU YD	\$16.50	15	\$ 247.50
49	TOPSOIL BORROW (LV)	50	CU YD	\$23.00	48	\$ 1,104.00
50	RANDOM RIPRAP CLASS II	5	CU YD	\$162.00	5	\$ 810.00
51	WIRE FENCE DESIGN 72-9322	0	LIN FT	\$25.25		\$ -
52	72" BY 10 FOOT CHAIN LINK GATES	2	EACH	\$1,075.00		\$ -
53	4" POLYSTYRENE INSULATION	17	SQ YD	\$50.00	9	\$ 450.00
54	DEWATERING	1	LUMP SUM	\$58,000.00	1	\$ 58,000.00
55	TURF ESTABLISHMENT	0.30	ACRE	\$3,050.00		\$ -

TOTAL WORK COMPLETED TO DATE	<u>\$ 336,480.00</u>
LESS 5% RETAINAGE:	<u>\$ 16,824.00</u>
LESS PAY ESTIMATE #1	<u>\$ 18,273.96</u>
LESS PAY ESTIMATE #2	<u>\$ 255,413.91</u>
WE RECOMMEND PAYMENT OF:	<u>\$ 45,968.13</u>

APPROVALS:

CONTRACTOR: LATOUR CONSTRUCTION, INC.

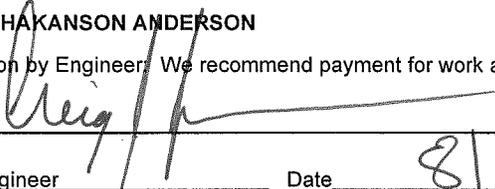
Certification by Contractor: I certify that all items and amounts are correct for the work completed to date.

Signed: _____

Title: _____ Date _____

ENGINEER: HAKANSON ANDERSON

Certification by Engineer: We recommend payment for work and quantities as shown.

Signed:  _____

Title: City Engineer Date 8/13/14

OWNER: CITY OF EAST BETHEL

Signed: _____

Title: _____ Date _____

ANOKA COUNTY SHERIFF'S OFFICE 13301 HANSON BLVD NW, ANDOVER MN 55304				JCF	CASE NUMBER			
				ADD'L PAGES	14138866			
CLASSIFICATION	CODE	DISP	CLASSIFICATION	CODE	DISP			
LIQUOR - SELLING	M4102							
CLASSIFICATION	CODE	DISP	CLASSIFICATION	CODE	DISP			
CLASSIFICATION	CODE	DISP	CLASSIFICATION	CODE	DISP			
REPORTING OFFICER(S) 19324 SMITH, JOE								
DATE REPORTED	ASSIGNED	ARRIVED	CLEARED	EARLIEST DATE/TIME OCCURRED		LATEST DATE/TIME OCCURRED		
7/1/2014	1839	1839	1855					
LOCATION OF OFFENSE/INCIDENT				APT #	GRID	VALUE STOLEN	VALUE DAMAGED	VALUE RECOVERED
18453 HWY 65 NE, EAST BETHEL, MN 55011-					L00	\$	\$	\$
A/J	REPORTING PARTY'S NAME			DATE OF BIRTH	SEX	RACE	HOME PHONE	
ADDRESS				APT	CITY	STATE	ZIP	WORK PHONE
NARRATIVE								
<p>ON THE ABOVE DATE AND TIME I, DEPUTY SMITH, HAD PREVIOUSLY BEEN TASKED TO CONDUCT ALCOHOL COMPLAINEE CHECKS FOR ACSO. MYSELF, AS WELL AS BUYER, CECE RAND, CONDUCTED THE CHECKS. MS. RAND WAS GIVEN A \$20.00 BILL AND SHE HAD PERSONAL CELL PHONE IN HER POSSESSION IN THE EVENT SHE NEEDED TO CONTACT ME. AT APPROXIMATELY 1840 HRS MS. RAND ENTERED TEH ROUTE 65 DISCOUNT LIQUORS AND ATTEMPTED TO PURCHASE A SIX PACK BOTTLES OF MICHELOB ULTRA BEER. MS. RAND WAS ASKED TO SHOW ID BY MS. BRATLAND. MS. RAND PRESENTED ID. MS. BRATLAND INSPECTED THE ID, GAVE TEH ID BACK TO MS. RAND AND COMPLETED THE SALE. MS. RAND EXITED THE STORE WITH THE ALCOHOL PRODUCT AND RETURNED TO MY VEHICLE WHERE I WAS WAITING IN THE PARKING LOT. NO ONE CAME IN OR OUT OF THE STORE WHILE I RECEIVED THE PRODUCT, THE RECEIPT AND THE CHANGE FROM \$20.00 BILL MS. RAND WAS GIVEN. MS. RAND GAVE ME A DETAILED DESCRIPTION OF THE CLERK, SHORT, BLONDE HAIR WITH GREEN STREAK, EARLY 40'S.</p> <p>I ENTERED THE STORE WITH PRODUCT, RECEIPT AND CHANGE. I IDENTIFIED MYSELF AS BEING FROM THE SHERIFF'S OFFICE AND ASKED MS. BRATLAND IF SHE HAD SOLD THIS PRODUCT TO A YOUNG LADY WITH DARK HAIR THAT JUST LEFT AND MS. BRATLAND STATED, "I THOUGHT I SAW A THREE". I IDENTIFIED MS. BRATLAND BY MN DL. I GAVE MS. BRATLAND THE PRODUCT, RECEIPT AND CHANGE. I ASKED FOR MY \$20.00 BACK. I GAVE HER MY CARD WITH THE CASE NUMBER AND EXPLAINED THAT SHE NEEDED TO FOWARD THE INFORMATION ONTO A MANAGER/OWNER OF THE STORE. I THEN EXPLAIEND THAT I WOULD FORWARD THIS REPORT AND A FORMAL COMPLAINT WOULD BE MADE. I RECEIVED MY \$20.00 BACK AND EXITED THE STORE. NOTHING FOLLOWS.</p> <p>DEPUTY J. SMITH</p> <p>KW: 07-07-14</p> <p>CC: EAST BETHEL PROSECUTOR</p>								

A/J/U A	CODE S	NAME SHARON MARIE BRATLAND	DOB 2/18/1966	SEX F	RACE W	HGT	WGT	HAIR	EYES
ADDRESS 21250 W LINWOOD DR			APT	CITY WYOMING		STATE MN	ZIP 55092-		
ALIAS			HOME / BUS PHONE 651-462-6693	WORK / 2ND BUS PHONE		CELL / PAGER / FAX			
A/J/U M	CODE	NAME ROUTE 65 DISCOUNT LIQUOR	DOB	SEX	RACE	HGT	WGT	HAIR	EYES
ADDRESS 18453 HWY 65 NE			APT	CITY EAST BETHEL		STATE MN	ZIP 55011-		
ALIAS			HOME / BUS PHONE 763-242-1984	WORK / 2ND BUS PHONE		CELL / PAGER / FAX			
A/J/U	CODE	NAME	DOB	SEX	RACE	HGT	WGT	HAIR	EYES
ADDRESS			APT	CITY		STATE	ZIP		
ALIAS			HOME / BUS PHONE	WORK / 2ND BUS PHONE		CELL / PAGER / FAX			
A/J/U	CODE	NAME	DOB	SEX	RACE	HGT	WGT	HAIR	EYES
ADDRESS			APT	CITY		STATE	ZIP		
ALIAS			HOME / BUS PHONE	WORK / 2ND BUS PHONE		CELL / PAGER / FAX			
ENTRY 1	ENTRY 2	ENTRY 3	ENTRY 4	SUPERVISOR	COPY TO		RELATED CASE NUMBERS:		

**CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 6-93 OF THE CODE OF
ORDINANCES OF THE CITY OF EAST BETHEL, AFFECTING
ADMINISTRATIVE FINES AND PENALTIES**

The City Council of the City of East Bethel, Anoka County, Minnesota does hereby ordain as follows:

Section 1. Amendment. Sections 6-93 and 6-94 of the Code of Ordinances of the City of East Bethel is hereby amended to delete the same in their entirety and substitute the following therefore:

SEC. 6-93. RESPONSIBILITY.

- (a) ***Actions of clerks, bartenders, and employees of licensees.*** All licensees shall be responsible for the actions of their clerks, bartenders, and employees in regard to the sale of alcoholic beverages on the licensed premises. For the purposes of this article, the sale of such an item by any clerk, bartender, or employee shall be considered a sale by the licensee. Any director, governor, officer, manager or partners of a licensee shall be considered to be an employee of the licensee.
- (b) ***Violations and penalties.*** Notwithstanding the provisions of subsection (a) of this section any licensee involved in an alcohol compliance check violation or determined to have violated this article will be liable to pay an administrative penalty in addition to any penalty or license suspension or revocation imposed. The following penalty schedule is hereby adopted:

- (1) A first violation will result in an ~~\$500.00~~ administrative penalty of up to \$500.00 to the licensee. The penalty assessed to the licensee will be waived if the licensee was not the individual clerk, bartender, or employee involved directly in the violation and if the licensee can provide proof within 14 days of the date of the violation that the clerk, bartender or employee involved had attended RBS (responsible beverage service) staff training approved by the city prior to the alleged offense.
- (2) A second violation within 24 months of a prior violation will result in an ~~\$1,000.00~~ administrative penalty of up to \$1,000.00 to any licensee

previously cited for a violation of this article within the prior 24-month period. If the clerk, bartender, or employee cited in the case of such a subsequent violation has not been previously cited in the prior 24-month period, the administrative penalty of the licensee ~~may~~ will be reduced to \$500.00 if the licensee can provide proof that its employees have attended staff ID training approved by the city within 14 days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the city.

- (3) Three or more violations within a 24-month period will result in a \$2,000.00 administrative penalty to any licensee previously cited for a violation of this article within the prior 24-month period. If the clerk, bartender, or employee cited in such a case of two prior violations has not been previously cited in the prior 24-month period, the administrative penalty of the licensee will be reduced to \$1,000.00 if the licensee can provide proof that its employees have attended staff ID training approved by the city within 14 days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the city.
- (4) Four or more violations within a 24-month period within a licensed establishment will result in a \$5,000.00 administrative penalty to the licensee. The licensee will also be required to provide proof that all of its employees serving or selling alcohol have attended staff ID training approved by the city within 14 days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the city.
- (5) All administrative fees imposed by this article are deemed payable within 20 days of the date of citation or not later than 20 days after the date of any written decision determining that a violation has occurred, after all appeals. Failure to pay any administrative fee imposed within the time limits set herein may result in a license suspension or revocation.

(c) **Community Service.** In addition to the above penalties, any licensee, who violates this article shall be required to serve ~~up to~~ eight hours of community service for a first offense, 20 hours of community service in the case of a second offense, 40 hours of community service in the case of a third offense, and 80 hours of community service in the case of a fourth offense.

A community service penalty imposed upon a licensee that is not a natural person must be performed by a managerial employee of the licensee and must be completed before the next renewal of the licensee's license to sell non-intoxicating or intoxicating alcoholic beverages in the city.

~~(d) — *Citation process, right to a hearing and appeals.* Upon discovery of a violation of this article or pursuant to an alcohol compliance check, the licensee shall be issued a citation by city law enforcement authorities. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. All penalties and fees imposed by this article will be payable to the city clerk treasurer. No administrative penalty may be imposed until the licensee have received written notice of the violation and the cited parties have been afforded an opportunity for a hearing. Any cited party that requests a hearing must do so in writing, detailing the party's reasons for believing he has a reasonable explanation for the alleged violation in mitigation of the administrative penalty, within ten days of the date of mailing of the written notice of violation. The cited party then will be afforded a hearing before a person authorized by the city council to conduct the hearing. A decision that a violation has occurred must be in writing and will be completed within ten days of the hearing. Appeals of any decision made of the hearing officer shall be pursued in the Minnesota Court of Appeals by Writ of Certiorari.~~

~~(e) — *Right to obtain a transcript.* If a hearing is requested, it will not be transcribed unless all financial arrangements for transcription are made in advance with a certified court reporter by the person requesting the hearing. Furthermore, any person requesting that the hearing be transcribed agrees to provide the city with a copy of the transcript at no cost to the city.~~

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Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council for the City of East Bethel this _____ day of
| ~~May~~ ~~February~~ 2012.

Richard Lawrence

ATTEST:

Jack Davis, City Administrator

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2014-30

**RESOLUTION PROCLAIMING AUGUST 22, 2014 WENDY WARREN
APPRECIATION DAY**

Whereas, the City of East Bethel continues to recognize the contributions of deserving City employees who have made a difference in the performance of their duties;

Whereas, Wendy Warren worked with residents and City officials from August 5, 2002 until July 21, 2014 in a manner that represented the highest degree of courtesy, respect and professional conduct;

Whereas, Wendy Warren had a positive impact with all her public interactions;

Whereas, Wendy deserves recognition and appreciation by the Council for her volunteerism, dedication and outstanding performance;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: Friday, August 22, 2014 be declared Wendy Warren Appreciation Day.

Adopted this 20th day of August, 2014 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Robert DeRoche, Jr., Mayor

ATTEST:

Jack Davis, City Administrator

City of East Bethel
August 20, 2014
Supplemental Payment Summary

This is a supplemental listing of invoices that were received after the creation of the Council packet. Due to the invoice deadline and the timing of the next Council meeting, they could be deemed as late payments which could possibly accrue late fees and/or finance charges if not paid by the due date.

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Payroll	Insurance Premiums	5647636	Delta Dental	101		\$831.30
Payroll	Insurance Premiums	142270020445	Preferred One	101		\$8,505.68
						\$9,336.98



City of East Bethel City Council Meeting Agenda Information

Date:

August 20, 2014

Agenda Item Number:

Item 8.0 A.1

Agenda Item:

City Ordinance, Chapter 10, Article V, Farm Animals

Requested Action:

Resolve the question of amending City Ordinance, Chapter 10, Article V, Farm Animals as it relates to the keeping of chickens on lots of less than 3 acres

Background:

City Council has been considering amending City Code as it relates to the keeping of chickens. The following is a timeline of meetings that have discussed this subject:

- June 4, 2014, City Council Meeting - Council directed Staff to survey the policies of other Cities in regards to the keeping of chickens;
- June 18, 2014, City Council Meeting - Staff presented a report to City Council as to the policies of other Cities in regards to the keeping of chickens. As a result of this meeting and discussion, Council scheduled a work meeting for June 25, 2014 for further consideration of this matter;
- June 25, 2018, City Council Work Meeting - This matter was discussed and Council was requested to forward recommendations to the City Administrator for inclusion in a revised draft ordinance to be presented to Council at a later date.
- August 6, 2018, City Council Meeting - Council scheduled a work meeting for August 13, 2014 to continue discussion of this matter.
- August 20, 2014, City Council Work Meeting - Council discussed two options for the Ordinance with those being:
 - 1.) Leaving the Ordinance unchanged; and
 - 2.) Amending the Ordinance to allow the keeping of chickens on lots less than 3 acres.

