

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: February 4, 2015



	<u>Item</u>	
7:30 PM	1.0	Call to Order
7:31 PM	2.0	Pledge of Allegiance
7:32 PM	3.0	Adopt Agenda
7:48PM	4.0	Public Forum
8:00 PM	5.0	Consent Agenda

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

Page 5-9	A.	Approve Bills
Page 10-32	B.	Meeting Minutes, January 21, 2015 City Council Meeting
Page 33-80	C.	Adopt updated Personnel Policy
	D.	Approve Meeting Start time for Park Commission of 6:30PM
Page 81	E.	Approve Resolution 2015-10 Permanent Fund Transfers
	F.	Approve Request for Proposal Submittal for Arena Management Services

New Business

8:02 PM	6.0	Commission, Association and Task Force Reports
	A.	Planning Commission
Page 82-94	1.	IUP-3601 228 th Ave.
Page 95-101	2.	CUP-21058 Davenport Street
Page 102-104	3.	December Planning Commission Minutes
	B.	Economic Development Authority
Page 105-106	1.	January EDA Report
Page 107-110	2.	November EDA Minutes
	C.	Park Commission
Page 111	1.	January Parks Commission Report
Page 112-115	2.	November Parks Commission Minutes
	D.	Road Commission
Page 116	1.	January Roads Commission Report
Page 117-121	2.	December Roads Commission Minutes

8:07 PM	7.0	Department Reports
	A.	Community Development
	B.	Engineer
	C.	City Attorney
	D.	Finance
	E.	Public Works
	F.	Fire Department
	G.	City Administrator
Page 122-128	1.	Anoka County Recycle Contract
Page 129-136	2.	Connectivity Services Contract

8:30 PM

8.0

Other

- A. Staff Report
- B. Council Reports
- C. Other

8:50 PM

9.0

Adjourn



City of East Bethel City Council Agenda Information

Date:

February 4, 2015

Agenda Item Number:

Item 5.0 A- F

Agenda Item:

Consent Agenda

Requested Action:

Consider approval of the Consent Agenda

Background Information:

Item A

Approve Bills

Item B

January 21, 2015 Council Meeting Minutes

Meeting minutes from the January 21, 2015 City Council Meeting are attached for your review.

Item C

Adopt updated Personnel Policy

The City last updated and adopted the Personnel Policy on June 6, 2014. Since that time, the City has changed the position of Deputy City Clerk to Administrative Coordinator, which makes it necessary to strike all references of that title from the policy and replace it with the City Administrator. The City Administrator is also the City Clerk. The remainder of the policy has been unchanged.

Item D

Accepting Park Commission Start Time

The Park Commission approved changing their meeting start time from 7:00 PM to 6:30 PM.

Item E

Approving Resolution 2015-10 Permanent Fund Transfers

The City set up Funds 502 and 506 in order to track street construction projects, Jewell Street, and 205th Avenue, respectively. The projects were completed in 1999 and 2005, but the funds remained opened in order to collect the special assessments pertaining to the projects. At 12/31/14 the special assessments have all now been collected. Staff is recommending remaining funds be transferred to the General Fund and funds 502 and 506 be closed as of December 31, 2014.

Item F

Approve Request for Proposal Submittal for Arena Services

The City currently has a contract for Arena Service Management with Gibson Management that expires July 31, 2015. Staff is seeking approval to prepare and advertise Request for Proposals for Arena Management Services that will be presented to Council for consideration for continuation of outsourcing this service.

Fiscal Impact:

As noted above.

Recommendation(s):

Staff recommends approval of the Consent Agenda as presented.



Payments for Council Approval February 4, 2015

Bills to be approved for payment	\$322,306.47
Electronic payroll payments	\$23,751.28
Payroll - City Staff - January 29, 2015	\$33,490.07
Total to be Approved for Payment	\$379,547.82

City of East Bethel

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Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Arena Operations	Bldg/Facility Repair Supplies	4041098876	BlueTarp Financial, Inc.	615	49851	(\$298.61)
Arena Operations	Bldg/Facility Repair Supplies	4042047375	BlueTarp Financial, Inc.	615	49851	\$299.99
Arena Operations	Bldg/Facility Repair Supplies	4042048484	BlueTarp Financial, Inc.	615	49851	\$60.94
Arena Operations	Bldg/Facility Repair Supplies	56539-IN	R & R Specialities, Inc.	615	49851	\$422.25
Arena Operations	Bldgs/Facilities Repair/Maint	51791	Aker Doors, Inc.	615	49851	\$279.00
Arena Operations	Cleaning Supplies	160930	Class C Components	615	49851	\$121.61
Arena Operations	Electric Utilities	012115	Connexus Energy	615	49851	\$4,312.24
Arena Operations	Gas Utilities	44251483	Xcel Energy	615	49851	\$2,784.48
Arena Operations	Professional Services Fees	10006	Gibson's Management Company	615	49851	\$9,000.00
Arena Operations	Repairs/Maint Machinery/Equip	392039	Jorson & Carlson Co., Inc	615	49851	\$125.37
Arena Operations	Small Tools and Minor Equip	3196	CTM Services Inc.	615	49851	\$699.60
Arena Operations	Telephone	332373310-158	Sprint Nextel Communications	615	49851	\$27.37
Building Inspection	Motor Fuels	206002	Mansfield Oil Company	101	42410	\$128.20
Building Inspection	Telephone	332373310-158	Sprint Nextel Communications	101	42410	\$21.42
Building Inspection	Travel Expenses	011615	Steve Lutmer	101	42410	\$17.25
Central Services/Supplies	Cleaning Supplies	IN0705953	Innovative Office Solutions	101	48150	\$38.93
Central Services/Supplies	Information Systems	219789	City of Roseville	101	48150	\$2,388.67
Central Services/Supplies	Small Tools and Minor Equip	14929	Norseman Awards	101	48150	\$12.00
Central Services/Supplies	Telephone	12676071	Integra Telecom	101	48150	\$209.09
City Administration	Professional Services Fees	M21039	TimeSaver Off Site Secretarial	101	41320	\$416.50
City Administration	Telephone	332373310-158	Sprint Nextel Communications	101	41320	\$125.66
City Administration	Travel Expenses	012815	Jack Davis	101	41320	\$168.48
Civic Events	General Operating Supplies	14929	Norseman Awards	227	45311	\$45.00
Finance	Conferences/Meetings	212297	League of MN Cities	101	41520	\$20.00
Fire Department	Cleaning Supplies	82028	Menards - Forest Lake	101	42210	\$7.88
Fire Department	Clothing & Personal Equipment	159595	Aspen Mills, Inc.	101	42210	\$136.64
Fire Department	Electric Utilities	012115	Connexus Energy	101	42210	\$842.26
Fire Department	Gas Utilities	44251483	Xcel Energy	101	42210	\$2,308.35
Fire Department	General Operating Supplies	82028	Menards - Forest Lake	101	42210	\$88.69
Fire Department	Motor Fuels	206002	Mansfield Oil Company	101	42210	\$203.93
Fire Department	Motor Fuels	206015	Mansfield Oil Company	101	42210	\$237.98
Fire Department	Motor Vehicle Services (Lic d)	191531	Advanced Graphix Inc.	101	42210	\$229.00
Fire Department	Repairs/Maint Machinery/Equip	50436	Ancom Communications	101	42210	\$3,697.00
Fire Department	Small Tools and Minor Equip	159259	Clarey's Safety Equipment Inc.	101	42210	\$294.83
Fire Department	Small Tools and Minor Equip	74655	Menards Cambridge	101	42210	\$151.88
Fire Department	Telephone	12676071	Integra Telecom	101	42210	\$130.70
Fire Department	Telephone	332373310-158	Sprint Nextel Communications	101	42210	\$54.52
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	2	Metro Plus Turnover Cleaning	101	41940	\$475.00
General Govt Buildings/Plant	Electric Utilities	012115	Connexus Energy	101	41940	\$1,021.56
General Govt Buildings/Plant	Gas Utilities	44251483	Xcel Energy	101	41940	\$973.90
Park Maintenance	Clothing & Personal Equipment	1182690074	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1182701492	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1182712888	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Electric Utilities	012115	Connexus Energy	101	43201	\$174.58
Park Maintenance	Equipment Parts	504879	Ham Lake Hardware	101	43201	\$13.73
Park Maintenance	Equipment Parts	02-250162	Lano Equipment, Inc.	101	43201	\$197.48

City of East Bethel

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Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Park Maintenance	General Operating Supplies	2837977	Dalco	101	43201	\$815.17
Park Maintenance	Motor Fuels	206002	Mansfield Oil Company	101	43201	\$174.79
Park Maintenance	Motor Fuels	206015	Mansfield Oil Company	101	43201	\$457.65
Park Maintenance	Other Equipment Rentals	85419	Jimmy's Johnnys, Inc.	101	43201	\$70.00
Park Maintenance	Small Tools and Minor Equip	504973	Ham Lake Hardware	101	43201	\$13.23
Park Maintenance	Telephone	12676071	Integra Telecom	101	43201	\$47.91
Park Maintenance	Telephone	332373310-158	Sprint Nextel Communications	101	43201	\$54.52
Payroll	Insurance Premiums	02 2015	Dearborn National Life Ins Co.	101		\$1,251.44
Payroll	Insurance Premiums	02 2015	NCBERS Minnesota	101		\$144.00
Payroll	Union Dues	01 2015	MN Public Employees Assn	101		\$429.00
Planning and Zoning	Commissions and Boards	122314	Brian Mundle	101	41910	\$220.00
Planning and Zoning	Commissions and Boards	122214	Eldon Holmes	101	41910	\$220.00
Planning and Zoning	Commissions and Boards	122214	Glenn Terry	101	41910	\$220.00
Planning and Zoning	Commissions and Boards	122014	Lorraine Bonin	101	41910	\$220.00
Planning and Zoning	Commissions and Boards	010815	Randy Plaisance	101	41910	\$200.00
Planning and Zoning	Commissions and Boards	010515	Tanner Balfany	101	41910	\$200.00
Planning and Zoning	Dues and Subscriptions	011515	MN Secretary of State - Notary	101	41910	\$120.00
Planning and Zoning	Legal Notices	178919	ECM Publishers, Inc.	101	41910	\$56.25
Planning and Zoning	Legal Notices	178920	ECM Publishers, Inc.	101	41910	\$56.25
Planning and Zoning	Professional Services Fees	104	Susan Irons	101	41910	\$32.00
Police	Professional Services Fees	S150114D	Anoka County Treasury Dept	101	42110	\$265,227.75
Police	Professional Services Fees	129837	Gopher State One-Call	101	42110	\$100.00
Police	Professional Services Fees	12 2014	Gratitude Farms	101	42110	\$250.00
Recycling Operations	Electric Utilities	012115	Connexus Energy	226	43235	\$144.00
Recycling Operations	Gas Utilities	44251483	Xcel Energy	226	43235	\$244.09
Recycling Operations	Other Equipment Rentals	85419	Jimmy's Johnnys, Inc.	226	43235	\$70.00
Recycling Operations	Professional Services Fees	02 2015	Cedar East Bethel Lions	226	43235	\$1,200.00
Sewer Operations	Electric Utilities	012115	Connexus Energy	602	49451	\$1,882.78
Street Maintenance	Bldgs/Facilities Repair/Maint	15053	Blaine Lock & Safe, Inc.	101	43220	\$640.00
Street Maintenance	Bldgs/Facilities Repair/Maint	1182690074	G&K Services - St. Paul	101	43220	\$9.17
Street Maintenance	Bldgs/Facilities Repair/Maint	1182701492	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	1182712888	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Clothing & Personal Equipment	1182690074	G&K Services - St. Paul	101	43220	\$19.40
Street Maintenance	Clothing & Personal Equipment	1182701492	G&K Services - St. Paul	101	43220	\$19.40
Street Maintenance	Clothing & Personal Equipment	1182712888	G&K Services - St. Paul	101	43220	\$19.40
Street Maintenance	Equipment Parts	F-250210058	Allstate Peterbilt North	101	43220	\$38.95
Street Maintenance	Equipment Parts	505085	Ham Lake Hardware	101	43220	\$18.33
Street Maintenance	Equipment Parts	5563	Hydraulics Plus & Consulting	101	43220	\$48.44
Street Maintenance	Gas Utilities	44251483	Xcel Energy	101	43220	\$1,250.18
Street Maintenance	Lubricants and Additives	D10659	Gregory Cardey	101	43220	\$178.50
Street Maintenance	Motor Fuels	206002	Mansfield Oil Company	101	43220	\$75.74
Street Maintenance	Motor Fuels	206015	Mansfield Oil Company	101	43220	\$1,135.00
Street Maintenance	Motor Vehicle Services (Lic d)	20478	Central Truck Service, Inc	101	43220	\$212.90
Street Maintenance	Motor Vehicles Parts	1539-344996	O'Reilly Auto Stores Inc.	101	43220	\$67.89
Street Maintenance	Motor Vehicles Parts	1927603061	Rigid Hitch Inc.	101	43220	\$73.48
Street Maintenance	Office Supplies	64791816	Uline	101	43220	\$48.12

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Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Street Maintenance	Professional Services Fees	104	Susan Irons	101	43220	\$48.00
Street Maintenance	Repairs/Maint Machinery/Equip	15006	Sweeper Services LLC	101	43220	\$353.20
Street Maintenance	Shop Supplies	4041098882	BlueTarp Financial, Inc.	101	43220	\$84.94
Street Maintenance	Shop Supplies	273536	S & S Industrial Supply	101	43220	\$12.12
Street Maintenance	Street Maint Materials	71288816	Compass Minerals	101	43220	\$8,459.08
Street Maintenance	Telephone	12676071	Integra Telecom	101	43220	\$47.91
Street Maintenance	Telephone	332373310-158	Sprint Nextel Communications	101	43220	\$198.83
Water Utility Operations	Conferences/Meetings	2015	MN Rural Water Assoc	601	49401	\$825.00
Water Utility Operations	Electric Utilities	012115	Connexus Energy	601	49401	\$1,230.79
Water Utility Operations	Gas Utilities	011615	CenterPoint Energy	601	49401	\$198.57
Water Utility Operations	Gas Utilities	011615	CenterPoint Energy	601	49401	\$123.66
Water Utility Operations	Utility Maint Supplies	3314	Larsco, Inc.	601	49401	\$15.63
						\$322,306.47

City of East Bethel

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Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Electronic Payroll Payments						
Payroll	PERA					\$6,176.20
Payroll	Federal Withholding					\$4,646.33
Payroll	Medicare Withholding					\$1,395.76
Payroll	FICA Tax Withholding					\$5,968.12
Payroll	State Withholding					\$1,957.15
Payroll	MSRS/HCSP					\$3,607.72
						\$23,751.28

EAST BETHEL CITY COUNCIL MEETING

JANUARY 21, 2015

The East Bethel City Council met on January 21, 2015, at 7:30 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Steve Voss Ron Koller Tim Harrington
Brian Mundle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
Mark Vierling, City Attorney
Nate Ayshford, Public Works Manager
Craig Jochum, City Engineer
Mark DuCharme, Fire Chief

1.0 The January 21, 2015, City Council meeting was called to order by Mayor Voss at 7:30
Call to Order p.m.

2.0 The Pledge of Allegiance was recited.

**Pledge of
Allegiance**

3.0 **Harrington, "I'll make a motion to adopt tonight's agenda. Under the Consent
Adopt Agenda, I'd like to add Item J, Supplemental Payment Summary."** Voss, "Okay, is
there a second to that motion?" Mundle, "I'd like to pull F and G." Voss, "We can wait
until we get to the Consent Agenda to pull those items." Mundle, "Okay." **Koller, "I'll
second."** Voss, "Any other discussion? All in favor say aye?" **All in favor.** Voss,
"Opposed? Motion passes." **Motion passes unanimously.**

4.0 Davis, "At this time, we'd like to present Resolution 2015-06, A Resolution Recognizing
Presentation and Expressing Appreciation for Service to the City of Mr. Robert DeRoche, and at the
4.0A completion of the reading, request Council to consider its adoption."

Resolution
2015-06 Davis read Resolution 2015-06 in full.

Recognition
of Bob **Ronning, "Move to adopt Resolution 2015-06." Mundle, "I'll second." Voss, "Any
DeRoche discussion? All in favor say aye?" All in favor. Voss, "Opposed?" Motion passes
unanimously.**

Davis, "Mr. DeRoche, if you would step up here, we'll present you with a plaque, a small
expression of our gratitude."

Bob DeRoche, "I'm at a loss for words. The only thing I wanted to say is this belongs to
everybody that's been on the Council and who've help with everything that we've gotten
accomplished so far. It's nice that, with all of the support that I got, and that goes for all the
support of the residents. Again, thank you very much." Those present offered a round of
applause.

4.0B Davis presented the staff report, indicating the Sunrise River Water Management
SRWMO Organization's (WMO's) draft 2016 budget, in your packet, and on the website for your
2016 Budget review. Any requests to modify the budget must be presented to the Sunrise River WMO
Presentaton prior to their May 7, 2015, meeting. After that date, and absent any comments or direction

from East Bethel, our portion of the budget would be considered approved at the level indicated for 2016.

This budget is substantially reduced compared to recent years due to several large projects that have been fully funded. However, the budget is forecast to increase again in 2018-2019 due to an update of the watershed management plan and projects, which are a required mandate. The Sunrise River WMO understands that a fluctuating budget proposals can be difficult for the member communities to manage and prepare for and they recognize the difficulties this can pose. However, this is a better budgeting option than levying excess dollars in years of lesser obligations and carrying those funds forward to years with projected increased costs.

The proposed 2016 Sunrise River WMO Budget is \$32,705 as compared to the 2015 budget of \$47,010. East Bethel's portion of the budget, as presented in the attachment, is proposed to be \$10,272 or a reduction of 32% from the 2015 share of \$15,004.

East Bethel Citizen Representative Leon Mager will be present and present the proposed budget and be available for questions.

Leon Mager, Sunrise River WMO, "I live in Tri Oak Circle. As the text told you in your packet, all the major projects, even though the Coon Lake projects aren't done yet, have been paid for or at least the money is in place to pay for them. So, there are no major projects in front of us now for the next couple years. But, there is going to be a ramp up in the 2018-2019 timeframe. The concern is, back to your previous planning and even a little bit higher than your previous planning, as we get into a ten-year planning session. We had a lot of discussion whether we should just do a flat plan to take that 'hump' out or to drop it down to the 'bare bones' minimum and then come back to you. In the year 2017, the budget will be about the same as in 2016 one at the \$10,000 level. Then the following year, bump it back up or should we plan it straight across so you don't see this fluxuation.

It was decided that it's not good to have money not being used sitting at in the Watershed. Also, as you probably know, if most of the Watershed money was sitting there, it might end up getting use. So, we took the budget right down to what our requirements are going to be for the next two years. Then they'll ramp up as major projects show up again. Now, there is feasibility work being done on a project for the Data Creek flowing into and coming into Typo Lake. There will be projects with Linwood, which has now been listed by the State as an impaired water. There will probably be a project to clean the carp out of Martin Lake now that the carp barriers have been put up around it. So, there are things on the horizon but there's nothing identified as any major projects right now. In the budget, if you look on Page 6 of your packet, there is a \$10,000 entry in there and it doesn't have anything planned. That, we feel is sufficient to cover these three areas that I just mentioned that will possibly come up. Also, if you look on Page 7 in your budget, what Jack was referring to, it shows the ramp up that occurs in 2018 and 2019.

This is all I have on the budget but I want to give you a heads up. There are a couple things that are going on that could change this budget. But, there're 'up in the air' and this is a budget. The timeframe is right now for you to make a decision if this draft is okay or not. We'll get input from the other three member communities. Then we'll be coming back to you in the June timeframe for a final draft and asking your approval. Once we get approval on that from the four membership communities, that's the budget that you guys will be going into when your start your July planning for 2016.

4.0B
SRWMO
2016 Budget
Presentaton

What I wanted to give you a heads up on, there are two issues that are going on that are being worked on and there isn't a whole lot of information I can give you about it. But, the Columbus Watershed District is asking for a change in the boundary. The changes will result in, it will reduce the Sunrise's boundary within Columbus. It will decrease their share towards the Sunrise. That's 'up in the air.' I'm just giving you a heads up that's going on. Also, we have another issue going on with the Ham Lake people. They also want to change the boundary. They want to change the boundary to follow the City lines and that also not only affects us but that will affect your Upper Rum as that removes over 2,000 acres from the Sunrise and the Upper Rum combined.

So, those two issues are going on and if anything happens in either of those areas, definitely, they would affect your portion as a member community, not significantly but it could happen. I can talk about them a little bit but you've got a lot of stuff on your schedule tonight. Are there any questions on the budget?"

Voss, "Anything from the Council?" Ronning, "You endorse this budget, right?" Mager, "Yes. We fought hard to get it where it's at. One thing I might want to mention. In tomorrow's paper, which we got tonight from Forest Lake, mentions that Linwood has decided, in their budget planning they haven't decided, but they're looking at doing a flat planning so they don't see the bump up in a couple years. They mentioned, like I say, in the paper, that this is a good way to go. We don't need any money sitting that's not being used because there are people always asking for things. You know what I'm saying."

Voss, "I appreciate the details on the budget. Is there any funds that carry over from year to year? Do you have a balance?" Mager, "There is a balance of about \$7,000 in the marketing and shoreline restoration grant. In the general fund, I'm not sure but there is a balance in there. I'm not sure what that balance is. Last year, because of that \$7,000 balance, we did not put anything into that fund. If you look here in your papers for this year, what we're asking for 2016, we're putting zero money into that grant fund again. Until that gets depleted down, there's no reason to put more money into that." Voss, "Okay."

Davis, "Leon, in your opinion, what would the withdrawal of Ham Lake and Columbus do to addressing problems collectively around Coon Lake? Would it make it more difficult?" Mager, "Yeah, I'm right in the processing a drafting a letter to BWSR. BWSR oversees our watersheds. There's pros and cons. If you take acreage and residents out of the Sunrise, which is a Watershed Management Organization, and put them into a WMD, which is a Watershed Management District where they are taxed, the Districts in general have a whole lot more money. They have full-time staff, they have offices and maybe even vehicles. They do things with ground water that we don't do. They do things in ditches that we don't do. We, I hate to use the word 'minimum' but the WMOs watch the surface waters, we monitor them, and we do maintenance on them and so on but we cannot provide the services that are available through a WMD, or a District with taxation. If Ham Lake increases, that's a Coon Creek Watershed District down there, if they increase their area down there and their residents by 2,000 plus acres, they add that to their tax base. They can do a lot more and they can do a lot more things for their members. But, it's going to cost them too. I think that dividing Coon Lake in half creates a lot of big problems. It's basically the west basin that gets divided in half. The list is real long. I've got the list sitting back there in the chair. There are things, chemical analysis of that bay, water level, water clarity work, shoreline buffer maintenance, and stuff. You're more efficient rather

than if we work on one-half and they work on the other half of the bay. You're better off to look at the whole bay and where's the best place to put the dollar to do the most good. There's things like that they're going to get into. In general the whole purpose, what they're trying to do and their City Engineer feels, that working with the different rules between the three Watersheds that they have complicates things for them. But, they are very minor if you read his list. I think most of the differences we can take care of.

I don't know what's going to happen but if you go to the members and they find out that their taxes are going to go up, even though the District can provide more facilities than what being in a WMO like we are, they're not going to be happy with that. I took it to the Coon Lake Improvement District, I got a unanimous vote including a representative from Ham Lake against supporting this effort. I missed a CLEA meeting but I'll catch that next month. I'm sure that even if the general meetings of the two lake associations and stuff coming up this summer, those residents are not going to want to see that tax increase. I don't see what they bring to the picture, at least to the Coon Lake people."

Voss, "Leon, will the member communities have an opportunity to comment to BWSR? Or, should I put it this way, will they solicit our input?" Mager, "I don't know. I've never run into this before so I don't know the procedure. I do know that Ham Lake had two open sessions and the City Council has voted to proceed with this. I know also they have a letter that they sent to BWSR explaining why they want to do this."

Voss, "What do you think the timing is for..." Mager, "I don't know the timeline." Davis, "This issue was presented to the Upper Rum River WMO. It was not presented at the City. The Upper Rum River WMO, as I understand it, voted to request that Ham Lake stay within their boundaries. We did not have a chance to comment on that." Mager, "At the Sunrise River WMO, we voted on this and we had six against it and the two Ham Lake representatives for it. The other one, on our other side from Columbus, is kind of minor, I think, compared to this one. And, they've got a legitimate complaint that they are getting into ditch maintenance, and a ditch is being divided between the boundaries now. They would like to see the whole ditch on one side. That I can understand."

Ronning, "If you have the answer from a procedural standpoint, with the Council there voting in favor of it, has the 'train left the station?'" Mager, "The what, Ron?" Ronning, "Has the 'train left the station?' It's easier to keep one stopped than it is to stop one." Mager, "At first, when I first heard of this and when I got my first letter, I've been out of town but I was told that we should write up our opinions and stuff and send them to Ham Lake and they would include them in the package that had gone to BWSR. But now I'm pursuing who to mail it to because I want to send the packet right to BWSR rather than expecting them to forward it."

Voss, "Was BWSR involved in those meetings with Ham Lake?" Mager, "No." Voss, "So, this was just something that..." Mager, "Right, primarily it was the City Engineer but I don't really know for a fact who initiated this. Even though Coon Creek is increasing their tax base by this many people has got a lot to gain, I do not believe they were the ones that initiated this. I believe it was the City of Ham Lake."

Voss, "Where I was going with it was if BWSR was involved, why wouldn't they be involving other communities too? They are as affected as Ham Lake is affected too." Mager, "Yes, but I don't know." Voss, "I agree. Splitting Coon Lake..." Mager, "Well, this goes against, the purpose of the Watersheds, rather than giving this responsibility to the

communities, is that the surface waters do not follow community boundaries. This whole philosophy violates that. The whole State has been put together based on watersheds and that's how the MPA, Pollution Control Agency, and that's how BWSR wants to manage State waters, surface waters. That's the whole philosophy and this goes right against, the very basic philosophy of Watersheds, management by Watersheds."

Voss, "Leon, could you keep Jack informed of your progress on that?" Mager, "Sure. I'll send you a packet of material and stuff that has been going back and forth between the two Watersheds and stuff from Ham Lake that we've gotten. I'll put together a packet for you." Voss, "Any other questions for Leon? All right, thank you."

Ronning, "Do you need an action from us? A motion to approve the budget?" Mager, "Yes. What we're doing, I'm here about a month and a half early. We don't need this approved until May something. But, if you would approve the budget as presented to you tonight and we get approval from the other three communities, incorporating whatever changes, that just gives us more time to get back to you so you are in place for your July start up."

Ronning, "Move to approve the presented budget on the Sunrise River WMO for 2016." Voss, "Before I ask for a second, Jack, would this be better served as a Resolution?" Davis, "Since this is not the final approval, I think we can do the Resolution for that. What this will enable us to do, it will help us too in our budgeting purposes. We can plug this figure in knowing that there may be some minor changes. But then we'll at least have a number that's approved to work with." Voss, "Okay, second to the motion?" **Voss, "I'll second."** Voss, "Is there any other discussion? All in favor say aye?" **All in favor.** Voss, "Opposed? That passes." **Motion passes unanimously.**

Mager, "Thank you for your time." Voss, "Thanks Leon."

4.0C
Sheriff's
Report

Sergeant Steve Shrep, filling in for Commander Orlando, presented the December 2014, Sheriff's Report as follows:

December 3, 2014 – No Contact Order Violation. Deputies were called to a residence on a violation of a no contact order. The no contact order was verified and the male was arrested. The male admitted to having been at the residence "awhile."

December 14, 2014 – Felony Domestic Assault / Felony Damage to Property. Deputies were called to a local establishment on a domestic assault report. Upon meeting with the victim she reported being pushed by the suspect as he was verbally abusing her. The suspect fled the establishment when patrons became involved. The victim contacted the Sheriff's Office. Due to prior convictions for violating a no contact order, the assault level was enhanced to a felony. The victim returned home and found her garage door had been driven into and severely damaged as well. The suspect's vehicle was located in his driveway, with fresh damage to the bumper. The suspect was not located at that time and charges are pending.

December 20, 2014 – House Fire. Deputies were called to a house fire. The neighbor reported hearing some explosions and upon looking out his window, saw his neighbor's house on fire. The homeowner was home when the fire started. He reported seeing smoke and flames in his garage and tried to call for help but his phone was not working at that time. The homeowner went to a relatives down the street to call. The house was a total

loss.

