

## EAST BETHEL CITY COUNCIL MEETING

OCTOBER 1, 2014

The East Bethel City Council met on October 1, 2014, at 7:30 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT:      Bob DeRoche              Tim Harrington  
                                 Heidi Moegerle          Tom Ronning

MEMBER ABSENT:        Ron Koller

ALSO PRESENT:         Jack Davis, City Administrator  
                                 Mark Vierling, City Attorney  
                                 Mark DuCharme, Fire Chief

**1.0**                      The October 1, 2014, City Council meeting was called to order by Mayor DeRoche at 7:30  
**Call to Order**        p.m.

**2.0**                      The Pledge of Allegiance was recited.  
**Pledge of**  
**Allegiance**

**3.0**                      **Moegerle, “I move we adopt tonight’s agenda.”** Harrington, “I’d like to add, under the  
**Adopt**                      Consent Agenda, line G, Supplemental Payment Summary.” **Moegerle, “I accept that**  
**Agenda**                      **amendment.”** Harrington, **“I’ll second the motion.** DeRoche, “Any discussion? All in  
                                 favor?” **All in favor.** DeRoche, “Opposed? Hearing none, motion passes.” **Motion passes**  
                                 **unanimously.**

**4.0**                      DeRoche, “I got kind of a sad e-mail this morning. I don’t know how many people are  
**Presentation**                      familiar with the Sandhill Crane Area and the School of Trust issues that were going on.  
**Condolences**                      One of the gentlemen that I know I’ve had the pleasure of three meetings with, was Joe  
**to the Joe**                      Julik, unfortunately was hang gliding over the weekend and died down in southern  
**Julik Family**                      Wisconsin. Nate and I, last week, went to a meeting with him and this thing is progressing  
                                 pretty good if anybody was following it or interested in it. So, I guess on behalf of myself  
                                 and the City of East Bethel, I’d like to extend our condolences to the family.”

**5.0**                      Lexi Milbrandt, 21235 Rendova Street NE, “My name’s Lexi Milbrandt and I live in East  
**Public**                      Bethel. This letter is about getting a new grocery store in East Bethel.”  
**Forum**

Moegerle, “Well, we’d be glad to accept that.” Ronning, “You have a lot of support too.”  
Moegerle, “Sure, I’d be glad to accept that. We’ll be sure that copies get around to  
everybody. Thank you.”

DeRoche, “And, do you want to explain for people why you came tonight?” Milbrandt, “I  
came for a social studies project. We’re supposed to go to two civic meetings and bring up  
a topic and I thought I should say about the grocery store because my family would want a  
grocery store in East Bethel.” DeRoche, “Okay, great. Thank you. Moegerle, “Very good.  
Thank you.”

Ronning, “Do you want to read that? Introduce it and read it?” DeRoche, “Jack, you want  
5.0                      to go ahead and read it into the record?” Davis, “That’s fine.” DeRoche, “You don’t mind  
Public Forum                      if he reads it, do you?” Milbrandt, “No.” DeRoche, “Great.”

Davis, “Dear East Bethel City Council. Our family has been living in the area for a few years. We were very sad to see Soderquist Market close. We now travel an average of 15 to 20 minutes to a grocery store. We would love to get a new grocery store back in East Bethel. We think a grocery store would be very beneficial to the people living in the City. It would bring in jobs for the young and old. The grocery store could bring in a lot of revenue to the City and could potentially bring in other services and make East Bethel a very desirable place for residents and new businesses. We love living in this spacious land of East Bethel and a grocery store is exactly what this City needs to thrive in the future. Thank you for your time and efforts. Sincerely, Amy Milbrandt.’ Thank you very much.”

Ronning, “Nice letter. Very well written.” DeRoche, “Thanks Lexi.”

Amanda Olson, 1131 Pierce Path NE, “I’m Amanda Olson. I live at 1131 Pierce Path NE, East Bethel. I recently came up here, because I put like \$6,000 in my back yard. I raise huskies and me and my daughter, well me and my kids and my significant other, we like to help animals that people are getting rid of, actually a lot, and find them new homes. So, we put a lot of money into our yard and came up here to try to get a kennel license, which we were under the assumption we could. There’s a clause in there saying you have to have at least 2.5 acres or you can only have two dogs. So, me and my kids cried the most because we ended up having to get rid of one of our dogs because we didn’t have 2.5 acres and we had more than two dogs. So, what I’m asking is, like the City of Minneapolis, you can have four dogs and that’s in the city’s requirements. Bloomington you can have four dogs. Cambridge you can have five dogs. We moved out here so we had a little bit less restrictions and more space, you know. We’re very heart-filled people when it comes to anybody, actually. My daughter is in the East Bethel pageants and stuff like that. I help in the community. I help run the daycare at the churches. We really love it and asking if there’s any way you guys can reconsider either the amount of land you have to have in order to have a kennel license or the amount of dogs that you can have. Obviously, we’re not asking to have a million or anything. But, something more than two would be, you know, nice. Especially since we moved out here just so we could have a little bit more freedom. When we heard that, we actually considered putting our house up for sale because it was so heartbreaking to lose an animal like that, when they’re part of your family.”