At the conclusion of the discussion it was the general feeling of the Council that the Ordinance should not be changed at this time.

Recommendation:

Council has indicated and Staff is requesting that this matter be tabled until such time that the need to amend this Ordinance is more clearly demonstrated.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

August 20, 2014

Agenda Item Number:

Item 8.0 C.1

Agenda Item:

Minnesota Government Practices Act - Data Policies

Requested Action:

Review and discuss amendments to the Minnesota Government Data Practices Act (MGDPA)

Background Information:

The Legislature has recently amended the Minnesota Government Data Practices Act (MGDPA) to require government entities to create procedures ensuring that data that are not public are only accessible to persons whose work assignment reasonably requires access to the data. (Minn. Stat. § 13.05, subd. 5, as amended by Laws 2014, Ch. 284, section 1.) These provisions went into effect on August 1, 2014.

The Information Policy Analysis Division (IPAD) of the Minnesota Department of Administration has provided new guidance to government entities including model policies designed to meet the new statutory requirement. Claims of public employees accessing not public data have resulted in many lawsuits and have been costly for state and local governments. The League of Minnesota Cities recommends that all cities make compliance with the new law a high priority.

Minnesota Statutes, Chapter 13, requires that each government entity establish policies that govern the treatment of government data. Each government entity is required to have two policies regarding access to government data.

- One policy must explain the rights of the public (Model Policy for the Public). NOTE: Data about a member of the public requesting access to public data are presumptively public. Entities are not required, but may wish to note that in their policy.
- The other policy (Model policy for Data Subjects) must explain the rights of data subjects.

A government entity is required to create a document that identifies and describes any private or confidential data maintained by the entity. The Department of Administration's Data Inventory meets this requirement.

In addition to the new security requirements, Chapter 284 also creates a new procedure that government entities must follow when they become aware of a potential data breach, and makes clear that unauthorized access of not public data is a violation of the Act.

Attachments:

Attachment 1-Data Practices Policy for Members of the Public

Attachment 2-Data Practices Policy for Data Subjects

Attachment 3-Department of Administration Data Inventory

Fiscal Impact:

To be determined

Recommendation(s):

The City Attorney will review the amendments to the Minnesota Government Data Practices Act and the practical mechanics of implementation of these amendments and provide recommendations for compliance with the new requirements of the law.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

Data Practices Policy for Members of the Public

*[Brackets are located in the sections in this document where an entity must fill in the blank.
In some of these instances, IPAD has included a recommendation.]*

Right to Access Public Data

The Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc.

The Government Data Practices Act also provides that this government entity must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to Make a Data Request

To look at data or request copies of data that this government entity keeps, make a [*written request – IPAD recommends requiring written data requests*]. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 4. You may make your request for data by [*fill in way(s) in which your entity will accept data requests, e.g., mail, fax, or email*], using the data request form on page 6.

If you choose not to use the data request form, your request should include:

- that you, as a member of the public, are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13;
- whether you would like to look at the data, get copies of the data, or both; and
- a clear description of the data you would like to inspect or have copied.

This government entity cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How We Respond to a Data Request

Upon receiving your request, we will work to process it.

- If we do not have the data, we will notify you [*in writing –IPAD recommends responding to data requests in writing*] as soon as reasonably possible.
- If we have the data, but the data are not public, we will notify you as soon as reasonably possible and state which specific law says the data are not public.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
 - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or

- provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 5.

[We also will arrange for you to pre-pay for the copies.]

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, the Government Data Practices Act does not require us to answer questions that are not requests for data.

Requests for Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. We will prepare summary data if you make your request in writing and *[pre-pay/pay]* for the cost of creating the data. Upon receiving your written request – you may use the data request form on page 6 – we will respond within ten business days with the data or details of when the data will be ready and how much we will charge.

Data Practices Contacts

Responsible Authority

Name

Address

Phone number, fax number, email address

Data Practices Compliance Official

Name

Address

Phone number, fax number, email address

Data Practices Designee(s)

Name

Address

Phone number, fax number, email address

Copy Costs – Members of the Public

This government entity charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

[You must pay for the copies before we will give them to you.]

[We do not charge for copies if the cost is less than \$10.]

For 100 or Fewer Paper Copies – 25 cents per page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most Other Types of Copies – Actual cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies is _____ *[fill in hourly rate - \$XX.XX]* per hour.

If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

[Copy Charges Set by Statute or Rule]

[Include if applicable]

Data Request Form – Members of the Public

Date of request: _____

I am requesting access to data in the following way:

Inspection

Copies

Both inspection and copies

Note: inspection is free but _____ [government entity needs to fill in if they charge for data – e.g., we charge for copies when the cost is over \$10.00].

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Name: _____

Address: _____

Phone number: _____ Email address: _____

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

We will respond to your request as soon as reasonably possible.

Data Practices Policy for Data Subjects

*[Brackets are located in the sections in this document where an entity must fill in the blank.
In some of these instances, IPAD has included a recommendation.]*

Data about You

The Government Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc.

Classification of Data about You

The Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples.

1. **Public data:** We must give public data to anyone who asks; it does not matter who is asking for the data or why.

The following is an example of public data about you:

[fill in your own example or use this example: the names of Minnesota government employees.]

2. **Private data:** We cannot give private data to the general public, but you have access when the data are about you. We can share your private data with you, with someone who has your permission, with our government entity staff who need the data to do their work, and as permitted by law or court order.

The following is an example of private data about you:

[fill in your own example or use this example: Social Security numbers].

3. **Confidential data:** Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. We can share confidential data about you with our government entity staff who need the data to do their work and to others as permitted by law or court order. We cannot give you access to confidential data.

The following is an example of confidential data about you:

[fill in your own example or use this example: the identity of the subject of an active criminal investigation].

Your Rights under the Government Data Practices Act

This government entity must keep all government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights.

- **Access to Your Data**

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask this government entity not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests.

Note: Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

- **When We Collect Data from You**

When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Tennessee warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you _____ [*may/must*] use the consent form we provide.

- **Protecting your Data**

The Government Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

[Applies only to state agencies: In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.]

- **When your Data are Inaccurate and/or Incomplete**

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request for Your Data

To look at data, or request copies of data that this government entity keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a [*written request – IPAD recommends requiring written data requests*]. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 6. You may make your request by [*fill in how you will accept requests, e.g., mail, fax, or email*], using the data request form on page 8.

If you choose not use to use the data request form, your request should include:

- that you are making a request, under the Government Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
- whether you would like to inspect the data, have copies of the data, or both;
- a clear description of the data you would like to inspect or have copied; and
- identifying information that proves you are the data subject, or data subject's parent/guardian.

This government entity requires proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity located on page 9.

How We Respond to a Data Request

Once you make your request, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification.

- If we do not have the data, we will notify you [*in writing – IPAD recommends responding to data requests in writing*] within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
 - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 7.

[*We also will arrange for you to prepay for the copies.*]

After we have provided you with access to data about you, we do not have to show you the data again for 6 months unless there is a dispute or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

Data Practices Contacts

Responsible Authority

Name

Address

Phone number, fax number, email address

Data Practices Compliance Official

Name

Address

Phone number, fax number, email address

Data Practices Designee(s)

Name

Address

Phone number, fax number, email address

Copy Costs – Data Subjects

This government entity charges data subjects for copies of government data. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3.

[You must pay for the copies before we will give them to you.]

[We do not charge for copies if the cost is less than \$10.00.]

Actual Cost of Making the Copies

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to make copies is _____ *[fill in hourly rate - \$XX.XX]* per hour.

[Copy Charges Set by Statute or Rule]

[Include if applicable]

Data Request Form – Data Subjects

Date of request: _____

To request data as a data subject, you must show _____ [a valid state ID, such as a driver's license, military ID, or passport] as proof of identity.

I am requesting access to data in the following way:

Inspection

Copies

Both inspection and copies

Note: inspection is free but _____ [government entity needs to fill in if they charge for data – e.g., we charge for copies when the cost is over \$10.00].

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Data subject name _____

Parent/Guardian name (if applicable) _____

Address _____

Phone number _____ Email address _____

Staff Verification

Identification provided _____

We will respond to your request within 10 business days.

Standards for Verifying Identity

The following constitute proof of identity.

- An **adult individual** must provide a valid photo ID, such as
 - a state driver's license
 - a military ID
 - a passport
 - a Minnesota ID
 - a Minnesota tribal ID

- A **minor individual** must provide a valid photo ID, such as
 - a state driver's license
 - a military ID
 - a passport
 - a Minnesota ID
 - a Minnesota Tribal ID
 - a Minnesota school ID

- The **parent or guardian of a minor** must provide a valid photo ID *and either*
 - a certified copy of the minor's birth certificate *or*
 - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
 - ❖ a court order relating to divorce, separation, custody, foster care
 - ❖ a foster care contract
 - ❖ an affidavit of parentage

- The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
 - court order(s)
 - valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID.

Data on Individuals
Maintained by the Minnesota Department of Administration
July 2014

This document identifies the name, title and address of the Responsible Authority for Admin and describes private or confidential data on individuals maintained by Admin (see Minn. Stat. 13.05 and Minn. Rules 1205.1200).

This document is also part of Admin's procedures for ensuring that not public data are only accessible to individuals whose work assignment reasonably requires access (see Minn. Stat. 13.05, subd. 5). In addition to the employees listed, Admin's Responsible Authority, Data Practices Compliance Official, Senior Leadership Team, and the Agency General Counsel will also have access to all not public data on an as needed basis as part of a specific work assignment.

Admin's Responsible Authority is:
Spencer Cronk, Commissioner
200 Administration Building
50 Sherburne Ave.
St. Paul, MN 55155

Direct all questions about this document to Admin's Data Practices Compliance Official (DPCO):

Curt Yoakum
Curtis.yoakum@state.mn.us
Phone: 651.201.2771
Fax: 651.297.7909
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

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Data Maintained by Many or All Admin Division

The following data are maintained by more than one division in Admin.

Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Security information	Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury, if the data were released to the public	Private	MS 13.37	Certain employees on an as needed basis as part of specific work assignments
Civil investigative data	Data that are collected in order to start or defend a pending civil legal action, or because a civil legal action is expected	Confidential Public	MS 13.39	Certain employees on an as needed basis as part of specific work assignments
Social Security numbers	Social Security numbers assigned to individuals	Private	MS 13.355	Certain employees on an as needed basis as part of specific work assignments
Personnel data	Data about employees, applicants, volunteers and independent contractors; labor relations information	Public Private Confidential	MS 13.43 179A.03, subd. 4	Certain employees on an as needed basis as part of specific work assignments
Correspondence	Letters and electronic correspondence	Public Private Confidential	Various	Certain employees on an as needed basis as part of specific work assignments
Advisory council member data	Data pertaining to advisory council applicants and appointees.	Public Private Confidential	MS 13.601	Certain employees on an as needed basis as part of specific work assignments

Continuity of Operations	Personal home contact information used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity.	Private	MS 13.43, subd. 17	Certain employees on an as needed basis as part of specific work assignments
Personal contact and online account information	Telephone number, email address and usernames and passwords collected, maintained, or received by a government entity for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by the individual	Private	MS 13.356	Certain employees on an as needed basis as part of specific work assignments
Legislative Data	Preliminary drafts of legislative and budget proposals	Nonpublic	13.605	Certain employees on an as needed basis as part of specific work assignments
Attorney Data	Data related to attorney work product or data protected attorney-client privilege	Private	MS 13.393	Certain employees on an as needed basis as part of specific work assignments

Commissioner's Office

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Commissioner's Office		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (<i>Understandable to General Public</i>)	Data Classification	Citation for Classification	Employee Work Access
Admin Response to data requests	Data collected by Admin data practices compliance official in responding to requests for data maintained by Admin	Public Private	Various	<ul style="list-style-type: none"> Responsible Authority Data Practices Compliance Official
Internal audit data	<ul style="list-style-type: none"> Data created, collected, and maintained for the purpose of performing audits and/or relating to an audit or investigation; Working papers gathered or generated until the final report is published or audit becomes inactive 	Public Private Confidential	MS 13.392 MS 13.43 MS 13.37	<ul style="list-style-type: none"> Commissioner Assistant Commissioner for Finance Internal Auditor Agency General Counsel

State Archaeologist

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> State Archaeologist		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> Fort Snelling History Center St. Paul, MN 55111-4061		
Name of Record, File, Process, Form or Data Type	Description (<i>Understandable to General Public</i>)	Data Classification	Citation for Classification	Employee Work Access
State Archaeologist Burial Site File	Information about individuals who own or lease private property that contains unplatted human burials.	Public Private	MS 307.08 MS 13.37	<ul style="list-style-type: none"> • Community Services Director • State Archeologist • SPA Senior

Minnesota Office of Continuous Improvement

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Minnesota Office of Continuous Improvement		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
The Minnesota Office of Continuous Improvement only maintains all Admin data listed on pages 3-4.				

Financial Management and Reporting

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Financial Management and Reporting		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Employee expense reports (Also may be maintained by the division where the transaction originated)	Expense reimbursement requests	Public Private	MS 13.43	All FMR staff (17 employees) on an as needed basis as part of specific work assignments
Travel expense/per diem reports for council, advisory task force and board members	Travel expense reimbursement requests	Public Private	MS 13.601 MS 13.43	All FMR staff (17 employees) on an as needed basis as part of specific work assignments
Workers compensation billings	Records of billings from DOER for employees who receive workers compensation benefits	Private	MS 13.43	All FMR staff (17 employees) on an as needed basis as part of specific work assignments
Unemployment compensation billings	Records of billings from DEED for employee unemployment compensation	Private	MS 13.43	All FMR staff (17 employees) on an as needed basis as part of specific work assignments

Government services transactions data	Credit card, charge card, debit card and other electronic transactions	Private	MS 16A.626	All FMR staff (17 employees) on an as needed basis as part of specific work assignments
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Fleet and Surplus Services

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Fleet and Surplus Services		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 5420 Old Highway 8 Arden Hills, MN 55112		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Government services transactions data	Credit card, charge card, debit card and other electronic transaction information	Private	MS 16A.626	Surplus Staff (6 employees) on an as needed basis to set up online MinnBid accounts and process payments
Motor vehicle data	Information on license plate numbers, owners, and registration status of vehicles	Private	MS 168.346	Fleet and Surplus Services Assistant Director (1 employee)

State Demographic Center

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> State Demographic Center		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 300 Centennial Building 658 Cedar Street, St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
The State Demographic Center only maintains all Admin data listed on pages 3-4.				