4.0C
Sheriff's
Report

December 25, 2014 – 5th Degree Assault. Deputies were called to a report of an assault that had occurred. The victim reported he was on his deck, taking pictures of people and vehicles that were going to and from his neighbor's residence. The victim stated a male leaving the residence said, 'Merry Christmas' to him. The victim stated he did not respond to this male. The male then waved at him. The victim still did not respond. The male then began questioning him about why he was taking pictures. The victim exchanged words with the suspect at which time the suspect ran up onto the deck and struck the victim with his fists. The victim did not know the suspect and did not sustain any 'visible injury.' Deputies went next door to try and identify the suspect and were advised that there had not been anyone at their house that evening. The photo that was taken was not very clear and only identified the male as white wearing 'a dark jacket.' Deputies were called back to the scene a few hours later by the victim who thought that the suspect may have returned to the neighbor's house. Deputies were allowed entry into the neighboring house but did not locate anyone matching the suspect description that the victim had given.

DWI's: There were two DWI arrests in December.

Voss, "Questions from Council? Anything from our audience for our Deputy tonight? All right, thank you for your time. Have a good night." Sergeant Shrep, "Thank you."

5.0
**Council
Actions**
5.0A
Planning
Commission
Appointments

Davis presented the staff report, indicating City Council considered the Planning Commission's recommendation of an appointment to the Commission for a vacancy and requests for re-appointment of two members whose terms are to expire on January 31, 2015. This matter was tabled at the January 7, 2015, for further discussion. Directions were given to staff to invite those applicants to the January 21, 2015, City Council meeting for discussions with Council.

Councilperson Ronning, the maker of the motion to table the issue, has since concluded that it would be in the best interest of the City to respect the Commission's recommendations and approve the appointments as presented. As such it is therefore unnecessary for those considered for appointment to attend the Council meeting for questions. As a result, the tabled motion of approval of the appointments of Sherry Allenspach to fill Brian Mundle's vacated term, Glenn Terry and Eldon Holmes with comments that relate to their duties of the appointees will be reintroduced for consideration.

At this time, staff recommends that Council reconsider the tabled motion and approve the recommended appointments.

Vierling, "It would be appropriate to have a motion to remove the matter from the table."

Ronning, "Move to remove the matter from the table." Harrington, "I'll second."
Voss, "Is there any discussion? All in favor say aye?" **All in favor.** Voss, "Opposed?"
Motion passes unanimously.

Ronning, "I'll move to approve the Planning Commission's recommendations. Mundle, "I'll second." Voss, "For clarification, if I have this right Jack, for **Glenn Terry and Eldon Holmes, their term will run to January 31, 2018.**" Davis, "That's correct, three years." Voss, "And then for **Sherry Allenspach it would be January 31, 2007.**" Davis, "That's correct." Voss, "Any discussion?"

5.0A
Planning
Commission
Appointments

Ronning, “Yes. I’ve had conversation with Jack and some others. I really don’t know what the instructions to the Commissions were so in reasonable fairness, I guess anyhow, I’m lifting my table. However, I did go back to the meeting when we discussed this and one of the comments, ‘A Council should not rubber stamp things,’ and we’re kind of setting that up. That was by having the Commissions and such do the recommendations. ‘This puts the Council in a position of rubber stamping.’ ‘We don’t rubber stamp things.’ I think this puts us in a little bit of that position. Another one’s, ‘Well, would it be possible to have like, say, two or three choices? Present that to the Council and then the Council makes the selection from that? Would that work?’ With the selection through resume or written document, because I know that when we have people apply there’s a written document that they do. We’d have the recommendation, which may be there, and then we could select.

Jack’s comment at that meeting, ‘Again, the final recommendation and the final vote is on the City Council. The Commission would recommend a person and Council could vote them in or out.’

One of the purposes, I guess, behind this if I understand, is people unwilling to come before this group and the microphone, etc., etc. That has merit. I’ve also heard people say that, ‘Well, what’s the point. The group’s already in.’ They don’t think they have a chance anyhow regardless of what they do.

I think we have some comments coming out of the Commission that really don’t belong in this kind of setting. Each one of us is, one way or another, an ambassador of the City. Leon just was. When he goes to these meetings, he’s an ambassador of the City. People regard what he says. If the Commissions make comments, that’s an official comment when it comes from a Commission or from meetings that have been called to order. I’ve heard some things that I didn’t care for. I don’t think that any of our Commission members have any business criticizing a business and then another business when there’s no complaint. They better ‘shape up or ship out.’ That’s not necessary. That’s not called for. That’s not our position as a City trying to get business, to make those comments. Or when developers come and you get into a debate with what kind of housing you like or don’t like. You’re not there for that. You’re there to gather information, compare it with an ordinance or some such. So, anyhow, with saying that, I’m going to ask that we have some Work Meetings to identify what are some of the things we’d like from a Commission.”

Voss, “Tom, do you want to add it to your Council report? To talk about, discuss that at a Work Meeting?” Ronning, “Oh sure, that’s fine. Anyhow, congratulations to the three people.” Voss, “We still have to vote.” Voss, “All in favor say aye?” **All in favor.** Voss, “Opposed? That motion passes.” **Motion passes unanimously.**

**6.0
Public
Forum**

Voss, “Is there anyone here tonight interested in speaking before the City Council as part of Public Forum?”

No one responded to speak at the Public Forum.

**7.0
Consent
Agenda**

Item A Approve Bills

~~Item B~~ January 7, 2015 Council Meeting Minutes

Item C Approve Letter of Engagement for Continuing Disclosure Services

7.0
Consent
Agenda

As an issuer of municipal securities, the City is required to comply with all continuing disclosure obligations. Ehlers & Associates, Inc. has been assisting the City comply with all CDU obligations in the past. Fulfilling this obligation requires research, preparation and filing of disclosure reports within specific time frames. The City has five debt service issues that are subject to the disclosure. Ehlers will complete this requirement for an annual cost of \$3,300, which will be paid for by each of the bond issue funds needing the disclosure submitted.

Item D Resolution 2015-07, Setting Meeting Time for 2015 Council Meetings
Attached is Resolution 2015-07, which proposes to change the start time of City Council Meetings from 7:30 p.m. to 7:00 p.m.

Item E Resolution 2015-08, Setting Meeting Date for Standing Work Meeting
Attached is Resolution 2015-08, which establishes a Standing Work Meeting for City Council for the 4th Wednesday of the month.

Item F Accept Resignation of Fire Fighter

Item G Approve as an Active Firefighter

Item H Spring Recycle Day
Saturday, April 25, 2015, from 8 a.m. to 1 p.m. is proposed as the date and time for the Spring Recycle Day at the Ice Arena parking lots. Saturday, May 3, from 8 a.m. to noon is proposed as the date and time for the Coon Lake Beach Cleanup Day. These dates do not conflict with Easter or Mother's Day.

Item I Resolution 2015-09, Approving the Classification and Public Sale of Tax Forfeited Land
Resolution 2015-09 approves the classification of non-conservation and public sale of the tax forfeited properties 36-33-23-24-0259 (Coon Lake Beach) and 20-33-23-31-0001 (Unplatted) by Anoka County. Staff has reviewed the property information and is recommending approval of the classification and public sale.

Item J Supplemental Payment Summary

Mundle, "I'll make a motion to approve the Consent Agenda but I'd like to pull Items F and G for discussion." Voss, "I'd like to pull B as well. If that's fine with your motion?" Mundle, "Yes." Voss, "Any others? Is there a second to that motion?" **Harrington, "I'll second minus B, F, and G."** Voss, "Any discussion? All in favor?" **All in favor.** Voss, "Opposed?" **Motion passes unanimously.**

Item 7.0B
January 7,
2015 Council
Meeting
Minutes

Voss, "We can put this up for a vote right away. I'm going to put in, talk about Council items, but I need a motion to approve the meeting minutes separately. Is anyone willing to make that motion?"

Ronning, "I move to approve the minutes separate of the Consent Agenda." Voss, "Is there a second?" **Voss, "I'll second."** Voss, "Any discussion? All in favor say aye." **All in favor.** Voss, "Opposed? Hearing none, motion passes." **Harrington, Koller, Mundle, Ronning-Aye; Voss-Abstain, motion passes.**

Item 7.0F
Accept
Resignation
of Fire Fighter

It was noted that Eric Andersen has submitted his resignation as Fire Fighter with the City of East Bethel. Eric is not able, at this time, to dedicate the time and effort needed to be part of the Fire Department. Eric has been a great asset to the City of East Bethel, the East Bethel Fire Department and our community.

Item 7.0G
Approve as an
Active
Firefighter

It was noted that Fire Fighter Ben Uden has completed his one-year probation and has met all qualifications required by the Department. The Fire Chief recommends that this Fire Fighter be appointed an active Fire Fighter Status as of January 1, 2015.

Mundle, “I will make a motion to approve Item F and G for discussion.” Ronning, “Second.”

Mundle, “For Item F, Accepting the Resignation of Fire Fighter, I would just like to thank Eric Andersen for his service. I’m sorry to see him go but whatever time he’d be able to come back to service, I think that would be great for the City. For Item G, I would like to congratulate Ben Uden for completing his one-year probation and to be appointed as an active fire fighter. That’s all the discussion I have.

Voss, “So we have a motion and it’s been seconded. Any other discussion?” Ronning, “Did you move F or both?” Mundle, “Both.” Voss, “All in favor say aye?” **All in favor.** Voss, “Opposed? That motion passes.” **Motion passes unanimously.**

**8.0
New Business**

Commission, Association and Task Force Reports

8.0A
Planning
Commission

None.

8.0B
Economic
Development
Authority

None.

8.0C
Park
Commission

None.

8.0D
Road
Commission

None.

**9.0
Department
Reports**

None.

9.0A
Community
Development

9.0B
Engineer
9.0B.1
Nordin Estates
Drainage
Project

Davis presented the staff report, indicating the Nordin Estates development was constructed in 1972. Lots 13 and 14, Block 4, have experienced ponding and flooding concerns since their homes were constructed in 1980. With the recent high water levels from heavy spring rains in 2014, the issue has resurfaced. The Public Works Department pumped water for four days this spring and summer to alleviate the problem. However, pumping is only a temporary solution and does not remediate any flooding damages caused to the properties.

The design of the drainage system for this area does not allow for storm water to discharge to outlets until it has reached a level where it is over the elevation of the drain fields and encroaches on basement perimeters. The construction met City design standards at that time but would not meet current engineering standards. There are 23 properties having some varying degree of benefit or contribution to the issue of the project.

The residents of the Nordin Estates development have appeared before numerous Road Commissions and City Councils over the past 35 years trying to find a solution to the problem. The East Bethel Roads Commission has discussed this agenda item at its last three meetings. They have looked at different options for removing the excess storm water and providing a stable high water mark. The option the City Engineer, staff, and Road Commission have recommended included placing a 12-inch storm sewer pipe from the low area and connecting into the existing stormwater system located a block to the north, which is Attachment 1 in your packet. Two different costs estimates were developed based on open cutting the trench for the pipe or directional drilling the pipe in place.

The project, if approved, would be bid as open cut with directional drilling as an alternative. Project costs are estimated to range from \$56,000 to \$66,000.

This is a unique situation due to our interpretation of an error of omission by the City Engineer that reviewed and recommended the plat for approval in 1972. That engineering firm of record is no longer in business.

The Road Commission recommends funding the project with the Street Capital Funds if the easements for the storm water pipe are donated by the property owners. Other funding options were considered, including assessing the project to the benefitting property owners or a combination of the two. Funds are available from this source, the Street Capital Fund, without jeopardizing future road improvement schedules should the project be approved.

Davis, "At this time, they'd ask for this and have some diagrams that will further illustrate the extent of the problem and be able to answer any other questions you may have.

Ayshford, "Good evening Mr. Mayor, Councilmembers. Our Department became aware of this problem this spring with the heavy rains that we had. We had some calls that there was some flooding taking place. This is the Nordin Estates development. The blue shaded area here is where the water level was at this spring when we were called out. The development is set up so that, basically this whole area here and this whole area here drain down to this low point. When the development was originally put in, there was some discussion about having the stormwater empty from this area south. This is the Ham Lake border right here, into Ham Lake and into this area here which drains into Coon Creek Watershed District.

The problem that we found after we got out on the site is that this area through here is about three to five feet higher than all of this. So, our biggest concern was that if the rains continued, this water would have kept going up. There's nowhere for it to go. We set up a pump back here and pumped the water out to the street. The yellow lines you see are the existing stormwater pipes. There's a culvert here that connects these two equalization points. And, we pumped down to this road, which drains downhill to these two catch basins here where it drains back into the same water system. Craig and I went out and took a look at it and Craig's had his staff out there to do some elevation shots and determined that probably the most cost feasible option would be to install a stormwater pipe from this point into the road, tie it into the existing stormwater drain. I think there's a few residents here too that maybe have some more input. But in all these areas, again, the water got really

close to the house here, here, back here. There's a walkout basement here. The drain fields were covered in a lot of these as well."

Davis, "If you'll look in your minutes too, you'll see that this has been a recurring problem and also one that's been presented to previous Councils and Roads Commissions. As Nate said, the problem is in that lower area just south of 181st Lane, which is the discharge point to receive all the stormwater runoff. It's not sufficient capacity to hold the water and drain. It's more of an equalization pond with those other areas. Then that area between there and the darker blue that you see in the lower right-hand portion of your screen, there's a ridge there that prevents that water from draining. That's where we believe that the previous City Engineer did not take that into account. There was only a drainage easement indicated on one side of the property between 181st Lane and the Ham Lake border and it went no farther. So, unfortunately, that was approved back in the 70s and this isn't the first time this past spring that we've had drainage issues there."

Ronning, "In the information we have, I noticed that the catch basin you're sending to is an elevation of 907.7 feet. And, what you're trying to evacuate looks like about 908.20? That's hard to move." Ayshford, "It's not a long fall right there. This whole area, there's not a lot of fall to work with."

Ronning, "Is it going to work? Craig, you going to make it work?" Voss, "Current Engineer, is it going to work?" Jochum, "Yeah, we've actually set that flared end up there at 909. It would be more of a relief for this area, not necessarily, all the storms, but it would eliminate any need for pumping. It would eliminate the concerns for flooding houses and drain fields. The ground in that area is about a 909. There is a low area between the two lots there, around the 908. We'd keep that low so this still would hold a little water, infiltrate water, before it got too high. And, we would ask for drainage and utility easements over that low area. Again, that would see some water there but nothing that would damage anything. I don't think it's so much about a large volume thing as it just needs somewhere to go out when it starts raining. All that would be very slowly like you indicate with a flat pipe."

Ronning, "What's the snow runoff like for them? Do you know?" Ayshford, "I mean you could probably speak to, if you want to talk to some of the residents that are here, but they haven't had too much of an issue. There is some capacity to hold water on this side. What happens when you get the heavy rains and when the ground is frozen, is when we have the issue."

Voss, "Where your cursor is, that's a current over..." Ayshford, "This is a current, yeah, it's basically a flat equalization pipe. So, when we pumped this spring, we set the pump up here but when we actually pumped, all this water went down with it." Jochum, "I think what was overlooked was that pipe does drain south. But they didn't look far enough. It drains some but doesn't go anywhere." Ayshford, "There's some capacity in here for just some average rainfall storage. The easement we have is on this property here, ten foot, and it stops at the Ham Lake border."

Voss, "So if this was to occur, our current stormwater conveyance system would be able to handle this excess volume?" Jochum, "Yes, and that's also why we want to keep some storage on them properties and not completely drain them." Ayshford, "When we pumped this spring, we emptied this whole basin in about three and a half days. We took markings on this pond back here to see if we were going to affect it at all and it actually went down at

the same time because it was kind of a dry spell too. So, it didn't have any real impact on it that time."

Voss, "To ask the obvious, we're certain that the mistakes were made by the engineers back in the 70s? It's asserted here but we're all in agreement that this shouldn't have been done this way. Right?" Davis, "I think from staff's standpoint, we're definitely in that agreement." Voss, "So, it was the City's contractor so it's a City responsibility." Davis, "That's the way we look at it."

Ronning, "I was at that Road Commission meeting and those are some discouraging stories, those people were dealing with. And, they've been fighting it forever, it sounded like. Hopefully this would fix it. Well, it must have if you...you were able to drain that and the water from the south end went to the..." Ayshford, "Yeah, when we pumped, there's still some water that stays in this kind of low depression here. We'd kind of like to clean this out a little bit better too so it goes in there on a small rain event. We were able to drain this whole thing in about, like I said, three and a half days of straight pumping."

Harrington, "So, it wouldn't make any sense to take that culvert out of there? Just leave it and there's nothing...?" Ayshford, "This one here?" Harrington, "Yeah." Ayshford, "No. We'll have to leave that there. Otherwise, this would be cut off. Water drains out of both sides of the crown here so some of it goes on this side and some of it goes on this side as it comes around the corner. There's drains on either side of the road right in here."

Davis, "When you say that culvert's flat Nate, it does accept some of the drainage to the north though and discharges it into that low area. Is that correct?" Ayshford, "This area's lower over here. So, I think there's, it's on one of those sheets." Jochum, "It's a positive grade to the south. Just a slight drop this way."

Ronning, "Positive drain to where?" Jochum, "From north to south the culvert drains." Ayshford, "It's just when the water gets too high it drains backwards."

Voss, "Craig, you talked about, it's on a drawing we have in the packet, about acquiring drainage easements through there for those affected property owners. Have we had discussions and are they willing to provide those drainage easements?" Jochum, "Yeah, some of them are here if they want to speak but I've talked to, these three parcels that seem to be in favor of the easement. I haven't had any discussions with the person in the southwest corner." Voss, "Okay. If you can state your name and address."

Mark Sauer, "I live at 2647 181st Lane NE." Voss, "Which property is that?" Sauer, "Right there." Voss, "Okay, thanks." Sauer, "I guess I've lived there since '89 and we've been dealing with this every spring. I think I've called a couple times and I was told if it gets really bad, they'd pump it out. That was very gracious of them, that it got pumped out. Flooding in my basement, I've had to tear out all the carpet and threw a bunch of things away. But every spring when the snow melts and everything, we get water pretty much running along the property line here, it sits in here, and collects in this back corner, which doesn't really bother me a whole lot, you know if it just stays there and doesn't come in my basement. I'd be more than willing to give you guys an easement on my property because it's unbuildable there anyhow. Pretty much from talking with Nate and Craig, the elevation is pretty much, they wouldn't have to do a whole lot of grading or anything. If you have problems, you know, with some of my neighbors, like next door, you can push my side a little bit or however it is easiest for you guys. Because, they have a bunch of trees. I have a

couple if they need to be taken down you can just cut them down or grade around them. Do what you've got to do."

Ronning, "How does this affect your septic if it's getting in the basement?" Sauer, "Fortunately I have a mound system and I know before I bought my house, they had just a drain field. My house has been flooded, you know, before. I noticed they put a check valve in my floor drain and then when I purchased the house they escrowed in the drain field, or the mound system. So, I don't have any problems with that but I know a couple of my neighbors have had outhouses put in their yard. One has a mound system now so I think that's helping him out. But, I know there's been flooding in at least three of our houses."

Harrington, "Did one of the houses put drain tile all around their house? Is that you?" Sauer, "Yeah, that was me. This summer I spent digging all the way around my house. I tarred the brick and put a waterproof membrane up and drain tiles."

Voss, "Are your water problems at your home due strictly to the spring flooding? Or, do you have it year round?" Sauer, "Yeah, right. Yup. This was the first time that, you know, we've had that in my basement since I've lived there. When I was tearing stuff up, it looked like, you know I've had some moisture coming in previous years when it's gotten higher. When I started digging, the water level was over the top of my foundation." Voss, "All right. Thank you."

Harrington, "I've got a question for Nate. Nate, if this goes through, the maintenance, is the City going to be taking care of that? Or, if we get all the easements will we..." Ayshford, "If this goes through, this would be a City-owned easement pipe. Maintenance would fall on us. I wanted to say, too, that the people who are not here, the Conwells are in Arizona. I spoke to them on the phone and they were agreeable to what we've proposed as well."

Voss, "So it sounds like all four abutting properties, or was it just three? It was three that Craig talked about." Jochum, "I talked with three of them. There's two here and then two here."

Harrington, "That one gentleman, he's going to have trees removed, isn't he? Where that red line goes to the south, isn't there going to have to be some trees come out of there?" Ayshford, "It depends on what option we go with. There are some trees in there."

Paul Haben, Lot 2 in Nordin Estates, "This should help cure our problem. I'm concerned about what it's going to do to these trees on my property. There's 13-14 trees in this zone on my property. In that corner are pine trees. There's five trees, 50-foot tall. They're bunched in a little bit there but I'm willing, everything from the street to that corner where those pine trees are is fine with me. There's some trees in there that can easily be taken out. No loss to me. This would definitely clean things up here. My first question is. Why are we draining through a neighborhood? But, obviously, this was done in '72 and there's not a whole lot we can do to fix this, apparently. We have to somehow get it between the houses here. But, if we can avoid that corner and get around those trees, there's some in there that are 20 inches in diameter. It would be a real shame to lose them. If they can figure out a way to get around them, I'm all for it. And, whether or not a future garage variance over this easement is an issue, I'd like to put a garage back there some day like some of the other neighbors. If this easement's going to hinder, or if I need a variance to put a garage up, if we can work with that, I'm in for that too. At one point, I suggested to Craig, we spoke earlier, if it would be easier to go kitty-corner across that property to avoid those pine trees.

But, I believe you can't build a garage over that pipe."

Voss, "You couldn't build anything over that easement." Haben, "Right, exactly. So, I'd be willing to work that way but, obviously, that would mess up my garage plans for in the future. Whether the guy to the east of me would let us go a little farther to avoid getting into those pine trees, I realize they're going to have to dig deep enough to put in a 12-inch pipe." Jochum, "The pipe doesn't go quite to the trees so there would just be an open channel."

Haben, "We could likely work something around that corner. If you guys can work around those trees, I'm in." Voss, "So, this is doable without losing those bigger trees on those lot lines?" Jochum, "We'd have to look at it a little closer but I believe so, yes."

Haben, "The rest of the trees on my easement portion of it, are expendable. I'm just concerned about that corner. With the years I've been there, since '96, I've put them in and to see those go, 50-60 feet, it's a shame to see them go. There's also, up by the house, there's some driveway rock and a three-foot drop of retaining wall, which I'm told can be redone if they need to take that out."

Voss, "Craig is this, I know we don't have all the details here, we had two cost estimates in front of us: directional drill and open cut. With the directional drill, you weren't talking the entire easement would be directionally drilled, right?" Jochum, "Just the pipe between the homes. But, after discussion with Paul and his neighbor, it sounds like all the trees are dead. They'd actually prefer them gone between the houses. So, they're leaning towards an open cut type of construction anyways."

Voss, "Which means we don't have a pipe." Jochum, "We'd have a pipe. Open cut meaning open cutting instead of directional drilling the pipe, which is cheaper for the City and alleviates some dead trees for the residents so it's kind of a win-win, hopefully."

Harrington, "And, we do have enough money in the Street Capital Fund if this goes through? I don't have a problem if they give the easements, to take it out of the Street Capital Fund." Davis, "No, we have ample funds to cover that and not jeopardize any of the projects that we have programmed out for the next five years."

Harrington, "Like you said before, this is a unique situation. I want everybody to know that. I don't want somebody to come and say, 'Well, you did this for them.'" Davis, "It certainly is a problem that was not created by the residents or anything that was an oversight on their part. So, therefore, we think it's a very special situation and one that deserves the consideration of Council on this matter. It's one that is the exception rather than the rule."

Voss, "In terms of obtaining easements, those are all costs that would be City borne? They're not passed on to residents?" Jochum, "Correct. And, they are in the estimates and a 25% contingency in overhead." Voss, "Right."

Davis, "One of the things that Mark and I discussed too is that a condition of the easements would probably be to release the City from any obligations or liabilities as a result of the problem. We're doing what we can to address it and would request that be included in those and maybe recorded with the property." Voss, "So then we'd have agreements with the property owners then? Individual agreements?" Vierling, "We'd make that part of the

easement document. Especially when we go into existing neighborhoods on these types of projects. We prefer to have a past and present waiver of release of all claims. Obviously, residents know we're coming into a congested area and whatever happens, happens. If we lose some trees, we lose some trees, and that type of thing."

Voss, "Okay. For the benefit of the residents who are here. Has that been discussed with them yet, at this point? Or not?" Davis, "No." Voss, "Okay, can you just make a quick 60-second presentation of what that means to them so they understand?" Davis, "What we would do in the request for the easement donation, we would also request that you sign a waiver of release of any liabilities for the City for any damage to your trees. Or, let's say we had a 500-year storm, something that's totally out of our control, that even this system wouldn't handle. This system is designed to accommodate current conditions or probably, what would you say the storm event would be Craig? 20 year storm?" Jochum, "Yeah, probably between a 10 and a 50-year storm."

Davis, "So it's designed to accommodate most storm events but in the event that there's a storm event of a greater proportion than that, then we would be released from any liability from any flooding that may occur. This should solve most if not all of your problems."

Mundle, "And so by signing those, the City would not be at fault for..." Vierling, "They would be releasing all claims against the City relative to past or present liabilities and would be acknowledging that this is a remedial measure that the City is putting in and there is no guarantee that this is an absolute solution to all stormwater problems in your area."

Ronning, "Craig, would it be reasonable to suggest or say that the only other way to do that is to raise every piece of property there?" Jochum, "Correct. The water would still be there. It would just be out of the water."

Davis, "One thing we forget to mention, too, with the sanding water is the increased mosquito problem. The other option that we looked at was to go to the south. But, we felt it would be very difficult to obtain easements to go in that direction." Jochum, "Not only that but we'd be in Ham Lake then so we'd have that whole new layer." Davis, "Right and we'd also be in a different Watershed District too. It just created a whole new set of problems and costs and things that may be very difficult to even get done administratively."

Voss, "It's this City's issue and to the extent we can address it ourselves, I think it's better served. Any other discussion? What kind of direction are you looking for Jack?" Davis, "We're looking to have you consider approving the project and giving us authorization to bid it." Voss, "I'll entertain such a motion."

Koller, "I'll make the motion to allow them to start bidding on the project and go through with it and get it done." Ronning, "Second." Voss, "Is there any other discussion? Approximate timing Craig?"

Jochum, "Plan process is pretty easy for this. It would be more getting the easements prepared and signed, I suppose. Six weeks Mr. Vierling?" Vierling, "Those probably wouldn't be that bad to get done. I image we need to do just a little title work on the properties, make sure we have ownership and such lined up. Usually what takes more time on these types of matters is if the properties are encumbered by mortgages. We need to get a subordination from the mortgage lenders. That usually takes a little bit longer. But, I suspect it will be somewhere between three and eight weeks on this."

9.0B.1 Voss, “So, we’re looking at potential summer construction in 2015.” Jochum, “Yes, I’d think we’d definitely want to bid it, probably, in March. Even if we don’t have the easements signed we usually have a 60-day clause in the contract that we either got to award in 60 days or abandon the bid.” Vierling, “I think we’d probably have all the easements in place. We just may not have all the mortgage lenders lined up.”

Nordin Estates
Drainage
Project

Davis, “And, this is with the consideration that the easements will be donated. Is that correct?” Voss, “What Jack was suggesting is that the City is not going to pay for easements. Just want acknowledgement. Okay, so you’d be looking at one more spring. Hopefully the last one. Any other discussion? All in favor say aye?” **All in favor.** Voss, “Any opposed? That motion passes.” **Motion passes unanimously.** Voss, “Thanks for being tenacious.”

9.0C
City Attorney

None.

9.0D
Finance

None.

9.0E
Public Works
9.0E.1
2015 JPA
Projects

Davis presented the staff report, indicating the cities of Coon Rapids, Andover, Anoka, Brooklyn Center, Columbia Heights, Ham Lake, Mahtomedi, and Fridley entered into a Joint Powers Agreement (JPA) on February 1, 2005, for the purpose of collective bidding certain street maintenance services. The North Metro Street Maintenance Program JPA allows smaller cities to achieve more economies of scale in the bidding process and potentially achieve lower bids from contractors for crack sealing, seal coating, striping and other street maintenance services. The City East Bethel joined this group in February, 2008.