Moegerle, “How much land do you have?” Olson, “We have, I actually, I don’t have acres, we have a big lot over in Whispering Aspens. It’s all fenced in. I spent, probably, \$3,000 on a house probably built way better than our own houses. I have a 15-foot kennel that is all welded and they also come inside, you know. There’s a lot of room for them to run and anybody is more than welcome to come and check it out. But, they’re very happy. Currently, we have two dogs and one of the puppies from one of the parents that we had to get rid of. Right now we’re still legal because she’s only, she’s less than four months old. I guess when it hits four months old, you know, is the time that you give to get rid of them. My kids are so heartbroken. They don’t want to give the only thing left of the parents they had to give up. So, I’m trying not to cry. I guess there’s been other people that have, when I came up here and talked to the nice lady at the counter, there is quite a few other people that had the same problem but nobody ever came to the Council meeting to bring it up. So, she said if I did come here, you guys would most likely reconsider it. Especially since all the surrounding areas including tight spaces in Minneapolis are allowed to have four dogs and here in East Bethel we’re...you should feel less restricted and less confined. Anyways, we have more restrictions like that. So, I just came to ask you.”

Ronning, "May I ask, how did you find out about the maximum dogs and acreage?" Olson, "Acreage? I came up to get a kennel license because, well, I did some research and I, when we, you know we've lived here for quite a few years, like I said. We didn't know until Nessa ended up, she had gotten pregnant so she had her puppies so I wanted to come and check it out and make sure it was within the City's guidelines. That's when I came up here and found that out and she said I could get a kennel license so I did all this work to my house and when I actually came to apply for the license, she found that clause in there. So then, at that time, when I had gotten, found really nice homes for the other puppies, I did some more investigating. Because one of my good friends that I go to school with too, I work and go to school, he lives in Minneapolis and another one lives in Bloomington and in Bloomington and in Minneapolis, I mean they have no yards, and they can have four dogs. Then, when I talked to the lady at the counter, she said that even Cambridge is allowed five dogs. I guess I'm not asking for, like, an obscene amount but something that is more realistic."

Moegerle, "How old is the puppy at this point? How much time do you have?" Olson, "He's three months." Moegerle, "Okay." Olson, "And, I just found out, and did all this within a few weeks. So, this is the first meeting that came up so I didn't want to miss it."

DeRoche, "All right, well it's, Jack, something we want to look at?" Davis, "This is the first I've heard of this. One thing you might want to check, too, is make sure that there's no covenants in that subdivision that you live in that also regulate the number of animals that you may keep. We do have, in our ordinance, the number of animals based on the size of your lots. You actually live in Whispering Aspens?" Olson, "Yes."

Davis, "And, that's probably what, a quarter acre lot?" Olson, "Yes. Some of them are bigger than others." Davis, "But, there wouldn't be anything bigger than a half acre up there." Olson, "Nope. But then, again, like I said, in Minneapolis and stuff, they barely have any back yard and they're allowed four dogs."

Moegerle, "Is your fence a solid wood fence? Or, is it chain link?" Olson, "It's solid wood. Solid wood with, you know like I said, welded kennels and stuff like that even though they come inside when we leave. That's where they go if I have to go to school or..."

Moegerle, "Have your neighbors mentioned any complaints?" Olson, "Never." Moegerle, "Is there barking issues or anything like that?" Olson, "No." Moegerle, "Okay, good." Olson, "They're very well behaved." Moegerle, "Great. So, can we look at that then? Soon?"

Davis, "What do you want to look at? The only thing we could do is look at changing the ordinance." Moegerle, "Right. In comparison to see, you know, if this is right. That Cambridge has five and, you know, that we're being unduly restrictive. I'd be interested in finding that out."

Olson, "Yeah, I'd really appreciate it. I mean, at least look into it, like I said. You know even Bloomington has, Bloomington, Minneapolis, has four dogs." Moegerle, "Sure."

DeRoche, "I think it's worth looking into but I don't want to give anybody false hopes up here. You know what I mean? I guess I'm kind of known for being direct. But, if there's something we can do and if we can figure something out, I think this is the group that's going to do it. But, I don't want somebody to walk away thinking, 'Oh, they're going to

change it.’ You know what I mean? Because it does take more than just one night or one meeting to do any ordinance changes.”

Olson, “Yeah, I realize that.” Davis, “Can you give me your contact information and we can look at some things. We’ll contact you directly and take it from that standpoint.” Olson, “Yes sir.”

Ronning, “I don’t know this to be a fact, but I would suggest that she’s probably the only one because she’s, nobody’s been honest enough to come up and say, ‘How many dogs can I have?’” Olson, “Sure, they say there’s nothing to enforce it and a lot of people have had issues. It’s just that nobody’s ever addressed the Council.” Ronning, “It’s unlikely that would be the only case in the City.”

Olson, “I know. Actually, I know for a fact in our neighborhood there is people with more dogs. It’s just that nobody enforces it. I want to be within the City’s regulations and guidelines. That’s why I came here tonight. You know, I didn’t want to...” Moegerle, “Good. Thank you.” Olson, “Thank you.”