Governor’s Council on Developmental Disabilities

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Governor’s Council on Developmental Disabilities		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 370 Centennial Building 658 Cedar Street, St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
The Governor’s Council on Developmental Disabilities only maintains all Admin data listed on pages 3-4.				

Human Resources

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Human Resources		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 300 Centennial Building 658 Cedar Street, St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (<i>Understandable to General Public</i>)	Data Classification	Citation for Classification	Employee Work Access
Employee personnel records	Record of prior and current employment history. Data relating to hiring, assessments, promotion, discipline and related administrative personnel actions	Public Private	MS 13.43	All HR staff (under 15 employees) on an as needed basis as part of specific work assignments
Applicant records	Completed assessments and results, related documentation, and application forms	Public Private	MS 13.43	All HR staff (under 15 employees) on an as needed basis as part of specific work assignments
Unemployment compensation billings	Records of billings from DEED for employee unemployment compensation	Private	MS 13.43	All HR staff (under 15 employees) on an as needed basis as part of specific work assignments
Labor relations information	Management positions that have not been presented during the collective bargaining process or interest arbitration, including information collected or created to prepare the management position	Private Confidential	MS 13.37, subd. 1(a)	All HR staff (under 15 employees) on an as needed basis as all or part of specific work assignments

Workers compensation information	Records of billings from Risk Management for employees who receive workers compensation benefits	Private	MS 13.43	All HR staff (under 15 employees) on an as needed basis as part of specific work assignments
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Information Policy Analysis

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Information Policy Analysis		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 201 Administration Building 50 Sherburne Ave., St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Advisory Opinion data	Data collected as a result of researching and issuing advisory opinions pursuant to MS 13.072	Public Private	MS 13.072	<ul style="list-style-type: none"> • Community Services Director • IPAD Administrator • IPAD Policy Analysts (3 employees) • IPAD Student Workers (as part of specific work assignments)
Appeal data	Data maintained as a result of processing appeals of determinations about the accuracy and/or completeness of public and private data on individuals	Public Private	MS 13.03, subd. 4	<ul style="list-style-type: none"> • Community Services Director • IPAD Administrator • IPAD Policy Analysts (3 employees) • IPAD Student Workers (as part of specific work assignments)

Materials Management

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Materials Management		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 112 Administration Building 50 Sherburne Ave., St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Responses to Requests for Proposals (RFPs) and requests for bids	Responses to Requests for Proposals (RFPs) and requests for bids	Public Private	MS 13.591	All MMD staff (75 employees) on an as needed basis as part of specific work assignments
Responses to Requests for Proposals (RFPs) and requests for bids	Trade secret data in response to Request for Proposal (RFP) and requests for bids	Private	MS 13.37	All MMD staff (75 employees) on an as needed basis as part of specific work assignments
Government services transactions data	Credit card, charge card, debit card and other electronic transaction information	Private	MS 16A.626	<ul style="list-style-type: none"> • P-card holders (5) • Exec. 2 payment Processor (1) • Division P-card Coordinator (1) • Statewide P-card Coordinator (1)

Plant Management

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Plant Management		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> G10 Administration Building 50 Sherburne Ave., St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Metropass contracts	Contracts entered into by individuals in Plant Management's Metropass program	Public Private	MS 13.43 MS 13.37 MS 13.355	All PMD Parking, Financial Services and Office Services staff (19 employees), on an as needed basis as part of specific work assignments
Bike locker rentals and security deposit refunds	Data on individuals who have contracts in Plant Management's bike locker program	Public Private	MS 13.43 MS 13.37 MS 13.355	All PMD Parking, Financial Services and Office Services staff (19 employees), on an as needed basis as part of specific work assignments
State employee parking contract and refund data	Data on state employees who have parking contracts or apply for parking through Plant Management	Public Private	MS 13.43	All PMD Parking, Financial Services and Office Services staff (19 employees), on an as needed basis as part of specific work assignments

Parking contract and refund data about individuals who are not state employees	Data on other individuals who have parking contracts or apply for parking through Plant Management	Public Private	MS 13.37	All PMD Parking, Financial Services and Office Services staff (19 employees), on an as needed basis as part of specific work assignments
Government services transactions data	Electronic transaction information (name of cardholder and last 4 digits of a credit card, charge card, or debit card)	Public Private	MS 16A.626	<ul style="list-style-type: none"> • Parking Staff (4 employees) • Account Clerk Senior (2 employees) • Accounting Officer Principal

Real Estate and Construction Services

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Real Estate and Construction Services		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 309 Administration Building 50 Sherburne Ave., St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Real property appraisal data (a)	Estimated or appraised values of individual parcels of real property that are made by personnel of the state or a political subdivision or by independent appraisers for the purpose of selling or acquiring land through purchase or condemnation	Confidential Public	MS 13.44, Subd. 3 (a), 3(c)	<ul style="list-style-type: none"> • Land (1 employee) • Support staff (1 employee) • Senior Director, Lease Supervisor
Real property appraisal data (b)	Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the state or a political subdivision	Private Public	MS 13.44, Subd. 3 (b). 3(c)	<ul style="list-style-type: none"> • Land (1 employee) • Support staff (1 employee) • Senior Director, Lease Supervisor
Responses to Requests for Proposals (RFPs) and requests for bids for Construction Manager and Design-Build projects	Any responses received to a RFP or request for bid	Public Private	MS 13.591	<ul style="list-style-type: none"> • Contracting Staff (2 employees) • Project Managers and Business Operations manager on an as need basis as part

				of specific work assignments; <ul style="list-style-type: none"> • Construction Operations Manager, Senior Director • Leasing (3 employees) • Support (1 employee) • Space Management (2 employees) • Lease Supervisor
Security features of building plans	Security features of building plans, building specifications, and building drawings of state-owned facilities and non-state-owned facilities leased by the state	Nonpublic	MS 13.64, subd. 2(a)	<ul style="list-style-type: none"> • Project managers assigned to project • Construction Operations Manager, Senior Director

Risk Management

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Risk Management		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 310 Centennial Office Building 658 Cedar Street, St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Responses to Requests for Proposals (RFPs) and requests for bids	Responses to Requests for Proposals (RFPs) and requests for bids	Public Private	MS 13.591	RMD staff involved in RFP process
Personnel Data	Personnel data of state employees disclosed for the purpose of administration of the workers' compensation program as provided in chapter 176.	Private	MS 13.43, subd. 18	All RMD staff (under 42 employees) on an as needed basis as part of specific work assignments
Medical Data	Medical data of state employees disclosed for the purposes of administering claims	Private	MS 13.384 subd. 3	All RMD staff (under 42 employees) on an as needed basis as part of specific work assignments
Labor Relations Data	Management positions on economic and non-economic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position.	Private	MS 13.37, subd. 1(a)	All RMD staff (under 42 employees) on an as needed basis as part of specific work assignments

Rehabilitation Data	Data collected and sent Admin to the Department of Labor and Industry that pertain to individuals applying for or receiving rehabilitation services	Private	MS 13.791	All RMD staff (under 42 employees) on an as needed basis as part of specific work assignments
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STAR

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> STAR		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 358 Centennial Office Building 658 Cedar Street, St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
AT Equipment Exchange data	Data on individuals collected via www.mnstarte.org website.	Private Public	MS 13.43	<ul style="list-style-type: none"> • Program Coordinator • Office & Admin Specialist
Data on individuals with disabilities	Data that identify an individual with a disability or a family member of an individual with a disability	Private	MS 13.64, subd. 2	All STAR staff (3 employees) on an as needed basis as part of specific work assignments

Office of Grants Management

<i>Responsible Authority (Name and Title)</i> Spencer Cronk, Commissioner	<i>Data Practices Compliance Official (DPCO)</i> Curt Yoakum	<i>Reporting Division/Office</i> Office of Grants Management		
<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 200 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155	<i>Address:</i> 201 Administration Building 50 Sherburne Ave., St. Paul, MN 55155		
Name of Record, File, Process, Form or Data Type	Description (<i>Understandable to General Public</i>)	Data Classification	Citation for Classification	Employee Work Access
Data on individuals	Data that would identify an individual reporting allegations of grants waste and fraud or a violation of statewide grants governance policies	Private	MS 181.932 subd. 2 MS 16B.97, subd. 5	<ul style="list-style-type: none"> • OGM Director • Director of Community Services
Responses to requests for proposal	Responses submitted are private until the responses are opened. All other data on individuals are private until completion of the evaluation process. If all responses are rejected prior to completion of the evaluation process, all data, other than that made public at the opening, are private until resolicitation or abandonment of the grant.	Private Public	MS 13.599	<ul style="list-style-type: none"> • All OGM staff (3 employees) • Director of Community Services



City of East Bethel City Council Agenda Information

Date:

August 20, 2014

Agenda Item Number:

Item 8.0 F.1

Agenda Item:

Fire Department Report

Requested Action:

Informational only

Background Information:

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

Fiscal Impact:

None

Recommendation(s):

Informational only.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

**East Bethel Fire Department
July 2014 Response Calls**

Incident Number	Incident Date	Alarm Time	Location	Incident Type
298	07/30/2014	07:32	Hwy 65 & 237 th	Motor vehicle accident with injuries
297	07/29/2014	16:31	1400 Viking BLVD	Dispatched and cancelled en route
293	07/27/2014	21:33	20405 Monroe ST	Carbon monoxide incident
296	07/27/2014	14:01	517 Sims RD	Motor vehicle accident with injuries
295	07/27/2014	11:14	23611 Davenport ST NE	EMS call
294	07/27/2014	08:35	18475 Edison ST NE	Passenger vehicle fire
292	07/25/2014	13:56	65 HWY	Motor vehicle accident with injuries
291	07/25/2014	08:05	412 Dahlia DR	EMS call
290	07/24/2014	11:59	1562 Viking BLVD NE	Alarm system activation
289	07/23/2014	22:22	1600 Viking BLVD NE	Motor vehicle accident with injuries
288	07/23/2014	19:37	3544 199 AVE	EMS call
287	07/22/2014	21:15	20508 Tyler ST	EMS call
286	07/22/2014	08:50	Hwy 65 & Sims	EMS call
285	07/21/2014	18:23	520 218 AVE	Gas leak (natural gas or LPG)
284	07/21/2014	16:08	Highway 65 & 209 th	EMS call
283	07/18/2014	11:06	2832 185th LN NE	EMS call
282	07/17/2014	13:07	943 207th LN NE	EMS call
281	07/17/2014	09:27	19419 E Tri Oak Circle NE	Smoke or odor removal
280	07/16/2014	20:14	21873 Typo Creek DR NE	Building fire – Mutual Aid
279	07/16/2014	11:23	21210 Polk ST	Alarm system sounded due to malfunction
278	07/16/2014	10:52	2660 Fawn Lake DR	Alarm system sounded due to malfunction
277	07/16/2014	23:53	19863 University AVE NE	EMS call
276	07/15/2014	10:16	18346 Lakeview PT	EMS call
275	07/14/2014	13:49	21210 Polk ST	Fire Alarm
274	07/13/2014	09:13	19001 Jackson STS NE	EMS call
273	07/11/2014	15:44	1148 231 LN NE	EMS call
272	07/10/2014	11:47	18346 Lakeview Point	EMS call
271	07/10/2014	09:04	4036 Viking BLVD NE	EMS call
270	07/10/2014	05:49	Highway 65 & 187 th	Motor vehicle accident with injuries
269	07/09/2014	13:47	19485 3rd ST NE	EMS call
268	07/07/2014	15:01	18260 Filmore ST NE	Alarm system activation
267	07/07/2014	03:04	727 229 LN NE	EMS call
266	07/06/2014	21:00	19140 E Front BLVD NE	EMS call
265	07/05/2014	19:26	178 Maple RD NE	EMS call
264	07/05/2014	02:50	1848 Viking BLVD NE	EMS call
263	07/04/2014	15:58	4525 Fawn Lake DR NE	EMS call
262	07/03/2014	21:35	1831 221 st AVE NE	Motor vehicle accident with injuries
261	07/03/2014	20:17	23080 Packard ST	ATV Accident
260	07/02/2014	21:47	22277 Quincy ST NE	Smoke in the area
259	07/02/2014	12:46	4906 S Tri Oak CIR NE	EMS call
258	07/01/2014	10:22	21613 Durant ST NE	Building fire - Rekindle
257	07/01/2014	01:18	4819 217 AVE NE	EMS call
Total				42

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

July, 2014

Number of Medical Calls 22

Type	Number	Transport by Ambulance
Medical Complications	6	6
Short of Breath	3	3
Cardiac	5	5
Bleeding	0	0
Illness	0	0
Trauma	2	2
Assist	0	0
Other	5	5
Cancelled Medical Call	<u>1</u>	<u>1</u>
Totals	22	22



City of East Bethel City Council Agenda Information

Date:

August 20, 2014

Agenda Item Number:

Item 8.0 F.2

Agenda Item:

Fire Relief Benefit Increase

Requested Action:

The East Bethel Firefighters Relief Association (EBFRA) is requesting the city council ratify the EBFRA bylaws, Appendix C with a \$400 benefit increase (\$3,600 per year of service to \$4,000).

Background Information:

The East Bethel Firefighters Relief Association (EBFRA) is requesting the city council approve the attached amendments to the EBFRA Bylaws. The current Bylaws were approved by City Council on August 7th, 2013. The only change proposed is to amend Appendix C to include a \$400 benefit increase (\$3,600 per year of service to \$4,000). The fund is currently 131% funded. With this proposed increase of \$400 per service year, the fund is projected to be 118% funded as of December 31, 2014. The East Bethel Firefighters Relief Association Board of Trustees approved the change of this bylaw on Monday, July 28, 2014. For this by-law to take effect, the City Council must also approve this item.

Attachment(s):

- Current Bylaws: "EBFRA Bylaws 10-1-2013"
- Proposed Appendix A: "East Bethel Appendix A"
- Proposed Appendix C: "East Bethel Appendix C"

Fiscal Impact:

This change in bylaws will have no fiscal impact to the City of East Bethel. In the event the EBFRA portfolio falls below 95% of the fund balance, the City of East Bethel would be required to make mandatory contributions to the fund according to the State of Minnesota Auditor Office's formula.

If the increase is not approved, the benefit stays at the current level and the fund is projected 131% funded.