The City of Coon Rapids is the lead agency by the agreement for this group. As the lead agency, they draft the specifications, solicit bids and provide the necessary documents for member cities to sign to participate in the program. The agreement is structured such that it permits each member city to accept or reject the bids for their portion of the proposed contract. Each city will pay the contractor directly for their share of the work and contracts will be awarded separately for the various items.

The City of East Bethel has realized savings of up to 20% over previous costs for these services through participation in the JPA Street Maintenance Program.

The following projects are recommended to be bid as part of the 2015 JPA Street Maintenance Program. These projects have been identified in the 2015-2019 Street Capital Improvement Plan (CIP) by the Roads Commission and approved by City Council on June 18, 2014.

1. Seal coat 50,000 square yards of City streets;
2. Crack-seal 100,000 linear feet of City streets; and,
3. 125,000 linear feet.

The estimated budget for seal coating, crack sealing and striping the above listed streets is \$235,000. These projects will be funded from the Street Capital Fund identified in the 2015-2019 Capital Improvement Plan and the 2015 Street Maintenance Budget.

Staff recommends consideration of the proposed City projects for bidding as part of 2015

North Metro Street Maintenance JPA Program. Bids for the work will be presented to City Council for final approval at the March 18, 2015, meeting. Staff is seeking approvals to submit these quantities to be bid as part of this project.

Voss, "Is there a motion to this effect?" **Mundle, "I make a motion to approve the listed projects to be bid as part of the 2015 North Metro Street JPA." Harrington, "I'll second."** Voss, "Is there any discussion?"

Voss, "I just have a question and it's one for Nate, maybe. The chipseal, we're using the same chipseal we've been using for the past couple of years?" Ayshford, "Two years ago we switched to the **FA8** to trap rock." Voss, "That's real angular?" Ayshford, "Yeah, real triangular." Voss, "We're staying with that?" Ayshford, "Yes."

Voss, "I had one of the first streets and we're still kicking up rocks on that." Ayshford, "Yeah, it's a problem with..." Voss, "Every neighbor's got them in their driveway." Ayshford, "Yeah." Voss, "Is that a problem other cities are seeing too?" Ayshford, "It's a problem with that type of seal, yeah." Voss, "If it's such a problem, why are we still using that?" Ayshford, "Well, it works better than the other ones." Voss, "In terms of?" Ayshford, "The longevity, how it embeds into the asphalt." Voss, "But it's still coming out of the asphalt two-and-a-half years later." Ayshford, "Some cities have gone to a polymer modified oil, which sets up harder. But, it's a lot more expensive. We looked at doing that too but with our budget, we've kind of tried to keep the cost down. Our plows will peel them up pretty much no matter what it is, with our down pressure on our bellyblades." Voss, "I'm not talking about winter. I'm talking about summer. As soon as it gets above 40 degrees those chips are coming out of the road. And, if they are coming out of the road, aren't we losing chips on the coating? I know it's a small amount." Ayshford, "It's a small portion. A lot of what we're trying to save is the oil. The chips act as a, they add friction and another surface to the road but the oil is what seals into the pavement. The reason we do the chipseal is that over time, the asphalt comes out of the roads. You start to get the exposed aggregate all over. That's when the road starts to deteriorate and you get cracks and potholes forming. Yeah, we understand the chips are a pain. We try and sweep them a couple times a year too."

Davis, "Is this a complaint we've received before?" Ayshford, "We typically get it the year the chips go down, throughout that season." Voss, "Our first year was incredible how much was..." Ayshford, "And that's, every City deals with that too." Voss, "I'm on the lake and there's a catch basin right there. It's going right down the catch basins too, which I assume gets to be a maintenance issue eventually." Ayshford, "Yeah." Voss, "But dragging it into the driveways is just very annoying."

Davis, "When we've done the fog or the double seal, has that been less of an issue?" Ayshford, "We've done the fog seal on Bataan and Sandy Drive and that helps seal it in, seal the chips in a lot better. It's more expensive and when we do that, the traffic has to stay off it longer. It's a little bit more difficult for the application. The nice thing that cities use the chipseal for, is you can drive on it right away. When you do your driveway with a sealcoat, you have to stay off it for a couple days. They do make a material you put on the roads for that but it's not practical because nobody can drive on the road."

Voss, "That's the only thing I had. Any discussion? All in favor say aye?" **All in favor.** Voss, "Any opposed? That motion passes." **Motion passes unanimously.**

9.0F
Fire
Department
9.0F.1
Monthly
Report

Fire Chief DuCharme, "Welcome Mr. Mayor and the Council. The report is for the end of 2014 for December. In December, we had 41 calls. We did have a major house fire over on the west side, which the house was a total loss. Our deputy spoke of it a little bit. That fire is still under investigation. We're working with the insurance company. We estimated our total loss, incidentally, for all of 2014, was \$1,105,000. That would be buildings and contents. As Council knows, we had three major fires from November on.

Also in December of 2014, of those 41 calls that answered, 33 of those were for medical related. Of those 33 medical-related calls, 27 were transported by ambulance to health care facilities.

If I could, I've got a real quick snapshot of 2014. We're still compiling our final report so even our fire loss could deviate up or down a little bit as we get our final numbers in. We finished the year with 499 calls. If you were to compare that to the past few years, in 2013 there were 533 calls; 2012 there were 508 calls; 2011 there were 521 calls; 2010 there were 545 calls. We answer about 57% of our calls, we answer as EMS calls or medical calls. That's been pretty standard for many, many years. Our true fire calls, when you look at all of 2014, are really 7% of our total call volume. As you can see, the fire service is much more involved than just fires. We do, obviously, handle rescue calls along with our fire calls.

Vehicle accidents for 2014 were 24. That's pretty steady throughout the past six, seven years. I do up a sheet that I post here and there as far as what the Fire Department answers. As you can see, these are just average numbers. Of 499 calls, that would mean every 17.56 hours we're running a call. With our fire loss of \$1,105,000, every hour then within a year, is really equivalent to \$126 in fire loss through 2014. Every 26.31 hours, so almost once a day, we're sending one of our citizens or one of our visitors to our City, we're sending them to the hospital either for a medical condition or an accident, or something like that. Every eight days, 8.3 days, we do have a car crash within the City.

Looking at our fire loss for 2014, as I said it was \$1,105,926, and that could change up or down as we get final figures in from insurance companies. \$662,500 of that was property damage. \$443,353 was what we call content loss. Those are things that were burnt up in a fire or were no longer usable.

In February, we'll have the full report for you and it will be part of your Council package. In that report, if you remember from past years, it is more comprehensive and we can start zeroing in where the majority of our calls have been. Any questions?"

Harrington, "I've got a question for you Mark. This doesn't have to do with this but there's been a couple articles in the paper last week, these oil disasters from trains. I know we've got a little bit of track in the northwest corner of East Bethel, but they're saying most Fire Departments and first responders are not very adequately trained. Do our guys get any kind of training on it? Or, are there things coming forward?" DuCharme, "We've got some things coming forward. That article's actually 100% correct. To deal with that size of disaster, especially when they talk about the North Dakota blow, explosion, and things like that. It requires a lot of resources. When we're talking about resources, we're talking about personnel and we're talking about equipment and apparatus. It takes a lot of it. We're luck in Anoka County, Tim, because in Anoka County we seem to have a lot of cooperation between the Fire Departments. We have a lot of communication, networking so to speak, back and forth with the Fire Departments. So, it's somewhat easier when we have these

large scenes as far as functioning. But, I cannot stand here and tell you that we have expertly trained personnel for that type of disaster. Hopefully a year from now, or even a couple months from now, we can get some of that training ‘under our belts’ and be comfortable with it.” Harrington, “Okay. I see Burlington Northern offer some training.” DuCharme, “Right, right. It just hasn’t made it this far yet.” Harrington, “Okay, thank you.”

Voss, “Mark, you talk about the total property loss for last year. How’s that compare with previous years?” DuCharme, “We are up this year and it’s really the month of November and December where we had, within 30 days, three major fires in total losses. Our fire loss has been averaging about \$600,000 to \$700,000 throughout the past seven, eight years. So we are, what, 30% higher this year. That’s because of that. We keep trying to get the message out to our residents that if you’re using these heating lamps, be careful because heating lamps will tip over, they’ll catch things on fire. A couple of those did some amazing damage.”

DuCharme, “I have one other thing to report. The Council approved the East Bethel belonging to the Anoka County Fire Protection Council Joint Powers Agreement (JPA). One of the stipulations was that you wanted at least a monthly report. We are early, the JPA is early in organization right now. A week from this past Monday, ten days ago, we did have the Fire Chiefs get together for an organizational meeting. The plan is that January 29th will be our first annual meeting. At that time, we’ll talk about our budgets not only for 2015 but also 2016. That will be not only Fire Chiefs at that meeting, there’ll also be our elected officials and our representative that has been appointed to that Board. So, that will be our first meeting. I’m waiting for information from the Executive Committee of the Joint Powers Agreement as far as agendas and things like that. Hopefully that will make it here in the next couple of days.”

Ronning, “Is this Executive Committee you mentioned, is there formulation of that taking place yet?” DuCharme, “The Executive Committee is kind of a put together committee to at least direct the first annual meeting. I believe after that first annual meeting then it will be much more formal. It is a little bit awkward now being that we’re just at the start up.”

Voss, “Any other questions for Mark?” DuCharme, “Okay, thank you. Happy New Year.”

9.0G
City
Administrator
9.0G.1
Set Date for
Spring Town
Hall Meeting

Davis presented the staff report, indicating the Spring Town Hall Meeting has been held since 2005. The meeting is generally held in April and is designed to be scheduled on a date that doesn’t conflict with any other municipal or School District meetings. Staff has reviewed and found there to be no conflicts with the evening meeting schedules for ISD #15 or ISD #831 in April.

With the exception of April 1, April 8, April 14, April 15, April 16, April 20, April 22, and April 28, the remainder of the calendar for April is open.

In the past, the Question and Answer/Public Forum presentation in Council Chambers has focused primarily by citizen questions for City Council. While the number of participants for this part of the program has declined since 2010, it still presents a valuable opportunity for residents to express concerns and present questions to City Council. As part of the program, it is also recommended that City Council Members present information relative to their Committee/Commission Liaison assignments or other topics of interest.

We need to set the date for this meeting so we can place the notice in our Spring Newsletter. The newsletter will be sent to the printer on or before February 20, 2015, and be distributed to City residents by the first week of March.

From a scheduling standpoint, Tuesday April 21st or Thursday, April 23rd would be the preferable date with Tuesday, April 7th or Thursday, April 9th as alternate considerations. Staff is requesting that City Council set a date in April for the Spring Town Hall Meeting.

Voss, "I'd like to throw out, I don't know if we want to discuss it much tonight at all. I know it was discussed years ago. I'm not sure it's been discussed the past two years, but we have Town Hall Meetings twice a year and with declining attendance, the question I think we need to ask is, 'Should we go to once a year rather than doing this twice a year?' If that's the direction we want to take, is then what time of year to do that." Davis, "We had that discussion in the past and even it was on the agenda write up for last year to consider an annual Town Hall Meeting versus a Spring and a Fall. At the time, there was no decision. It was felt that it was best left and if there was a need not to have the Fall Town Hall Meeting, we wouldn't schedule it. So in August of last year, we brought this up and decided to have the Fall Town Hall Meeting. We could gauge the interest at that point and see if there's anything that really needs to be addressed, or base it on there, or just schedule one now and see how that goes. I think Spring is the most appropriate time because that does give us an opportunity to present construction schedules, talk over road projects with people, and they're more aware of what's going on. That's a good opportunity to get that information out."

Ronning, "The last Town Hall Meeting was an exception, I hope. We were about the only ones there." Voss, "Was it eight residents that they counted?" Ronning, "Yeah, for whatever reason football game, whatever there might have been. But what we have to consider is that we're supposed to make ourselves available for people to, that's an opportunity for people to, no microphone, whatever, 'bend your ear.'"

Davis, "The other thing that I've thought about too is the actual format that we use. We have the open session in the Senior Center prior to convening Council and then having the more informal session here. Is there really a reason to go back after this session into the Senior Center for more questions and answers? Generally, it's a small group that goes and there's not the number that follow up after this part of the meeting. Just another consideration maybe to even look at."

Voss, "Yeah, I'm not opposed to having it in the Spring and I guess I would tend to agree too that if we're just to have one, to have it in the Spring. I think what I'd like to add is that we should have a discussion, probably soon after the Spring Town Hall Meeting, about whether we continue to have it twice a year. Obviously, I'd love to have a full room of residents here. So you kind of asked a question of why we're not getting the attendance we used to. When we first started them, quite a few years ago, we gave a lot more means of communication now than we did back then so maybe that's the reason. I just want to throw it out. So you're looking for a date and a motion on that date?" Davis, "Correct."

Voss, "I'll entertain a motion." **Koller, "I'll make a motion to pick April 23rd as a day for the Town Hall Meeting." Mundle, "I'll second."** Voss, "Any discussion? All in favor say aye?" **All in favor.** Voss, "Opposed? That motion passes." **Motion passes unanimously.**

10.0 Other
10.0A
Staff Reports

Davis, "For everyone that's watching, please keep in mind that on March 4th, City Council meetings will start at 7 p.m. Also, I don't have the exact dates but check the City website, the reader board, and Channel 10. There will be two more open skate periods. One will be next week and one will be the following week at the first of February. We had two the first of this month. The first one we had two people show up, the second we had seven. So, that's encouraging. We'll just see if the attendance increases. So we will have it one day next week. I don't have the date in front of me but it will be on the website, the reader board, and Channel 10, and one the following week."

Voss, "Anything else Jack?" Davis, "That's it."

10.0B
Council
Report –
Member
Mundle

Mundle, "Not a whole lot. Had a Booster Day meeting the other week and talked about setting a date for the Family Fun Day Fundraiser for Booster Day. Discussing some time in March to have that at the East Bethel Ice Arena. So, it would be a day where there'd be a bunch of inflatables and a bunch of other fun activities for the family to come and do and help raise some money for Booster Day."

Voss, "Is that date set?" Mundle, "Not yet. They're discussing it and talk to Jack about it." Voss, "All right. Is that it?" Mundle, "That's it."

Council
Member
Koller

Koller, "I attended the Upper Rum Watershed and the Sunrise River Watershed and as you heard, we hashed out the budgets for next year. That's about that."

Council
Member
Harrington

Harrington, "The only thing I have is we have a Pet Clinic on the 21st at the Ice Arena. So everybody knows, March 21st, 9 to noon. That's all I've got."

Ronning, "What's that encompass? Is there a cost? What are the services?" Harrington, "They have shots and the heart worm and everything. The prices are real reasonable. I think there's flyers out front." Davis, "There is a charge for the vet services. As Tim says, it's very reasonable and residents that come to get a dog tag for the City are given that free if they show up that day and need a dog tag."

Voss, "And, it's usually well attended." Davis, "It is well attended. Actually, you go by there and you'll see the line winding outside the building." Voss, "Yeah, long before it opens."

Council
Member
Ronning

Ronning, "Last week, the Road Commission met and they went through the budget, as was discussed. They went through the projects. Everything, the projects for the sealcoat, whatever the resurface. A nice bunch. There's a lot of talent in these groups that meet on these things. There's a lot of experience. You just don't know how much there is. It's nice to see the City so well represented. We have a complaint once in a while about not being able to fill the seats but when they do, it sure seems like there's some good workers in there."

Ronning, "I asked for a Work Meeting to discuss Commissions, or a Commission." Voss, "I put that under Other, next." Ronning, "Oh, you said to ask..." Voss, "Yeah, I meant to say 'Other' because I'm going to add to that too." Ronning, "Okay."

Mayor Voss

Voss, "I don't have much to add tonight. It's nice to see that we're going down the path of making the stormwater corrections for Nordin Estates. It's been around for a very long time so it's good that we can make some corrections there. That's all I have."

January 21, 2015
10.0C
Other
Consider
Work
Meeting
Agenda Items

Voss, "We have a Work Meeting now for next Wednesday that we have on our calendar. Tom, you're suggesting we have a Work Meeting to discuss the whole issue of appointments? Well, I shouldn't say the issue of appointments, just revisit." Ronning, "I'd call it conduct. What do we expect these Commissions to do? What authority do they have? I don't want to 'handcuff' anybody but..." Voss, "Oh, in terms of their roles." Ronning, "Yes." Voss, "Okay, okay. I think that's a worthy discussion item."

Davis, "Do you want to add that to the Work Meeting we have for next Wednesday? Or, separate that out separately?" Voss, "I think next Wednesday. Do we have something on there?"

Davis, "We're going to discuss the Ice Arena." Voss, "Oh, that's right." Ronning, "Where's the 'For Sale' sign?" Voss, "Where's the buyer?" Ronning, "For sale cheap." Voss, "Jack, how long would you anticipate that discussion to be?" Davis, "Well I think we can get through it reasonably in half an hour. There's a lot of things that have been discussed here before. I just want to go over some stuff. What I'd like to do is kind of review the performance of the contractor we have now. Decide how we want to move forward for 2015, 2016."

Voss, "Okay, I think we'd have reasonable time to talk about the Commissions. Because it's the arena, Mark are you planning to be at that Work Meeting?" Vierling, "It's up to the Council whether they want us there. We're happy to be there if you'd like us there."

Voss, "Is that something you're planning to have Jack? I was thinking in terms of the Commissions, also in terms of defining their roles there may be something that perhaps..." Davis, "From the Arena standpoint, I think everything's pretty cut and dried. There aren't any legal issues that would really be involved with this. From the Commission standpoint, we can provide all the legal and standing authority for the creation of them. Like the Planning Commissions are statutorily mandated. The other Commissions are at the option of cities. Roads, Parks may be, are they statutorily required?" Vierling, "Parks are not." Davis, "No, I didn't think so. I think Planning's the only one that's Statutorily required. And, you know, the City Council can actually be the Planning Commission. I don't think you ever want to get in that situation but by Statute, you can be the Planning Commission also. If it's something we know in advance, maybe we can get Mark to give us some direction. Or if you want him there at the meeting, that's fine too."

Vierling, "If you're going to get into issues of setting goals or expectations of members in various meetings, I'd be happy to supply you with some advanced materials that might be helpful on that for discussion purposes. Even if we're not there it might be very helpful."

Voss, "The item that I was going to suggest that we add to the Work Meeting, and I'll just suggest it tonight given we're at two items on that agenda, is the issue of our minutes. And, the reason why I abstained from the minutes is I personally, I have an issue with the way that minutes are structured with all the quotes. And, that's one of the things that I just want to discuss at a Work Meeting. The reason why I have that issue is I feel if I'm approving the minutes with quotes in there, it's almost like you're certifying that was actually done and you have to go back and, in my mind at least, to certify yeah, that's exactly what was said. I know it's been an issue over the past couple Councils with these minutes. So I'd like to add it to the Work Meeting agenda as the third item with the understanding, you know, I don't want it to be a long Work Meeting either. So, if everyone's okay with that?"

10.C
Consider
Work
Meeting
Agenda Items

Voss, "And, the time for the Work Meeting? Is that set?" Davis, "Probably want to allocate, the time was set at 7. We can move it up to 6, or you can set it any time you want to. We have a standing schedule at 7 but we can..." Voss, "You have a standing at 7? Okay."

Ronning, "It's an official meeting but no action." Voss, "That's correct." Koller, "7 is fine." Mundle, "Yeah." Voss, "I'm fine with 7 too." Voss, "Okay, anything else under Other?"

10.0D
Recess to
Closed
Session

Vierling, "Thank you Mr. Mayor. For the benefit of the record and for the public, we would note at the present time the Council is about to go into Closed Session to deal with issues of potential property acquisition. The authority for the closure is under Minnesota Statute 13.D.05, subdivision 3(c). Two properties that the Council is looking at for possible acquisition of real estate interest rights are located as Parcels 3 and 8 of Right-of-Way Plat #3 within the City of East Bethel. That being said, Mr. Mayor, I recommend that there be a motion to go into Closed Session for the purposes I've indicated."

Voss, "Is there a motion?" **Ronning, "So move."** Voss, "Is there a second?" **Koller, "I'll second."** Voss, "All in favor say aye?" **All in favor.** Voss, "Opposed? None opposed." **Motion passes unanimously.**

Reconvene
Open Session

Vierling, "For the benefit of the public and again for the record, we'll note that the Council's come back into Open Session after having recessed to a Closed Session, which was conducted under the authority of Minnesota Statute 13.D.05, subdivision 3(c), with regard to possibility of real estate acquisition affecting two parcels as Parcels 3 and 8 of Right-of-Way Plat #3. Closed Session was attended by the Mayor and all members of the City Council. It was also attended by the City Engineer Craig Jochum, Mr. Jack Davis the City Administrator, and myself as City Attorney. Council reviewed with staff the issues as it affects the acquisition of the property at issue, gave direction relative to strategy and communications to be made to the property owners, otherwise took no specific action at that time. With that being said Mr. Mayor, that's the end of the summary. Thank you."

11.0
Adjourn

Voss, "Is there a motion to adjourn tonight?" **Koller, "I'll make a motion to adjourn. Mundle, "I'll second."** Voss, "Any discussion? All in favor?" **All in favor.** Voss, "Opposed? Meeting adjourned." **Motion passes unanimously.**

Meeting adjourned at 9:40 p.m.

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



CITY OF EAST BETHEL
PERSONNEL POLICIES

Successful public relations are a very important element in every City Employee's job. It is important to be considerate, pleasant, prompt and brief in all dealings with the citizens of the City of East Bethel. The impression we make over the phone, email or in person, whether good or bad, will be the one that the citizen will remember. It is the mission of the City of East Bethel to provide the highest quality service to East Bethel residents and taxpayers in the most effective, efficient manner possible. Proper adherence by all City Employees to these policies will help attain that goal.

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SECTION 1 ~ PURPOSE

1.1 Purpose

The information in these personnel policies serve only as a general reference to East Bethel's current policies and procedures. None of these rules and policies constitutes a contract between the employee and the City. These rules and policies are not a guarantee of continued or future employment or intended to alter the at will employment relationship between the City and employee. Employees have the right to terminate their employment at any time, for any reason or no reason, and the City retains a similar right, subject to any statutory or constitutional restrictions placed upon it as a public employer.

1.2 Equal Opportunity Employer

Non-Discrimination: The City of East Bethel strives to provide full and equal opportunities for every person in all areas related to employment, training, promotion and compensation. No individual shall be discriminated against with respect to compensation, terms, conditions or other privileges of employment because of race, color, creed, religion, gender, age, national origin, sexual orientation, marital status, veteran status, public assistance status, disability, membership or non-membership in a labor organization, genetic information, or to any other group or class against which discrimination is prohibited by State or federal law. Employees will be evaluated solely on the basis of their conduct, compliance with the City of East Bethel's policies, practices and reasonable expectations, and their performance.

The City of East Bethel is committed to the fair and equal employment of people with disabilities. The City will reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with state and federal law, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment.

Current employees must inform the City Administrator of the need for an accommodation. Thereafter, the employee may be asked to provide supporting documentation as to the employee's functional limitations in support of their request for an accommodation. Any medical documentation that is collected will be maintained on separate forms and in separate locked medical files. The information will only be shared with those individuals who have a legitimate business interest to know or if any emergency arises.

Once a qualified individual has requested an accommodation, the City will consult with the employee to determine the procedure moving forward. Employees who are dissatisfied with the decision(s) pertaining to an accommodation request made to the City Administrator may submit their concern, in writing, to the Finance Director, who thereafter shall be responsible for meeting with the employee to determine the extent of coverage provided to the employee.

If an applicant or employee believes that he/she, or another applicant or employee, have been unlawfully discriminated against, the individual must bring this to the attention of the City Administrator. Employees at the City can bring complaints, ask questions, and raise concerns under this policy without fear of reprisal or retaliation.

This Equal Employment Opportunity Policy applies to all aspects of the employee's employment and to all applicants. All employees and applicants are responsible for understanding, adhering to and strictly enforcing this policy.

1.3 Adoption and Amendment

These rules were prepared and recommended by the City Administrator at the request of the City Council. The City of East Bethel reserves the right to unilaterally modify the personnel rules, polices and ordinances as may be necessary to ensure continued compliance with federal, state and local requirements and to meet the fiscal needs of the City of East Bethel.

1.4 Application - Positions

All employees (regular full and part-time), offices and positions in the municipal employ, now existing or hereafter created, will be subject to the provisions of these regulations except the following:

1. Elected officials (except as noted herein)
2. Members of boards and commissions (except as noted herein)
3. Volunteer members of the Fire Department (except as noted herein)
4. City Administrator (except as noted herein)
5. City Attorney
6. Persons engaged under contract to supply expert, professional, technical, or any other services
7. Other positions so designated by the City Council (except as noted herein)

1.5 Collective Bargaining

All Employees covered by a collective bargaining agreement entered into in accordance with the Public Employers Labor Relations Act, Minnesota Statutes §179.61 – 179.77, and §179A.01 – 179A.25 shall be exempt from any of the provisions contained in these personnel policies that directly conflict with the terms contained in the collective bargaining agreement.

SECTION 2 ~ DEFINITIONS

Unless otherwise indicated, the following words and terms have meanings indicated below:

Appointment: a regular assignment to a position in the City service.

Days: Calendar day; including Saturday, Sunday, and holidays unless otherwise specified.

Demotion: a change of an employee's status from a position in one job class to a position in another job class with fewer responsibilities and duties and may result in a lower salary range.

FLSA: Fair Labor Standards Act (FLSA) which is a federal law regarding minimum wage and overtime compensation, classifying positions as exempt or non-exempt.

Exempt Employee: employees specifically exempt from the overtime compensation provisions of applicable FLSA (Fair Labor Standards Act) legislation as defined and limited by administrative rules and regulations.

Non-exempt: employees who are entitled to a minimum wage and overtime compensation pursuant to applicable fair labor standards legislation (FLSA).

Position: a group of current duties and responsibilities requiring the full-time or part-time employment of one person.

Regular Full-Time: an employee who is scheduled to work a 40-hour workweek or more and was hired for service duration in excess of 12 months and has successfully completed the probationary period.

Regular Part-Time: an employee who works less than the 40-hour workweek and was hired for service duration in excess of six months and has successfully completed the probationary period.

Temporary Full-Time: an employee who works a 40-hour workweek whose employment is limited by duration of a specific project or task.

Temporary Part-Time: an employee who works less than the 40-hour workweek whose employment is limited by duration of the specific project or task.

Probationary Employee: an employee who is serving a probationary period in a position to or from which the employee was appointed, promoted, transferred, demoted, reclassified or reinstated.

Probationary Period: a six to twelve month working trial period.

Promotion: a change of an employee from a position of one job class to a position of another job class with more responsible duties and a higher salary range.

Reclassification: a change in classification of an individual position by raising it to a higher job class, reducing it to a lower job class, or moving it to another class at the same level on

the basis of significant changes in kind, difficulty or responsibility of the work performed in such a position.

Veteran: a person defined as a veteran by Minnesota Statutes, Section 197.447.

Veteran's Preference: the preference granted to veterans by Minnesota Statutes, Chapter 43A.11 and Chapter 197.481.

Workday / Workweek: A normal workday is 8:00 AM to 4:00 PM and a normal work week is Monday through Friday. However, department heads and supervisors may change the normal workweek to meet departmental workload and the needs of the City subject to the review and approval of the City Administrator.

SECTION 3 ~ CONDUCT AND ETHICS

3.1 Employee Conduct

It shall be the duty of employees to maintain high standards of cooperation, efficiency and integrity in their work. The City's employee conduct policies are designed to provide notice of the City's expectations for all of its employees. The City requires that its employees obey these rules of conduct, which are intended to protect the interests and safety of all employees and the City.

The City reserves the right to handle each disciplinary situation as it deems necessary. The City has the right to discipline and terminate employees for any lawful reason, including reasons not specified in these personnel policies, with or without cause, notice or prior warning or discipline, at any time. Employees are responsible for knowing, understanding and adhering to the City's rules of conduct. No employee at the City is guaranteed prior warning or discipline before termination, although there will generally be such warnings prior to discipline. Discipline may include, but is not limited to, verbal or written warnings, paid or unpaid suspensions, prospective reductions in pay, demotions, ineligibility for promotions, benefits or raises, counseling or other required conditions for retaining employment, last chance warnings, or termination, without opportunity for reemployment. Employees covered by a collective bargaining agreement are required to follow the standard of employee conduct established in this policy but are subject to the disciplinary measures covered in the collective bargaining agreement, if those disciplinary measures are in conflict with the disciplinary measures outlined herein.