No one else wished to speak at the Public Forum.

**6.0  
Consent  
Agenda**

Item A Bills/Claims

Item B September 17, 2014 City Council Meeting Minutes

Meeting minutes from the September 17, 2014, City Council Meeting are attached for your review and approval.

Item C Resolution 2014-39 – Resolution Certifying Emergency Service Delinquent Accounts

Collection of unpaid bills through the property tax system is provided for in the East Bethel Code of Ordinances, Chapter 74, Sec. 74-126 (b) for unpaid utility bills, Chapter 30, Sec. 30-15 for unpaid emergency services. Amounts remaining unpaid by November 15, 2014, will be certified to the auditor in the Recipient’s County for collection on property taxes.

Item D Pay Estimate #4 for the Lift Station No. 1 Reconstruction Project

This item includes Pay Estimate #4 to LaTour Construction, Inc. for the Lift Station No. 1 Reconstruction Project. This pay estimate includes payment for construction of the lift station fencing and restoration. Staff recommends partial payment of \$5,750.56. Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for this project.

Item E Pay Estimate No. 4 for Whispering Aspen Street Surface Improvement Project

This item includes Pay Estimate No. 4 to North Metro Asphalt & Contracting for the Whispering Aspen Street Surface Improvement Project. All payments for this project will be made to Northern Escrow, Inc as directed by the bonding company and as approved by the contractor. This pay estimate includes payment for bituminous wearing course. Staff recommends partial payment of \$88,896.25. Payment for this project will be financed from the City’s Street Capital Fund, through funds that are collected from the developer for street improvements in accordance with the Developers Agreement, and from excess bond proceeds. Funds, as noted, are available and appropriate for this project.

**6.0  
Consent**

Item F Accept Resignation of Fire Fighter

Ron Giefer has submitted his resignation as Fire Fighter with the City of East Bethel. Ron has served the City as Fire Fighter since December 2002. Staff and Council express their appreciation to Ron Giefer for his service and accept his resignation.

Item G Supplemental Payment Summary

DeRoche, "Everybody okay with it? If so, I'll entertain a motion to accept." Ronning, "Anybody have anything to pull?" Moegerle, "Well, I'll pull B since I wasn't here and won't vote for them. So, that's the only reason I'm pulling it."

**Ronning, "Move to accept the Consent Agenda pulling B for review." DeRoche, "I'll second. DeRoche, "Any discussion? All in favor?" All in favor. DeRoche, "Opposed? Hearing none, motion passes." Motion passes unanimously.**

**DeRoche, "I move to accept B other than with Moegerle's...but if she wasn't here then she isn't going to vote for them. That makes sense." Ronning, "Second." DeRoche, "Any discussion? All in favor?" DeRoche, Harrington, Ronning-Aye; Moegerle-Abstain, motion passes 3-0-1.**

**7.0** Commission, Association and Task Force Reports

**New Business**

7.0A None.  
Planning  
Commission

7.0B None.  
Economic  
Development  
Authority

7.0C None.  
Park  
Commission

7.0D None.  
Road  
Commission

**8.0** Davis presented the staff report, indicating the Council has previously discussed an interest in exploring the need for Rental Ordinance. As more rental properties have become available, there may be a need to consider an ordinance that would cover issues related to address these concerns.

**Department Reports**  
8.0A Community  
Development Blaine, Isanti, and St. Francis all have Rental Ordinances and those have been attached for your review.

8.0A.1 Rental  
Ordinance Ham Lake, Oak Grove and Cambridge do not have Rental Ordinances. Cambridge does have an ordinance that allows for rental inspections upon request of the tenant, neighborhood associations, or owners. Cambridge considered passage of a rental ordinance but it was ultimately denied by council.

8.0A.1  
Rental

Davis, "You do have examples of surrounding cities that do have them and those that don't. Cambridge has a very interesting approach to this with their request for inspection. They also passed a housing code that establish minimum standards for facilities and responsibilities of owners and tenants. I would encourage you to look at this. At this time, though, staff is seeking direction from Council on how to proceed on this matter."

DeRoche, "I would make the suggestion to direct staff to look into it. I think it's going to require at least one if not more Work Meetings. I think a Rental Ordinance, and I know there's a lot of people out there wondering, 'What the heck.' But, it's not to necessarily get people's...maybe a family member or friend of yours wants to rent your basement...that's not what it is. I would not want it designed that way. I guess what I'm more concerned with is people that have substandard housing that rent it out to people whether it be mold, electrical issues, structural issues. If the people are afraid to come forward because they'll be getting the ultimatum to either move or live with it, and I think that's something we should take a look at."

Moegerle, "One of the reasons that I've had some concerns about it and brought it up as well, was a resident at Coon Lake Beach that, she was in her third rental house at the Beach and the basement flooded, ruined a lot of her stuff. The owner was out of State. There's nothing to be done and it was very stressful, you know, with all things considered that the third move within six months or so. So, I really think that this is necessary. I think we need to look at it. I saw, in Blaine, no I'm sorry Isanti County, they said you couldn't have an out-of-county homeowner. I think that's a little tough but I think if there's a local property manager, I think that's something very important to have. Somebody in the City or nearby to address those kinds of issues. Because, that was certainly what the problem the resident had this spring was. There was nobody local to solve the problem for her."