Recommendation(s):

City Council Action

Motion by: _____

Second by: _____

Vote Yes:_____

Vote No:_____

No Action Required:_____



**East Bethel
Firefighters Relief
Association**

Defined Benefit Lump Sum Retirement Plan Bylaws

Included:

Appendix A

Appendix B

Appendix C

Bylaws

10-1-2013

APPENDIX A

EAST BETHEL FIREFIGHTERS RELIEF ASSOCIATION

Bylaw Amendment History

For a complete summary of the amendments and, if applicable, the Board's rationale and purpose for the change, refer to the Board of Trustee meeting minutes listed with the effective date of the applicable amendment listed hereunder.

Effective Dates	Meeting Minutes	Summary of Change
April 1, 2013 (Document) October 1, 2013 (Benefit level; see Appendix C)	July 22, 2013 (Board of Trustees) NA (Membership) See Appendix C for Municipality minutes	Increase benefit level per Year of Active Service from \$3,400 to \$3,600
April 1, 2013 (Document) May 5, 2009 (Benefit level; see Appendix C)	March 4, 2013 (Board of Trustees) April 1, 2013 (Membership) See Appendix C for Municipality minutes	Restatement of Bylaws and Appendices in their entirety, moving from version 4 of the MNFPC Bylaw Solution™ to version 7.
May 5, 2009 (Document) May 5, 2009 (Benefit level; see Appendix C)	December 29, 2008 (Board of Trustees) May 4, 2009 (Membership) December 17, 2008 (Municipality)	Restatement of Bylaws and Appendices in their entirety as part of subscribing to the MNFPC Bylaw Solution™ version 4 that provides model documents, administrative forms, and trustee support.

NA means not available.
 NR means not required.
 TBD means to be determined

APPENDIX B

EAST BETHEL FIREFIGHTERS RELIEF ASSOCIATION
DEFINED BENEFIT LUMP SUM RETIREMENT PLAN

These model documents are drafted to conform to Minnesota state laws relating to relief association pension plans for volunteer firefighters. The model documents are not drafted to meet the requirements of tax-qualified retirement plans under the Internal Revenue Code, and it is doubtful that the model documents can meet those requirements. **Minnesota Firefighter Pension Consultants, LLC (MNFPC, LLC) makes no representation regarding the status of the plans under federal or state tax laws. MNFPC, LLC recommends that Relief Associations consult their own tax advisors regarding the treatment of the plan and distributions from the plan under state and federal tax laws.**

MNFPC, LLC is not a law firm. We recommend review by your legal counsel of model documents before adoption.

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EAST BETHEL FIREFIGHTERS RELIEF ASSOCIATION
DEFINED BENEFIT LUMP SUM RETIREMENT PLAN

The Board of Trustees of the Relief Association amends and restates its existing defined benefit pension plan in its entirety for the benefit of its eligible members.

ARTICLE I
NAMES, PURPOSE AND OTHER GENERAL INFORMATION

- 1.1 Name of Municipality: City of East Bethel
- 1.2 Name of Fire Department: East Bethel Fire Department
- 1.3 Name of Relief Association: East Bethel Firefighters Relief Association
- Address: 2751 Viking Boulevard NE, East Bethel, MN 55092
- 1.4 Federal Taxpayer Identification Number: 41-1435538
- 1.5 Name of Plan: East Bethel Firefighters Relief Association Defined Benefit Lump Sum Retirement Plan
- 1.6 Original Effective Date of Plan: September 21, 1960
- 1.7 Purpose. The purpose of the Plan is to provide benefits to eligible members of the Relief Association (Participants) and their lawful Beneficiaries.

ARTICLE II
DEFINITIONS AND INTERPRETATION

- 2.1 General Definitions. The following words and phrases when used herein shall have the following meanings except as otherwise required by the context in which they are used:
- (a) **“Accrued Benefit”** of a Participant shall mean the benefit determined under the terms of the Plan, as of a specified date.
 - (b) **“Active Service”** shall mean active service as defined by the Fire Department, as stated in its policies and procedures, except that Participants shall not receive credit for Active Service for periods during which the Participant is:
 - (i) a full- or part-time employee of the Fire Department who accrues pension service credit under the Public Employees Retirement Association of Minnesota Police and Fire Fund for the same firefighting service.

- (c) **“Alternate Payee”** shall mean a spouse or former spouse of a Participant who is recognized by a Domestic Relations Order as having a right to receive all, or a portion of, a Participant’s Beneficial Interest under the Plan, pursuant to Minnesota Statutes, Section 518.58, Subd. 4.
- (d) **“Beneficial Interest”** shall mean the amount of a Participant’s Accrued Benefit that is distributable to the Participant or the Participant’s Beneficiary in accordance with the terms of the Plan.
- (e) **“Beneficiary”** shall mean any person entitled to receive benefits that may be payable upon or after a Participant’s death.
- (f) **“Board of Trustees”** or **“Board”** shall mean the Board of Trustees of the Relief Association.
- (g) **“Break in Service”** shall mean a period as defined by the Fire Department in its policies and procedures, during which the Participant does not meet Active Service requirements. However, service restored pursuant to the uniformed services provisions of Article VII shall be considered Active Service and shall not be considered a Break in Service.
- (h) **“Bylaws”** shall mean the duly adopted bylaws of the Relief Association.
- (i) **“Code”** shall mean the Internal Revenue Code of 1986, and amendments thereto.
- (j) **“Disability Benefit”** shall mean the benefit, if any, paid to a Participant in lieu of a Retirement Benefit, pursuant to Section 4.4.
- (k) **“Domestic Relations Order”** shall mean any judgment, decree or order (including approval of a property settlement agreement) that complies with the provisions of Minnesota Statutes Sections 518.58 or 518.581.
- (l) **“Effective Date”** of the Plan shall be the effective date referenced on the first page of the Bylaws.
- (m) **“Entry Date”** shall mean the date of hire as defined in the Fire Department policies and procedures.
- (n) **“Participant”** shall mean a member of the Relief Association who has accrued or is accruing benefits under the Plan.
- (o) **“Plan Year”** shall mean the calendar year.
- (p) **“Qualification Procedures”** shall mean written procedures adopted by the Board of Trustees to:
 - (i) determine whether a Domestic Relations Order may be honored under the law and the terms of the Plan; and

(ii) to administer distributions under such orders.

The procedures shall be implemented within a reasonable time after receipt of a domestic relations order by the Board of Trustees. Qualification Procedures must permit an Alternate Payee to designate a representative for receipt of copies of notices sent to the Alternate Payee with respect to a Qualified Domestic Relations Order.

- (q) **“Qualified Recipient”** shall mean an individual who receives a lump sum distribution of pension or retirement benefits, including disability benefits, from the Relief Association for service performed as a Volunteer Firefighter, as it relates to Section 4.7 herein.
- (r) **“Resumption of Active Service Requirement”** shall mean the period of time equal to the period of time that elapsed between the Participant’s Separation Date and return to Active Service up to a maximum of three (3) years pursuant to Section 4.2.
- (s) **“Retirement Benefit”** shall mean the benefit payable to a Participant pursuant to Section 4.1, but only after the Participant has met all eligibility requirements of Section 4.1.
- (t) **“Separation Date”** shall mean the date of retirement or termination as defined in the Fire Department policies and procedures.
- (u) **“Special Fund”** shall mean the fund established pursuant to Minnesota Statutes, Section 424A.05 used to fund benefits under the Plan and for other purposes permitted by statute. The assets of the Special Fund shall be invested only in securities authorized by Minnesota Statutes, Section 69.775.
- (v) **“Supplemental Benefit”** shall mean the benefit paid to a Qualified Recipient pursuant to Minnesota Statutes, Section 424A.10, Subd. 2(a), as described in Section 4.7.
- (w) **“Supplemental Survivor Benefit”** shall mean the benefit, if any, paid to a Surviving Spouse or minor Surviving Children pursuant to Minnesota Statutes, Section 424A.10, Subd. 2(b), as described in Section 4.8.
- (x) **“Surviving Children”** shall mean any natural or adopted child of a deceased Participant.
- (y) **“Surviving Spouse”** shall mean the spouse of a deceased Participant who was legally married to the Participant at the time of death.
- (z) **“Survivor Benefit”** shall mean the benefit paid to a Participant’s Beneficiary pursuant to Section 4.5.
- (aa) **“Volunteer Firefighter”** shall mean any person who:

- (i) is engaged in providing emergency response services or delivering fire education or prevention services as a firefighter for the Fire Department or Municipality;
 - (ii) is trained in or is qualified to provide fire suppression duties or to provide fire prevention duties under Minnesota Statutes, Section 424A.001, Subd. 8; and
 - (iii) meets any other minimum firefighter and service standards established by the Fire Department or Municipality.
- (bb) **“Year of Active Service”** shall mean each 12-month period of Active Service commencing with a Participant’s Entry Date or anniversary thereof reduced by the Participant’s Break(s) in Service. This definition shall be used for the purposes of calculating the minimum funding requirements and computing benefits or service pensions payable. Service pensions will not be prorated monthly for fractional Years of Active Service pursuant to Minnesota Statutes, Section 424A.02, Subd. 1.

2.2 Interpretation. The words defined in this Article 2 shall have the meanings assigned to them except where specified otherwise in this instrument. Whenever appropriate, words used herein in the singular shall include the plural, the plural may be read as the singular, and the masculine shall include the feminine.

ARTICLE III VESTING

3.1 Full Vesting of Accrued Benefit. A Participant shall have a fully vested and non-forfeitable interest in the Participant’s Accrued Benefit upon completion of 20 Years of Active Service.

3.2 Partial Vesting of Accrued Benefit. The following vesting schedule shall apply to a Participant with fewer than 20 Years of Active Service:

<u>Years of Active Service</u>	<u>Vested Percentage</u>
10 but less than 11	60%
11 but less than 12	64%
12 but less than 13	68%
13 but less than 14	72%
14 but less than 15	76%
15 but less than 16	80%
16 but less than 17	84%
17 but less than 18	88%
18 but less than 19	92%
19 but less than 20	96%
20 or more	100%

3.3 Determining Years of Active Service for Vesting. All Years of Active Service shall be taken into account for purposes of determining a Participant's vested Accrued Benefit, including Years of Active Service with the Fire Department prior to the Effective Date.

**ARTICLE IV
BENEFITS**

4.1 Retirement Benefit. (a) *Eligibility.* To be eligible to receive a Retirement Benefit a Participant must satisfy each of the following requirements:

- (i) Have retired or ceased Active Service with the Fire Department;
- (ii) Be at least 50 years of age;
- (iii) Have been a Volunteer Firefighter in the Fire Department;
- (iv) Have been a member in the Relief Association; and
- (v) Have the minimum Years of Active Service required for a non-forfeitable interest (vested) in the Participant's Accrued Benefit.

(b) *Amount.* If so provided in Section 3.2, a Participant's Retirement Benefit shall be determined as follows:

Years of Active Service credited to Participant	multiplied by	Benefit level in effect for Participant	multiplied by	Vesting percentage for completed Years of Active Service
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The benefit level is set forth in Appendix C. The Participant's benefit level will be the benefit level in effect at the Participant's Separation Date. However, if the Participant had a Break in Service, the Participant's benefit level shall be determined as described in Section 4.2.

Subject to the provisions of Section 8.1 of this Appendix B, benefit levels are subject to increase and shall be effective as of the agreed upon effective date, provided that such increase shall not apply to any Participant who ceased Active Service before the effective date of the increase.

Such Retirement Benefit shall not be paid before the later of the Participant's Separation Date or the date the Participant attains age 50. The Retirement Benefit shall be paid at the time requested by the Participant in a properly completed and accepted Retirement Benefit Payment Request Form.

4.2 Return To Service. (a) *Return to Service Before Payment of Retirement, Disability or Survivor Benefit.* If a Participant:

- (i) Ceases Active Service with the Fire Department (incurs a Separation Date),
- (ii) Has not received a Retirement Benefit distribution from the Plan of the Participant's vested Accrued Benefit, and
- (iii) Subsequently returns to Active Service after at least 60 days have elapsed, the Participant shall qualify for increases in the benefit level implemented during or after the Separation Date from Active Service and additional Years of Active Service only if the Participant remains in Active Service for the Resumption of Active Service Requirement. If the Participant has not met this requirement by the time of the Participant's later Separation Date, the Participant's benefit shall be the benefit level in effect at the time of the Participant's prior Separation Date and Years of Active Service in effect at the time of the Participant's prior Separation Date plus Years of Active Service after the Participant's resumption of Active Service.

A Participant whose period of Break in Service does not exceed 365 consecutive days is exempt from the minimum period of Resumption of Active Service Requirement.

- (b) *Return to Service After Payment of Retirement Benefit.* If a Participant:
 - (i) Ceases Active Service with the Fire Department (incurs a Separation Date)
 - (ii) Receives a Retirement Benefit distribution from the Plan of the Participant's vested Accrued Benefit,
 - (iii) Subsequently returns to Active Service after at least 60 days have elapsed, the Participant shall be credited with additional Years of Active Service. A Participant's Retirement, Disability or Survivor Benefit at the Participant's later Separation Date shall be determined as follows:

Years of <i>Additional</i> Active Service credited to Participant after the return to service	multiplied by	Benefit level in effect for Participant as of the subsequent Separation Date	multiplied by	Vesting percentage for completed <i>Additional</i> Years of Active Service
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No Participant may be paid a service pension twice for the same period of Active Service.

4.3 Deferred Interest. The Board of Trustees shall not add interest or otherwise adjust a Participant's unpaid Retirement Benefit amount.

4.4 Disability Benefit. No Disability Benefit shall be paid under this Plan.

4.5 Survivor Benefit. (a) *Eligibility*. For a Participant's Beneficiary to be eligible to receive a Survivor Benefit, the Participant must have satisfied the following requirements:

- (i) Have died in Active Service with the Fire Department; or
- (ii) Have died prior to receiving his Retirement Benefit.

A Participant who dies while on leave for uniformed service under Article VII shall be deemed to have died while in Active Service.

(b) *Amount*. If a Participant in Active Service dies, the Participant's Beneficiary shall receive a lump sum payment equal to 100% of the Participant's Accrued Benefit.

The Survivor Benefit paid on behalf of a Participant in Active Service who dies before having completed five Years of Active Service shall be determined as if the Participant had completed five Years of Active Service.

If a Participant who has retired from or ceased Active Service dies, the Participant's Beneficiary shall receive a lump-sum Survivor Benefit determined as follows:

Years of Active Service credited to Participant	multiplied by	Benefit level in effect for Participant	multiplied by	Vesting percentage for completed Years of Active Service
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The Survivor Benefit level will be the benefit level in effect at the Participant's Separation Date. However, if the Participant had a Break in Service, the Survivor Benefit level shall be determined as described in Section 4.2.