Since it is impossible to provide an exhaustive list of misconduct, the following is a non-exclusive list of examples of conduct that may result in discipline, up to and including termination of employment:

1. Inadequate performance, failure to work efficiently, to produce satisfactory results, or to meet reasonable production and/or quality standards.
2. Inability or unwillingness to perform the assigned job.
3. Failure to promptly respond to client communications or inquiries.
4. Failure to follow the orders of a direct supervisor or the City Administrator.
5. Being absent from work without permission.
6. Unacceptable absenteeism or tardiness.
8. Leaving work prior to the completion of scheduled or approved overtime hours.
9. Failure to follow through with the completion of a work assignment.
10. Engaging in any other business or employment that conflicts with or interferes with an employee's responsibilities to the City.
11. Working on personal matters during working time.
12. Divulging or misusing confidential information, attorney client privileged communications, attorney work product or other confidential information of any kind.
13. Inability to get along with fellow employees so that the work being done is hindered and not up to required levels.
14. Making derogatory or false accusations so as to discredit or demean other employees, management, or the City Council.

15. The use of profanity or abusive language towards a fellow employee, management or member of the general public while performing work on behalf of the City.
16. Conduct on the job which violates the common decency or morality of the City or the community.
17. Lying to supervisors or the City Administrator in connection with one's employment.
18. Dishonesty, including intentionally giving false information, intentionally falsifying records, intentionally logging false time records for payroll, or making false statements when applying for employment.
19. Removal of the City's money or property without permission.
20. Unauthorized or inappropriate use of telephones, facsimiles, mail, e-mail, copiers, computers or other equipment.
21. Possession or use of firearms, explosives, weapons or other dangerous or unlawful materials on the City's property (including the City's parking lots), unless otherwise permitted by state law.
22. Failure to observe property security procedures.
23. Failure to observe safety rules and regulations.
24. Reporting to work under the influence of intoxicants or nonprescription/illegal drugs or using such substances while on City property.
25. Conviction of a felony, gross misdemeanor or serious regulatory or ethical offense, whether on duty or off duty, which adversely affects the City by bringing it into disrepute, by exposing the City to the risk of liability or expense, by undermining the employee's ability to effectively perform his or her duties, or by reducing the community or co-worker confidence in the employee.
26. Violation of a City policy, including the policies on discrimination, harassment and retaliation.
27. Violation of any other City policy, rule, practice or standard, failure to meet standards or reasonable expectations of the City or any other conduct which the City lawfully determines to be adverse to its needs or interests
28. Other misconduct or actions unbecoming the employee.

3.2 Prohibition of Harassment and Retaliation

The City is committed to providing a work environment that is free of unlawful discrimination. This policy prohibits harassment or retaliation based upon race, color, religion, creed, age, sex, national origin, ancestry, marital status, pregnancy, disability (including those related to pregnancy or childbirth), membership or non-membership in a labor organization, sexual orientation, genetic information, complaining in good faith to the Employer or to a public authority, lawful requests for access to or to make written submissions to one's personnel file, status with regard to public assistance, or any other characteristic or activity protected under federal, state, or local law. Complaints alleging retaliation or harassment, including but not limited to sexual harassment, based upon any protected characteristics or activity will be handled as described in the Reporting Procedure section.

Sexual Harassment

The City strictly forbids sexual harassment in the workplace. The “workplace” includes all of the City’s premises, and any other locations where City-sponsored activities take place, any off-site location where City business is conducted, and on social networking sites if the City, its community members, suppliers or employees are referenced or included in communications. "Sexual harassment" has been defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made a term or condition, either explicitly or implicitly, of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as a factor in decisions affecting that individual’s employment; or
- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment, and the employer knew or should have known of the existence of the harassment and failed to take timely and appropriate action.

Reporting Procedure

If an employee believes that he/she has been subjected to any conduct or statement that could be viewed as harassment or retaliation, the employee must:

- First:** Tell the harasser/retaliator to stop.
- Second:** Immediately report the incident to his/her direct supervisor or the City Administrator.
- Third:** If the conduct continues, this should also be immediately reported to one of the above individuals.

If an employee or a supervisor witnesses an incident that might be viewed as harassment or retaliation, the employee or supervisor must follow steps two and three above. Failure to do so may result in disciplinary action, up to and including termination.

Any incident, complaint or report will be investigated, including those arising after an employee’s termination of employment. Complaints and actions taken to resolve harassment or retaliation will be handled as confidentially as possible, given the City’s obligation to investigate and act upon such incidents, complaints or reports.

Employees may bring complaints, ask questions, and raise concerns under this policy without fear of reprisal or retaliation. All employees are responsible for understanding, adhering to and strictly enforcing this policy. Violation of this policy may result in discipline, up to and including termination.

Investigation and Recommendation

The City will, upon receipt of a report or complaint alleging harassment, retaliation, or other inappropriate conduct, authorize an investigation.

In determining whether alleged conduct constitutes harassment, retaliation, or other inappropriate conduct, The City may consider the surrounding circumstances, the nature of

the alleged statements or conduct, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes harassment, retaliation, or other inappropriate conduct, requires consideration of all the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint or report has been made, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint or report. The investigation may also include any other lawful methods deemed pertinent by the investigator. In addition, the City may take immediate steps, at its discretion, to protect the complainant, witnesses or other employees pending completion of an investigation.

Prohibition against Retaliation

The City will discipline any individual who retaliates against any person who complains of or reports alleged harassment, retaliation, or other inappropriate conduct, or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a harassment complaint.

Discipline and Other Appropriate Action

The City may take any appropriate action it deems necessary to punish harassment, retaliation or other inappropriate conduct and to prevent reoccurrence of any such conduct. Depending upon the results of an investigation and severity of any incident, the City may take disciplinary action, up to and including termination, as well as issuing general reminders of its policy, and/or conducting orientation and training sessions.

3.3 Workplace Violence

The City seeks to provide a safe and secure workplace environment for employees, vendors, suppliers and the general public. Violence, or the threat of violence, has no place in any facility of the City. This policy addresses the City's commitment to preventing the potential for violence in and around the workplace and to fostering a work environment of respect and healthy conflict resolution.

Violence or the threat of violence, by or against any City employee or other person while at a City workplace or worksite is unacceptable and may subject the individual to serious disciplinary action, up to and including immediate termination, and/or criminal charges. The City will take every reasonable action to protect the life, safety and health of employees and will provide as rapid and coordinated a response as possible to violence or threats of violence at any worksite.

Possession, use, or threat of use, of any object that could be considered a dangerous weapon, including all firearms, is not permitted at the workplace, on City property (including City parking lots), or at a City worksite (including worksite parking lots), unless such possession or use is an approved requirement of the job. (Hunters must retrieve weapons from home after work prior to leaving on hunting trips.)

Employees who feel that the workplace violence policy has been violated must immediately report such conduct to the City Administrator.

3.4 Drug and Alcohol Free Workplace

Employees are required to report to work on time and in appropriate mental and physical condition for work. No employee shall be under the influence of any drug or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle, machinery or equipment, except to the extent authorized by a valid medical prescription. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

1. Drug and Alcohol Testing

a. Purpose

This policy is to provide for the testing of employees and job applicants in conformance with the requirements of Minnesota Statutes Chapter 181.950 to 181.957.

b. Scope

This drug and alcohol testing policy applies to all employees of the City and to all job applicants who have received a contingent offer of employment by the City.

c. Definitions

For the purposes of the Policy, the following definitions will apply:

1. **Alcohol** - Ethyl alcohol.
2. **Confirmatory Test and Confirmatory Retest** - A drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minnesota Statute Chapter 181.953, Subd. 1.
3. **Conviction** - A finding of guilty (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of state or federal criminal drug statutes.
4. **Drug** - A controlled substance as defined in Minnesota Statute Chapter 152.01., Subd. 4. and/or if required by law, the federal Drug-Free Workplace Act of 1988.
5. **Drug and Alcohol Testing, Drug or Alcohol Testing, and Drug or Alcohol Test** - Analysis of a body component sample according to the standards established under one of the programs listed in Minnesota Statute Chapter 181.953,

Subd.1 for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.

6. **Drug paraphernalia** - An item or items described in Minnesota Statute Chapter 152.01, Subd. 18.
7. **Employee** - A person defined as an employee of the City under the State of Minnesota Public Employment Labor Relations Act in Minnesota Statutes Chapter 179A.03, Subd. 14.
8. **Employer** - The City of East Bethel acting through its designees of the City Council.
9. **Initial Screening Test** - A drug or alcohol test which uses a method of analysis under one of the programs listed in Minnesota Statutes Chapter 181.953, Subd. 1. and which is capable of detecting the presumptive presence of a drug, drug metabolite, or alcohol in a sample.
10. **Job Applicant** - A person who applies to become an employee of the City, and includes a person who has received a job offer made contingent on the person passing a drug test.

11. **Premises** - All property and locations in which the City is operating or has established a presence.
12. **Positive Test Result** - A finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes Chapter 181.953, Subd. 1. An alcohol test will be considered positive if the testee has an alcohol concentration level of at least .02 or a lesser level if it is accompanied by an odor of an alcoholic beverage or signs of physical impairment in violation of the City's Personnel Policy. A residue amount of alcohol will be considered a positive test result only if accompanied by a violation of the City's personnel policies.
13. **Reasonable Suspicion** - A basis for forming a belief based on specific facts and rational inferences drawn from those facts.
14. **Safety-sensitive position** - A job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.
15. **Under the influence** – Having the presence of a drug or alcohol at or above the level of a positive test result.

d. Circumstances under which testing may occur:

Any employee or job applicant of the City may be tested under the following circumstances:

1. **Job Applicant** - A job applicant may be requested or required to undergo drug testing after a job offer has been conditionally made and before commencing employment in the position. Alcohol testing will not be a part of a post-offer pre-employment physical examination.
2. **Treatment Program Testing** - The City may test any employee referred by the City for chemical dependency treatment or evaluation at any time and without prior notice during the period of treatment or evaluation and for up to two (2) years following completion of any prescribed chemical dependency treatment or evaluation program in accordance with Minnesota Statutes Chapter 181.951, Subd.6.
3. **Reasonable Suspicion Testing** - No employee will be tested for drugs or alcohol under this policy without the person's consent. If, however, the City asks an employee to undergo a drug or alcohol test and the employee refuses, the employee may be subject to disciplinary action. The City may request or require an employee to undergo drug or alcohol testing if the employer has a reasonable suspicion that the employee:
 - i. is under the influence of drugs or alcohol;
 - ii. has violated the employer's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment;
 - iii. has sustained or caused another person to sustain a work related personal injury; or
 - iv. has caused a work related accident or was operating or helping to operate machinery, equipment, or vehicle involved in a work related accident.

e. Criteria for Selecting Testing Laboratories

When an employee or job applicant is to undergo drug or alcohol testing, the testing laboratory shall be certified and accredited to meet the criteria in accordance with Minnesota Statutes Chapter 181.953, Subd. 1.

f. Refusal to Undergo Testing

1. **Job Applicants** - Job applicants may refuse to undergo drug testing. However, if a job applicant refuses to undergo drug testing requested or required by the employer, no such test shall be given and the job applicant shall be deemed to have withdrawn the application for consideration for employment.
2. **Employees** - Employees may refuse to undergo drug testing. However, if an employee refuses to undergo drug and alcohol testing carried out in conjunction with this Policy the employee may be subject to discipline including, but not limited to, discharge.

g. Tampering with the Urine or Blood Sample:

If an employee tampers with his or her own urine or blood sample, or in any way deliberately causes a sample to be invalid, the employee may be subject to discipline including, but not limited to, discharge.

h. First Failure to Pass Drug and Alcohol Testing

Without evidence of any other misconduct any employee who for the first time has a positive test result on a confirmatory test will not be subject to discipline, including but not limited to discharge unless:

1. The City has given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency; and
2. The employee has either refused to participate in such a program or has failed to successfully complete the program within a reasonable time as evidenced by withdrawal or a positive test result on a confirmatory test after completion of the program.

i. Failure to Pass Drug and Alcohol Testing

1. **Initial Screening Test (Employee)** - The City will not discharge, discipline, discriminate against or require rehabilitation of an employee solely on the basis of a positive Initial Screening Test that has not been verified by a Confirmatory Test. However, the City may temporarily suspend a tested Employee whose test results are positive or transfer the Employee to another position at the same rate of pay pending the outcome of a Confirmatory Test (and, if requested, a Confirmatory Retest) if the City believes it is necessary to protect the health or safety of the employee, co-workers or the public. An employee who is suspended without pay will be reinstated with back pay if the outcome of the Confirmatory Retest is not positive.

Requests for such a Retest must be made in writing within five (5) days of the employee's receipt of notice of the test results. An employee who receives a positive test result on a Confirmatory Test and does not request in writing a Confirmatory Retest within five (5) working days after notice of positive Confirmatory Test results, may be subject to discipline including, but not limited to, discharge subject to the provisions of this policy.

2. **Initial Screening Test (Job Applicant)** - The City will not withdraw a conditional offer of employment on the basis of a positive test result on a job applicant's Initial Screening Test. An Initial Screening Test must be verified by a Confirmatory Test (and a Confirmatory Retest, if requested) before a conditional offer of employment can be withdrawn. A job applicant who receives a positive test result of a Confirmatory Test, fails or refuses a Confirmatory Retest, or does not request in writing a Confirmatory Retest within five (5) days after notice of a positive test result of a positive test result of a Confirmatory Test, may be refused employment and will be notified of the reasons for such refusal.
3. **Confirmatory Test** - Discipline for a Confirmatory Test verifying a positive test result on an Initial Screening Test may include discharge of an employee; provided, however, that prior to discharge, the employee is given the opportunity to explain a positive test result and request and pay for a Confirmatory Retest on the original sample. If the Confirmatory Retest is not positive, no action will be taken against the employee. If the Confirmatory Retest is positive, and if it is the first positive retest result for the employee, the employee will not be terminated if the employee elects to participate, at the employee's own expense, in a drug or alcohol treatment or rehabilitation program, whichever is appropriate. An employee who either refuses to participate in the treatment or rehabilitation program or who fails to successfully complete the treatment or rehabilitation program (as evidenced by withdrawal of the program before its completion or by a positive test result on a Confirmatory Test during or after completion of the program), may be subsequently discharged.

j. Rights of Employee or Job Applicant or Notice of Test Results

1. An employee or job applicant who receives a positive test result on a Confirmatory Test has the right to receive a copy of the test result report and, within three (3) working days of notice of the original positive Confirmatory Test result, to submit information to the City in addition to any information already submitted to explain that result, or within five (5) working days to notify the City in writing of the employee's intention to obtain a Confirmatory Retest of the original sample at the employee's or job applicant's own expense.
2. If the Confirmatory Retest is conducted in accordance with rules established by the Commissioner of the Minnesota Department of Health by a qualified laboratory in accordance with Minnesota Statute Chapter 212.31, Subd. 4 E, and if it is not positive, the City shall reimburse the employee or job applicant for the actual cost of the Confirmatory Retest in an amount not to exceed \$100.00 and no adverse personnel action shall

be taken against the employee or job applicant based on the original Confirmatory Test.

k. General Testing Procedures

All testing will be performed by a licensed laboratory that certifies its compliance with the requirements of Minnesota Statutes Chapter 181.953, as from time to time amended. When the City determines to test for drug or alcohol use on any of the grounds enumerated in Section 3.2, 1, d of this policy, the following procedures will apply:

1. Initial Screening Test

- i. **Acknowledgment.** Before the Initial Screening Test, the employee or job applicant shall be informed of the City’s testing policy and given a form on which the employee or job applicant can acknowledge being so informed. The form shall allow the employee or job applicant to indicate any medication (prescription, signed for, or over-the counter) that the individual is currently taking or has recently taken and other information relevant to the reliability of or explanation for a positive test result. Medical information disclosed on the form shall not be used as the basis for any adverse personnel action.
- ii. If the Initial Screening Test produces a negative result, written notice of such result will be given to the individual who took the test within three (3) working days after the City receives the test result report. The employee or applicant will also be notified that they have the right to request and receive a copy of the test report.
- iii. The testing laboratory will perform a Confirmatory Test on all samples that produce a positive test result on the Initial Screening Test.

2. **Confirmatory Test.** If the Initial Screening Test produces a positive test result, a second test (known as the Confirmatory Test) will be conducted by the laboratory. If the Confirmatory Test is not positive, the City will send written notice of this fact to the employee or job applicant within three (3) working days after receiving the result.

If the Confirmatory Test produces a positive test result, the City will take the following four steps:

- i. The City will send written notice of the positive test result within three (3) working days after receiving it to the employee or job applicant.
- ii. The employee or job applicant will be informed of the right to receive a copy of the test result.
- iii. The employee or job applicant will be told of the right to explain the positive result.
- iv. The employee or job applicant will be informed of the right to request a Confirmatory Retest of the original sample at the employee’s or job applicant’s expense. The employee or job applicant has five (5) working days in which to notify the City of this request in writing.

3. **Confirmatory Retests.** If an employee or job applicant chooses to request a Confirmatory Retest, the employee or job applicant has five (5) working days within which to notify the City of this request in writing. Within three (3) days of the receipt of such request, the City will notify the original testing laboratory that it is to conduct a Confirmatory Retest or transfer the sample to another certified laboratory for retesting. If the Confirmatory Retest does not confirm the original positive test result, no adverse personnel action will be taken by the City. If the confirmatory Retest is positive, the City may withdraw its conditional offer of employment to a job applicant or terminate an employee if such employee chooses not to participate in a chemical dependency treatment or evaluation program.

l. Data Privacy

Test result reports and other information acquired in the drug and alcohol testing process are private data on individuals as defined in Minnesota Statutes Chapter 13, and may not be disclosed to another employer or to a third party individual, governmental agency, or private organization without the written consent of the employee or applicant tested, unless otherwise permitted by law or required by court order.

m. Other Misconduct

Nothing in this Policy limits the right of the City to discipline or discharge an employee on grounds other than a positive test result in a Confirmatory Test. For example, possession but not consumption of a controlled substance, the sale of a controlled substance on City premises, or conviction under any criminal drug statute for a violation occurring in the workplace, may by themselves, be grounds for discipline or discharge. Any City employee may be subject to discipline up to and including termination for violation of this Policy or any rules adopted by the City with respect to the manufacture, use, sale, or transfer of drugs and alcohol.

n. Administrative Responsibility

1. The City Administrator shall be responsible for implementing this Policy.
2. Each Department Manager and Supervisor shall be responsible for informing their employees of this Policy.
3. Each employee of the City shall be notified of this Policy. Employees shall acknowledge in writing of their notification of this Policy.

3.5 Tobacco

Tobacco products (i.e. chewing tobacco, smoking, etc.) are prohibited in City buildings and vehicles. This applies to all City vehicles and all city owned public facilities to include but not limited to park shelters, athletic complexes and municipal buildings.

3.6 Gifts and Gratuities

An employee may not solicit any gift or gratuity from any other employee or member of the general public. In no instance may a gift or gratuity be solicited or even hinted. In no instance may any gift or gratuity be accepted by a City employee, even if the gift or gratuity was unsolicited.

There are very limited exceptions to what is considered a gift or gratuity. The exceptions include:

1. A plaque or similar memento recognizing an individual's services in a field of specialty or to a charitable cause.
2. A trinket or memento of insignificant value.
3. Informational materials of unexceptional value.
4. Food or beverage given at a reception, meal, or meeting away from your normal place of work by an organization before whom you are appearing to make a speech or answer questions as a part of a program. All other gifts of food or beverage are prohibited. Vendor contributions to a meeting of local officials for breakfasts, hospitality rooms, snacks, or refreshments are prohibited.
5. Usual or customary gift giving among employees during the holiday season, birthdays, retirements, weddings, baby showers, rolls, cookies, flowers, etc., provided by coworkers.
6. Gifts from a family member.

Good judgment is advised. When you are faced with a situation concerning the acceptance of an item, you should seek approval from your supervisor prior to its acceptance and, if not resolved with your supervisor, proceed up the departmental ladder. It is important that each of us maintain high standards of public service and remain within the letter and spirit of ethical behavior.

3.7 Membership on Advisory Commissions

City employees are, pursuant to this policy, ineligible for appointment or service on City of East Bethel Advisory Commissions. City employee participation in support of commissions is assigned by City Administrator.

3.8 Technology Use

The City of East Bethel provides employees with technology to assist them with their job duties. The purpose of this policy is to define acceptable and unacceptable use of the City technology including, but not limited to computer systems, voicemail systems, network systems, electronic mail (e-mail), the Internet and other information systems ("City Technology"). This policy applies to all employee use of City technology including use by employees located on City property and off of City property. The goal of this policy is to avoid inappropriate use of City technology and to maintain appropriate security to protect City data and technology.

City Ownership/Right to Access

All City technology systems are the property of the City of East Bethel. This includes but is not limited to all hardware, software, programs, applications, templates, internal and external e-mail messages, facsimile (fax) messages, data, data files, and voicemail messages developed or stored on city-owned, leased, or rented technology systems. The City reserves the right to access, retrieve and read any data, messages or files stored on City technology and disclose any data, messages or files without prior employee consent. Employee use of City Technology is not private. This includes but is not limited to use of internal and external e-mail and use of the Internet. Use of passwords does not make data, messages or files private. Passwords must be disclosed to supervisors upon request and may be bypassed by the City. By using City technology, employees consent to any monitoring of that technology that may take place.

Responsibility

Department Heads and supervisors are responsible for the implementation of and adherence to this policy within their departments. All employees are responsible for reading and following directions from Information Technology staff regarding appropriate procedures and precautions to take in order to protect the City's network system.

Software Use in Accordance with License Agreements

Employees shall adhere to all software license agreements, with regard to duplication and use as directed by the software publisher.

Remote Connections and Special Applications

Applications for remote connections and special applications will be reviewed and approved at the discretion of the City Administrator. Formal requests should be in writing, with an in-depth explanation of need and the cost savings involved.

Authorized Software

All software used on City computer and network systems must be approved and installed by the City Administrator or designee. Written requests for new and demonstration software packages will be reviewed and approved at the discretion of the City Administrator or designee. City employees are prohibited from downloading, acquiring, or installing their own software without prior consent and approval from the City Administrator or designee.

Virus Protection

All files brought into the City, via diskette or electronic transmission will be scanned for viruses. This includes portable devices from all service personnel, vendors, clients, and other government agencies. E-mail attachments that are not document files (.doc, .pdf, .rtf, .txt, .csv, .xls) will not be opened. If there is any question about how to use the City's virus detection software or about appropriate use of copyrighted material, employees should contact the City Administrator.

Electronic Mail

Electronic mail should be considered non-private information and may be periodically reviewed and used for investigation by the City Administrator. The electronic mail system is not to be used to harass any other individual. Limited personal use of the City's email system by employees is allowed, provided it does not interfere with an employee's work and is consistent with all City policies. Use of the electronic mail system is considered to be acceptance and acknowledgment of this rule.

An employee's personal email may be considered "public" data and may not be protected by privacy laws. Personal email may also be monitored without notice to the employee.

The following policies pertain to emails of both business and personal content:

- Use common sense and never transmit an email you would not want your supervisor or other employees to read.
- Do not correspond by email on confidential communications (e.g., letters of reprimands, correspondence with attorneys, medical information).
- Do not open email attachments or links from an unknown sender. Delete junk or "spam" email without opening it if possible.

City Computer Data

All data stored on computer media owned, leased or rented by the City, is considered to be owned by the city, and non-private, including information stored on local drives.

Data shall be subject to the City's records retention schedule and the Minnesota Data Practices Act. Dissemination of data shall be consistent with the data's classification under the Minnesota Data Practices Act. This data is also subject to review and investigation at the discretion the City Administrator.

Some general guidelines to consider are as follows:

- All City records and data must be stored on the City's network.
- E-mail that is not an official record of City business should be deleted as soon as possible and should not be retained for more than 120 days.
- City-related documents that an employee creates on a home computer should be moved to the City's network file as soon as practical.

Passwords

Supervisors are required to report immediately to the City Administrator when an employee resigns or is terminated. Employees are required to contact the City Administrator when they suspect their login ID has been compromised or when someone else has obtained their password.

Password protection of any document is prohibited unless authorized by department director and City Administrator. This applies to any document stored on any drive (local or network), which includes diskettes, CDs, DVDs, flash drives, or any other storage device owned by the City. Any document found with unauthorized password protection will be deleted.

Internet

City employees are encouraged to find ways to access information from other governmental agencies and related sites, but must realize that in some cases the time spent looking for something will take longer than the conventional method. Department Heads should be aware of the time spent by their employees, and employees should keep an accurate record of time spent and useful addresses for future use.

a. Auditing Internet Use

The City has the ability to document and investigate all sites viewed by user name and location. All employees must be aware that they will be monitored and any site viewed that is of a questionable nature may result in disciplinary action. This restriction includes browsing of entertainment sites or sites that are designed to attract an adult audience. Infractions of this nature will be dealt with to the fullest extent of the discipline policy.

b. File Downloads and Virus Protection

All files downloaded from the Internet must be of a business nature, and approved for download by the City Administrator. File must be saved to the network server to ensure that a virus scan is automatically performed.

c. General Internet Restrictions

City staff accessing the Internet through City resources shall not:

- Mask their true identity. This includes, but is not limited to, sending mail anonymously.

- Use the system for any activity that is commercial in nature. Commercial activities include, but are not limited to, consulting, typing services, and developing software for sale.
- Post on electronic bulletin boards materials that violate existing laws or the City's Personnel Policies.
- Post on Internet services information that may be slanderous or defamatory in nature.
- Attempt to monitor or tamper with another user's electronic communications, or reading, copying, changing, or deleting another user's files or software without the explicit agreement of the owner.
- To access, upload, download, transmit, or distribute pornographic, obscene, abusive, or sexually explicit materials.
- To transmit or accept sexually explicit language or profanity.
- To violate any local, state, or federal law or engage in any type of illegal activity;
- To violate any applicable state, federal, or international copyright, trademark, or intellectual property laws and regulations without prior approval, including unauthorized downloading or exchanging of pirated or otherwise unlawful software;
- To engage in any form of gambling;
- To engage in any type of harassment or discrimination;
- To engage in any type of commercial enterprise unrelated to the specific purposes and needs of the City;
- To engage in any form of solicitation without the consent of the department director;
- To promote any political or private causes or other activities that are not related to the business purpose of the City; or
- To enter into financial or contractual obligations without prior approval.

Personal Use

The City recognizes that some personal use of City-owned computers has and will continue to occur. To prevent abuse of this privilege, personal use is limited to the following:

- a. Employees must obtain department director or other designated staff approval for personal use in the office where the PC is located.
- b. Personal use is permitted only before and after regular business hours and only when other City business is not to be performed on the systems. Personal use shall not preempt work use.
- c. Limited use of the City's access to the Internet for personal reasons is allowable, provided it does not interfere with an employee's work and is consistent with all provisions in this policy. Employees are warned that their individual activities on the Internet may be monitored and reported.
- d. Employees must use their own paper and portable devices (which must be scanned and approved for use by the City Administrator designee. No personal files or data are to be stored on the City's file servers.

- e. Only City employees are to use the City computers. Family members or friends are not allowed to use City equipment or technology resources. Use of another's computer without authorization is prohibited.
- f. Use of City computers, software and peripherals for the following is strictly prohibited at all times:
 - for profit or commercial activities;
 - for any other public office or employment which is incompatible with City employment responsibilities, as determined by the City Administrator,
 - for any political activity
- g. Internet e-mail may be used for personal correspondence, as long as it does not interfere with the normal duties of the employee and is consistent with all provisions in this policy.
 - Using the City Internet e-mail system to participate in any kind of broadcast mailing list is strictly prohibited.

Notice of Computer Problems

Employees are responsible for notifying the City designee about computer problems. Small problems may indicate a more serious network or computer system issue, so employees should err on the side of caution when deciding whether or not to raise a question or concern.

Violation of Policy

Violations of this policy shall be dealt with on an individual basis, consistent with the nature of the infraction. For all City employees, as defined in the City Personnel Policies, infractions will be dealt with through normal personnel procedures; up to and including termination. All other infractions will be responded to with appropriate legal action.

3.9 Dress Code

The dress and appearance of City employees is a direct reflection on the quality and professionalism of our services. City employees meet with the public every day as part of the regular workday.