DeRoche, "I've also heard from, a few people on the Beach, too many actually, with mold in the house, appliances are not working, bad roofs." Moegerle, "Painting over mold." DeRoche, "If someone has, maybe, a couple kids, it's, they just can't pack up and move. If you're going to have a piece of property, keep it up."

Ronning, "For Lexi and whoever else might not be aware and be interested, this seems like something simple. Why don't you just do something right now? The Mayor mentions a Work Meeting because in that setting, you can have open discussion about this. Technically, procedurally, we can't really discuss this without a motion and a second. Then you're kind of locked into, that's the only time you can have discussion in that process. So, it's sort of..."

DeRoche, "And to kind of add to what Tom is saying, if you notice that at the beginning of the meeting that there was an agenda that was adopted. The purpose of the agenda is so people out in the City have a chance to see what's going to be at the meeting so they can come in here and either talk to the Council or present something. But, if it's not on the agenda, we're not supposed to discuss it because people don't have that opportunity to come in and say what's on their mind. So, when people say, 'government moves slow,' it doesn't necessarily move slow but there's a lot more to it than I guess someone on the outside would see." Ronning, "It's just hard to see it move sometimes."

DeRoche, "What's your take on it Tim?" Harrington, "Oh, I agree with Heidi. I think this is something we should look into. There are houses on this side of 22 too. I think it's something we should look into."

DeRoche, "Okay, Jack, what do you think? You got enough direction?" Davis, "Yes, so you want to set a date for a Work Meeting? Or, you just want us to report back at the next Council meeting on some things that we find and then set a date from that point?" DeRoche, "I think we could probably do that depending on how big of a..."

Ronning, "One consideration request that I would have is, what's the history of this? In a community like East Bethel, I'm surprised that we have that kind of limitation. If it's recent, maybe we can look at what the reasoning was and what it changed from to." Davis, "I think it probably is recent because when I moved up here in 2006, I was looking for some rental property. At the time, there was almost nothing." Ronning, "Oh, I'm sorry, wrong subject."

Moegerle, "Mr. Martin was interested in having a Rental Ordinance and we looked at it at some point early on and then it kind of died. But, yeah, there has been the interest. It's just probably not the..." Davis, "And, to get back to kind of some of the history on this too with the downturn in the economy and a lot of foreclosure homes, some people moving or some people relocating, there has become more rental property available. The more that becomes available, the more these issues that you're going to be faced with. Again, we bring it up to see if it's something that's a concern. If it is, it's something we can take a look at."

DeRoche, "Well, I guess, I have a situation of a house next to me where there isn't any yard maintenance in the interim. So, I just cut the grass with a tractor and do whatever I have to do just to keep it up because the Realtor isn't doing it and the owners live in Washington State. There has to be some way to control what's going to go on. So, is everybody up for the idea of doing it next Council meeting? Or put it on the back of something?"

Davis, "Keep in mind, too, that we do have three weeks between the October 15<sup>th</sup> and the November 5<sup>th</sup> Council meeting. We have five Wednesdays in October so Wednesday the 22<sup>nd</sup> and the 29<sup>th</sup> are open, should you want to schedule a Work Meeting for one of those nights." Moegerle, "Could we do a Work Meeting before the next Council Meeting?" DeRoche, "Because we've got three Meet the Candidate nights. There's Commission meetings." Moegerle, "Yes, there's a lot coming up this month." DeRoche, "I don't have that schedule with me."

Davis, "If you want a Work Meeting before the next Council Meeting, we can certainly consider it then." DeRoche, "I'm up for that." Moegerle, "Good." Ronning, "I'm open." DeRoche, "So, that would be the 15<sup>th</sup>. Correct?" Davis, "Correct."

DeRoche, "Okay. And the Work Meeting, just for the public, it's not a public hearing so there's not going to be a lot of, you know you could, I guess, I would recommend if you have suggestions, mail them in to the City and they could be brought up. It's not going to be a public hearing so there won't be dialog between us and the people. Right?" Ronning, "It's informational discussion only. There's no action that can be taken. Any actions taken are required to be in this setting. So, everything is 'above board.' Everything's transparent."

**This item was referred to the October 15, 2014, Work Meeting.**

8.0A.2  
Final Plat  
Classic  
Commercial  
Park Third  
Addition

Davis presented the staff report, indicating at their meeting held August 26, 2014, the Planning Commission recommended approval of the Preliminary Plat for Classic Commercial Park 3<sup>rd</sup> Addition. City Council approved the Preliminary Plat on September 3, 2014.

This is a continuation of the platting of vacant property in the Classic Commercial Park. There have been no changes as result of comments for the Preliminary Plat and CD Properties North, LLC is requesting final plat approval.