Such Survivor Benefit shall be paid to the Participant's Beneficiary as soon as administratively feasible following the Participant's death and the approval of the Survivor Benefit Payment Request form.

A Participant's Beneficiary shall be as follows:

- (i) the Participant's Surviving Spouse; or
- (ii) if no Surviving Spouse, the Participant's Surviving Children or if so designated as a Beneficiary by the Participant, a trust for the benefit of the Participant's Surviving Children created under Chapter 501B; or
- (iii) if no Surviving Spouse or Surviving Children, the Participant's designated Beneficiary or Beneficiaries. To designate a Beneficiary, the Participant shall complete, sign and file with the Relief Association a designation of Beneficiary on a form to be provided by the Relief Association or by other written form acceptable to the Relief Association. On said form, the Participant shall designate a Beneficiary, which must be a natural person,

or a designated trust created under Chapter 501B of the Minnesota Statutes that shall be paid any sum that may be payable on account of the Participant's death (reserving, however, to the Participant the power to change the designation of Beneficiary using the Change of Beneficiary Designation form); or

- (iv) if no designated Beneficiary or Beneficiaries, to the estate of the Participant.

If there is a Surviving Spouse, but no Surviving Children, the Surviving Spouse may waive in writing all or a part of the Survivor Benefit otherwise payable to the Surviving Spouse, in which event, the Survivor Benefit waived shall be paid as if the spouse had predeceased the Participant.

4.6 Funeral Benefit. No Funeral Benefit shall be paid under this Plan.

4.7 Supplemental Benefit. Upon payment of a lump sum distribution, the Relief Association must pay a Supplemental Benefit to the Qualified Recipient. The Supplemental Benefit may be paid from the Special Fund. The amount of the Supplemental Benefit equals ten percent of the lump sum distribution, excluding any interest paid during a period of deferral, but in no case may the Supplemental Benefit exceed \$1,000.

4.8 Supplemental Survivor Benefit. Upon payment of a Survivor Benefit, the Relief Association must pay a Supplemental Survivor Benefit to the Surviving Spouse, or, if none, the Surviving Child(ren) of a Participant who had at least one (1) month of Active Service. The Supplemental Survivor Benefit shall be paid in lieu of the Supplemental Benefit and shall be paid from the Special Fund. The amount of the Supplemental Survivor Benefit equals twenty (20) percent of the lump sum distribution, but in no case may the Supplemental Survivor Benefit exceed \$2,000.

4.9 Benefit Payment Requests. Requests for benefit payment shall be in writing and filed with the Relief Association not less than 90 days prior to the next Board meeting, unless permitted earlier by the Board. Such request shall be made on the appropriate form described below:

<u>Requested Benefit</u>	<u>Required Benefit Form</u>
Retirement	Retirement Benefit Payment Request
Survivor	Survivor Benefit Payment Request
Disability	Disability Benefit Payment Request (if applicable)

Requests for Plan benefits shall be considered valid when approved by the Board. Upon approval of the request, the Board shall pay the Participant within 90 days and provide notices to the Participant as required by state or federal law with respect to pension or benefit payments, including, if required, the Special Tax Notice Regarding Plan Payments.

4.10 Forms of Payment. Plan benefits payable to a Participant or Beneficiary shall be made in single lump sum payment. The Participant shall specify that the payment be made in the manner of:

- (a) a check payment payable to the Participant or Beneficiary, subject to federal income tax withholding, as may be required; or
- (b) a direct rollover to an individual retirement account described in Section 408(a) of the Code to the extent permitted by law, or
- (c) a transfer to the Participant's account in the Minnesota Deferred Compensation Plan, to the extent permitted by law and the Minnesota Deferred Compensation Plan.

No other forms of distributions are allowed under the Plan.

4.11 Maximum Limitation on Benefits. Notwithstanding any provision of the Plan to the contrary, a Participant's benefit under the Plan shall not exceed the maximum amount permitted under Section 415 of the Code. Service pensions shall be further limited to the maximum amounts payable pursuant to Minnesota Statutes, Section 424A.02, Subd. 3.

4.12 Required Distributions. Notwithstanding any provision of the Plan to the contrary, a Participant's benefit shall be paid to the Participant by April 1 of the calendar year following the later of the calendar year in which the Participant attains age 70½ or ceases Active Service. Such distributions shall be determined and made in accordance with Section 401(a)(9) of the Code and regulations promulgated there under, including the minimum distribution incidental benefit requirement of Treasury Reg. Section 1.401(a)(9)-2, the provisions of which are incorporated herein by reference.

4.13 Unclaimed Benefits. If the Relief Association is unable with reasonable effort to locate a Participant or person/estate entitled to a Survivor Benefit under the Plan or applicable law, the benefit distributable to such Participant or person/estate shall be forfeited and will be credited to the Special Fund. Efforts to locate a Participant or person/estate must be documented. Forfeiture shall occur no earlier than thirty-six (36) months after the Board concludes the Relief Association was unable to locate such Participant or person/estate despite reasonable efforts to do so.

ARTICLE V

APPEALS PROCEDURE

5.1 Right of Appeal. In the event the Board of Trustees denies a written request for a Retirement, Disability or Survivor Benefit, the Participant or Beneficiary whose request was denied (a "claimant") shall be entitled to appeal the determination.

5.2 Denial of Benefits. If a written request is not approved, the Board shall return the form to the claimant within 30 days, noting which requirements the claimant does not meet. Thereafter, the claimant shall be furnished with the opportunity to be heard by the Board, on the question of

whether the claimant meets all of the eligibility requirements. A claimant who intends to appeal must furnish the Board with a written notice of appeal within 30 days of receiving an adverse determination.

5.3 Review Procedure. Upon receipt of the written notice of appeal, the Board of Trustees shall hold a special meeting within 60 days. Timely notice of the meeting shall be given to the claimant at least 15 days prior to the special meeting. The claimant shall have the reasonable opportunity to be heard by the Board of Trustees at the special meeting with regard to the negative determination. The Board shall decide the appeal and shall give the claimant written notice of its decision.

The exhaustion of these claims procedures is mandatory for resolving every claim and dispute arising under these Bylaws. Any legal action to recover benefits or to enforce or clarify rights under the Bylaws must be commenced in the proper forum within 120 days after the claimant has exhausted the claims procedures. For all purposes, knowledge of all facts that the Participant knew or reasonably should have known shall be imputed to every claimant who is or claims to be a beneficiary of the Participant or otherwise claims to derive an entitlement by reference to the Participant. The Board has full discretion to determine benefit claims under the Bylaws. Any interpretation, determination or other action of the Board shall be subject to review only if it is arbitrary or capricious or otherwise an abuse of discretion. Any review of a final decision or action of the Board shall be based only on such evidence presented to or considered by the Board at the time it made the decision that is the subject of review.

ARTICLE VI

CLAIMS AGAINST BENEFICIAL INTEREST

6.1 Nonassignability. No Participant or Beneficiary shall have any transmissible interest in the Plan or in the Participant's separate Beneficial Interest therein, either before or after the vesting thereof, or in any of the assets comprising the same prior to actual payment and distribution thereof, and shall have no power to alienate, dispose of, pledge or encumber the same, while in the possession or control of the Plan, nor shall the Plan recognize any assignment thereof, either in whole or in part, nor shall the interest of any Participant or Beneficiary be subject to attachment, garnishment, execution or other legal process while in the hands of the Plan, except as provided in Minnesota Statutes, Section 518A.53 or as otherwise provided herein.

6.2 Charge for Litigation. In the event that any Participant or any person claiming by or through a Participant should commence any equitable or legal proceedings against the Relief Association, the result of which is adverse to the plaintiff, or in the event that the Relief Association should find it necessary to commence any such proceeding against any Participant or any person claiming by or through a Participant, the result of which is adverse to the defendant, the cost to the Relief Association of defending or bringing the proceeding, as the case may be, shall be charged, to the extent possible and permitted by law, to the Accrued Benefit of the Participant and only the excess of such cost over the amount of the Participant's Accrued Benefit shall be included as an expense of administration.

6.3 Domestic Relations Orders. Notwithstanding any provision to the contrary herein, the Board of Trustees may assign the interest of a Participant in the Plan to an Alternate Payee pursuant to a Domestic Relations Order. In the event the Plan receives a Domestic Relations Order with respect to a Participant's Beneficial Interest in the Plan, the following provisions shall apply:

- (t) The Board shall promptly give written notification to the Participant and to the Alternate Payee of receipt of a domestic relations order and of Plan Qualification Procedures. The Board shall then proceed with Qualification Procedures to determine whether the order is a Domestic Relations Order and can be honored. The Board shall then notify the Participant and Alternate Payee (or the Alternate Payee's designated representative) of its determination.
- (u) Disputed funds shall be disposed of as follows:
 - (i) During the period in which the Qualification Procedures are in progress, the Board shall separately account for any amounts that would be payable to an Alternate Payee if the Domestic Relations Order can be honored.
 - (ii) If it is determined the Domestic Relations Order can be honored within the 18-month period commencing on the date payments are to begin under the order, the Board shall pay the amounts designated in the order, including any interest, to the Alternate Payee.
 - (iii) If the Board determines that the Domestic Relations Order cannot be honored or if the 18-month period described in (ii) above elapses and the qualification dispute has not been resolved, the Board shall pay the segregated amounts, together with earnings or losses, if required, to the persons who would have received the amounts if the order had not been issued.
 - (iv) If an order is qualified after expiration of the 18-month period described in (ii) above, payment of benefits to an Alternate Payee shall proceed prospectively and the Plan shall not be liable to an Alternate Payee for benefits attributable to the period prior to qualification.
- (v) Payment of benefits pursuant to a Domestic Relations Order shall be made only as permitted under the Plan. Payment to an Alternate Payee may not commence until the Participant submits a valid Retirement Benefit Payment Request form and the Participant's benefit becomes payable.
- (w) If a Domestic Relations Order does not address and determine the payment of the Supplemental Benefit payable under Section 4.7 in connection with the payment of a Retirement Benefit, the Supplemental Benefit shall be divided between the Participant and the Alternate Payee in the same proportion as the Retirement Benefit is so divided. In addition, the Board cannot honor a Domestic Relations

Order requiring that Supplemental Survivor Benefits be paid to anyone other than the persons listed in Section 4.8 in the order there listed.

- (x) To the extent permitted by law and except as otherwise provided under a Domestic Relations Order, the Board may, on a uniform basis, charge the reasonable and necessary expenses associated with the review of a Domestic Relations Order and the implementation of a Domestic Relations Order to the accounts of the Participant and Alternate Payee.

ARTICLE VII UNIFORMED SERVICE (MILITARY SERVICE)

Subject to restrictions stated in this section, a Participant who is absent from firefighting service due to service in the uniformed services, as defined in the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), will be granted Active Service credit under the Plan for the period of the uniformed service, not to exceed five years, unless a longer period is required under USERRA.

To be eligible for such credit, the Participant must return to firefighting service with coverage by the Relief Association (or by the successor to the Relief Association) upon discharge from service in the uniformed service within the time frame required in USERRA. However, Active Service credit is not authorized if the Participant separates from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions.

Active Service credit is not authorized if the Participant fails to provide notice to the Fire Department that the Participant is leaving to provide service in the uniformed service, unless it is not feasible to provide that notice due to the emergency nature of the situation.

If the Participant does not return to Active Service with the Fire Department within the time frame required in USERRA, then except as otherwise provided in the following sentence, it shall be conclusively presumed that the Participant’s Active Service terminated as of the date that the leave for uniformed services began. A Participant who dies or becomes Disabled while the Participant is on leave for uniformed services shall be deemed to have returned to Active Service and shall be deemed to have accrued years of Active Service during the period of leave for uniformed services.

ARTICLE VIII RIGHT TO AMEND, DISCONTINUE OR TERMINATE

8.1 Amendment. Except as herein otherwise limited, the Relief Association shall have the right to amend this Plan, pursuant to Section 12.3 of the Bylaws, at any time to any extent that it may deem advisable. Such amendment will be stated in an instrument in writing executed by the Relief Association. Upon adoption and execution of such instrument, this Plan shall be deemed to have been amended in the manner therein set forth, and Participants shall be bound thereby.

If the Special Fund does not have a surplus over full funding pursuant to Minnesota Statutes,

Section 69.772, Subd. 3, clause (b), or Minnesota Statutes 69.773, Subd. 4, and if the Municipality is required to provide financial support to the Special Fund pursuant to Minnesota Statutes, Section 69.772 or 69.773, no amendment that would affect the amount of, the manner of payment of, or the conditions for qualification for service pensions or ancillary benefits or disbursements other than administrative expenses authorized pursuant to Minnesota Statutes 69.80 payable from the Special Fund shall be effective until it has been ratified by the governing body or bodies of the Municipality.

If the Municipality is not required to provide financial support to the Special Fund, the Relief Association may adopt an amendment of the Plan that increases or otherwise affects the service pensions or ancillary benefits payable from the Special Fund without municipal ratification so long as the changes do not cause the amount of the resulting increase in the accrued liability of the Special Fund to exceed 90 percent of the amount of the prior surplus over full funding and the changes do not result in the financial requirements of the Special Fund exceeding the expected amount of the future fire state aid to be received by the Relief Association.

The financial requirements are to be determined by the Board of Trustees following the preparation of an estimate of the expected increase in the accrued liability and annual accruing liability of the Relief Association attributable to the change. If the Relief Association adopts or amends the Plan without municipal ratification, and, subsequent to the amendment or adoption, the financial requirements of the Special Fund are such so as to require financial support from the Municipality, the provision that was implemented without municipal ratification shall no longer be effective without municipal ratification, and any service pensions or ancillary benefits payable with respect to the unapproved increase shall no longer be effective as of the January 1 of the year for which the Schedules I and II for the municipal contribution became due, and as of that January 1, service pensions or ancillary benefits shall be paid only in accordance with provisions of the Plan as amended or adopted with municipal ratification.

8.2 Consolidation and Plan Benefits. The Relief Association has not been consolidated with another relief association pursuant to Minnesota Statutes, Section 424B.02.

8.3 Termination of Plan. Upon dissolution of the Relief Association, after the settlement of nonbenefit legal obligations of the Special Fund, the Board shall transfer the remaining assets of the Special Fund, as securities or in cash, as applicable, to the chief financial official of the Municipality. The Board shall also compile a schedule of Participants to whom a service pension is or will be owed, any Beneficiary to whom a benefit is owed, the amount of the service pension or benefit payable based on the Bylaws and state law and the service rendered to the date of the dissolution, and the date on which the pension or benefit would first be payable under the Bylaws and state law.