Policy Statement

It is the responsibility of all employees to be neat and clean and to dress in a manner that is appropriate to their work environment. Employees should use good judgment in attire, personal hygiene and overall appearance. Please be considerate of co-workers, citizens and other guests. It is the responsibility of Department Heads to determine if an employee's appearance is inappropriate.

At all times, regardless of the style of clothing that is worn, clothing must be clean, neat and free of holes, tears, fraying, patches, signs of wear or excessive wrinkles or noticeable stains. Any clothing that, by fit or design, is revealing or provocative is not suitable for our business environment.

General

If one's attire is most appropriate for the gym, tennis court, beach or nightclub, it is not appropriate in a business environment. When in doubt about the appropriateness of any attire, leave it out of the work wardrobe. Use good judgment.

Examples

The following are some examples of acceptable clothing for employees who work in the office environment:

- Sweaters, vests, blazers, jackets, blouses, shirts with collars or buttons, knit tops, turtlenecks, business suit, skirt and blouse, business dress
- Docker-type, khaki, dress slacks/trousers or twill casual pants. Jeans, without holes, frays, etc., and knee-length dress/walking shorts
- Casual flat shoes, loafers, cloth tennis shoes, open-toed shoes, clean athletic shoes

For employees who work in a non-office environment. These employees may perform some physical labor, such as inspections. Acceptable clothing items include:

- All of the items mentioned above, except no open toed shoes
- T-shirts or sweatshirts without prominent slogans, advertising, or printing
- Like-new tennis/athletic shoes, unless prohibited by OSHA Rules

The following are some examples of unacceptable appearance for employees:

- Inattention to personal hygiene/cleanliness
- Shorts (except knee-length dress/walking shorts, which are acceptable), spandex, stretch pants, leggings or other form-fitting pants
- Tube tops, halter tops, tank tops, spaghetti straps, muscle shirts and T-shirts with slogans
- Athletic apparel including jogging suits and sweatpants
- Bib-overalls
- Sweat bands, caps, or hats worn indoors
- Any clothing with printed messages or graphic derogatory design
- Flip-flops, slippers or other unprofessional footwear including worn-out athletic shoes
- Mini-skirts

If health conditions exist which require an employee to wear an item listed as unacceptable, please consult with your Supervisor.

Uniformed Personnel

Uniforms, which are provided to some city employees, are expected to be neat, fresh and clean when reporting for duty. Each department is responsible for seeing to it that employees follow regulations regarding uniforms, related accessories and equipment. Uniforms bearing a city identification patch should not be worn during off-duty hours.

City Logo Clothing

Wearing City logo clothing when consuming alcohol is prohibited.

Violation of Policy

The Department Head will determine if appearance is inappropriate. If a Department Head determines that an employee's standard of appearance is inappropriate, it will be brought to the employee's attention privately. Failure to meet acceptable standards of appearance as determined by a Department Head may result in a warning or an employee being sent home to change clothing. Time spent driving home and returning to work is not compensated.

Additional policy violations could result in disciplinary action; up to and including termination.

SECTION 4 ~ RECRUITMENT/EMPLOYMENT

4.1 Position Opening Authorization

Department Heads will notify the City Administrator and make recommendations when a replacement vacancy exists in a department or when there is a desire to fill a newly created position. The City Administrator will review the request and recommendations and advise the department head on the proper course of action. The City Administrator, with advice and consent of the City Council, is the final authority in the filling of all positions.

4.2 Recruitment

The recruitment of applicants for employment with the City shall take place at the direction of the City Administrator.

4.3 Probationary Period

The probationary period begins immediately upon starting date and continues for six months with the option to extend to twelve months. Department Heads must inform the City Administrator of employee's successful completion of the probationary period.

Time served in temporary positions is not considered part of the probationary period.

4.4 Dismissal During the Probationary Period

A Department Head may recommend to the City Administrator dismissal of a probationary employee at any time during probation for any reason.

4.5 Benefits During Probationary Period

Sick and vacation leave will accrue during the initial probationary period. Sick and vacation leave may be used as earned under the same conditions as applicable to non- probationary employees.

4.6 Reference and Background Checks

All reference checks for current or terminated employees must be routed to the City Administrator or his/her designee.

4.7 Employment of Relatives

More than one family member may not be employed within any department where one family member or relative supervises or has the ability recommend hire, fire or promote another relative, or where there may be a conflict of interest or not in the best interest of the City as determined by the City Administrator.

4.8 Discipline

The City reserves the right to take any disciplinary action it deems appropriate under the circumstances.

4.9 Administrative Leave – With Pay Regular Employees

Any regular employee of the City placed on Administrative Leave – With Pay will be provided with compensation as would normally be afforded the individual in a working status or classification. Compensation will be predicated on a normal work week for the individual in this status.

A normal work week shall be the average number of hours compensated over the past six months. If the employee has been in the employ of the City for less than six months, the average shall be based on the average hours worked during the period of employment.

4.10 Administrative Leave – With Pay Non-Regular Employees

Any non-regular employee of the City placed on Administrative Leave – With Pay will be provided with compensation based on the following factors:

Average amount paid to the non-regular employee over the past six months divided by six months to determine the average monthly wage. The non-regular employee will be compensated at the average monthly wage calculated above.

The impact on retirement benefit(s) for non-regular employees shall be determined by the time period the non-regular employee is absent from the position. Should a non-regular employee be absent in an Administrative Leave –With Pay status for less than six months and meets all other criteria during the time the non-regular employee is engaged in service to the City, there shall be no reduction in retirement benefit. Should a non-regular employee be absent in an Administrative Leave – With Pay status for more than six months, the City Administrator shall review the specific issues and make a recommendation to the City Council.

The impact on promotion and position retention for non-regular employees shall be determined by the time period the non-regular employee is absent from the position. Should a non-regular employee be absent in an Administrative Leave –With Pay status for less than six months and meets all other criteria during the time the non-regular employee is engaged in service to the City, there shall be no impact on the non-regular employees eligibility for promotion and rank retention. Should a non-regular employee be absent in an Administrative Leave – With Pay status for more than six months, the City Administrator shall review the specific issues and make a recommendation to the City Council.

SECTION 5 ~ EMPLOYEE COMPENSATION

5.1 Compensation Plan

The City Administrator must develop and maintain a compensation plan so all positions substantially similar with respect to the type, difficulty, and responsibility of work are included in the same grade and that the same salary range may be applied to all positions in a grade.

The plan shall classify positions in accordance with federal and state laws for all positions. The City Administrator will present the compensation plan to the City Council for its approval. The effective date of the compensation plan shall be the date stated in the plan approved by the City Council.

5.2 Classification and Reclassification

When a new position is requested, the duties and responsibilities for that position are to be identified in a position description. The supervisor and/or department head are responsible for preparation and submission of the position description with the request for a new position. The City Administrator may recommend the new position to the City Council for approval.

When the duties of a position change substantially, the Department Head may request or the City Administrator may initiate a review of the duties of the position. Based on the results of the review, the City Administrator may recommend to reclassify the position to the City Council for approval.

5.3 Overtime/Compensatory Time

Pursuant to federal and state wage and hour laws, employees classified as fulltime and nonexempt under Fair Labor Standards Act (FLSA) who are authorized overtime work in excess of the regularly scheduled workweek or pay period will be compensated at a rate of one and one-half times their base rate of pay for hours worked in excess of their regular schedule. The FLSA mandates that the City classify employees in regards to overtime/compensatory time as one of the following categories: FLSA Exempt Employee or FLSA Non-Exempt Employee.

1. FLSA Exempt Employee

Exempt employees are not paid for overtime over 40 hours unless otherwise provided by collective bargaining. Exempt employees are generally employees who are classified as professional, administrative, executive and seasonal-recreation, under the FLSA exempt status.

2. FLSA Non-Exempt Employees

Overtime or compensatory time must be paid at a rate of one and one-half times the non-exempt (this includes full-time, part-time and temporary employees) employee's regular rate of pay for each hour worked in a work week in excess of 40 hours per week.

5.4 Compensatory Time - Non-Exempt Employees

FLSA non-exempt employees have the option of selecting compensatory time at the rate of one and one half times their regular rate of pay in lieu of overtime, to a maximum of 40 hours of comp time accrual.

5.5 General Rules - Overtime/Compensatory Time

All non-exempt employees must obtain written approval from their direct supervisor before working any overtime hours. An Employee who works overtime without prior written approval may be subject to disciplinary action, up to and including termination. Pre-authorization may be presumed by Employees in emergency situations such as excess snowfall, flood, severe storms, water main breaks, lift station malfunctions, or other similar situations where the immediate response of staff is required to avert endangerment of life, home or property. In the event of an emergency situation, the City Administrator shall be notified immediately.

5.6 Temporary Assignments

From time to time employees may be asked to fill in temporarily at work in a higher classification. The assignment will be made by the Department Head with the prior approval of the City Administrator.

If a temporary assignment extends beyond 20 working days, additional compensation at the higher classification may be provided. The duration of a temporary assignment may not exceed six months, unless authorized by the City Administrator with consent of the City Council.

SECTION 6 ~ EMPLOYEE BENEFITS

6.1 Health Benefits

The City may provide a contribution for regular full-time employees. Benefits may be purchased by employee as made available through the Employer's Cafeteria Benefit Plan. A set dollar amount for benefits will be included in the compensation plan approved by City Council as a separate document. The City will review its contribution on an annual basis.

Single health insurance coverage is required for all employees eligible for City contributions to a Cafeteria Benefit Plan. Employees are permitted to opt out of health insurance coverage under the City's policy with acceptable proof of health insurance coverage through another group plan.

6.2 Dental Benefits

The City may provide a contribution for regular full-time employees. Benefits may be purchased by employee as made available through the Employer's Cafeteria Benefit Plan. The City will review its contribution on a regular basis. Employees are permitted to opt out of dental insurance coverage under the City's policy.

6.3 Life Insurance/Short Term Disability/Long Term Disability

The City may provide and pay for life insurance, short term disability and long term disability for regular full-time employees.

6.4 P.E.R.A.

Public Employees Retirement Account will be maintained for regular full and part-time employees or as regulations specify.

6.5 Deferred Compensation Program

The City provides employees the opportunity to participate in a Deferred Compensation Plan. This voluntary plan allows employees to place a portion of their earnings into pretax deferred investment program. The City may match deferred compensation contributions up to 3% of base pay not to exceed the statutory maximum of \$2,000.

6.6 Flexible Spending Program

The City provides employees access to a Flexible Spending program for Dependent Care expenses and medical care expense reimbursements as part of the City's Cafeteria Plan.

6.7 Benefits Disclaimer

The City may, at its sole discretion and without prior notice, add to, modify, or discontinue any benefit program as well as the allocation of the costs for such employee health programs between the City and the Employee.

SECTION 7 ~ LEAVE BENEFITS

7.1 Official City Holidays

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Friday after Thanksgiving
Christmas Eve Day	December 24
Christmas Day	December 25

Sunday/Saturday Holidays: When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday is a holiday for employees whose normal work schedule is Monday through Friday.

Non-union employees who work a holiday will be paid time and one-half employee's regular pay rate for all hours worked in addition to a straight eight hours of compensatory time off for the holiday.

7.2 Vacation Leave - Regular Full-time Employees

1. Vacation Accrual

Regular employees earn vacation leave as follows:

- Beginning with the 1st day of service to the 5th year of service, 80 hours per year.
- Beginning with the 5th year of service to the 10th year of service, 120 hours per year.
- Beginning with the 10th year of service and each year of service thereafter, 160 hours per year.

In the best interest of the City, vacation leave in excess of the established amount specified in this section may be granted by the City Administrator. Employees using earned vacation or sick leave will be considered to be working for the purpose of accumulating additional vacation leave.

2. Accrual

Vacation begins accumulating in accordance with the schedule above upon date of hire.

3. Usage

Vacation leave may be used as earned except that the City Administrator shall approve the time at which the vacation leave may be taken. Vacation shall be requested and approved in advance.

4. Vacation Accumulation

Employees shall only be able to carry over 240 hours of vacation accrued-by the last pay period in December of each calendar year. For non-union employees any vacation in excess of 240 hours at year end shall be placed in a health care savings plan.

7.3 Sick Leave - Regular Full-Time Employees

1. Sick Leave

Sick leave with pay shall be granted to probationary and regular full-time employees for each calendar month of full-time service or major fraction thereof. Sick leave shall accrue at the rate of eight hours per month until 640 hours have been accumulated.

Sick leave may be taken only to the extent that it is earned. Sick leave may be used for illness, injury, employee assistance program, or by necessity for medical or dental care. Sick leave may be used by the employee to care for the employee's spouse, dependents, children, adult children, siblings, grandparents, step parents or parents in case of illness or as otherwise approved by the City Administrator. The City Administrator may require a medical certificate as may be deemed necessary before approving the utilization of sick leave.

2. Sick Leave Request

Employees must notify their immediate supervisor on the first day of sick leave and each day of sick leave request before the start of his or her shift unless otherwise required by the supervisor. When possible, sick leave must be requested in advance.

3. Sick Leave Severance

Severance pay in the amount of one-half the accumulated sick leave employees have to their credit at the time of resignation, retirement, or death shall be paid to employees who have been employed for at least one full year. If discharged for cause, severance pay shall not be allowed.

7.4 Official Record - Sick, Vacation, and Compensatory

The City's automated payroll system is the official record for sick, vacation and compensatory balances.

7.5 Workers' Compensation

An employee who is temporarily disabled from work by an injury or illness sustained in the performance of the employee's work with the City, may be eligible for Workers' Compensation payment and additional salary through the use of accrued sick leave. The total of the Workers' Compensation check and the accrued sick leave compensation may not exceed the employee's normal gross pay.

7.6 Funeral Leave

In the event of death in the family of the employee, (spouse, parents, child, brother, sister, step-children, parents-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, the employee shall be granted up to three (3) days leave with paid time to make the necessary funeral arrangements and attend the funeral.

Grandparents and Grandparents-in-law, the employee shall be granted up to two (2) days of leave with paid time to make necessary funeral arrangements and to attend the funeral. Additional time may be granted due to unusual circumstances such as, but not limited to, excessive distance of travel, etc. This additional time will come out of the employee's vacation accruals or compensatory time bank if he/she wishes to be compensated for this additional time.

7.7 **Military Leave for Training Purposes**

Minnesota Statutes, § 192.26 – 192.261 provide that an Employee of a municipality who is a member of the National Guard, the Naval Militia, the Officer's Reserve Corps, the Naval Reserve, the Marine Corps, or any other reserve component of the military or naval forces of the United States, is entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time such Employee is engaged in training or active service, not exceeding a total of fifteen (15) days in any calendar year.

Conditions: The leave of absence is only in the event the Employee returns to employment immediately upon being relieved from military or naval service, or is prevented from returning by physical or mental disability or other cause not the fault of the Employee, or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day period allowed for the paid leave of absence.

Notice Requirements: Notice will be given to the City at least fifteen (15) working days in advance of the requested leave. Notice may be waived under certain circumstances.

Active Duty: In accordance with State law, the Employee will be granted an unpaid leave of absence when called into active duty. If an Employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, use of any unused paid time will be allowed prior to the unpaid leave of absence.

Benefits: Eligibility for continuation of insurance coverage will be in accordance with the Uniformed Services Employment & Reemployment Rights Act of 1994 (USERRA). The Employee and dependents have the right to eighteen (18) months of continuation coverage. When the Employee returns to work, the Employee and any dependents may re-enroll in the City's insurance plan without any pre-existing condition limitations or waiting periods that might otherwise apply to a new Employee, whether or not the Employee or their dependents chose to continue coverage during military leave. The leave of absence will not be considered work time for purposes of PTO accrual.

Status upon Return: Returning reservists have the right to return to their jobs or to another job of similar seniority, status, and pay upon completion of active duty in accordance with M.S. 192.261, Subd. 2 and 38 U.S.C. § 2021 and 2024. If the Employee chooses not to return to work for the City, federal COBRA and /or Minnesota Continuation laws would apply.

7.8 **Jury Duty**

Any regular or probationary full-time employee who is required to serve as a juror or who is under subpoena as a witness in court on City matters, will be granted leave with pay while serving in such capacity. The employee must provide the appropriate paperwork to the City prior to the leave being granted. The employee must give any fees received for such service with the exception of mileage to the City. Temporary employees will be given leave without pay and may retain all fees received.

7.9 **Bone Marrow Donation Leave**

A regular or probationary full-time or temporary employee who average 20 or more hours per week throughout the calendar year, who seek to undergo a medical procedure to donate

bone marrow will be granted up to 40 hours of paid leave of absence. The City may require a verification by a physician for the purpose and length of each leave requested.

7.10 School Conference and Activities Leave

In compliance with MN Statutes 181.9412; regular employees may leave up to a total of 16 hours during any 12-month period to attend school conferences or school-related activities related to the employee's child, provided the activities cannot be scheduled during non-working hours. Parental leave must be requested in writing in advance and processed through the Department Head or Supervisor. An employee may request use of vacation or leave without pay to a maximum total of 16 hours during a 12-month period.

7.11 Leave of Absence

Leave of absence without compensation may be granted by the City Administrator for up to six calendar months to an employee for any reasonable purpose and extended by the City Administrator for any reasonable period. Employees must submit a written request for personal leave to the department head and, if approved, the Department Head must submit the request to the City Administrator. The City Administrator may extend the leave of absence if it is found to be in the best interest of the City.

7.12 Family Medical Leave Act - FMLA

Purpose

The Family and Medical Leave Act of 1993 (FMLA) is intended to balance the demands of the workplace with the personal and medical needs of families and to promote the stability and economic security of families. It is intended to provide protections for employees as well as employers by providing up to twelve (12) weeks of unpaid, job protected leave for the birth of a child, adoption, foster care and certain individual and family medical reasons.

Policy

This FMLA leave policy is intended to be a general summary of the law. FMLA leave is governed by federal or state regulations. Those regulations shall control if they conflict with this policy. Each situation will be evaluated on a case-by-case basis, consistent with applicable law. Where provisions of the City personnel policies, and/or contracts and agreements, are in conflict with FMLA, those regulations, which are most beneficial to the employee, shall apply.

The following is a summary of the Family Medical Leave Act and how it applies to employees of the City of East Bethel:

Eligible Employees

Eligible employees are those who have:

- Been employed by the City of East Bethel for at least one year; and
- Have worked a minimum of 1,250 hours within the previous 12-month period.

Basic Leave Entitlement

FMLA leave will be granted to an eligible employee for any of the following reasons:

- To care for their child (birth, placement for adoption, or foster care with the employee);
- To care for their spouse, son, daughter, or parent who has a serious health condition; or

- For a serious health condition that makes an employee unable to perform their job duties.

Serious Health Condition

A serious health condition is an illness or injury that involves:

- An overnight stay in a hospital, hospice or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such medical care; and
- A period of incapacity of more than three (3) consecutive calendar days (including any subsequent treatment period of incapacity relating to the same condition) that also involves:
- Treatment two or more times by a health-care provider or certain others (e.g., a nurse or physical therapist) under the supervision of or referral by a health-care provider; or
- Treatment by a health-care provider at least once which results in a regimen of continuing treatment under the health-care provider's supervision.

Any period of incapacity due to pregnancy or for prenatal care.

A chronic condition which:

- Requires periodic visits for treatment by a health-care provider or a person supervised by a health-care provider;
- Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- May cause episodes of incapacity rather than a continuous period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. A person must be under the continuing supervision of, but need not be receiving active treatment by, a health-care provider (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease).

Any period of absence to receive multiple treatments for restorative surgery after an injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention (e.g., cancer chemotherapy, kidney dialysis, etc.).

Length of Leave

The length of FMLA leave is not to exceed twelve (12) weeks in any rolling twelve (12) month period with the exception of leave to care for family members injured while on active military duty which may extend up to 26 weeks (See 13. Military Family Leave Entitlements). FMLA leave shall be taken simultaneously with the Minnesota Parenting Leave and entitlement to FMLA leave for the birth or placement of a child can begin at any time, but expires twelve (12) months after the birth or placement of the child. For the purposes of determining eligibility for subsequent leaves, the FMLA year is a rolling 12-month period that begins the first day of the employee's leave.

Notice

The employee must give the City at least 30 days advance notice if the leave is foreseeable. If leave must be taken in less than 30 days, the employee should give as much notice as is practicable.

Medical Certification

Employees who request a FMLA leave must provide a medical certification completed by the attending physician or practitioner indicating the need for the leave. A "*Certificate of Health Care Provider*" form can be obtained from Human Resources. A "*Certificate of Health Care Provider*" is *not* required if the employee is placed on FMLA leave due to a workplace injury and is on workers' compensation.

The certificate should be submitted within two weeks of notification of the FMLA leave or within 15 days of the first day of leave if the leave is unexpected. Subsequent certificates updating the employer of the status of the employee or the family member's serious health condition and the projected date of return to work may be required depending on the length of the absence.

The certification must state the following:

- The date the need for the leave started or is expected to start.
- The probable duration of the condition.
- The appropriate medical facts regarding the condition.
- If the leave is for the employee's own serious health condition, the certification must state that the employee is unable to perform the essential functions of the position.
- When the leave is requested for a spouse, child, or parent, the medical certificate must state that the employee is needed to care for the relative and the estimated amount of time that the employee will be needed to provide such care.
- If the leave requests an intermittent work schedule, the medical certification must state that the reduced or intermittent schedule is medically necessary and for how long it may be necessary.
- The City may require a second medical opinion at the City's expense with a City chosen health care provider. If the second opinion conflicts with the opinion provided by the employee, the City may request, at the City's expense, a third opinion from another City- selected health care provider. The third opinion will be considered final and binding.

Workers Compensation

Employees may be required to use FMLA leave when the employee misses work due to an injury obtained while on duty. If this is required the employer will provide the employee written notification specifying that any absence will be counted against the employee's remaining FMLA time. The FMLA leave and workers compensation leave run concurrently.

Use of Annual Leave and Sick Leave

The employee may choose to use accrued annual leave while on any FMLA leave, but will not be required to do so by the City. Those employees with accrued sick leave banks may choose to substitute sick leave in place of annual leave, or they may choose to supplement their leave with sick-leave hours after their annual leave has been depleted. The use of annual leave and/or sick leave occurs simultaneously with FMLA leave and does not extend the length of FMLA leave.

Both Spouses Employed by City

When both spouses are employees of the City, each spouse may take up to 12 weeks of FMLA leave per leave year. The leaves may run simultaneously.

Continuation of Insurance and Payment of Premiums

An employee on FMLA leave may choose to continue existing health-care benefits (health and dental) and life insurance if they so desire. As required by law, these benefits will be maintained under the same conditions and at the same level of City contribution as before the employee goes on leave. If there are changes to the City's contribution levels and/or premium rates while the employee is on leave, those changes will take place as if the employee were still on the job. The employee will be required to continue payment of the employee portion of the health-care and/or other insurance coverage they choose to continue. The employee may choose not to retain health-care or other insurance coverage during FMLA leave. When the employee returns from leave, they will be reinstated on the same terms as prior to taking leave, without any qualifying period, physical examination, exclusion of pre-existing conditions or other requirement.

Premium Reimbursement

The employee will be required to reimburse the City for any premiums paid during the leave if the employee does not return to work, unless the employee cannot return to work due to the continuation of a serious health condition of the child, spouse, parent or employee, or due to other circumstances beyond the control of the employee.

Return to Work

An employee returning from leave should notify the supervisor of intent at least two work days prior to the anticipated return date. The employee will be required to submit a fitness for duty or return-to-work report, signed by the treating doctor, prior to returning to work if FMLA leave was for the employee's own serious health condition.

The employee has the right to return to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment upon returning to work. However, an employee has no guaranteed right to reinstatement or other benefits if the employee would not have been continuously employed during the FMLA leave. For example, the employee will not be reinstated: 1) if the employee is laid off during the course of the FMLA leave, or 2) if the employee was hired for a specific term to work on a certain project and the term or project is over.

Extensions

Upon request and with the proper medical documentation the employee may extend FMLA leave through an unpaid leave of absence. This requires the approval of the Department Director and the City Administrator. In this instance, refer to the City's Unpaid Leave of Absence policy. That policy will continue to apply in situations which are beyond those addressed by the FMLA.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

A FMLA Certificate of Qualifying Exigency for Military Family Leave will need to be completed. Please see Human Resources for additional information.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. The employee must be a spouse, son, daughter, parent or “next of kin” to the service member. Next of Kin definition is nearest blood relative other than the covered service member’s spouse, parent, son or daughter, in this order:

- a. Blood relatives granted legal custody
- b. Brothers and sisters
- c. Aunts and uncles
- d. First Cousins
- e. Service member’s designee (in writing).

A “covered service member” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status, or is on the temporary disability retired list.

During the single 12-month period, an eligible employee shall be entitled to a combined total leave of 26 workweeks for leave that falls under the general FMLA requirements and for leave under the service member family leave requirements.

An eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness. However, the eligible employee is limited to taking no more than 26 workweeks of leave in each “single 12-month period.”

A husband and wife, who are eligible for FMLA leave and are employed by the City, are limited to a combined total of 26 workweeks of leave during the "single 12-month period."

Former members of the armed forces, including former members of the National Guard or Reserves, and members on permanent disability retired list do not qualify for the Military Family Leave entitlement of 26 weeks.

A FMLA Certificate for Military Family Leave will need to be completed. Please see Human Resources for additional information.

Please see Human Resources for additional details on these types of leave.

Effect on Benefit Accrual

Employees using paid leave will continue to accrue benefits. The employee will not accrue benefits such as annual leave while on unpaid FMLA leave. Step and vacation increases will be extended by the length of the leave.

7.13 Limitation of Grants of Leave without Compensation

Sick leave and vacation leave accruals will not accumulate during leave of absence without compensation; accrued amounts of both sick leave and vacation leave will remain on the record at the inception of the leave of absence and shall continue upon the return of the employee. If the leave extends for more than 30 days, health and dental coverage and life insurance premiums must be paid in full by the employee during such leave or the coverage

will lapse. For leaves without compensation of 30 days or less, the City will continue its normal premium contribution or as policy allows.

7.14 Leave Extension Request

Failure on the part of the employee to request and receive authorization for an extension of leave within three working days of expiration of initial leave is considered as a resignation from employment.

7.15 Reinstatement From Leave of Absence

1. An employee returning from leave must notify the employee's supervisor at least two weeks prior to the anticipated return date.
2. Upon return from a leave of absence, the employee will be assigned to the previously held position or a position in a comparable class except as herein provided.
3. An employee may be returned to employment at any time prior to the expiration of the leave by the action of the City Administrator.
4. Employees returning from leave will retain all previously accrued benefits of employment and seniority.

7.16 Inclement Weather Leave

On days when severe weather occurs, the City of East Bethel offices, operations and facilities will remain open. When severe weather conditions prohibit an employee to report to work or an employee leaves work due to weather, the employee will use either vacation leave or unpaid leave for such absence unless otherwise determined by the City Administrator.

7.17 Voting Leave

Every employee who is eligible to vote in an election has the right to be absent from work for a reasonable time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election. Elections covered by this section include a regularly scheduled state primary or general election, an election to fill a vacancy for a U.S. senator or representative, or an election to fill a vacancy for a state senator or representative. As with other leaves, employees need to specifically request time off to vote to avoid coverage issues.

SECTION 8 ~ LIGHT DUTY

8.1 Purpose

The purpose of this policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the City Administrator on a case-by-case basis. This policy does not guarantee assignment to light duty.

8.2 Policy

The City of East Bethel's "Light Duty Program" is for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the City Administrator. The City Administrator reserves the sole right to determine when and if light duty work will be assigned.

8.3 Procedure: Applying for Light Duty Work

When an employee is unable to perform the essential requirements of the employee's job due to a temporary disability, the employee will notify the City Administrator or Department Head in writing as to the nature and extent of the disability and the reason why the employee is unable to perform the essential functions, duties, and requirements of the position. This notice **must** be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability including the expected time frame regarding return to work full time with no restrictions, meeting all essential requirements and functions of the City's position description along with a written request for light duty.

The City may require an independent evaluation conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the City Administrator whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis, light duty is recommended to last no longer than six months.

The circumstances of each disabled employee performing light duty work will be reviewed regularly.

SECTION 9 ~ SEPARATION FROM EMPLOYMENT

9.1 Resignations

1. Employment in Good Standing

To leave employment in good standing employees must submit written resignation to the employer. Such written notices must indicate the effective date of resignation and must be submitted at least fourteen (14) calendar days before such effective date. Failure to comply with this procedure may be considered cause for denying future employment by the municipality and denial of benefits.