Utilities and street improvements are in place and no additions are required for Lot 1, Block 1. All floodplain delineations, wetland designations, and other potential impacts for all of Outlot A were considered and addressed at the time the Aggressive Hydraulics Plat was reviewed and approved. The stormwater ponds in the Classic Commercial Park have been sized to adequately handle runoff from this plat and future plats. Plans for the future extension of sewer service along 187<sup>th</sup> Avenue and road improvements at the intersection of 187<sup>th</sup> Avenue and Buchanan Street to service the remainder of Outlot A will be presented with the civil drawings and plans when Lot 1, Block 1, is developed.

Staff requests that Council consider the approval of the Final Plat, Classic Commercial Park 3<sup>rd</sup> Addition.

**Moegerle, “I move that we approve the Final Plat, Classic Commercial Park 3<sup>rd</sup> Addition.” Harrington, “I’ll second. DeRoche, “Any discussion? All in favor?” All in favor. DeRoche, “Opposed? Hearing none, motion passes.” Motion passes unanimously.**

8.0B  
Engineer

None.

8.0C  
City Attorney

None.

8.0D  
Finance

None.

8.0E  
Public Works  
8.0E.1  
Street Light  
Request

Davis presented the staff report, indicating Ken Johnson and the residents of Tri Oak Circle are requesting the installation of a streetlight at the intersection of Tri Oak Circle and Viking Boulevard. Tri Oak Circle is one of two access points to the neighborhood of approximately 78 homes and is located on a curve on Viking Boulevard where sight lines are limited. A petition has been signed by numerous residents of the development for the street light request. The petition is included in your packet for your review.

After completion of the initial street light installation program in 2009, the Road Commission and City Council have elected to review new street light locations on a case-by-case basis. The City has not budgeted any monies for street light installation over the past five years. Funding for this project would have to come from the Street Maintenance Fund.

Connexus provided a cost estimate that included adding a new pole and a cobra-style LED light on the southwest corner of the intersection for \$2,300. An additional \$150 right-of-way permit would be required for placing the pole in the County right-of-way. Estimated monthly operating costs are \$7.76. This would be the first LED street light the City has installed and the monthly operating costs would be approximately 20% to 25% lower than traditional street lights. After November 1<sup>st</sup>, Connexus charges higher rates for pole and street light installation.

Street Light  
Request

The Road Commission reviewed the request at their scheduled September 9, 2014, meeting and unanimously recommended installation of the street light. The Road Commission felt that due to the limited visibility, number of vehicles using the intersection, and the location within the curve on Viking Boulevard, the location warranted a street light. The property owners near the installation have been contacted and indicated they are in favor of the installation.

You have attachments that show the proposed installation, some photographs that show what the visibility is at the intersection, and the petition that was signed by a number of residents within Tri Oak Circle.

The estimated total project cost of \$2,450.00 plus an annual operating cost of \$93.00 is the fiscal impact of the project. The funds for this installation are available within the Street Maintenance Budget due to reductions in personnel costs for unpaid leave.

The Road Commission and Staff recommend Council consider the installation and approval of the installation of the streetlight on the southwest corner of Viking Boulevard and Tri Oak Circle.

**Moegerle, “I move that we approve the installation of the streetlight on the southwest corner of Viking Boulevard and Tri Oak Circle.” Harrington, “I’ll second. “**

DeRoche, “I guess for discussion purposes, the only thing I would say, yeah, I’ve driven by there many times. It’s pretty black. We’ve been fortunate this year, there haven’t been any accidents. We really don’t want any. Why there hasn’t been one, a light there yet, I’m not quite sure.”

Ken Johnson, 19520 West Tri Oak Circle, “I’m here to just answer any questions you may have or what the feedback is from the people. Whatever I can do.”

DeRoche, “The only question, have you guys talked to whoever the light is going to reflect on? They don’t have any issues with it?” Johnson, “The three closest houses, one is across the street that is the owner of the land where he said, ‘You can put the pole.’ And, the two houses that are the closest that would have any light at all, signed the petition.”

Moegerle, “Great.” DeRoche, “All right. I don’t have any issue with it.” Johnson, “There’s 50-some signatures and I only got the people to sign that were actual owners. There are some rented properties and there were some people that maybe was seasonal or...after I tried to contact two or three times. I thought it was pretty significant.” Moegerle, “You did fine.” Johnson, “But, otherwise, I got everybody that I talked to except for one person and he is probably about the farthest away that anybody could be on Tri Oak Circle.” DeRoche, “All right. I don’t see any issues with it.”

Ronning, “Where is this in relation to the accidents that were happening last winter? There were several. Some fatalities.” Davis, “The accidents were more to the west. And, you know, again, all of those accidents, the six fatalities that occurred within 18 months, there was nothing that could be attributed to any of them as far as road design. But, this is probably at least one-half a mile farther back to the east than where the last accident occurred.”

Johnson, "This is strictly a safety issue. It's more of an evening kind of thing. I talked to Dana and Beth Passenheim who live across the street and they talked, I had not gotten their name on the petition because I was trying to keep it located just to Tri Oak Circle and not expand it. They had heard multiple times of screeching breaks or people laying on their horns with people slowing down. In addition to this, I have approval to get from the landowners that they would allow trimming back some of the trees there. And, I would contact the County in addition to this to ask them to trim the trees back."