The Municipality receiving the remaining assets of the Special Fund shall establish a separate account in the municipal treasury to function as a trust fund for Participants and their Beneficiaries eligible for Plan benefits. Upon submission of the proper form, on or after the initial date on which the service pension or benefit is payable, the municipal treasurer shall pay the pension or benefit due, based on the schedule described above and the other records of the dissolved Relief Association. The trust fund must be invested and managed consistent with Minnesota Statutes Section 69.775 and Chapter 356A. Upon payment of the last service pension or benefit due and owing, any remaining assets in the trust fund may be transferred to the general fund of the municipality. If the Special Fund had an unfunded actuarial accrued liability upon dissolution, the Municipality is liable for that unfunded actuarial accrued liability.

ARTICLE IX **MISCELLANEOUS**

9.1 Governing Law. This Plan shall be construed, administered, and governed in all respects under the laws of the State of Minnesota, except as preempted by federal law.

If any Minnesota laws are applicable solely to the Relief Association, then an Appendix F will be included to describe such laws.

9.2 Binding Effect. This Plan shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of any and all of the parties hereto.

9.3 Effective Date Application. If a member's Separation Date is prior to the Effective Date, the member's status and benefit under the Plan, if any, attributable to Active Service, shall be determined and paid in accordance with the provisions of the Plan in effect at the Separation Date.

If a member had a Separation Date prior to the Effective Date, but returns to complete a Year of Active Service that ends after the Effective Date, the member's status and benefits under the Plan for all Active Service shall be determined in accordance with the provisions of the Plan in effect at the subsequent Separation Date.

9.4 Authority of Board of Trustees. The Board of Trustees shall have full power, authority and discretion to do each and every act and thing which it is specifically required or permitted to do under the provisions of the Plan and to determine conclusively for all parties all questions arising in the interpretation or administration of the Plan.

APPENDIX C

EAST BETHEL FIREFIGHTERS RELIEF ASSOCIATION
Benefit Levels

Benefit Level Effective Date	Benefit Level per Year of Active Service	Interest Rate for Deferred Pension Benefit	Date Approved by Municipality
October 1, 2013	\$3,600	NA	August 7, 2013
May 5, 2009	\$3,400 (no change)	NA	December 6, 2006
January 1, 2007	\$3,400	NA	December 6, 2006

NA means not applicable.
NR means not required.
TBD means to be determined

RESTATED BYLAWS
OF
EAST BETHEL FIREFIGHTERS
RELIEF ASSOCIATION

The Bylaws of the Relief Association are hereby amended in their entirety and restated effective as of April 1, 2013.

ARTICLE I
NAMES

As provided in the Articles of Incorporation, the name of this organization shall be the East Bethel Firefighters Relief Association (the "Association").

ARTICLE II
DEFINITIONS

General Definitions

Whenever appropriate, words used herein in the singular shall include the plural, the plural may be read as the singular, and the masculine shall include the feminine.

The following words and phrases when used herein shall have the following meanings except as otherwise required by the context in which they are used:

"Active Member" is a member of the Association who is eligible for benefits and is currently meeting the minimum firefighter and service standards with the Fire Department. As of July 1, 2006, Active Members must be Volunteer Firefighters as defined in Section 2.1 of the Plan attached hereto.

"Board of Trustees" or "Board" shall mean the Board of Trustees of the Relief Association, and shall perform the functions and assume the same duties as a Board of Directors under Minnesota Statutes, Chapter 317A.

"Deferred Member" is a member of the Association who has retired or been terminated from the Fire Department but has not taken a distribution of benefits.

"Fire Department" is the Fire Department serving the Municipality.

"General Fund" shall mean the fund established pursuant to Minnesota Statutes, Section 424A.06 that holds the funds received from dues, fines, initiation fees, entertainment revenues and any money or property donated, given, granted or devised by any person, for unspecified uses.

“Material Financial Interest” is a financial interest or expectation of any kind on the part of a Board member or Relative, which is substantial enough to reasonably affect the judgment of the Trustee who has a conflict of interest. The term “financial interest” includes any and all monetary expectations and exists when a Board member or Relative has rights (whether or not a Deferred Member or beneficiary) to be paid compensation, retiree benefits, or to have their expenses reimbursed or obligations or other liabilities repaid, etc. (See Article IX Fiduciary Responsibility.)

“Municipality” is the City of East Bethel.

“Municipal Trustees,” formerly known as ‘ex-officios,’ are members of the Board of Trustees designated solely by the Municipality and shall include the two appointed or elected officials and the fire chief, as further defined in Section 5.1 herein.

“Relative” is a member of one’s family and includes spouses, parents, children, siblings, in-laws, aunts, uncles, first cousins, step-parents, step-children, and may include other family members such as common-law partners or long-time companions, of a Trustee who has a conflict of interest. (See Article IX Fiduciary Responsibility.)

“Special Fund” shall mean the fund as defined in Section 2.1 of the Plan attached hereto.

“Supermajority” is required when there is a conflict of interest on an item to be voted on by the Board of Trustees because one or more Trustees have a Material Financial Interest. A Supermajority is the majority of those Trustees after subtracting the Trustee(s) who has a conflict of interest (e.g., Nine (9) Trustees less two (2) with a conflict = Seven (7). Supermajority would require four (4) Trustees to vote in favor to pass the motion). (See Article IX Fiduciary Responsibility.)

ARTICLE III PURPOSE

As provided in the Articles of Incorporation, the purpose of the Association is to provide retirement relief and other benefits to members and their dependents. For purposes of Chapter 424A of Minnesota Statutes, the Association is a governmental entity that receives and manages public funds to provide retirement and ancillary benefits for individuals providing the governmental services of firefighting and, if applicable, emergency response. The Association may also raise funds from private sources to furnish fire and emergency equipment for the Fire Department, and for other purposes deemed necessary and appropriate by the Association to the extent permitted by law. Benefits paid to members and their dependents shall be funded exclusively through governmental sources and, to the extent provided by State law, through restricted donations.

ARTICLE IV MEMBERSHIP

4.1 Admission. All firefighters of the Fire Department are members of the Association and shall be eligible for benefits, except as otherwise stated in these bylaws. An application for membership shall be completed on the Membership Application and Beneficiary Designation form to become eligible for benefits in the Association. Upon approval of the member's application, such member shall accrue service credit for all active service while in probationary status.

4.2 Membership Duties. The Association does not require membership duties.

4.3 Membership Dues. The Association does not require membership dues.

4.4 Member Voting Rights. Each Active Member shall be entitled to one (1) vote on any matter voted upon by the membership. Deferred Members are not entitled to vote. Voting by proxy/absentee ballot is permitted following the procedures set forth in Section 4.5.

4.5 Proxy/Absentee Ballot. *Member Voting*: If permitted by the Board prior to a meeting, voting members may cast votes by submitting an absentee ballot provided by the Board that is signed by the member and deposited in the ballot box set out by the Board. Submission of an absentee ballot shall constitute a proxy to the officer of the Association designated and authorized on the ballot who is bound to cast the member's vote in accord with the member's ballot choices. The member may withdraw his/her proxy/absentee ballot by attending a meeting and voting in person. Use of proxies/absentee ballots may only be used on items listed on the ballot and may not be used when trustees and/or officers are elected from the floor during the meeting.

Counting Ballots: If ballots were used because there were more than two candidates for any Trustee position up for election as indicated under Section 7.2, an officer of the Association who is not standing for election shall count the ballots as follows: All first choices are counted, and if no candidate wins a majority of first choices, then the last place candidate is eliminated. Ballots of voters who ranked the eliminated candidate first are redistributed to their next choice candidates, as indicated on each voter's ballot. Last place candidates are successively eliminated and ballots are redistributed to next choices until one candidate remains or a candidate gains a majority of votes.

In case of a tie resulting from the above procedure, the candidates receiving the two highest number of votes shall be placed into new balloting to be effected at the meeting. The previously submitted proxy/absentee ballots shall be recounted using the above procedures for the two candidates who have tied. Simultaneously, members present at the meeting will recast their vote for the two candidates who have tied. Additional balloting including the proxy/absentee ballots for said office shall continue until one candidate shall receive a majority of votes cast on a rebalot and he shall be elected to said office.

4.6 Separation. For records retention and administration of the Association, the Board may request that a Deferred Member complete and submit a Membership Separation Form.

4.7 Member Recognition. The Association may continue to honor members whose status has changed between volunteer/paid on-call and full- or part-time employee of the same Fire Department. The members shall adopt written policies and procedures, including any eligibility or types of recognition.

4.8 Termination. Any member who is terminated by the Fire Department or Municipality shall cease accruing benefits under the Association as of the date of termination.

ARTICLE V BOARD OF TRUSTEES

5.1 Composition. The Board of Trustees shall consist of nine (9) members. Six (6) trustees shall be elected from the membership of the relief association. There shall be three (3) officials drawn from the Municipality. The three (3) Municipal Trustees must be one (1) elected municipal official and one (1) elected or appointed municipal official, who are designated as municipal representatives by the municipal governing board annually, and the chief of the municipal fire department. The Municipal Trustees must be designated annually by the city council of the Municipality.

5.2 Duties. The Board of Trustees shall perform the functions and assume the same duties as a Board of Directors under Minnesota Statutes, Chapter 317A. In addition, the Board of Trustees shall:

- (a) Have exclusive control and management of all funds received by the Treasurer pursuant to the statutes of the State of Minnesota and all moneys or property donated, given, granted or devised for the benefit of the Association.
- (b) Examine the books, papers, funds, securities and property in the custody of the Treasurer, and general accounts, funds and securities, and property of the Association.
- (c) Examine and approve the validity of all claims prior to payment by the Treasurer.
- (d) Provide the forms on which members may submit claims to the Board of Trustees for their approval.
- (e) On an annual basis or more frequently as may be required to determine eligibility for benefits, confirm minimum firefighter and service standards pursuant to the Volunteer Firefighter definition in Section 2.1 of the Plan attached hereto.

- (f) Assume such additional duties as may be described in Article IX herein and in Association policies and procedures or required by state law including the establishment of any committee deemed necessary or appropriate.

ARTICLE VI OFFICERS

6.1 Number. The number of officers of the Association and their duties shall be as set forth below.

6.2 President. It shall be the duty of the President of the Association to:

- (a) Have general active management of the business of the corporation;
- (b) When present, preside at meetings of the Board and of the members;
- (c) See that orders and resolutions of the Board are carried into effect;
- (d) Sign and deliver in the name of the corporation bonds, contracts, or other instruments pertaining to the business of the corporation, except in cases in which the authority to sign and deliver is required by law to be exercised by another person or is expressly delegated by the articles or bylaws or by the Board to another officer or agent of the corporation;
- (e) Maintain records of and, when necessary, certify proceedings of the Board and the members; and
- (f) Perform other duties prescribed by the Board.

6.3 Pro Tem Officers. In the absence of the President and Vice President, if applicable, the Board of Trustees shall appoint an interim President from the existing Officers and/or Trustees other than the Municipal Trustees, who shall perform the duties applicable to the office.

6.4 The position of Vice President shall not exist.

6.5 Secretary. It shall be the duty of the Secretary of the Association to:

- (a) Keep a record showing the correct addresses of all members and request the names of their beneficiaries.
- (b) Keep or cause to be kept an accurate record of all meetings of the Association and of all meetings of the Board of Trustees.
- (c) Conduct and direct the investigation of all claims.
- (d) Keep a record of all monies received and paid out by the Treasurer.

- (e) Provide access to the Association's Articles, Bylaws, minutes, and financial statement on the last annual accounting period to all members or all Board of Trustees (including the Municipal Trustees), for any proper purposes they may have, in accord with Minnesota Statutes, Section 317A.461.

6.6 Treasurer. It shall be the duty of the Treasurer of the Association to:

- (a) Receive and receipt all monies due the Association from members and other sources and to keep accurate accounts and records of all the money so received.
- (b) Have custody of all monies and securities belonging to the Association.
- (c) Furnish a surety bond in favor of the Association for the faithful performance of all duties involving the Association and for the safekeeping of, or accounting for, all monies and securities that may come into its possession. The bond shall be in an amount equal to at least 10% of the assets up to a maximum of \$500,000.
- (d) Pay all properly approved claims for benefits, and to pay all bills incurred in the way of necessary expenses in the conduct of the business of the Association and to keep accurate accounts and records of all the money so paid.

6.7 General Duties.

- (a) It shall be the duty of the President, along with the Treasurer to countersign all checks issued by the Association.
- (b) The officers shall annually prepare an annual financial report of the Association's receipts, disbursements, and balances in the Special and General Funds for the preceding calendar year on a form prescribed by the Office of the State Auditor. They shall transmit the report to the city clerk or clerk-treasurer of the Municipality for inspection, signature and transmission to the State Auditor pursuant to law.
- (c) Pursuant to the Volunteer Firefighter Relief Association Financing Guidelines Act of 1971, the officers of the Association shall, annually, determine the financial requirements of the Special Fund for the following year. The financial requirements of the relief association and the minimum municipal obligation must be included in the financial report or financial statement.

6.8 Compensation. No compensation is authorized for services to the Association by any officer or trustee.

ARTICLE VII ELECTIONS

7.1 Trustee Terms. The Trustees shall be elected to staggered two-year terms. There will be three (3) Trustees elected by the membership each year at the annual meeting of the Association, and begin their individual terms on January 1 after the meeting at which they are elected.

Each appointed Municipal Trustee term is one (1) year or until the person's successor is qualified, whichever is later. The term of a Municipal Trustee shall terminate upon termination of the Trustee's position with the Municipality.

An individual Trustee may serve an unlimited number of terms.

7.2 Voting on Trustees. Each of the positions on the Board of Trustees who are not the Municipal Trustees shall be voted on separately by the Active Members in attendance at the annual meeting. No nominations of slates of candidates or cumulative voting shall be allowed. All votes unless specified prior to the vote, shall be conducted by a voice vote. A simple majority of those present at the meeting is needed to elect. If a simple majority cannot be determined by voice vote, the officer in charge of the vote shall ask for a show of hands or for a secret ballot. A trustee who was elected by the membership may be removed with or without cause by a simple majority vote of the Active Members in any subsequent annual, regular or special meeting.

If allowed by the Board of Trustees under Section 4.5, a proxy/absentee ballot may be used to perform "runoff voting" if there are more than two candidates for any Trustee position up for election and Active Members must rank candidates by order of preference. See Section 4.5 for counting ballots.