2. Unauthorized Absences.

Unauthorized absence from work for a period of three working days may be considered as resignation without benefits.

9.2 Discharge

The City Administrator may involuntarily discharge an employee for any reasons other than those reasons described in section 9.3 related to lay-offs.

9.3 Lay-Offs

The City Administrator may lay off any employee whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position, because of changes in the organization, or for any other non-disciplinary reason. A full-time benefit earning employee who is laid off from employment shall be provided with a minimum of 14 days advance notice of such layoff or as provided for in Labor Agreement.

Part-time, seasonal, temporary, non-benefit earning employees may be separated from employment at any time, without advance notice and shall have no recall rights.

9.4 Health Care Savings Plan

Upon separation from employment the City shall put all sick leave severance and 50% of vacation leave severance in a Health Care Savings Plan.

SECTION 10 ~ RECORDS AND REPORTS

10.1 Personnel File

The official personnel file for each regular employee is in the Administration office with the exception of data regarding benefits, which is maintained in Finance. The employee's personnel file contents are proprietary to the City and the employee may not exercise his/her right to review their file more often than once every six months unless new information has been added to the file.

10.2 Position Descriptions

The City Administrator, with assistance of Department Heads shall establish and maintain a job description for each position. Administration will maintain the official copy of each current job description for regular positions.

10.3 Performance Reports

Department Heads and Supervisors shall conduct performance evaluations with regular employees on an annual basis. Evaluations may be conducted more frequently if an employee's performance is unsatisfactory, there are changes to the position or as determined by the supervisor. Performance evaluations should be discussed with the employee before being submitted to the City Administrator. Performance evaluations shall be retained in the employee's personnel file.

SECTION 11 ~ EXPENSE REIMBURSEMENT

11.1 Clothing/Foot Protection

1. Eligible Employees

All full and part time regular and seasonal employees in the work area of government buildings divisions and employees engaged in building inspection and engineering inspection/survey; golf course maintenance personnel as well as all others so designated.

2. Procedure

Full-time employees will be reimbursed an allowance of \$100 per calendar year for purchase of work clothing, protective clothing, safety jackets or vests, steel toed boots/shoes; uniform or rental of such work clothes for use on the job for the City of East Bethel. The employer will reimburse part-time and/or seasonal employees an allowance of \$50 per calendar year for the above listed purchases.

The City reserves its right to ensure allowance is used for appropriate work attire. Receipts and description of purchase/rental required prior to reimbursement.

Employees who choose to be reimbursed by the City for the optional clothing and/or footwear described above must submit to his/her supervisor a clothing/foot protection reimbursement form and proof of purchase. The supervisor will then submit this documentation to the City Administrator or his/her designee for final approval.

11.2 Mileage

Personal vehicle use for authorized trips, meetings, work, etc., will be reimbursed at the rate consistent with IRS regulations. Mileage reimbursement requests must be in writing and approved by the City Administrator. Use of personal vehicle for work purposes must be pre-approved by the City Administrator or his/her designee.

11.3 Travel

Reimbursements of travel expenses are intended to refund actual costs incurred by City employees and officials while traveling as authorized representatives of the City of East Bethel. To qualify for travel reimbursement, trips must have the prior approval of the City Administrator and be recognized as part of the adopted annual budget. Requests for travel advances intended to defray costs incurred while on a trip and prior to submission of an expense report shall be submitted to the City Administrator for approval at least three weeks in advance of the trip. Travel advances shall be limited to 90 percent of the estimated expenses for lodging, meals, and other related travel expenses. Costs of transportation and registration shall be advanced in full.

1. Expense Claim

A properly verified, itemized expense claim shall be submitted to the City Administrator for approval within five business days following the date of return from an authorized trip. Expense claims shall be accompanied by receipts for:

- a. Transportation costs to and from the destination via coach, tourist, or economy class transportation.
- b. Lodging costs not to exceed a reasonable single-occupancy rate as determined by the City Administrator.
- c. Conference or meeting registration fees.
- d. Any unusual items for which advance approval has been obtained from the City Administrator.

2. Mode of Transportation

The mode of transportation must be approved by the City Administrator prior to any authorized trip. Personal automobile use for authorized trips will be reimbursed at a rate consistent with IRS regulations, or an amount equal to air travel tourist class, whichever is lesser.

3. Reimbursement for Meals

Reimbursement for meals while on authorized travel will be for actual expenditures not to exceed \$35.00 per day.

4. Other

Employees and officials of the City shall be reimbursed for individual or actual meal cost unless meal cost is part of function. See current pay plan for maximum allowable amount.

SECTION 12 ~ TUITION REIMBURSEMENT

12.1 Eligibility

Regular full time employees, upon successful completion of their probationary period, may be reimbursed for full tuition only for courses taken at the post high school level. Part time and seasonal employees are not eligible for tuition reimbursement.

12.2 Qualifications

To qualify for reimbursement, the following criteria must be satisfied:

1. Employees interested in pursuing advanced education must submit a Tuition Advance Request application to their supervisor by May 1 in the year prior to the classes for appropriate budgeting consideration.
2. The class must be taken from accredited institutions of higher learning or vocational-technical schools.
3. Course work must be work related as determined by the City Administrator.
4. Prior approval of the City Administrator must be obtained before enrollment or registration for course is permitted and eligible for reimbursement.
5. Course must be satisfactorily completed with a minimum grade of "C".
6. Courses taken on a "pass/fail" basis are not eligible under this program.

12.3 Reimbursement Limitations

1. Reimbursement under this program to eligible employees is 1/3 the tuition cost of a college course not to exceed \$2,000 per calendar year.
2. Reimbursement is limited to the cost of the course (registration, tuition, etc.) from all sources.
3. All tuition reimbursement will be subject to applicable IRS regulations.
4. Employees participating in Tuition Reimbursement do so on a voluntary basis. Travel to and from classes, time spent in class and studying, and mileage are not compensable or reimbursable.
5. The Tuition Reimbursement program is mutually beneficial to the City and the employee. Employees who receive tuition reimbursement and who do not complete at least two (2) years of employment with the City after such reimbursement, will be required to repay the reimbursement on a pro-rated basis for the two (2) years. The two (2) year commitment will be adjusted from the date the tuition reimbursement is issued.

The pro-ration schedule for repayment will be as follows:

- a. Up to 1 year, full repayment
- b. 1 – 2 years, 50% repayment
- c. After 2 years, no repayment required.

12.4 Forms

Tuition Reimbursement forms are available from the Human Resources Director. A photocopy of the completed Tuition Reimbursement form will be placed in the employee's personnel file.

12.5 Program Continuation

The City reserves the right to discontinue the program at any time, with or without notice.

SECTION 13 ~ MOTOR VEHICLE OPERATING

13.1 Purpose

The purpose of this policy is to identify the conditions and terms under which city vehicles may be operated by City employees.

13.2 Standards

Employees, including Fire Fighters, must maintain less than four (4) points on their evaluations to operate City owned vehicles and equipment. If there are four or more points assigned to any employee or fire fighter, that employee may not operate City owned equipment or vehicles until the point total is less than four. Each employee and firefighter has the responsibility to inform his/her supervisor of citations.

13.3 Definitions

The following definitions shall apply to this policy.

Minor Citation means any moving traffic citation receives unless it is qualified as a Major Conviction as defined below. This category does not include cases involving motor vehicle equipment, load or size violations; improper or failure to display proper licensure; failure to display or sign registration card; or failure to have in possession a valid driver's license.

At-Fault Accident means any accident where the driver has been identified as having caused the accident or negligently contributed to its occurrence.

Major Conviction means an citation that involves driving while intoxicated or under the influence of drugs or alcohol; failure to stop and report an accident; homicide, manslaughter or assault arising out of operation of a motor vehicle; driving while license is suspended or revoked; reckless driving; possession of open alcoholic beverage container; or speed contest, drag racing or attempting to elude a law enforcement officer.

Incident means a Minor Citation, At-Fault accident or Major Conviction as identified above.

13.4 Citation Categories and Points

The time period considered for violations and points is generally three years. However, major convictions such as DUI may be counted for a period of five years.

CITATION CATEGORIES	Points	Review
Minor, no accident involved	1	3 Years
At fault accident	2	5 Years
Others not included above	2	3 Years
Major (within 3 years)	6	3 Years
Major (within 5 years)	3	5 Years
ADDITIONAL POINTS	Points	Review
Two incidents within most recent 18 months	1	1.5 Years
Three or more incidents within most recent 18 months	2	1.5 Years

SECTION 14 ~ ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING

I, _____, _____ of the City of
Name Position

East Bethel hereby acknowledges that I have received a copy of the City of East Bethel Personnel Policies dated _____, 20____ and have read and understand the information contained therein.

Furthermore, I understand that I am an at will employee unless I am subject to a collective bargaining agreement that specifically modifies my “at-will” relationship with the City.

Signature _____

Date _____

SECTION 15 ~ CITY COUNCIL ADOPTION

Adopted by the City Council of the City of East Bethel this 4th day of February 2015.

City of East Bethel

By: _____
Steve Voss, Mayor

By: _____
Jack Davis, City Administrator

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

RESOLUTION NO. 2015-10

RESOLUTION AUTHORIZING A PERMANENT FUND TRANSFER

BE IT RESOLVED by the City Council (the "Council") of the City of East Bethel, Minnesota (the "City"), as follows:

Whereas the City of East Bethel created Fund 502 Jewell Street Project and Fund 506 205th Avenue Project to account for their specific street improvement projects

Whereas projects pertaining to both Fund 502 and 506 have been completed and both funds have also received all respective special assessments payments at 12/31/14.

Whereas fund 502 has a cash balance of \$48,525.51 and fund 506 has a negative cash balance of \$429.98 at year end 12/31/14.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: The City hereby authorizes the Finance Director to make a one time permanent fund transfer of \$48,525.51 from fund 502 Jewell Street Project to the General Fund. The City hereby also authorizes the Finance Director to make a one time permanent fund transfer of \$429.98 from the General Fund to the 506 205th Avenue Fund. These permanent fund transfers will be done at 12/31/14 and effectively close fund 502 and 506.

Effective Date. This resolution is effective at 12/31/14.

Adopted this 4th day of February, 2015 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Steven R. Voss, Mayor

ATTEST:

Jack Davis, City Administrator



City of East Bethel City Council Agenda Information

Date:

February 4, 2015

Agenda Item Number:

6.0 A.1

Agenda Item:

Home Occupation - Interim Use Permit

Property Owner: Justin Donnell, (dba Weapons by Design and Graphics, LLC)

Address: 3601 228th Ave NE, East Bethel, MN

PIN: 023323210002

Zoning: Rural Residential (RR)

Requested Action:

Consider approving an Interim use permit to Justin Donnell to operate a Hydrographic business from his detached accessory structure.

Background Information:

Mr. Donnell is interested in obtaining an IUP to operate a business out of his detached accessory structure. Enclosed in your packet is his application along with a detailed business plan that outlines his business. The property has been inspected by the Community Development Director, Building Official and Fire Chief. If approved, Mr. Donnell must comply with all of the requirements of the building and fire code as required by the City, Section 10-19 of the City of East Bethel Municipal code related to Home Occupations.

Attachments:

Attachment #1 – Public Hearing notice

Attachment #2 – IUP application

Attachment #3 – Location map

Attachment #4 – Business Plan

Attachment #5 – Examples of products

Attachment #6 – Additional documentation from Mr. Donnell

Fiscal Impact:

Not applicable

Recommendation(s):

At their regular meeting on January 28, 2015 the Planning Commission recommended for Council consideration the approval an Interim Use Permit for a Home Occupation to operate a Hydrographic business from his detached accessory structure by a 5-2 vote for Justin Donnell, 3601 228th Ave NE, East Bethel MN 55011, PIN 023323210002, Zoning Rural Residential, subject to the following conditions:

1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall work at the home occupation site.
2. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
3. Any sign associated with the home occupation shall be in compliance with the East Bethel Sign Ordinance.
4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved. Documentation from MPCA or Anoka County Environmental Services regarding hazardous waste generation is required.
5. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
8. Parking needs generated by the home occupation shall be provided on-site.
9. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure.
10. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
11. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
12. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.
13. Applicant is required to follow all local building and fire codes.
14. Applicant is required to have a MPCA approved plan for the disposal of tank water
15. Interim Use Permit is for three years, with annual inspections. Applicant is able to request renewal of said permit at the end of the three years.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



**NOTICE OF PUBLIC HEARING
CITY OF EAST BETHEL PLANNING COMMISSION
COUNTY OF ANOKA
STATE OF MINNESOTA**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of East Bethel will hold a public hearing on Tuesday, January 27, 2015, 7:00 PM, at the City Hall, 2241 221st Avenue NE, East Bethel, MN. The hearing will be to consider the request by owner/applicant, Justin Donnell, to obtain an Interim Use Permit to operate a hydrographics business from his property. The location being 3601 228th Ave. NE, East Bethel, MN 55005, PIN 02 33 23 21 0002. The Zoning Classification is Rural Residential (RR) District.

The hearing of this request is not limited to those receiving copies of this notice, and if you know of any neighbor or interested property owner, who for any reason has not received a copy, it would be appreciated if you would inform them of this public hearing.

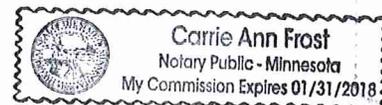
The East Bethel City Council may consider this request at its February 4th, 2015 regular meeting.

Published in the Anoka County Union
January 16, 2015.

Colleen Winter
Community Development Director

Subscribed and sworn to me
this 12th day of January 2015.

Carrie Frost
Notary Public





2241 221st Ave. NE • East Bethel, MN 55011
Phone: (763) 367-7844 • Fax: (763) 434-9578

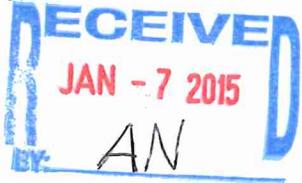
OFFICE USE ONLY
Date Rec'd: _____
By: _____
Fee \$: _____

INTERIM USE PERMIT (IUP) APPLICATION

Application Fee: \$150* Consulting Fee: _____ Escrow: \$300*
Applicant is responsible for accrued consulting fees from the City Engineer, City Attorney, etc.
*Fee is subject to change per Resolution.

The application for an INTERIM USE PERMIT (IUP) is processed in three separate review steps:

- 1) CITY STAFF
(Applicant is required to meet with City Staff **prior** to submittal of the application.)
- 2) PLANNING COMMISSION
(Public hearing and recommendation to the City Council)
- 3) CITY COUNCIL
(No public hearing required)



LOCATION: PID: 023323210002 LEGAL: LOT: 7 BLOCK: 1 SUBDIVISION: Fawn Acres
PROPERTY ADDRESS: 3601 228th AVE NE PRESENT ZONING: _____

PROPERTY OWNER: Justin G. Donnell PHONE: 763-222-7374
CONTACT NAME: _____ ADDRESS: 228th AVE NE PHONE: _____
CITY/STATE/ZIP: EAST BETHEL MN 55005 EMAIL: Sotfn@yahoo.com

APPLICANT: Justin Donnell PHONE: 763-222-7374
CONTACT NAME: _____ ADDRESS: 3601 228th AVE NE PHONE: _____
CITY/STATE/ZIP: EAST BETHEL MN 55005 EMAIL: Sotfn@yahoo.com

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff.

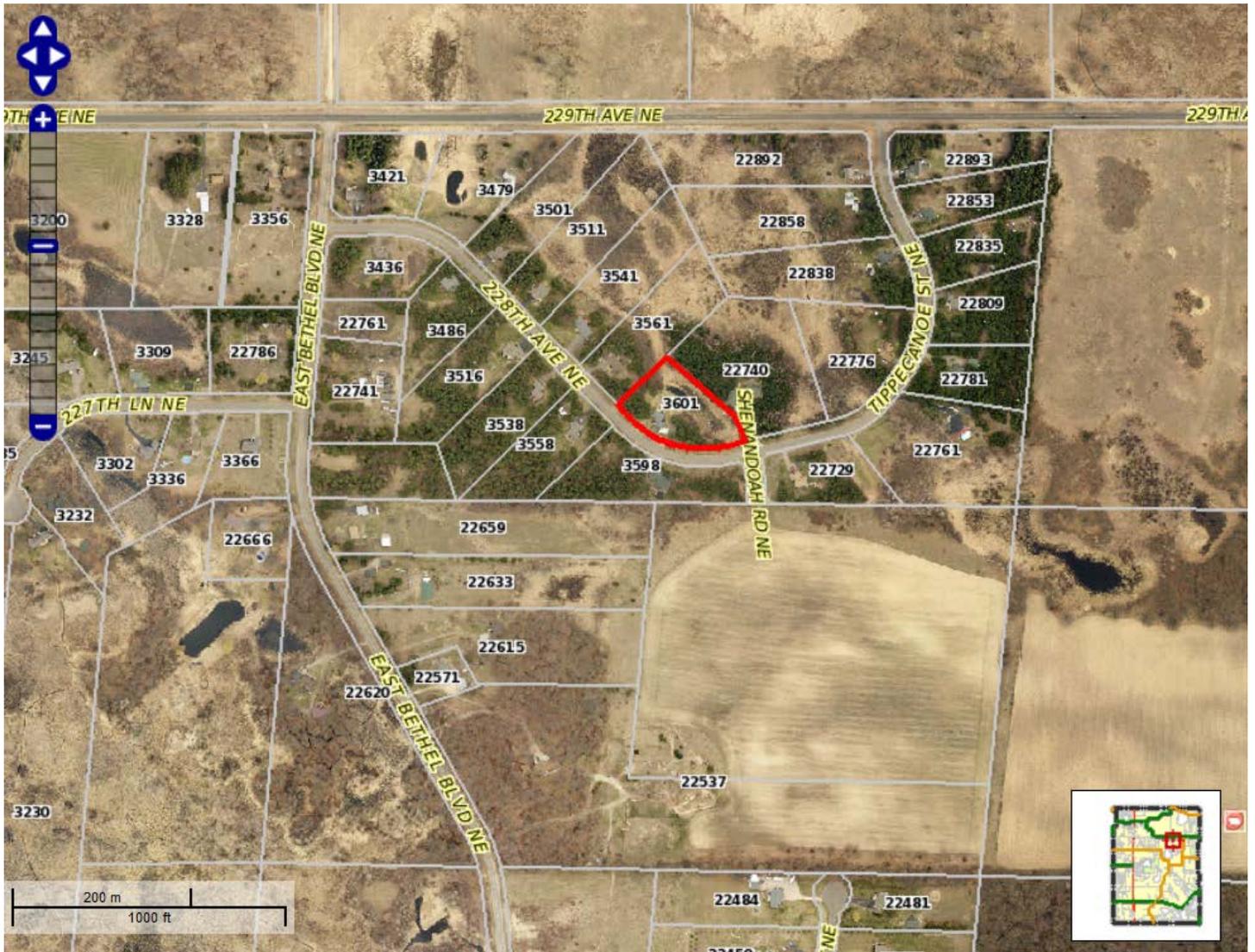
Justin G. Donnell
Property Owner Signature

Justin G. Donnell 1/7/15
Printed Name Date

3601 228th Ave NE

Justin Donnell

IUP Applicant for a Hydrographic Business



Parcel Information

PIN: 023323210002

Acres: 2.0015

Owner Name: DONNELL JOLYNN

Address: 3601 228TH AVE NE
EAST BETHEL, MN 55011-0000

Site Address: SAME

Zoning: RR

Shoreland: N

Legal: LOT 7 BLOCK 1 FAWN ACRES

Weapons by Design and Graphics, LLC

Contact:

Justin G. Donnell

Justin@weaponsbydesigngfx.com

763-222-7374

3601 228th Ave ne

East Bethel MN 55005

Mission:

Weapons by Design and Graphics, LLC (also referred to as “the Company”) will strive to be the hydrographic service company with the highest customer service and quality in the area. In turn, customers will recommend Weapons by Design and Graphics for firearms, accessories and similar products.

Product Summary:

The demand for firearms and hydrographic services had become increasingly in demand in the last few years. While there are companies in Minnesota that offer similar services wait time are long and prices are high. There is also a demand for weapon dealer that offer hydrographic services, currently you must buy a new gun then have it sent out for hydrographic services with a 3 week to 3 month wait period.

Solutions:

Weapons by design and Graphics will be the north metros only hydrographic service that will give customers the ability to buy a product and have a specific hydrographic pattern on that item within a short time period and for a lower price than manufactures can offer. The shop will be able to accommodate a variety of customers, from hunting enthusiasts to vehicle enthusiasts. The company will stock 10-15 guns at a time along with several different accessories such as magazines, gun cases and unrelated items such as phone cases.

Management Summary:

Justin G. Donnell, the Company’s owner has been passionate about weapons and hydrographics for several years now. He joined the military out of high school and served in Iraq as an Infantryman from 2009-2010. He has since worked in the security field as an Area Manager for a private security company and a supervisor for a large health care organization. He has majored in Criminal Justice and has an extensive background in management in his military and civilian career.

Operational Summary:

The Company’s competitive advantages will be essential to establishing a loyal customer base. Key strengths will be the Company’s superior customer service, gun accessories, location within an area

with a growing demand and knowledgeable veteran-staff. Weapons by Design and Graphics, LLC will offering complete discounts for military and law enforcement officer, social media marketing and online sales.

Operational Specifics for IUP:

Weapons by Design and Graphics will be solely operation retail sales through websites, trade shows and special events in order to keep traffic in a residential area to a minimum. Production will be done by the owner of the Company at the detached shop located at 3601 228th Ave in the City of East Bethel. Once the product is completed it will either be shipped or delivered to the customer, which is an important part of Company's mission of creating a standard of high customer service. All Weapons (including knives) will be kept in a locked gun safe in the shop. A Security system will also be installed on the property. The company is not interested in mass physical advertising as the majority of our business comes from referrals, however a sign would be placed on the property which would abide by the East Bethel Chapter, Code 54. The Company has no hazardous waste that fall under the Minnesota Pollution Control Agency. Although paint is used it is not mixed and all paint cans are full dispensed, therefore never wasted, the Company has adjusted painting techniques to be limit waste in general. All paint comes from spray cans which when emptied are then recycled. The Company has a large recycling bin in order to have the ability to proper recycle all shipments and materials. A Federal Firearms License will be acquired only after a UIP is approved, the ATF requires the city approval before a license is issued because of the residential status of the shop.

Production Specifics for IUP:

Hydrographic is a process of placing designs on items by immersing them in a liquid. Item such as a gun part or car part is painted with a special paint. Water is heated in a tank of water, a film with a design is placed on top of the water. After a time period activator is added to film which turns the film to a liquid. The item is then dipped in the water, then clear coated. Once dry the item is then shipped or delivered to the customer.

The Company will have one other employee, the operations and Sales Manager. This person will work off site, strictly conducting online sales, organizing all trade shows and special events.

Example of Hydrographic work



SAFEY DATA SHEET

ONE HIT WONDER PAINT

Revision Date: 10/17/2014

SECTION 1 – PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NAME: ONE HIT WONDER PAINT
PRODUCT USE: Base Coat for Hydro Graphic Printing
MANUFACTURER: One Hit Wonder Paint Company, 5215 Palmero Court, Suite 105, Buford, GA 30518, Tel: 1-305-318-1468
EMERGENCY: CHEMTREC 1-800-424-9300 CCN710908 or +1 703-527-3887 (collect calls accepted)

SECTION 2 – HAZARDS IDENTIFICATION

GHS CLASSIFICATION

<p style="text-align: center;">Health</p> <p>Acute toxicity, inhalation Acute toxicity, oral Serious eye damage/eye irritation Specific target organ toxicity, single exposure</p>	<p style="text-align: center;">Environmental</p> <p>Acute toxicity: Not applicable Chronic toxicity: Not applicable</p>	<p style="text-align: center;">Physical</p> <p>Flammable liquids Category 3</p>
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GHS LABEL:



Signal Word: DANGER

WHMIS CLASSIFICATION: Class B, Division 2
 Class D, Division 2, Subdivision B

	Hazard Statements	
H226	Flammable liquid and vapor.	
H305	May be harmful if swallowed.	
H313	May be irritating to the skin.	
H320	Causes skin irritation.	
H333	May cause respiratory irritation.	
H336	May cause drowsiness or dizziness.	
H373	Causes serious eye irritation.	
<p>P271 Use only outdoors or in a well-ventilated area. P280 Wear protective gloves/protective clothing/eye protection/face protection. P312 Call a POISON CENTER or doctor/physician if you feel unwell. P303 + P361 + P353 IF ON SKIN (or hair): Remove/Take off Immediately all contaminated clothing. Rinse SKIN with water/shower. P304 + P340 IF INHALED: Remove victim to fresh air and Keep at rest in a position comfortable for breathing. P370 + P378 In case of fire: Use dry chemical or carbon dioxide for extinction. P405 Store locked up. P403 + P233 Store in a well-ventilated place. Keep container tightly closed. P235 Keep cool. P501 Dispose of contents/container according to local and national material disposal regulations.</p>		

SECTION 3 – COMPOSITION/INFORMATION ON INGREDIENTS

Components	CAS#	Concentration, %
Acetone	67-64-1	20 – 35
Inert polymer mixture, proprietary	Trade Secret	20 – 25
1-chloro-4-(trifluoromethyl)benzene	98-56-6	10 – 25
n-Butyl Acetate	123-86-4	5 – 10
Naphtha, light aromatic	64742-95-6	1 – 5
1,2,4-Trimethylbenzene	95-63-6	< 3
Zinc Phosphate	7779-90-0	< 3

SECTION 4 – FIRST AID MEASURES

Contact with eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Seek medical attention. Take SDS.

Skin contact: Remove contaminated clothing and shoes. Wash with plenty of soap and water. Seek medical attention. Take this SDS.

Inhalation: Remove the victim to fresh air. Monitor respiratory function. If there is breathing difficulty, provide oxygen. If necessary, give artificial respiration. Seek medical attention. Take this SDS.

Ingestion: Rinse mouth of victim with plenty of water. Do NOT induce vomiting. Never give anything by mouth to an unconscious person. Seek medical attention. Take this SDS.

SECTION 5 – FIREFIGHTING MEASURES

Suitable Extinguishing Media: Water spray, alcohol resistant foam, dry chemical or carbon dioxide.
Unsuitable Media: Solid water jet ineffective as extinguishing medium.
Exposure Hazards: Flammable product. Fire may produce irritating and toxic gases. Containers may explode when heated. Vapors may form explosive mixtures with air. Explosion hazard indoors
Combustion Products: Hazardous products include carbon oxides and hydrocarbons with minor amounts of halogenated and sulfur compounds.
Advice for firefighters: Use self-contained breathing apparatus (SCBA) operated in positive pressure mode and complete protective clothing.

SECTION 6 – ACCIDENTAL RELEASE MEASURES

Personal precautions: Use personal protective equipment. Avoid breathing vapors, mists or gas. Ensure adequate ventilation. Remove all sources of ignition. Evacuate personnel to safe areas. Beware of vapors accumulating to form explosive concentrations. Vapors can accumulate in low area.
Environmental precautions: Prevent further leakage or spillage if safe to do so. Do not let product enter drains.
Methods for cleaning spills: Discard any product, waste, container or wrapper available in an appropriate manner as not to harm the environment, according to federal regulations, state and local.

SECTION 7 – HANDLING AND STORAGE

Handling: Avoid contact with skin and eyes. Avoid inhalation with vapor or mist. Use proper personal protective equipment as indicated in Section 8. Use explosion proof equipment. Keep away from ignition sources. Take measures to prevent buildup of electrostatic charge.
Storage: Keep only in original container, in a cool, dry, well ventilated place. Keep away from food. Store locked up. Keep out of reach of children. Avoid static electricity by grounding. Damaged or perforated packages should be emptied. Incompatible with strong oxidizing agents.

SECTION 8 – PRECAUTIONS TO CONTROL EXPOSURE / PERSONAL PROTECTION

EXPOSURE LIMITS: Expressed in ppm

Component	ACGIH TLV	ACGIH STEL	OSHA PEL	OSHA STEL
Acetone	500	750	1000	750
Inert polymer mixture, proprietary	Na	Na	Na	Na
1-chloro-4-(trifluoromethyl)benzene	Na	Na	Na	25
n-Butyl Acetate	150	200	200	200
Naphtha, light aromatic	100	100	100	400
1,2,4-Trimethylbenzene	25	25	25	na
Zinc Phosphate	Na	Na	Na	Na

Engineering Controls: Provide mechanical ventilation or direct exhaust to the external media. It is recommended that a safety shower and eye bath are available near the work site.