DeRoche, "Jack, is there something that we could maybe request that?" Davis, "We could put that as a support letter for tree trimming. I don't know that it's ever been brought up to the County. But, if that's desired, we could certainly lend our support to that request." DeRoche, "It might help."

Johnson, "Is it, the name Christianson that..." Davis, "Jim Christianson." Johnson, "Jim Christianson that would be the person. My understanding and my checking is they're happy to do that but they're a little concerned that on just going out and doing it that the County Commissioner comes back and gets all upset because the landowners have called in. I've already checked with the landowners and they're okay with it." Moegerle, "Yeah." DeRoche, "Okay."

Davis, "As a matter of fact, Nate and I have a meeting with Doug Fischer next week. We can even bring this up at that time." Moegerle, "Great."

DeRoche, "That being said, I call the question. All in favor?" **All in favor.** DeRoche, "Opposed? Hearing none, motion passes." **Motion passes unanimously.**

Johnson, "Thank you."

Fire Chief Mark DuCharme, "Thank you Mr. Mayor and Council. Tonight I'm just here to bring Council up to date on an issue with the Anoka County Fire Protection Council and try to give a little background on the proposed Joint Powers Agreement. I want Council to know I'm not here asking for a decision because I think we're far, far away from that."

The Anoka County Fire Protection Council is roughly 40 to 50 years old. We're not quite sure. It was formed by all the Fire Departments to make procedures and policies somewhat universal as far as the Fire Service in Anoka County. It also promoted the Fire Prevention Programs that we have where we go into the schools and open houses and things like that. And, it also promoted working together with the Fire Departments within Anoka County. And, the structure has worked quite well for the past 40 years. Our Mutual Aid Agreements actually come out of that organization where we, if we're looking to change any of the agreements or add to them, that's where we really do it.

Anoka County Fire Protection Council has, as it is now, is not a Joint Powers Agreement. It's more or less, I would say, a loosely organized group of the Fire Departments. We don't set policies for the City. We don't set policies for the Fire Departments. There is some minor equipment that everybody has thrown in a little bit of money to have. And, as of right now, the major programs that are supported by the Anoka County Fire Protection Council are what we call the 'Juvenile Fire Setter Program' and the 'Fire Investigation Team' that East Bethel participates in and uses.

For the past three years, you've heard me talk a little bit about the Record Management System that Anoka County is developing for law enforcement, for fire service, the jail, City attorneys, in trying to bring everything together and update how we're dispatched, how we keep records, and communication between everybody, and up-to-date communication. We're well on the way of having that project wrapped up. As I said, we're in the third year. In the past 12 months, we've selected vendors. Those vendors are now going through installation and designing programs and things like that.

On the law enforcement side, there is a Joint Powers Agreement and that's the Joint Law Enforcement Council. Even though the County has paid for the Record Management System, as with any software, there's always maintenance that goes with it. And, the County has said that they will turn over ownership to the Joint Law Enforcement Council. The Anoka County Fire Protection Council would turn over ownership of the Record Management System. With the Joint Powers Agreements, we would be able to then properly assess the City's, you know, whatever the fees are.

So, originally, some, a year, two years ago, the Anoka County Fire Protection Council was going to develop a Joint Powers Agreement that was going to be narrow in scope and it was only going to cover how we were going to own the fire part of the Record Management System and how the Fire Departments in the member cities were going to be able to pay fees and what those fees were going to be. And, that was their original concept.

With anything, especially when it takes a long time, there's some 'mission creep.' I think everybody has received a copy of the proposed Agreement. And, there's a lot of 'mission creep' there. The issue that's going on with the County and the Anoka County Fire Protection Council is that the Agreement needed to be in place by the end of the year so that the proper charges for maintenance on the Fire Record System could begin. Well, I don't think that's going to happen, obviously. We have to put into place a Plan B.

I bring to the Council the proposed Joint Powers Agreement to kind of show you where we're at. I think that might be a good 'road map' for future but I think the Fire Protection Council has to really narrow that down and go back to where we were before as far as who's going to own that and how we're going to own it. There's a lot of communication going on with the Fire Chiefs and the City Administrators. There's a lot of communication going on with the City Attorneys. I believe the City Attorneys have a conference coming up to discuss this.

I thought it was important enough that I come tonight and just give you an update on that Joint Powers Agreement. If this was the final document, we'd probably have some reservations. This isn't the final document. My position has always been, let's just keep it to the subject that we originally discussed and agreed upon as a group two, three years back."

DeRoche, "Are you saying they added a little 'pork?'" DuCharme, "Well, there is and in talking with our City Attorney, some of the items that are in that Joint Powers Agreement might be really important to other fire departments in other larger cities. It doesn't mean they can't put together their own Joint Powers Agreement to have ownership of some things. And, it doesn't mean that we can't participate by maybe renting facilities, if they have facilities or services. But, at this point, I just think everybody has to take a 'deep breath' and take a 'step' back."