7.3 Officer Terms. The offices of President, Secretary, and Treasurer shall be elected to one-year terms, and begin their individual terms at the end of the meeting at which they are elected.

7.4 Voting on Officers. Officers shall be elected by the Board of Trustees from among the elected Trustees. Voting for officer positions by the Board of Trustees will take place at the first Association Board Meeting following the Annual Meeting. Each position will be nominated and elected separately at this meeting. A simple majority is needed for an officer to be elected. The officer in charge of the vote shall ask for a show of hands *but shall not allow* for a secret ballot, and each vote shall be recorded in a public journal. An officer may be removed with or without cause by a simple majority vote of the Trustees in any subsequent annual, regular or special meeting.

No individual may hold more than one (1) officer position at one (1) time.

7.5 Officer and Trustee Vacancies. In the case of death, resignation or removal from office for any elected officer or Trustee of the Association, except a Municipal Trustee, the vacancy shall be filled by the Board of Trustees from the membership at a Board meeting to be duly called for the purpose of filling out this term. In the event an officer fails to retain his position as an elected Trustee, he must vacate his officer position pursuant to Minnesota Statutes, Chapter 424A Volunteer Firefighters' Retirement.

ARTICLE VIII MEETINGS

8.1 Annual Meeting of the Members. The annual (regular) meeting of the members shall be held on the fourth Monday of October each year unless a different date is designated by the Board. The place of the meeting shall be designated and may be changed from time to time by the Board of Trustees.

8.2 Regular Meetings of the Members. Other regular meetings of the members shall be held on the fourth Monday each month except if that day is a holiday. If it is a holiday, the majority of the Board can set an alternate meeting date, by following the notice procedures under Section 8.4 below. The place of the meeting shall be designated and may be changed from time to time by the Board of Trustees. The schedule of the regular meetings on file at primary offices is sufficient for notice unless time or location is changed.

8.3 Special Meetings of the Members. Special meetings of the members may be called at any time upon the written order of the President and one (1) other member of the Board of Trustees, or six (6) voting members of the Association. The place of the meeting shall be designated and may be changed from time to time by the Board of Trustees.

8.4 Notice of Meetings of the Members. A notice of every annual and any special meetings of the members shall include the date, time, place and purpose of the meeting and be *posted* on the bulletin board of the Association, or if no bulletin board, on the door of its usual meeting room; *and* in accord with Minnesota Statutes, Section 317A.433 Subd 4, business at a special membership meeting must be limited to the stated purpose; *and further* in accord with Minnesota Statutes Section 317A.435, each voting member shall be *provided* at least five (5), but not more than sixty (60) days, before the meeting, (excluding the date of the meeting) with notice setting forth the date, time, place, and purpose of the meeting.

8.5 Member Quorum. Fifty-one (51) percent of the Active Members of the Association shall constitute a quorum for the transaction of business at their meetings.

8.6 Member Voting. Each Active Member present at the meeting shall be entitled to one (1) vote. All votes, unless specified prior to the vote, shall be conducted by a voice vote. If a majority cannot be determined by voice vote, the officer in charge of the vote shall ask for a show of hands or for a secret ballot. Voting by proxy/absentee ballot will be allowed under Section 4.5. A voting "majority" is majority of the quorum, not majority of the entire association membership.

8.7 Regular Meetings of the Board of Trustees. Meetings of the Board of Trustees shall be held on the fourth Monday of January, April, July and first Monday in November except that if that day is a holiday. If it is a holiday, the majority of the Board can set an alternate meeting date, by following the notice procedures under Section 8.9 below. Meetings of the Board of Trustees shall be held at the Fire Station unless noticed for another place within the City as designated by the Board.

8.8 Special Meetings of the Board of Trustees. Special meetings of the Board of Trustees may be called at any time upon the written order of the President and one (1) other member of the Board of Trustees. The meeting shall be held at the Fire Station unless noticed for another place within the City as designated by the Board.

8.9 Notice of Meetings of the Board of Trustees. The association is governed by Minnesota Statutes, Section 13D.01 which requires that all meetings of the Association's Board of Trustees be open to the public with rare exceptions. All notices provided for in this Article shall comply with Minnesota Statutes, Section 13D.04 which requires at a minimum that:

- (a) a schedule of any regular meetings of the Board of Trustees be kept on file at the Association offices, and
- (b) for special meetings, a notice stating the date, time, place and purpose of the meeting be *posted* on the bulletin board of the Association, or if no bulletin board, on the door of its usual meeting room; *and* in accord with Minnesota Statutes, Section 317A.231, each Trustee shall be *provided* at least three (3), but not more than sixty (60) days, before the meeting, (excluding the date of the meeting) with notice setting forth the date, time, place, and purpose of the meeting.

8.10 Board Quorum. A majority of the Board of Trustees then in office shall constitute a quorum for the transaction of business at its meetings.

8.11 Board Voting. Unless the Articles or Bylaws specify otherwise, an action of the Board shall be effected by a majority vote of the Trustees present and eligible to vote once a quorum has been achieved. The officer in charge of a vote shall ask for a show of hands *but shall not allow* for a secret ballot *nor proxy*, and each vote shall be recorded in a public journal. No action shall be considered once a quorum has been lost.

8.12 Electronic Meeting Prohibited. Any meeting of the Board of Trustees or the membership by solely electronic means (e.g., e-mail, simulchat or phone conference) that is not accessible to the public at a set meeting location is prohibited.

8.13 Order of Business. At any annual, regular and all special meetings, the order of business shall be as follows:

- (a) Call to order by the President
- (b) Roll call (verify quorum)
- (c) Secretary's Report (reading of previous minutes)
- (d) Treasurer's Report
- (e) Report of the Board (member meeting)
- (f) Report of other committees (Board or member meeting)
- (g) Election of Trustees and Officers, if applicable (annual member meeting)
- (h) Old Business
- (i) New Business
- (j) Adjournment

**ARTICLE IX
FIDUCIARY RESPONSIBILITY**

9.1 Board of Trustees. Each member of the Board of Directors, also acts as a trustee of the Special Fund. The Board of Directors therefore also acts as the Board of Trustees. The Board of Trustees is charged with administering retirement and ancillary benefits under the Special Fund, and the Trustees are fiduciaries subject to the standard of care set forth in Minnesota Statutes, Section 11A. 09 and Section 356A.04. This includes specifically assuming such additional duties as may be described in Association policies and procedures or required by state law, including:

- (a) adopting an investment policy;
- (b) providing written investment restrictions to brokers;
- (c) securing certificates of insurance; and
- (d) establishing a continuing education plan in order to keep abreast of their fiduciary responsibilities.

9.2 Prohibited Transactions. No fiduciary of the Association shall cause the Association to engage in a transaction if the fiduciary knows or should know that a transaction constitutes one (1) of the following direct or indirect transactions:

- (a) sale or exchange or leasing of any real estate between the Association and a Board member;
- (b) lending of money or other extension of credit between the Association and a Board member or member of the Association;
- (c) furnishing of goods, services, or facilities between the Association and a Board member;
- (d) transfer to a Board member, or use by or for the benefit of a Board member, of any assets of the Association. Transfer of assets does not mean the payment of Association benefits or administrative expenses permitted by law; or
- (e) sale, exchange, loan, or lease of any item of value between the Association and a fiduciary of the Association other than for a fair market value and as a result of an arm's-length transaction.

9.3 Fiduciary Responsibilities Apart from the Special Fund. Although the title "Trustee" is applied to members of the Board of Directors of the Association, the fiduciary standard that Directors are subject to is two-tiered as a matter of State law. With respect to the Association's Special Fund, Trustees are required to meet a standard of care that applies to fiduciaries under Minnesota Statutes, Section 11A. 09 and Section 356A.04, as described above. With respect to business and management decisions not including decisions related to the Special

Fund, all Trustees are required to meet a standard of care that applies to nonprofit corporation Directors under Minnesota Statutes, Section 317A.251. These decisions include, but are not limited to, business decisions regarding fund-raising activities, and disposition of and management of the General Fund. Accordingly, in their decision-making and management, Trustees must discharge the duties of their position in good faith, in a manner the Director reasonably believes to be in the best interests of the Association, and with the care an ordinarily prudent person in a like position would exercise under similar circumstances. Directors are not, in accord with that same statutory section, considered “Trustees” with respect to the Association or with respect to property held or administered by the Association.

9.4 Conflict of Interest Procedures. When a member(s) of the Board of Directors has a conflict:

- (a) Each member of the Board of Directors, whether acting as a Director or as an Officer of the Association, has a duty to disclose to the Board (or to any committee of the Board) the material facts of any proposed transaction or action of the Association in which they or a Relative have a Material Financial Interest.
- (b) The disclosure required under (a) (above) ***must be made, to the extent possible, prior to any consideration of such proposed transaction or action*** by the Board of Directors or by any applicable committee of the Board of Directors. If a Board member does not recognize the existence of a conflict prior to the Board of Director’s decision regarding the transaction, that person has a duty to disclose the material facts of the conflict as soon as the conflict is recognized.
- (c) The Board member having a conflict shall not participate in the deliberation or decision regarding the matter under consideration and shall leave the room during deliberations except when he has been invited by the Board or committee to participate, after consideration of the significance to the Association of the disclosed conflict. The Board of Directors or committee may also request that he provide the Association with any relevant information known to the Board member regarding the matter.
- (d) Any proposed transaction or action in which the Board of Directors has determined that a Director has a conflict of interest that is not “de minimis” is to be approved by a ***majority of all the Board of Directors then-serving who would be entitled to vote*** and who are not interested Board members at a meeting at which a quorum is present (i.e., by a Supermajority of the entire Board of Directors not including a Board member(s) who has a conflict of interest), even though the non-conflicted directors may constitute less than a quorum). Deliberations by the Board of Directors regarding the conflict shall be documented in Board minutes no later than 60 days following the subject meeting. The votes of each Board member in support or in opposition to the transaction or action shall be noted.

- (e) All Board members are obligated to notify the Board of Directors if they believe another Board member has failed to disclose a conflict, and this procedure shall be followed by the Board of Directors in all such instances.

ARTICLE X FUNDS

10.1 Funds. All money received by the Association shall be kept in two (2) separate funds, the General Fund and the Special Fund. Disbursements from the funds shall be in accordance with Minnesota Statutes and Rules and the Bylaws of the Association.

10.2 General Fund. The funds received by this Association from: dues, donations, fines, initiation fees, entertainment revenues and any moneys donated for unspecified uses shall be kept in the General Fund and may be disbursed upon a majority vote of the membership or of the Board of Trustees for any purpose reasonably suited to promote the welfare of the Association and its members. All expenses shall be paid out of the General Fund, except as specifically authorized to be disbursed from the Special Fund. These records shall be open for inspection by any member of the relief association at reasonable times and places.

10.3 Special Fund. All funds received by this Association from any tax sources, membership dues, except for dues payable as contributions to the General Fund, and other money that may be directly donated or transferred to said funds, shall be kept in a separate account on the books of the Treasurer known as the Special Fund and shall be disbursed only for the following purposes:

- (a) Payment of members' service pension benefits in accordance with these Bylaws,
- (b) Payment of ancillary benefits in accordance with these Bylaws,
- (c) Payment of fees, dues and assessments to the Minnesota State Fire Department Association and to the Minnesota Area Relief Association Coalition,
- (d) Payment of insurance premiums to the Volunteer Firefighters Benefit Association, or an insurance company licensed by the State of Minnesota offering casualty insurance, and
- (e) All administrative expenses authorized under Minnesota Statutes, Section 69.80.

These records shall be public and open for inspection by any member of the relief association, any officer or employee of the state or municipality, or any member of the public, at reasonable times and places.

10.4 Deposits. All money belonging to this Association shall be deposited to the credit of the Association in such banks, trust companies, or other depositories as the Board of Trustees

may designate. Board of Trustees shall make deposits in conformance with Minnesota Statutes, the Bylaws and the investment policy.

ARTICLE XI APPENDICES INCORPORATED IN BYLAWS

The following appendices attached hereto are expressly incorporated herein as a component of these Bylaws, with the same legal force and effect of Bylaws.

Appendix A: Bylaw Amendment History.

Appendix B: East Bethel Firefighters Relief Association Defined Benefit Lump Sum Retirement Plan.

Appendix C: Benefit Levels.

ARTICLE XII AMENDMENTS

12.1 Amendment of Articles of Incorporation by Members. Amendments to the Articles of Incorporation must be approved by a majority of the Board of Trustees and by a majority of the Active Members. The exception is changing the relief association's physical address; in that case, the Board of Trustees may amend the Articles of Incorporation without member approval. If an amendment is initiated by the Directors, proper notice of the proposed amendment must precede a meeting of the members at which the amendment will be considered and must include the substance of the proposed amendment. If an amendment is proposed, the members may demand a meeting of the Board of Trustees within 60 days for consideration of the proposed amendment if a regular meeting of the Board would not occur within 60 days.

12.2 Amendment of Articles of Incorporation by Board when Authorized by Members. When authorized by Active Members, the Articles of Incorporation may be amended by the Board of Trustees by the affirmative vote of a majority of the Trustees then in office, at a meeting for which notice of the meeting and the proposed amendment have been given. The members may prospectively revoke the authority of the Board to exercise the power of the members to amend the Articles, with the exception of amending the relief association's physical address, which the Board can amend without member approval. Nothing in this Section shall be construed to permit the Board to adopt, amend, or repeal provisions in the Articles that would alter the rights of the membership.

12.3 Amendment of Bylaws by Board. The Bylaws of the Association may be amended by the Board at any regular or special meeting of the Board by a vote of the majority present and voting, provided that a quorum is present; and provided further that a notice of date, time, place, purpose of the meeting and proposed amendment be *posted* on the bulletin board of the Association, or if no bulletin board, on the door of its usual meeting room, *and* in accord with Minnesota Statutes, Section 317A.231, each Trustee has been *provided* at least three (3), but not more than sixty (60) days, before the meeting, (excluding the date of the meeting) with notice

setting forth the date, time, place, purpose of the meeting and proposed amendment.

Board Limitations of Bylaw Amendments. Nothing in this section shall be construed to permit the Board to adopt, amend or repeal provisions regarding:

- (a) Amending in any way the definition of “Active Service” set forth in the Plan attached hereto
- (b) Decreasing any benefit level set forth in the Plan attached hereto
- (c) Changing the deferred interest percentage set forth in the Plan attached hereto
- (d) Changing the vesting schedule set forth in the Plan attached hereto
- (e) Membership (Article IV)
- (f) Compensation (Section 6.8)
- (g) Elections (Article VII)
- (h) Member Quorum (Section 8.5)
- (i) Revise the number of Members required to amend the Bylaws (Section 12.4)
- (j) or limit the right of at least ten percent of the membership to propose a resolution for action by the members to adopt, amend, or repeal Bylaws that the Board has taken action to adopt, amend or repeal pursuant to this section.