Monitoring: Maintain breathing zone airborne concentration below exposure limits.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Eye Protection: Avoid contact with eyes; wear splash-proof chemical goggles, face shield, safety glasses (spectacles) as may be appropriate for exposure.
Respiratory Protection: Prevent inhalation of the solvent. Use in a well-ventilated location. Ensure airflow and air changes. Use local exhaust ventilation to remove airborne contaminants from employee breathing zone and to keep contaminants below levels listed above. With normal use, the Exposure Limit Value will not usually be reached. When limits approached, use respiratory protection equipment.

SECTION 9 – PHYSICAL AND CHEMICAL PROPERTIES

Appearance:	opaque liquid	Odor:	sweet/ester
pH:	Not applicable	Odor Threshold:	Not available
Melting:	< -40 °C	Boiling Range:	60 – 152 °C
Flash Point:	12 °C TCC	Evaporation Rate:	10 (n-butyl acetate = 1)
Specific Gravity:	1.22 @20°C	Flammability Limits:	LEL: 1% UEL: 13%
Vapor Density:	> 1 (Air = 1)	Viscosity:	undetermined
Vapor Pressure:	115 mm Hg @ 20°C (68°F)	Auto-ignition Temp:	391 °C
Decomposition Temperature:	Not available	Flammability (GHS Hazard category):	3
VOC Content – Actual:	5.83 lb./gallon	Solubility:	Insoluble in water; soluble in esters, ketones, aromatics, and aliphatic
VOC Content - Exempt (US/Canada)	1.68 lb./gallon		

SECTION 10 – STABILITY AND REACTIVITY

Stability: Stable under normal conditions of storage and handling. Polymerization will not occur.
Hazardous decomposition products: When heated produces acrid and toxic smoke and fumes composed of carbon oxides.
Conditions to avoid: Ignition sources, flame, heat, and incompatible materials.

	HMIS	NFPA
Health	2	2
Flammability	3	3
Reactivity	1	1
Personal Protection	H	

SECTION 11 – TOXICOLOGICAL INFORMATION

Likely routes of Exposure:	Inhalation, eye contact, skin absorption, skin contact
Acute symptoms and effects:	
Inhalation:	May cause central nervous system disorders with headache, muscle weakness, dizziness and unconsciousness. May cause respiratory irritation with cough and shortness of breath.
Eye contact:	Irritation and possible damage to eyes with redness and pain.
Skin contact:	Irritating to skin with redness, pain and dryness. May be absorbed through skin in harmful amounts
Ingestion:	May cause gastrointestinal disturbances with nausea, vomiting and diarrhea
Chronic symptoms and effects:	Skin rash/inflammation, headache, and gastrointestinal complaints. Repeated or prolonged skin contact may defat the skin and produce irritation and dermatitis. Chronic overexposure to vapors may cause lung damage, memory impairment, changes in heart rate, and changes in blood composition.
Carcinogenicity	No component of this product present at levels greater than or equal to 0.1% is identified as probable, possible or confirmed human carcinogen by IARC, the ACGIH, the NTP, or OSHA.

Reproductive Effects	Teratogenicity	Mutagenicity	Sensitization to Product	Synergistic Products
None	None	None	None expected	None expected

Animal Toxicity: LD₅₀ (oral, rats): > 5000 mg/Kg LC₅₀ (inhalation, rats, 4hr): 33 mg/L

SECTION 12 – ECOLOGICAL INFORMATION

Ecotoxicity:	Expected to have low toxicity to aquatic life.
Mobility:	High mobility in soil.
Degradability:	Expected low persistence and high degradability.
Bioaccumulation:	Expected low bio accumulative potential in aquatic organisms.

SECTION 13 – WASTE DISPOSAL CONSIDERATIONS

Follow local and national regulations. Consult disposal experts and your regulatory agency.

SECTION 14 – TRANSPORT INFORMATION

Proper Shipping Name:	Coating Solution
Hazard Class:	3
Secondary Risk:	
UN/NA Number:	1139
Packing Group:	II
Label Required:	Class 3 Flammable Liquid
Marine Pollutant:	No

SECTION 15 – REGULATORY INFORMATION

CERCLA (Superfund) reportable quantity:	5,000 lb.				
Superfund Amendments and Reauthorization Act of 1986 (SARA)					
Section 311/312 Hazards	Immediate – Yes	Chronic – No	Fire – Yes	Pressure – No	Reactivity – No
Section 302 Hazards	None listed				
Section 313 Hazards	1,2,4-trimethylbenzene and Zinc phosphate				
State regulations	All components can be found on the following right-to-know lists: New Jersey, Pennsylvania, California, and Massachusetts.				
Ingredient Listings	USA TSCA, Europe EINECS, Canada DSL, Australia, Korea ECL/TCCL, Japan MITI (ENCS) Philippines PICCS, China EICSC.				

Products do not contain arsenic, asbestos, benzene, polychlorinated biphenyls (PCBs), carbon tetrachloride, lead, cadmium, mercury, hexavalent chromium, polybrominated biphenyls (PBBs), or polybrominated biphenyl ethers (PBDE). All chemicals used in the manufacture of this product are listed within the inventory of the Toxic Substances Control Act (TSCA). In addition, products are free of hazardous substances the use of which is restricted under EU Directive 2002/95/EC (revised 27 January 2003, RoHS Directive), or chemicals restricted under the Montreal Protocol on ozone-depleting substances, or any substance on the candidate list (SVHC) of the REACH legislation (Regulation (EC) No 1907/2006; ECHA June 2012 - ECHA June 2014) or restricted under Annex XVII of REACH.

SECTION 16 – OTHER INFORMATION

E-mail address:	JASON@OHWPAIN.COM WWW.OHWPAIN.COM
Disclaimer:	This product is intended for use by skilled individuals at their own risk. The information contained herein is based on data considered accurate based on current state of knowledge and experience. However, no warranty is expressed or implied regarding the accuracy of this data or the results to be obtained from the use thereof. This information does not represent any guarantee of the properties of the product, and One Hit Wonder Paint Company, this document's preparer (Exxene Corporation, Inc.), and its Affiliates shall not be held liable for any damage resulting from handling or contact with the product.

4FT Stainless Steel Hydrographics Tank



eptexcoatings.com



Dip Stick
Hydrographic Products
DIP STICK
Aerosol Activator
DANGER!
EXTREMELY FLAMMABLE
CONTENTS UNDER PRESSURE
VAPOR HARMFUL
OTHER PRECAUTIONS ON BACK PANEL
NET WT. 12 OZ (340g)

ONE HIT....
WONDER
HYDROGRAPHIC
INSIDE
THE FUTURE OF HYDRO DIPPING

Dip Stick
Hydrographic
DIP STICK
Paint
BLACK
DANGER!
EXTREMELY FLAMMABLE
CONTENTS UNDER PRESSURE
VAPOR HARMFUL
READ OTHER PRECAUTIONS ON BACK PANEL
NET WT. 12 OZ (340g)



City of East Bethel City Council Agenda Information

Date:

February 4, 2015

Agenda Item Number:

6.0 B.2

I*****

Agenda Item:

Conditional Use Permit

Property Owner: Well Fargo, Purchase agreement – Dan Schultz (dba Builders by Design, Inc.)

Address: 21058 Davenport St NE, East Bethel MN

PIN: 173323130007

Zoning: Central Business (B2) District

Requested Action:

Consider approving a Conditional Use Permit to Dan Schultz (dba Builders by Design, Inc.) to operate his business at 21058 Davenport St NE, East Bethel MN

Background Information:

Mr. Schultz currently operates his business at 21185 Viking Boulevard NE, in an area that is zoned Residential (pending zoning change to Highway commercial). Mr. Schultz has outgrown that facility and wants to be in an area that is on Highway 65. Attached in your packet is a letter that explains Mr. Schultz business operations. The proposed new location of his business is 21058 Davenport and is zoned B2 – Central Business District. The majority of Mr. Schultz’s business operations are allowed uses in the Central Business District zoning classification – Section 46, Zoning Ordinance, East Bethel code of ordinances. The one part of his business that requires a Conditional Use Permit is the custom cabinet manufacturing that they will be operating in the east side of the building.

Noise – Noise levels when doors are closed and machines are operating create minimal impact. Mr. Schultz currently has residential neighbors next door to his business and they do not have any issues with noise.

Permitting for waste – The current septic system is compliant and Builders by Design does not do any painting, or finish work that generates hazardous waste. All of the dust is captured in interior dust collectors and a farmer picks up the wood shavings and utilizes them as bedding for his animals. Larger pieces of wood are bundled and put in a dumpster onsite. Very little waste is generated. A septic system inspection was completed for the property and it is compliant.

Hours – Normal business hours will be from 7 am – 5 pm, Monday through Friday

The proposed location is an existing building in the B-2 (Central Business District). The building has been previously used as a fitness center, electrical contractor warehouse, offices and shop.

Attachments:

Attachment #1 – Public Hearing notice

Attachment #2 – CUP application

Attachment #3 – Location map

Attachment #4 – Business Letter

Recommendation(s):

At their regular Planning Commission meeting on January 27, 2015 the Planning Commission recommended Council consideration of approval of a Conditional Use Permit to Dan Schultz (dba Builders by Design, LLC) to operate at 21058 Davenport St NE, East Bethel MN
PIN: 173323130007

Zoning: Central Business (B2) District

The granting of this Conditional Use Permit is subject to the following conditions and requirements:

1. No outside storage of vehicles, materials, or other parts.
2. Signage to comply with all applicable codes and regulations of the City of East Bethel.
3. Building to be issued a Certificate of Occupancy for the proposed use once all applicable State and fire building code requirements have been met.
4. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 27 Landscaping Requirements.
5. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 22, Off Street Parking and Loading Requirements.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



**NOTICE OF PUBLIC HEARING
CITY OF EAST BETHEL PLANNING COMMISSION
COUNTY OF ANOKA
STATE OF MINNESOTA**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of East Bethel will hold a public hearing on Tuesday, January 27, 2015, 7:00 PM, at the City Hall, 2241 221st Avenue NE, East Bethel, MN. The hearing will be to consider a request by applicant, Dan Schultz, dba Builders by Design, for a Conditional Use Permit to operate an onsite cabinet and closet system manufacturing shop. The location being 21058 Davenport St. NE, East Bethel, MN 55011, PIN 17 33 23 13 0007. The Zoning Classification is Central Business (B-2) District.

The hearing of this request is not limited to those receiving copies of this notice, and if you know of any neighbor or interested property owner, who for any reason has not received a copy, it would be appreciated if you would inform them of this public hearing.

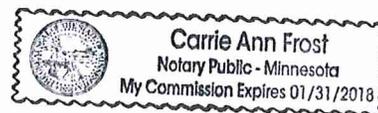
The East Bethel City Council may consider this request at its February 4th, 2015 regular meeting.

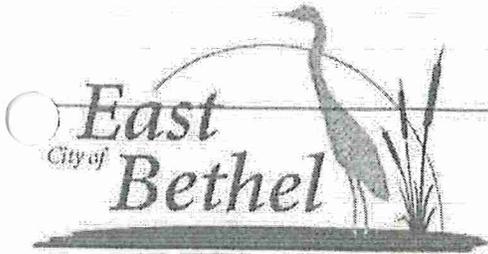
Published in the Anoka County Union
January 16, 2015.

Colleen Winter
Community Development Director

Subscribed and sworn to me
this 12th day of January 2015.

Carrie Frost
Notary Public





RECEIVED
DEC 23 2014
BY: AN

2241 221st Ave. NE • East Bethel, MN 55011
Phone: (763) 367-7844 • Fax: (763) 434-9578

OFFICE USE ONLY
Date Rec'd: _____
By: _____
Fee \$: \$1,555
PAID
CK # 8550

CONDITIONAL USE PERMIT (CUP) PROCESS & CHECKLIST

Application Fee: \$500* Escrow: \$1,000* Filing Fee: \$55*
Applicant is responsible for accrued consulting fees from the City Engineer, City Attorney, etc.
*Fee is subject to change per Resolution.

The application for a CONDITIONAL USE PERMIT (CUP) is processed in three separate review steps:

- 1) CITY STAFF
(Applicant is required to meet with City Staff prior to submittal of the application.)
- 2) PLANNING COMMISSION
(Public hearing and recommendation to the City Council)
- 3) CITY COUNCIL
(No public hearing required)

LOCATION: PID: _____ LEGAL: LOT: _____ BLOCK: _____ SUBDIVISION: _____
SEE ATTACHED

PROPERTY ADDRESS: 21058 DUNSPORT ST. PRESENT ZONING: B-2

PROPERTY OWNER:
CONTACT NAME: WELLS FARGO BANK, N.A. PHONE: 612-316-1708
WILLIAM SCHAPIRO
ADDRESS: 730 - 2nd AVE. S. SUITS 500 PHONE: _____
CITY/STATE/ZIP: MINNEAPOLIS, MN 55479 EMAIL: _____

APPLICANT:
CONTACT NAME: DAN & BECKY SCHULTZ PHONE: 612-735-5150
ADDRESS: 21185 VIKING BLVD. NE PHONE: _____
CITY/STATE/ZIP: WYOMING MN, 55092 EMAIL: DAN@BBDMN.COM

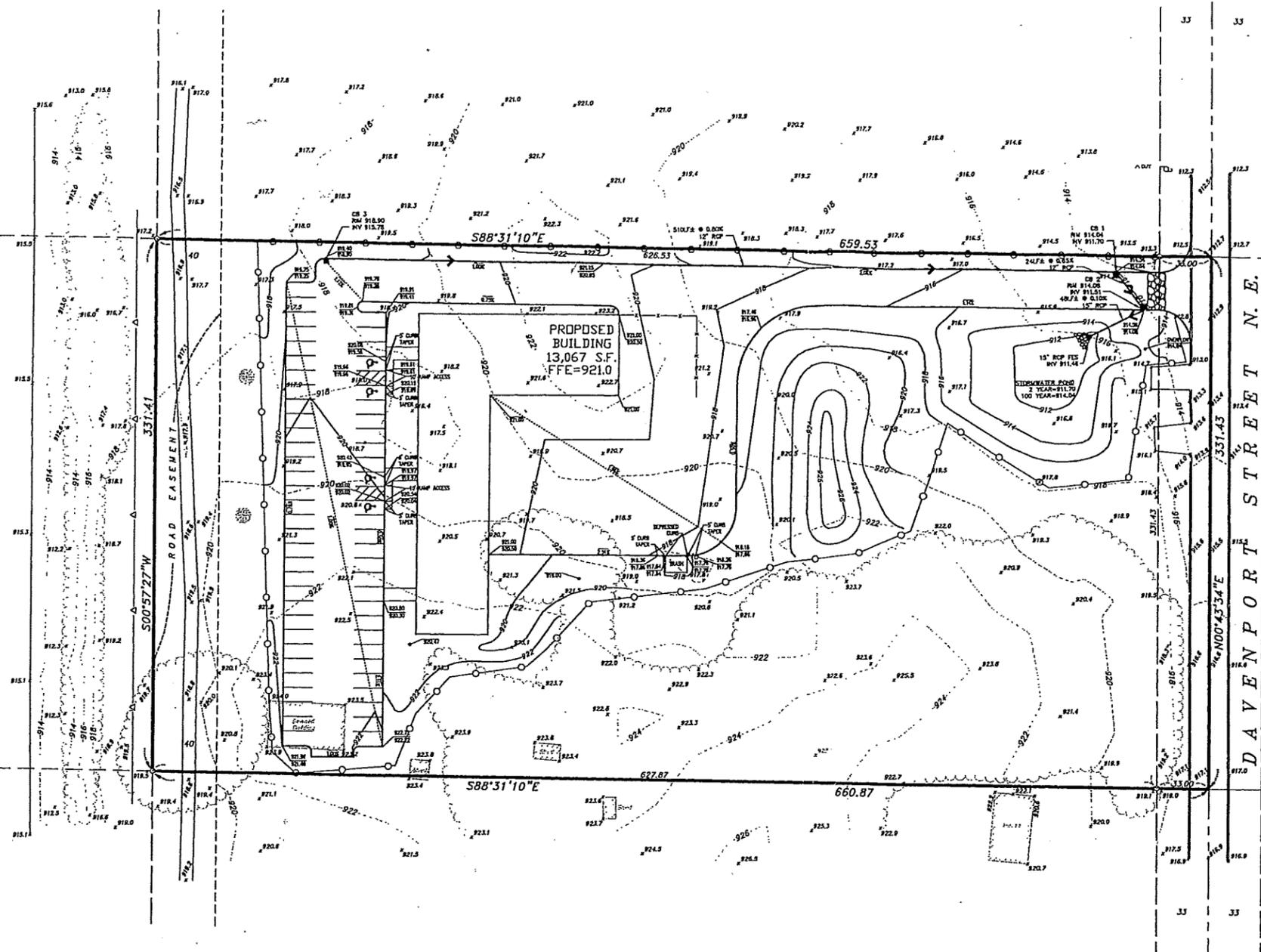
I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City staff

William Schapiro
Property Owner Signature
V.P. Wells Fargo Bank, N.A.

William S. Schapiro
Printed Name

12-19-2014
Date

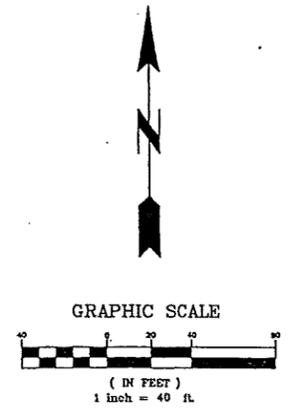
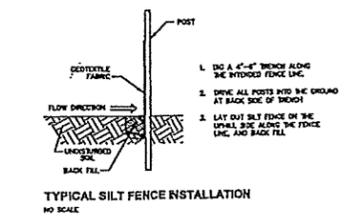
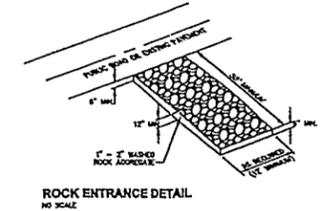
STATE TRUNK HIGHWAY NO 65
 (MINNESOTA DEPARTMENT OF TRANSPORTATION
 MONUMENTATION PLAT NO. 02 - M29)



LEGEND	EXISTING	PROPOSED
UNDERGROUND (U/G) GAS LINE	—G—	—G—
U/G TELEPHONE LINE	—T—	—T—
U/G FIBER OPTICS CABLE	—FOC—	—FOC—
U/G ELECTRIC CABLE	—E—	—E—
OVERHEAD ELECTRIC CABLE	—OC—	—OC—
UTILITY POLE	□	□
ELECTRICAL BOX	□	□
CABLE BOX	□	□
TELEPHONE BOX	□	□
STREET LIGHT	☆	☆
SIGN POST	+	+
EASEMENT	---	---
TREES	—	—
10 FOOT CONTOUR INTERVAL	—	—
2 FOOT CONTOUR INTERVAL	—	—
SIDEWALK	—	—
CURB	—	—
CATCH BASIN	—	—
FLARED END SECTION W/ RIP-RAP	—	—
STORM SEWER	—	—
FENCE	—	—
SILT FENCE	—	—
TEMPORARY ROCK CONSTRUCTION ENTRANCE	—	—
SPOT ELEVATION	78.1	78.1

NOTES:

1. BASE PLAN USED IS A BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY MIDWEST LAND SURVEYORS & CIVIL ENGINEERS, INC., DATED JANUARY 19, 2004.
 2. ALL EXISTING UTILITIES LOCATIONS AND ELEVATIONS SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL CONFIRM ALL LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL CONTACT GOPHER STATE ONE-CALL.
 3. ALL CONSTRUCTION SHALL CONFORM TO THE STANDARD SPECIFICATIONS OF THE CITY OF EAST BETHEL.
 4. EROSION CONTROL AND CONTAINMENT:
 THE FOLLOWING SEQUENCE SHALL BE FOLLOWED FOR THE EROSION CONTROL AND CONTAINMENT DURING THE SITE DEVELOPMENT PROCESS:
 - A. INSTALL SILT FENCE AS SHOWN ON THE PLANS AND DETAILS.
 - B. PERFORM THE SITE GRADING, EXCAVATION AND EMBANKMENT.
 - C. UPON COMPLETION OF THE SITE GRADING, IMMEDIATELY SEED AND MULCH THOSE AREAS OUTSIDE OF THE PROPOSED PARKING AREAS.
 - D. INSTALL CONCRETE CURB AND PAVEMENT.
 - E. BACKFILL BEHIND THE CURBS.
 - F. ONCE TURF IS ESTABLISHED, REMOVE SILT FENCE.
- DURING THE ENTIRE CONSTRUCTION PERIOD, THE SILT FENCE SHALL BE INSPECTED ON A DAILY BASIS AND SHALL BE RESTORED AS NECESSARY.



PRELIMINARY
 NOT FOR CONSTRUCTION
 DATED 6/15/04

MIDWEST
 Land Surveyors & Civil Engineers, Inc.
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REVISIONS

PRELIMINARY GRADING, DRAINAGE, & EROSION CONTROL PLAN

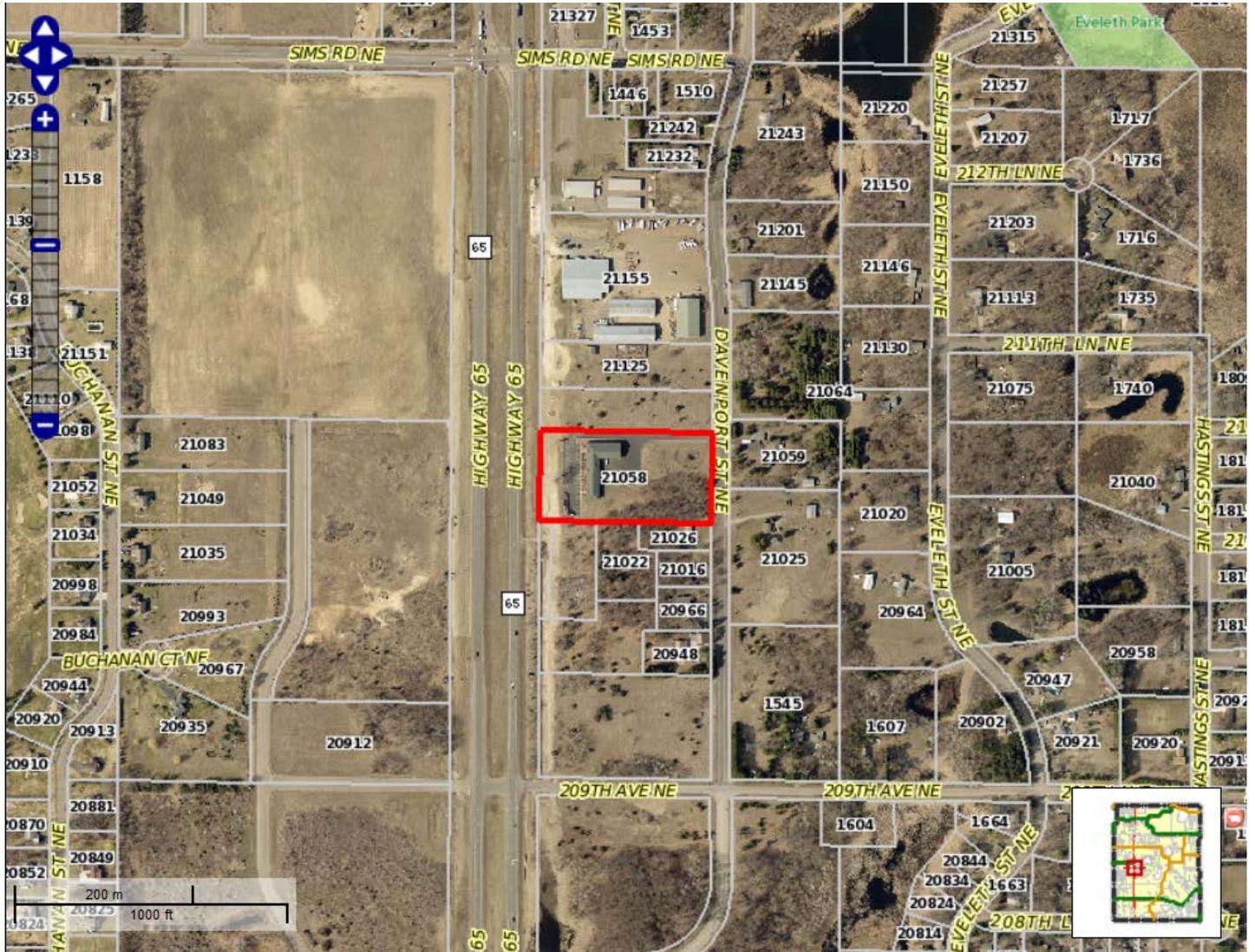
SOWADA & BARNAL PLUMBING
 EAST BETHEL, MINNESOTA
 for:
 SOWADA & BARNAL, LLC

SHEET C1

21058 Davenport St NE

Dan Schultz

CUP Applicant to relocate his business operations



Parcel Information

PIN: 173323130007

Acres: 4.7721

Owner Name: WELLS FARGO BANK NA

Address: 730 2ND AVE S STE 500

MINNEAPOLIS, MN 55479

Site Address: 21058 DAVENPORT ST NE

EAST BETHEL, MN 55011

Zoning: B-2

Shoreland: N

Legal: THAT PRT OF N 331.40 FT OF S 1301.60 FT OF SW1/4 OF NE1/4 OF SEC 17
TWP 33 RGE 23 LYG W OF E 435.60 FT THEREOF, EX RD, SUBJ TO EASE OF REC



December 29, 2014
City of E. Bethel Officials

RE: Conditional Use Permit for 21058 Davenport Rd, E. Bethel

I Dan Schultz as owner of Builders by Design am looking to purchase the 21058 Davenport building that is now sitting empty. I am seeking a conditional use permit so that I can move my business from 1815 Viking Blvd. E. Bethel to this new location. I have been running my business here in E. Bethel for the last 14 years and feel we have been an asset to the community. My business will be the same as it is now.

Employ approx. 25 people (majority are from the north metro area)
(onsite 18 and offsite 7)

Onsite Design and sales for all of BBD's remodeling projects

Onsite of drafting, and project managing

Offsite construction of these projects

Onsite of cabinet showroom and sales

Onsite of closet system showroom and sales

Onsite of cabinet and closet system manufacturing

Offsite of installation and finishing (paint or stain) of cabinets

I will also be looking for the flexibility to rent out approximately 3,000 square feet of this building, with a goal to bring another business or 2 to the E. Bethel community.

Thank You,
Dan Schultz
Builders by Design, Inc.

EAST BETHEL PLANNING COMMISSION MEETING

December 16th, 2014

The East Bethel Planning Commission met on December 16, 2014 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Brian Mundle, Jr. Tanner Balfany Eldon Holmes Glenn Terry
Randy Plaisance Lorraine Bonin Lou Cornicelli

MEMBERS ABSENT: None

ALSO PRESENT: Colleen Winter, Community Development Director
Jack Davis, City Administrator
Ron Koller, City Council Member

1.0 Call to Order Mr. Mundle called the meeting of the East Bethel Planning Commission to order at 7:00PM.

2.0 Adopt Agenda **Mr. Mundle motioned to adopt the agenda. Mr. Terry seconded the motion. All members were in favor; motion carried.**

3.0 Planning Commission Interviews
- Sherry Allenspach
- Bob DeRoche
There was one position open on the Planning Commission to fill the remainder of the term for Mr. Mundle as he has been elected to the City Council. The appointment will run through January 31st 2017. There were two applicants for the position – Sherry Allenspach and Bob DeRoche. Ms. Allenspach was interviewed by the members first followed by Mr. DeRoche.

4.0 Reappointment of Eldon Holmes and Glenn Terry Both Eldon Holmes and Glen Terry have expressed an interest in being reappointed to the Planning Commission for another three year term.

Ms. Bonin moved to recommend to City Council the reappointment of both Mr. Holmes and Mr. Terry to continue in their positions on the Planning Commission. Mr. Mundle seconded the motion. All remaining members were in favor; motion carried.