DeRoche, "Now, you want to clarify the fact that this has nothing to do with our Mutual Aid?" DuCharme, "Yes, it has nothing to do with this. Should a city decide not to be part of this Joint Powers Agreement, that has nothing to do with Mutual Aid, our Mutual Aid partners. We have those agreements and they're 'locked up,' they're signed, they're agreed to. Our Mutual Aid partners all agree this has nothing to do with it. Should we make other Mutual Aid Agreements in the future, that has nothing to do with the Joint Powers Agreement."

DeRoche, "Do you want to just kind of explain to people what Mutual Aid is?" DuCharme, "Absolutely, because, and that's a good point Mr. Mayor, because it could be that if there's an emergency incident at somebody's house, you could end up with the first fire truck there that has another city's name on it. Okay? It all depends on how it works. We're fortunate in Anoka County and we're fortunate in East Bethel where if we have any type of a structure fire, we automatically get aid from our neighboring cities. We get it from Bethel, we'll get it from St. Francis, we'll get aid from Oak Grove, Ham Lake, and Linwood. And should we need more resources, we can specifically ask for additional resources. It's a great benefit for everybody. Conversely, if one of our neighboring cities has an incident where they need help, we're automatically called to their incident to help them out in any way we can. To take a step further, a lot of the resources are already identified of what we're sending. Now I want Council to understand that we will never ever strip East Bethel of all their resources to a neighboring city. We'll always keep enough resources to protect our citizens. That's agreed upon within the Mutual Aid Agreements." DeRoche, "Okay."

Ronning, "Can you explain, if this is accurate, how the, it's equipment utilization. One city might have some equipment. You can combine the equipment of all the different communities for whatever purpose you need." DuCharme, "And, that's correct. Many times we'll look at equipment and if it's possible, we will not necessarily duplicate major equipment from one city to the other city. For example, East Bethel does not have what we call an 'insulation sucker.' That may sound slang, but all the fire guys know what this is, and fire gals. Insulation sucker is if there is a house fire and there's an attic fire and we've got to get the insulation out, instead of shoveling it, which is very labor intense, we would call a neighboring city, Andover, and have them bring that over. It's like a giant vacuum cleaner. Now, there's no reason for us to go and buy one because that's under our Mutual Aid."

DeRoche, "Or an aerial truck." Moegerle, "Do they back charge us for that? Or, that's all Mutual Aid?" DuCharme, "No, it's not back charged." Moegerle, "That's wonderful." DuCharme, "The only time we would face a charge, if it's a FEMA reimbursement where...you know a good example was the Sartell fire, the paper mill. We actually sent units up there for a couple shifts and we actually charged for that because that was reimbursable. The cities will let you know whether it's reimbursable. We had a large weather incident here where we used many resources from other departments and it was a high enough loss where it looked like we'd need FEMA reimbursement. Then we'd go back to them and say, 'What would your charge be?'" Moegerle, "Sure." DuCharme, "And, that's in the Mutual Aid Agreements."

DeRoche, "Good. Got any questions Tim?" Harrington, "Nope." DeRoche, "Tom?" Ronning, "No." DeRoche, "Heidi?" Moegerle, "No." Ronning, "Thank you."

DuCharme, "All right. So, getting back to the Joint Powers Agreement. You've got the draft and I think everybody should realize it's a proposed draft. As the new revisions come

8.0F.1  
Anoka  
County Fire  
Protection  
Council JPA  
Update

out, if there are any new revisions, staff will keep you informed. If there needs to be a decision, we'll make sure to get that on the agenda so we can have discussion."

DeRoche, "Thanks Mark." DuCharme, "Yup." Moegerle, "Excellent. Thank you."  
Harrington, "Thanks Mark."

DeRoche, "Hey Lexi, thanks for coming in. Good luck with your school work." Milbrandt,  
"Thank you." DeRoche, "We'll work on that store."

8.0G  
City  
Administrator  
8.0G.1  
Grant  
Application  
Submittals

Davis presented the staff report, indicating this is a request for Council to consider authorizing applications to Met Council for Tax Based Revitalization Account (TBRA) Grant Funds.

The Tax Based Revitalization Account provides \$5 million annually to investigate and clean up brownfields, contaminated land and ground water, or buildings for redevelopment. Staff is requesting that the City Council consider applying for grant funds for up to 50% of the eligible costs for the decommissioning of the Castle Towers wastewater treatment facility and related project site activities.

The grant request, if approved, would enable the City to utilize Met Council monies to complete the Castle Towers/Whispering Aspens Force Main Project and release \$50,000 to \$100,000 in remaining bond funds for other purposes related to the Municipal Utilities Project.

Staff requests Council authorization to submit a TBRA application to Met Council for the decommissioning of the Castle Towers Waste Water Treatment Plant and the reclamation of the 10-acre site upon which the Plant is located.

Davis, "This Program is a 50% match but if we were successful in being approved, we have \$200,000 committed now for the decommissioning and we could save approximately half of that for other purposes."