12.4 Amendment of Bylaws by Members. The Bylaws of the Association may be amended at any regular or special meeting by a vote of two-thirds of the Active Members present and voting, provided that a quorum is present; and provided further that notice of any proposed amendment(s) shall be given by posting or reading the same at any regular or special meeting not more than thirty-one (31) days preceding that upon which such amendment(s) are to be acted upon (excluding the date of the meeting).

12.5 Ratification of Amendments by Municipality. If the Association amends its bylaws to affect the amount of, the manner of payment of, or the conditions for qualification for service pensions or ancillary benefits or disbursements other than administrative expenses, it may be necessary to obtain ratification of the amendment by the Municipality as described in Section 8.1 of Appendix B.

APPENDIX A

EAST BETHEL FIREFIGHTERS RELIEF ASSOCIATION

Bylaw Amendment History

For a complete summary of the amendments and, if applicable, the Board's rationale and purpose for the change, refer to the Board of Trustee meeting minutes listed with the effective date of the applicable amendment listed hereunder.

Effective Dates	Meeting Minutes	Summary of Change
July 28, 2014 (Document) July 28, 2014 (Benefit level; see Appendix C)	July 28, 2014 (Board of Trustees) NA (Membership) See Appendix C for Municipality minutes	Increase benefit level per Year of Active Service from \$3,600 to \$4,000
April 1, 2013 (Document) October 1, 2013 (Benefit level; see Appendix C)	July 22, 2013 (Board of Trustees) NA (Membership) See Appendix C for Municipality minutes	Increase benefit level per Year of Active Service from \$3,400 to \$3,600
April 1, 2013 (Document) May 5, 2009 (Benefit level; see Appendix C)	March 4, 2013 (Board of Trustees) April 1, 2013 (Membership) See Appendix C for Municipality minutes	Restatement of Bylaws and Appendices in their entirety, moving from version 4 of the MNFPC Bylaw Solution™ to version 7.
May 5, 2009 (Document) May 5, 2009 (Benefit level; see Appendix C)	December 29, 2008 (Board of Trustees) May 4, 2009 (Membership) December 17, 2008 (Municipality)	Restatement of Bylaws and Appendices in their entirety as part of subscribing to the MNFPC Bylaw Solution™ version 4 that provides model documents, administrative forms, and trustee support.

NA means not available.
 NR means not required.
 TBD means to be determined

APPENDIX C

EAST BETHEL FIREFIGHTERS RELIEF ASSOCIATION
Benefit Levels

Benefit Level Effective Date	Benefit Level per Year of Active Service	Interest Rate for Deferred Pension Benefit	Date Approved by Municipality
July 28, 2014	\$4,000	NA	Pending
October 1, 2013	\$3,600	NA	August 7, 2013
May 5, 2009	\$3,400 (no change)	NA	December 6, 2006
January 1, 2007	\$3,400	NA	December 6, 2006

NA means not applicable.
NR means not required.
TBD means to be determined



City of East Bethel City Council Agenda Information

Date:

August 20, 2014

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

Route 865 Commuter Express Bus Service

Requested Action:

Information Only

Background Information:

Over the past twenty years traffic levels on Highway 65 through Blaine, Ham Lake, and East Bethel have increased by 25 to 40 percent, resulting in significant congestion for travel through the corridor during the morning and afternoon peak travel periods.

Recognizing this concern, the Anoka County Highway Department applied for and succeeded in obtaining federal funding to begin a new express commuter transit route between downtown Minneapolis and park and ride lots to be located along the corridor in East Bethel, Ham Lake and Blaine. Metro Transit will operate the route during the three-year demonstration period, after which, the route may continue as part of their system provided there is sufficient demand.

Beginning Monday, August 25th, commuters who travel Highway 65 to downtown Minneapolis will have a new bus option available. Comfortable coach style buses will be used for providing express service during the morning and evening rush hours. The route will extend from northern Anoka County to downtown Minneapolis, with stops at three park and ride locations in East Bethel, Ham Lake, and Blaine.

Route 865 will operate on the shoulders to bypass the daily congestion, enabling the buses to have a travel time advantage over driving your own car. During the morning and afternoon peak travel periods, there will be nine trips between downtown Minneapolis and the Park and Ride lot in Blaine with the lots in Ham Lake and East Bethel having three trips.

The ride fare will be \$3 each way, which will be less expensive than driving when considering the cost of fuel and downtown parking. Factor in the additional cost of wear and tear on a car, and the time spent in traffic and the option of a stress-free commute in a coach style bus makes this mode of transportation as an even more attractive option.

Attachments:

Attachment 1- Express Commuter Route 865 Information Flyer

Fiscal Impact:

To be determined

Coming Soon!

Express Commuter Route 865

EAST BETHEL—HAM LAKE—BLAINE—DOWNTOWN MPLS

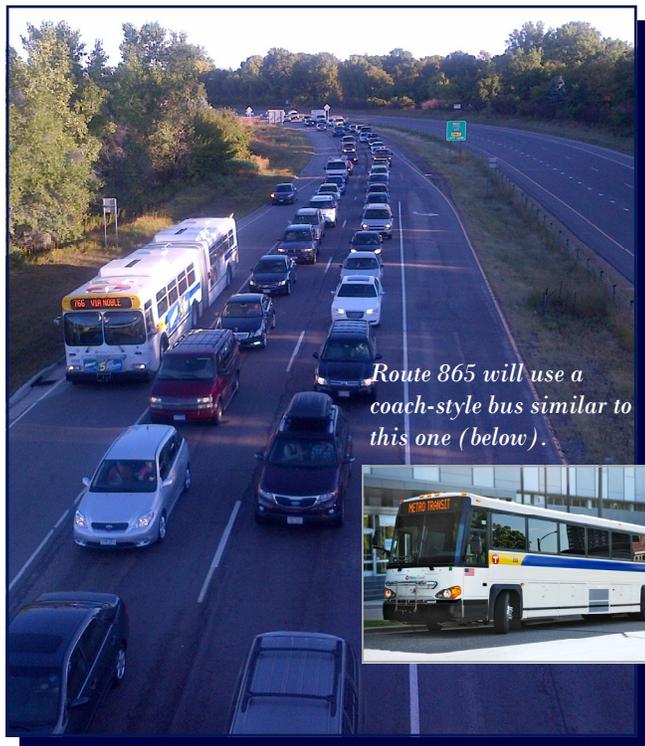
Service to Begin in late August

In late August this summer, commuters who travel via Highways 65, 10, 610, and I-94 to downtown Minneapolis will have a new bus option available. Comfortable coach style buses will be used for providing express service during the morning and evening rush hours. The route will extend from northern Anoka County to the heart of downtown Minneapolis with stops at three park and ride locations in East Bethel, Ham Lake, and Blaine.

Metro Transit will operate the route during the three-year demonstration period, after which, the route may continue as part of their system provided there is sufficient demand.

Stress-free / Comfortable and Affordable Commuting

This express service will have limited stops and the ability to travel on shoulders lanes. This will make morning and afternoon travel times considerably shorter than driving your own car. Plus, you can use this time to finish up work or just relax in the comfortable seats of the coach-style buses used for this service.



Route 865 will use a coach-style bus similar to this one (below).

The new route will be able to operate on the shoulders to bypass the daily congestion on Highways 65, 10, 610, and I-94, which will make your commute faster!

\$3.00 Fare

The proposed fare will be \$3 each way, which is less than the parking and fuel cost for driving your own vehicle downtown. Also, many employers offer Metropass, which reduces this cost to under \$3.00.

If you would like more information about this new service or other transportation options for your commute to work, call Metro Transit at 612-373-3333.

 You can also check the website at: www.metrotransit.org

Another good source of information on travel options is Anoka County's Travel Management Organization, Commute Solutions.

Visit the website at: www.Commute-Solutions.org



-- See the other side of this flyer for the route map and schedule --



Anoka County
MINNESOTA

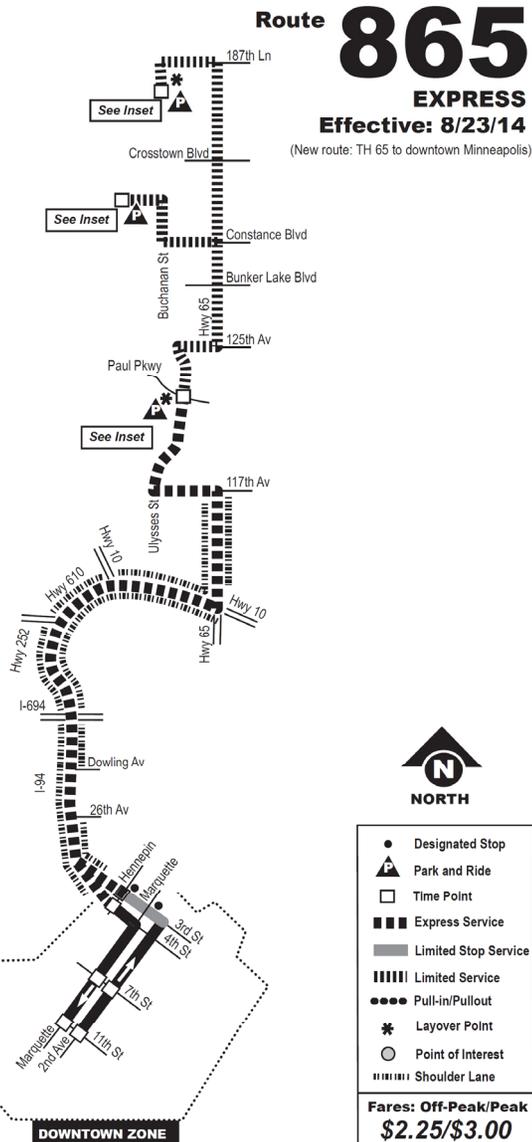
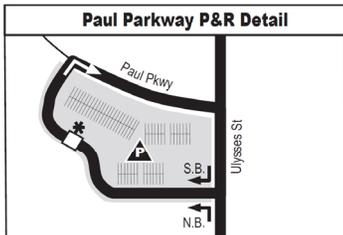
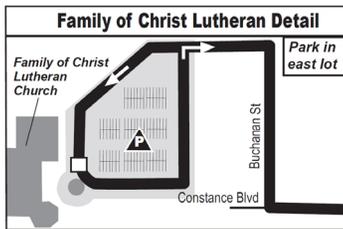
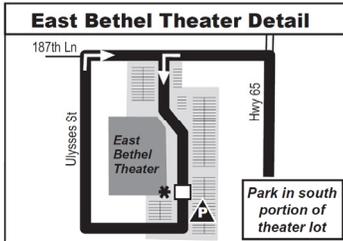
Respectful. Innovative. Fiscally Responsible



Metro Transit Route 865

Route:

As indicated on the map, the route will have stops at three park and ride lots adjacent to Highway 65. From Highway 65, the route will use Highways 10, 610, 252, and I-94 into downtown Minneapolis where it will travel on Marquette and 2nd Avenues.



Route 865 EXPRESS
Effective: 8/23/14
(New route: TH 65 to downtown Minneapolis)



NOTE:
PRELIMINARY ROUTE/SCHEDULE
Route and schedule may have changes between now and the start date in late August. The Metro Transit webpage: (www.metrotransit.org) will have the most up to date information.

Schedule:

During the morning and afternoon peak travel periods, there will be nine trips between downtown Minneapolis and the Park and Ride lot being constructed in Blaine at Paul Parkway and Ulysses Street. The park and ride lots in Ham Lake and East Bethel will have three trips during each of these periods. An example trip using the preliminary schedule listed below, is provided below.

Morning Travel Peak Period: Southbound to Downtown Minneapolis

ANOKA COUNTY			DOWNTOWN MINNEAPOLIS		
East Bethel: EB Movie Theatre P&R	Ham Lake: Family of Christ Church P&R	Blaine: Paul Pkwy / Ulysses P&R	4th Street & Hennepin	Marquette & 7th Street	Marquette & 11th Street
		5:49 AM	6:17 AM	6:21 AM	6:24 AM
5:56 AM	6:03 AM	6:14 AM	6:42 AM	6:46 AM	6:49 AM
		6:45 AM	7:15 AM	7:19 AM	7:22 AM
6:34 AM	6:41 AM	6:52 AM	7:22 AM	7:26 AM	7:29 AM
		7:06 AM	7:40 AM	7:44 AM	7:47 AM
6:56 AM	7:03 AM	7:14 AM	7:48 AM	7:52 AM	7:55 AM
		7:32 AM	8:06 AM	8:10 AM	8:13 AM
		7:51 AM	8:19 AM	8:23 AM	8:26 AM
		8:06 AM	8:34 AM	8:38 AM	8:41 AM

To illustrate how to read the schedule, a trip leaving the East Bethel Park and Ride at 5:56 AM would arrive in downtown Minneapolis (4th Street & Hennepin) at 6:42 AM. On its way this bus would also stop in Ham Lake at 6:03 AM, and in Blaine at 6:14 AM.

Afternoon Travel Peak Period: Northbound to Anoka County

DOWNTOWN MINNEAPOLIS			ANOKA COUNTY		
2nd Avenue & 11th Street	2nd Avenue & 7th Street	3rd Street & Hennepin	Blaine: Paul Pkwy / Ulysses P&R	Ham Lake: Family of Christ Church P&R	East Bethel: EB Movie Theatre P&R
3:10 PM	3:12 PM	3:17 PM	3:54 PM		
3:40 PM	3:42 PM	3:47 PM	4:24 PM	4:36 PM	4:45 PM
4:12 PM	4:14 PM	4:19 PM	4:56 PM		
4:22 PM	4:24 PM	4:29 PM	5:08 PM	5:20 PM	5:29 PM
4:39 PM	4:41 PM	4:46 PM	5:25 PM		
4:53 PM	4:55 PM	5:00 PM	5:39 PM		
5:10 PM	5:12 PM	5:17 PM	5:56 PM	6:08 PM	6:17 PM
5:40 PM	5:42 PM	5:46 PM	6:23 PM		
6:20 PM	6:22 PM	6:26 PM	7:00 PM		

Service begins August 25th



Anoka County MINNESOTA

Respectful, Innovative, Fiscally Responsible

Fares: Off-Peak/Peak \$2.25/\$3.00