**Moegerle, "I move that we authorize the staff to submit a TBRA application to Met Council for the decommissioning of the Castle Towers Waste Water Treatment Plant and the reclamation of the ten-acre site on which the Plant is located." DeRoche, "I'll second." DeRoche, "Any discussion? Hearing none, all in favor?" All in favor. DeRoche, "Opposed? Hearing none, motion passes." Motion passes unanimously.**

9.0 Other  
9.0A  
Staff Reports

Davis, "I think I've kind of given you e-mail updates on what's transpired within this week so we don't have anything extra to add at this time."

9.0B  
Council  
Report –  
Member  
Moegerle  
Council  
Member  
Ronning

Moegerle, "Nothing major. A lot more low flying planes coming by. I don't know what that's about, haven't been able to get the tail numbers, but keeping an eye on that. That's all I have."

Ronning, "I'm done."

Harrington, "I've got a couple things. Anoka County Board approved their primary levy for next year of .89%. The feedback meeting is December 4<sup>th</sup> at 6 o'clock at the Anoka County Government Center."

Harrington, "Recycling Days, I stopped up there the 20<sup>th</sup> and it looked like it was pretty slow. I heard, maybe down to one day next year? Just the spring?" Davis, "Well, that will be something we'll need to consider for discussion, probably in January, as to if we want to continue trying to do this twice a year. We had 20 drop offs in a five hour period. We don't have the tonnage figures yet. They're going to be very, very low. We have so many more opportunities for people to recycle now than once existed. We operate the fourth Saturday of every month at the Recycle Center for people to drop almost every item off that they can do at the ones that we have in the Spring and Fall. We have All Appliance open across from the theater. It's open five days a week and has reasonable rates. In some cases, cheaper rates than we charge for recycling materials. So, people don't have to wait six months to get rid of their stuff. We'll have to take a look at this and see how we want to continue this part of the program as we move forward."

Harrington, "On another note. The Ice Arena, have you heard of any figures or rental time for this year? How much ice they have rented out?" Davis, "The initial contract with the St. Francis Youth Hockey Association was, I believe, for 640 hours. The High School's rental is, I don't have the hours, but it's for their standard times for games and practices. I think that the way the situation is now, they probably need to sell approximately 100 more hours of ice time to break even. I do know that North Branch is still interested in looking at some of that. So, they're still working on finalizing their schedule. It appears that the ad sales will be up and a few other smaller revenue sources will contribute some to the positive side of the budget on that. But, now we've sold 640 for the St. Francis Youth Hockey Association plus the High School's time."

Harrington, "Is there any update on the drainage improvements for 181<sup>st</sup> Lane in Nordin Estates? Is there any...?" Davis, "Nate informed me that Craig Jochum is going to have some proposals that we're going to meet and discuss next week. I'm hoping those will be able to be presented to the Road Commission." Harrington, "That's all I've got."

Davis, "One other issue too I'll bring up. This relates to what you just mentioned. About six weeks ago, I forwarded to Council a letter from a resident that had some major concerns about a drainage issue down on Vickers Street with some...a letter from an attorney. We think we have resolved this issue with the resident. We've corrected that problem. There is one final issue to be resolved and that's what...we have a meeting scheduled with the Anoka County Highway Department next week. It's for an off-site issue on a private driveway. Drainage structures were installed that were too small. This is north of Viking Boulevard. It's not on a County ditch but it's part of that whole drainage area. There're two structures. There's eight-inch pipes that serve approximately a 400-500 acre drainage basin. So, we're going to meet with the County to see what they will be willing to do or if they would be willing also to send letters to this resident to encourage that these drainage structures be upgraded to accommodate the flows that pass through them."

Mayor  
DeRoche

DeRoche, "Just a couple things. One, I was just looking for it. I actually received a letter from St. Francis Youth Hockey. I'm going to have to find it and then read it at the next meeting. Basically, what it was doing was saying what a help Jack's been, what a great guy he is, easy to work with, kind of praising him. I had forwarded it to the City so I'm not quite sure who got it because I was hoping it would be, I'll find out who I sent it to. But, I think it's something that needs to be there.

I was invited from the Boy Scouts on the 13<sup>th</sup> of October to go to one of their meetings to discuss City government. I guess the issues this year are the voting, how you become a candidate, what are the different positions, what do they do. I think it will be kind of interesting, be kind of fun.

Other than that, speaking of candidates, there is a Meet the Candidate Night tomorrow night here at 7 o'clock. I would encourage anybody to show up. If I'm not mistaken, you have to, if it's questions from the audience, they have to be submitted and then they'll be asked by the moderators. Is that right Ken?" Ken Langmade, "Right." DeRoche, "Okay. Otherwise, it's going to be a pretty straight format. Probably the same as it was, I went back and looked at the 2010 one. Certain questions, certain amount of time to answer, move on."

9.0C  
Other

None.

**10.0**  
**Adjourn**

**Moegerle, "I make a motion we adjourn." DeRoche, "Second." DeRoche, "All in favor?" All in favor.** DeRoche, "We're adjourned." **Motion passes unanimously.** Meeting adjourned at 8:26 p.m.

Submitted by:  
Carla Wirth

*TimeSaver Off Site Secretarial, Inc.*