5.0 Year End Reports Ms. Winter reviewed the following reports with members:

Piwik Analysis – Tracks website activity Jan – Nov 2014

15% of users view the EB site via their mobile phones. A spike noted in November may have been associated with elections at that time. Increased downloading of employment applications was associated with hiring for Community Development Administrative Assistant position. The Residents Guide went live about 6 weeks ago and has had frequent downloads as well. Permit applications has continued to be very successful for residents' use and has been improved even more. The site does not allow payment of fees for applications yet but this will be explored in 2015 as a potential module in the Permit Work System. It will be a City Council decision as to whether online payment will be implemented in the future.

The information from these reports is used to guide ongoing adjustments to the website to improve customer service and satisfaction. The Economic Development section of the website will be an area of focus in 2015.

There are currently two staff members who are administrators for the website and can make changes to content and format. Civic Plus originally established the site and the

contract allows for major changes every 3-5 yrs. Several glitches in the system have been resolved and are utilizing a great deal more capacity of the system than when it was originally established.

Building Permit Report

This year through the end of November, there have been 805 permits issued in the City of East Bethel. In Oak Grove there were 433 and 13 in Bethel. There were 15 new home permits issued and one new commercial permit. Three commercial expansion permits were issued as well.

Mr. Plaisance noted an increase beginning in June through October of office staff calls, emails and counter/office staff contacts. The same increase is noted in Oak Grove due to the EB staff taking on the permit duties – scheduling for building inspector and building official. He also noted an increase in ordinance violations during the same period. Ms. Winter stated that the reporting of violations does tend to increase during the spring and summer.

In 2015 Ms. Winter will include her contacts with customers through phone calls, emails and counter visits in the reports. Her estimated contacts for 2014 through the end of November is 6,000 – 6,500.

Mr. Holmes commented that there were only 51 septic system permits and none reported for Oak Grove or Bethel. This seems low considering an estimated 4,000 homes with systems that are required to be pumped/inspected every three years. Ms. Winter stated that there is currently no tracking system to ensure compliance with the requirements. They are looking at implementing a “septic module” or tracking system.

Ms. Winter also reported that the City Council recently passed an ordinance that requires an inspection of the septic system whenever a home is sold. A mass email was sent to all septic providers and real estate folks to inform them of this new requirement.

6.0 Approval of Meeting Minutes

Mr. Balfany moved to approve the October 28, 2014 meeting minutes as written. Mr. Holmes seconded the motion. All members were in favor; motion carried unanimously.

7.0 Other Business/Council Reports

Ms. Winter requested member’s feedback on the possibility of re-designating the zoning for the property owned by Mike Wyatt. It is currently zoned as light industrial but he would like to market the property for sale with a more flexible zoning designation. A possible alternative would be commercial zoning along Hwy 65 and residential on the back 20-30 acres. Ms. Winter noted that ideally the city would like to focus light industrial in the Classic Commercial Park area as that is where the sewer and water is located. She stated that Mr. Wyatt is very interested in bringing forth an administrative plat where he would actually separate the land into two different parcels.

Mr. Holmes related that the property was originally designated light industrial to keep it in line with the designation for the Cemstone property. Members did not feel that there would be dust and/or light or sound issues with the potential residential area as it is far enough away from Cemstone. There is the potential for providing sewer and water to the area to allow for higher density residential properties as well. Members stated that they are open to the possibility of rezoning this property in the future.

Councilmember Koller reported that at the last City Council meeting there was an appeals hearing for 553 Lakeshore. None of the property owners attended the meeting. Members shared their appreciation for Mr. Mundle’s service on the committee. He thanked the members for their support and submitted his resignation as a member of the Planning Commission to be effective as of 7:29 pm on January 7th, 2015.

Mr. Holmes related concern with the property at the corner of 221st Avenue NE and Hwy. 65 He stated the buildings are in disrepair and that six semi-trailers have been parked on the property for several months. Ms. Winter agreed to have the building official visit the owners.

8.0 Recommendation of New Planning Commission Member

Members were asked by ballot to vote on their selection to fill the Planning Commission vacancy and those ballots were given to the chairperson who tabulated the results stating that Ms. Allenspach is hereby recommended to the City Council to fill the remainder of Brian Mundle's term on the Planning Commission.

9.0 Adjournment

Mr. Holmes moved to adjourn the meeting. Mr. Plaisance seconded; all in favor, motion carried and the meeting was adjourned at 8:05 PM.

Submitted by:
Susan Lori Irons
Recording Secretary



City of East Bethel City Council Agenda Information

Date:

February 4, 2015

Agenda Item Number:

Item 6.0 B.1

Agenda Item:

January Economic Development Authority Report

Requested Action:

Information Item

Background Information:

January 26, 2015 EDA Meeting- Mr. Michael Darger from the University of Minnesota Extension Service gave a presentation regarding their Business Retention and Expansion (BR&E) program. Their program is designed as a local approach to encourage local business success through community involvement. The reasons to focus on existing business retention and expansion are:

- Keeping an existing business is generally easier and less costly than the recruitment and attraction of a new business
- Businesses that stay competitive are more likely to remain in the City and expand
- Existing businesses create more new jobs than relocations or start-ups
- Existing businesses are our best ambassadors to attract new business

The cost of the program is \$12,000.00. Connexus Energy has indicated they will pay up to \$5,000.00 towards this cost. The remaining balance, \$7,000, if approved by the Council, is available in the 2015 EDA budget. If this is a project that could not be scheduled in 2015, it could be part of the 2016 EDA budget request. In addition to the financial obligations, a strong volunteer commitment to the program is critical to ensure success. The East Bethel Chamber of Commerce at their January 27th meeting has pledged their support and assistance should this move forward.

This will be an item for Council to consider at a future date, once we further define roles and responsibilities and secure a commitment for approval from the Extension Service and funding from Connexus.

Attachments:

Fiscal Impact:

If this proposal is presented and approved by Council at future date, the City cost would be \$7,000.

Recommendation(s):

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

EAST BETHEL ECONOMIC DEVELOPMENT AUTHORITY MEETING

November 17th, 2014

The East Bethel Economic Development Authority (EDA) met for a regular meeting on November 17, 2014 at 7:00 P.M at City Hall.

MEMBERS PRESENT: Dan Butler Brian Bezanson Bob DeRoche Julie Lux
John Landwehr Doug Welter

MEMBERS ABSENT: Heidi Moegerle - excused

ALSO PRESENT: Colleen Winter, Community Development Director
Jack Davis, City Administrator
Sue Irons, Recording Secretary

Call to Order & Adopt Agenda Mr. Bezanson motioned to adopt the November 17th, 2014 agenda. Ms. Lux seconded; all in favor, motion carried unanimously.

Approval of Meeting Minutes October 20, 2014 Mr. Landwehr motioned to approve the minutes with Mr. Bezanson to be listed as "excused". Ms. Lux seconded; all in favor except Mr. Bezanson who abstained due to his absence, motion carried to approve the minutes.

Welcome New Member Members welcomed Mr. Doug Welter as the newest member of the Economic Development Authority. Mr. Welter read and accepted the oath of office.

Business Development Report Ms. Winter reported the following:

- CDBG program at Coon Lake Beach is progressing. Currently two systems are being installed.
- Classic Commercial Park 3rd Addition Plat approved.
- Applied for a Met Council grant to assist with the decommissioning of the Castle Towers wastewater facility
- To date there have been 15 new residential home permits issued in the City of East Bethel
- Year to date the Community Development Department has received over 14,398 phone calls, emails and counter visits.
- Rivard Companies is constructing a new 5,400 square foot cold storage facility. They have their permit and anticipate expansion next Spring.
- Misc. inquiries regarding commercial and residential property in the City.

New Businesses in the last two years:

Aggressive Hydraulics

Floor Refinishers (located in the Valder Motors building)

Tin Man Fabrication

North Country Concrete (located at 229th and 65) – 75 employees and growing

Cambridge-Isanti Insurance (located in the building north of Galaxy Gymnastics)

Lucky Paws (4349 Viking Blvd.)

Hwy. 65 Liquor

Tattoo Shop (located in the NACE building)

Moonshine Whiskey

The following are prospects that will propose or have proposed projects for development:

Viking Preserve Subdivision

Senior Housing

New business in the Classic Commercial Park

Expansion of existing business in the Classic Commercial Park

Grocery store/strip mall at 65 and Viking Blvd.

Businesses that have closed or relocated to another city:

Flex Fitness (closed)

Sowada and Barna Plumbing (relocated to Ham Lake)

Valder Motors

Mr. DeRoche asked about escrow balance for Bob King. Mr. Butler plans to contact Mr. King to discuss this and see if they want the escrow money back. Ms. Winter reported that it would be a good opportunity to call him. The amount is fairly substantial.

Mr. DeRoche requested the status of Don Shaw's development. Ms. Winter reported he is waiting to see what will happen on the corner and waiting until Spring to move forward in hopes of getting more competitive pricing.

Mr. Butler reported that a plat was approved for expansion for Aggressive Hydraulics. He spoke with Paul the owners whose plan is to start the operation in the existing location and as it moves forward they would use the approved plat to expand.

Roger Ricky is "hooked up" to city sewer and water. There was a late construction start.

Mr. Welter requested a list of current businesses which Ms. Winter agreed to send to all EDA members as there have been several updates since the list was provided to the members. There are over 200 businesses currently licensed by the city.

Mr. Butler related his disappointment in not receiving any phone calls from residents after his article was published in the newsletter. Members discussed ways to encourage residents to contact the EDA with questions/concerns/suggestions and how to make it as easy as possible. Ms. Winter agreed to add contact options including email to the website as well as include the information in the newsletter which comes out quarterly. Members suggested an automatic email response acknowledging receipt of the resident's communication.

Mr. Butler reported that he had done some research on other community websites and found that some do have the ability to pay online, especially larger cities. Mr. Landwehr stated that he has used this function to pay for permits online and there is usually a user fee and sometimes even an application fee. Ms. Winter noted that staff had done some research into the online pay options but felt that the costs didn't justify implementing this option. There may be a way through Civic Plus or Permit Works to have an application for this. They will be looking

into this option more closely. There is concern that some people will believe that once they have completed the application and paid for it online their permit is approved. Mr. Landwehr suggested that the New Hope and Coon Rapids are good sites to look at for ideas on this issue.

Survey Results

Members reviewed Piwik analysis for October.

An opinion poll was posted on the website from October 30th to November 13th and results were shared with members. The sample size was very small, less than 30 responses. The most requested business was a grocery store and the majority would like to see information about East Bethel's Nature Reserves on the website.

Members discussed ways to get a larger sample size and suggested sending the survey to Chamber members for their input.

Chamber Update

The Chamber of Commerce hosted a Sunrise Business Breakfast where there were over 60 people in attendance. The topic was Highway 65; Doug Fisher (Anoka Co. Hwy Engineer) and Sheila Kauppi (MNDOT north metro director) presented their vision for Highway 65 and Highway 22. The Chamber is very interested in partnering with and helping out the EDA in any way they can to plan and move forward on service road projects, etc. related to Highway 65.

Mr. Butler reported that Julie Braastad is planning a meeting in January with the county and MnDOT and Met Council and representatives of the city staff and/or businesses. The purpose is to strategize on the transportation issues facing the city, especially in the southwestern sewer district area and the east side.

Council Report and Other Business

The members thanked Mr. DeRoche for his service to the city.

Mr. Davis addressed the members regarding the "North Trunk Highway 65 Corridor Coalition" whose mission is "to work in cooperation and collaboration with transportation and transit agencies in identifying and planning for transportation safety improvements in the North TH 65 corridor". Its members include people from Anoka, Isanti and Kanabec Counties. Ham Lake and Blaine are not currently members. They are working to come up with data and recommendations to alleviate congestion on Highway 65 with the focus on the section between Highway 10 and 117th Ave in Blaine.

Blaine has met with the Coalition twice and is interested in working with the group. They are currently working on a study (included in meeting packet) to measure freight demands on Highway 65 in hopes of qualifying for grant funds from the Corridor of Commerce. The city has communicated its goals and needs related to this issue and hopes that the Coalition will support/endorse requests made by the city for funding. This would focus primarily on the area of 181st Ave and Viking Blvd as those areas continue to expand. It was noted that the priority for the county is Highway 10 with Highway 65 a lower priority.

Mr. Davis stated that the city needs to push to keep Highway 65 as a focus for the county ensuring they are aware of the issues of the city. The city needs to be proactive to work on supplemental projects that will enhance an interchange at Viking Blvd.

Mr. DeRoche commented that it is imperative that MnDOT work with the city at some point. He believes that if there is no access to the properties along Highway 65 then it won't be developed. The congestion at 181st is already very bad.

Mr. Davis reported that the latest traffic count at the intersection of 187th and 65 is 2900 which includes many heavy trucks and busses but was taken before the new bus route started at the theater and before Aggressive Hydraulics opened so these numbers are expected to increase exponentially. There will have to be a light at this intersection and it can't be 30 years out. The Coalition plans to focus on working with MnDOT to get some of the service roads and frontage roads done. They have reviewed several proposals to increase access to Classic Park and have a meeting scheduled with MnDOT later this week.

Members reviewed email communications from Greater MSP regarding companies looking for potential locations to establish their business. Mr. Davis noted that some of the requests for interested communities to reply come with impossible deadlines of less than 24 hours. The organization has not provided any viable opportunities for the city but it does not cost anything as the county pays the required fees for membership.

Adjournment

Mr. Bezanson made a motion to adjourn the meeting at 8:00 p.m. Ms. Lux seconded; all in favor, motion carried.

Submitted by:
Susan Lori Irons
Recording Secretary



City of East Bethel City Council Agenda Information

Date:

February 4, 2015

Agenda Item Number:

Item 6.0 C.1

Agenda Item:

January Park Commission Report

Requested Action:

Information Item

Background Information:

January 14, 2015 Parks Commission Meeting- Staff recommended that the Parks Commission consider the rental of the Booster West and East Fields to SBAA for weekday and weekend use as requested in their application and Anderson Lakes Park for use twice per week. SBAA has rented fields at these locations since 1995. It is also recommended SBAA coordinate and cooperate with other organizations that schedule weekend tournaments at the Booster facilities.

In March of 2004, the City of East Bethel and Cedar Creek Ecosystem and Scientific Reserve (CCESR) entered into a memorandum of understanding (MOU) that provided the property for the City Cedar Creek Park, development and use of the trail system around Fish Lake, and the vacation of the East Bethel Blvd easement within the CCESR. Portions of the MOU that dealt with these items expired in 2014. Staff from the University of Minnesota and the City of East Bethel have begun discussions for renewal proposals. City Staff presented the MOU to the Parks Commission for their comment and review.

The Parks Commission recommend removing the provision for horseback riding, the drilling of a fire well and the installation of a boat launch on Cedar Creek in Athens Township from the MOU. As the director's position for the CCESR is still vacant, this discussion has been placed on hold. At the time these negotiations resume, we will present a draft proposal of the MOU for Council consideration.

Attachments:

Fiscal Impact:

To be determined

Recommendation(s):

For Information Only

EAST BETHEL PARK COMMISSION MEETING

November 12, 2014

The East Bethel Parks Commission met on November 12, 2014 at 7:04 P.M at the East Bethel City Hall for their regular monthly meeting.

MEMBERS PRESENT: Bill Zimmermann Tim Hoffman Denise Lachinski
Kenneth Langmade Bonnie Harvey

MEMBERS EXCUSED: Sue Jefferson Stacy Voelker

ALSO PRESENT: Nate Ayshford, Public Works Director
Tim Harrington, City Council
Sue Irons, Recording Secretary

Adopt Agenda Mr Hoffman motioned to adopt the agenda. Ms Lachinski seconded; all in favor, motion carried unanimously.

Approve – August 13, 2014 Mr Zimmerman made a motion to approve the August 13, 2014 minutes as submitted. Ms Lachinski seconded; all in favor, motion carried unanimously.

Parks Financial Information & Parks Capital Funds Summary Mr Ayshford presented the current financial status for member’s review (Attachment 4.1). Budget appears on target. It was noted that the equipment rental was slightly over budget due to rental of porta potties for all parks and for Booster Day (budgeted as per last year but price was increased by rental company) as well as occasional rental of pumps for ponds. These expenses will be reduced as the season has ended and only two porta potties are maintained year round. The current winter storm will be reflected in increased expenses for plowing, overtime, etc.

Mr Hoffman motioned to forward the Parks Financial Report to the City Council as presented. Ms Lachinski seconded; all in favor, motion carried unanimously.

5.0 Baseball Field Request Theresa Martin has requested the Park Commission discuss options for athletic fields designated for baseball use. Possibilities include converting an existing softball field into a baseball field with a mound and possible grass infield and/or constructing a new baseball field in Booster West Park where the existing soccer fields are located.

Theresa Martin was present at the meeting to provide comments and discuss possible options. She introduced herself as a resident of East Bethel for 15 years with four sons involved in baseball. They have participated in SBAA for many years and have noted a frequent issue of a lack of fields for teams to play on. There is only one “senior” mound, located in Soderville. She noted that at a coaches meeting she attended East Bethel was praised for the quality and maintenance of its ball fields. Ms Martin researched access to fields including Ham Lake, St Francis and Blaine. She also contacted neighbors and asked them if they would volunteer time, services, goods, etc and met with a very positive response.

Ms Martin and the members discussed requirements and options for additional fields in East Bethel. The current fields at Booster West are in demand all season. There are three other fields that are not currently being used and would need some work to be usable.

It was noted that the current Parks Capital Improvement Plan (CIP) already contains plans for an additional ball field in 2017. The project was initially slated for 2014 but had to be pushed back due to loss of funding. Funding for Parks comes from income generated by development in East Bethel but there has been no development since 2008.

The plan is to convert two soccer fields to a baseball field. Regulation field requires 90 ft mound as opposed to 75 ft for younger athletes. There are only parking lot lights in the area slated for the new field.

Batting cages were also discussed to be included with the ball fields but some cages must be manned by someone while they are in use. Although batting cages can be profitable, it can be difficult to keep volunteers in place. Indoor batting cages would cost more to establish but there are outdoor cages as well. There are batting cages available at the East Bethel Ice Arena but they have not been in use.

Blaine is building a new large ball field/sports complex off of Lexington. There are different organizations involved in baseball activities around the area but they don't all have the same goals and some are in conflict.

Ms Martin thanked the members for the discussion and suggestions for possible future options and funding issues. She stated she will continue researching ways to help move forward and find volunteers and donations. If SBAA doesn't want to work with East Bethel, she plans to reach out to other people and businesses for help.

Insecticide Use and Pollinators

Christine Dahlman had asked to present information on this topic at this meeting, however, she contacted Mr Ayshford and requested rescheduling her presentation for the January meeting due to a death in her family. It was noted that we currently do not use any of the pesticides of concern. Mosquito treatments are used by the Metropolitan Mosquito Control District and Mr Ayshford noted that a pesticide for treatment of Emerald Ash Borer may be required in the future.

Mr Hoffman motioned to postpone Ms Dahlman's presentation until January per her request. Ms Harvey seconded; all in favor, motion carried unanimously.

Cedar Creek Memorandum of Understanding

In March of 2004, the City of East Bethel and CCESR entered into a memorandum of understanding (MOU) that established the Cedar Creek Park, use of the trail system around Fish Lake, and the vacation of the East Bethel Blvd easement within the CCESR. Portions of the MOU are set to expire in 2014 and staff from the U of MN and the City of East Bethel have begun discussions on the need to update the document. Both parties would like input from the East Bethel Parks Commission on any changes that may be necessary so that an amended document can be drafted for approval by the East Bethel City Council and University of MN.

Requested Action:

Review and update Memorandum of Understanding between East Bethel and Cedar Creek Ecosystem and Scientific Reserve (CCESR)

Items of interest:

3. Horseback Riding Trails. For a period of ten (10) years from the effective date of this MOU, and thereafter with the consent of CCNHA, horseback riding by persons holding permits issued by the City will be permitted on trails in the Natural History Area designated for that purpose by CCNHA. CCNHA will make these trails available on a guided basis only at least once a month from April thru October. By separate agreement, CCNHA and City have agreed that horseback riding on a non-guided basis will also be permitted within the eighty (80) foot right-of-way along part of the easterly boundary of the Natural History Area. CCNHA shall have the right to set reasonable limits as to the number of riders on trails at any one time. The City agrees that no parking facilities will be constructed that will facilitate the trailering of horses to the Natural History Area.

Complaints have been received from the U of M about users not cleaning up after their dogs and horses, sneaking in to the area on the NE side of Fish Lake where no outside animals are allowed. The initial part of this section expired this year but there is a separate agreement regarding use of the right of way along old East Bethel Blvd for horseback riding. East Bethel Blvd was traded for the Park area that the city owns now.

Members agreed that residents using the area for horseback riding probably did not have permits as required and may not even be aware that they needed them. There is no information on the city website about horseback riding or the permit requirement. Some members felt the website was supposed to be updated but that update was minimal. Any riding on trails in the Natural History Area were to be guided only but most members felt that contacting the CCNHA to arrange for a tour was extremely difficult if not impossible. Mr Ayshford reported that there are signs in the area where horses and dogs are not allowed but people have pulled them out and used the areas regardless.

The consensus was that the Horseback Riding agreement should remain but the expired part of this section might not be possible to renew/continue. As a minimum, would like to keep the "separate agreement" in place but no copy was included in the package for this meeting.

Ms Harvey made a motion to table this item until research can be done into the original discussions/negotiations leading up to the MOU as well as checking with residents interested in having places to ride horses for their input. Mr Zimmerman seconded; all in favor, motion carried unanimously.

Ms Lachinski agreed to contact residents regarding horseback riding and Ms Irons will pursue research on the decisions/negotiations leading up to the signing of this MOU. Mr Ayshford will provide a copy of the "separate agreement" for review.

11. Provision of Additional Parking for Cedar Creek Access. CCNHA will work with Isanti County and Athens Township to provide an area to be designated as parking for the purpose of providing access to canoeing and kayaking down Cedar Creek. City and Athens Township have agreed to fund the construction of the parking area and City understands that Athens Township will pay one-half of the costs. The land shall, regardless of such use, at all times be property of the University and a part of the Natural History Area.

Members suggested that at the time of the MOU there was a meeting planned with Athens Township to discuss this item but it does not appear that the meeting occurred nor has any action been taken to provide parking as described. Members felt this item did not seem to benefit East Bethel in any way and suggested that it be deleted.

Mr Hoffman made a motion to delete item 11 from the MOU. Mr Zimmerman seconded the motion; all in favor, motion carried unanimously.

**Anoka
Conservation
District Comp
Plan 2015-
2019**

The City of East Bethel has been asked to review and provide comments on the Anoka Conservation District's Comprehensive Plan for 2015-2019. (Attachment 8.1 draft 2015-2019 ACD Comp Plan)

Mr Hoffman commented that he felt there was a great deal of information but did not see any detailed future plans and strategies. Projects are funded mainly through state and federal grants. The organization provides education for landowners and local government in natural resource management and conducts monitoring and analysis. Ms Lachinski questioned how projects are prioritized and how they might be able to assist the City of East Bethel. Mr Ayshford reported that the two bodies of water that are impaired in East Bethel are Coon Lake and Crooked Brook.

**Council
Report &
Other
Reports**

Mr Harrington reported the elections resulted in Brian Mundle and himself as new council members and Mr Steve Voss as the new mayor. There will be a town hall meeting on November 20, 2014 from 6-9 PM.

My Ayshford reported that the Anoka County Master Trails Plan was changed. The new plan has the trail going through Carlos Avery around Linwood Lake. The only drawback is that it will no longer tie into Wild Rice Drive.

Adjourn Mr Langmade motioned to adjourn the meeting at 8:37 p.m. Mr Hoffman seconded; all in favor, motion carried unanimously.

Respectfully submitted by:

Susan Lori Irons
Recording Secretary

Attachments:

4.1) Parks Financial Reports

7.1) 2004 MOU

8.1) Draft 2015-2019 ACD Comp Plan



City of East Bethel City Council Agenda Information

Date:

February 4, 2015

Agenda Item Number:

Item 6.0 D.1

Agenda Item:

January Roads Commission Report

Requested Action:

Information Item

Background Information:

January 13, 2015 Roads Commission Meeting- Staff and the Commission discussed maintenance and road surface issues on Klondike Drive. The recommendation of the Commission was to include Klondike Drive for a 2015 Class 5 resurfacing project and chloride application to consolidate and bond the material and control dust. Klondike Drive is the only unpaved MSA street in the City's system and provides an east-west connection between East Bethel Blvd. (County Road 15) and Hwy. 65. This road also provides access to three recreation based and two landscaping businesses in the City.

Attachments:

Fiscal Impact:

To be determined

Recommendation(s):

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

EAST BETHEL ROAD COMMISSION MEETING

December 9, 2014

The East Bethel Road Commission met on December 9th, 2014 at 6:30 P.M at the East Bethel City Hall for their regular monthly meeting.

MEMBERS PRESENT: Lori Pierson-Kolodzienski Kathy Paavola Dennis Murphy Roger Virta
Al Thunberg

MEMBERS EXCUSED: Jeff Jensen

ALSO PRESENT: Nate Ayshford, Public Works Director
 Tim Harrington, City Council Member

Adopt Agenda **Ms. Pierson-Kolodzienski motioned to adopt the agenda as submitted. Mr. Murphy seconded; all in favor, motion carried unanimously.**

**Approve
October 14th,
2014 Meeting
Minutes** **Ms. Pierson-Kolodzienski motioned to approve the minutes. Mr. Thunberg seconded; all in favor, motion carried unanimously.**

**Roads
Financial
Information &
Roads Capital
Funds
Summary** Mr. Ayshford reported that the budget is closing out with a balance of approximately \$100,000 remaining. (Attachments 4.0, 4.1) He anticipates that this will be adequate to finish out the year. There will be two more loads of salt coming out of the budget as well. There was extensive overtime following the storm in early November due to its falling on a holiday.

**Drainage
Improvements
for Nordin
Estates** The Nordin Estates Development was constructed in 1972. Lots 13 & 14, Block 4, have experienced ponding concerns since their homes were constructed in 1980. With the recent high water levels from heavy rains the issue has returned. The City pumped water for four days this spring/summer to help alleviate the problem, but pumping is only a temporary fix.

The design of the drainage does not allow for any storm water to flow out of the area until it has reached a level where it is over the elevation of the drain fields and approaching basement levels. The construction met city design standards at that time but would not meet current engineering standards.

At the October 14, 2014 Road Commission meeting, staff was directed to work with our City Engineer to update designs for a storm water system that would drain the low portions of the ponding area and provide a stable high water mark.

Attachment 5.1 shows the possible location of the storm water pipe with cost estimates broken down in attachment 5.2 and 5.3. Possible project funding sources include a neighborhood assessment, the Street Capital Fund, or a combination of the two.

Mr. Ayshford reviewed the two options with members, explaining that the “Pipe Open Cut” plan is estimated at close to \$56,000 and the “Pipe Directional Drill” plan estimated to cost more than \$65,800.

The Open Cut plan requires digging a trench, placing the pipe and then covering it up. This would include removing several Cottonwood trees along the path of the pipe. It is anticipated that owners would not block removal of the trees as they are dead.

The Directional Drilling requires drilling underground to place the pipe. Most of the ground in the area is sand although it is possible that there would be some difficulty drilling through the roots of the trees.

Members and the public residents present discussed funding for the project at length. Potential funding options included an assessment on the residents of the development, using Street Capital Funds or a combination of the two. Mr Ayshford noted that the cost of easement acquisition for the project was not included in the estimates and that residents had not yet been contacted about the potential for donating easements on their property.

Discussion from the previous meeting included the possibility of residents donating their easements and then the city would pay for all or some of the cost with the possibility of an assessment to cover the total cost. An option might be to have the assessment cover just the engineering cost of approximately \$14,000 with the easements donated and the city paying the rest. With approximately 20 lots in the development, most residents would pay about \$430 based on the percentage of drainage from their lots but two of the residents with the largest lots would have to pay over \$2,000 each. Mr Ayshford noted that \$4,000 of the total amount is actually required just to pay for the administrative process of making an assessment on the homeowners.

Mr Virta noted that at previous meetings members had made statement for and against an assessment to fund the project. He requested further discussion on this topic. Ms Paavola stated that the drainage problems should have been addressed when the development was established and that it is not the fault of the current residents that this was not done. She does not believe it is fair to ask the residents to pay for the entire cost of the project. Mr Virta stated he could see why it might be necessary to place some of the funding responsibility on the residents as the city may not have adequate funding to pay for the entire project.

Mr Murphy agreed with Mr Virta but also with Ms Paavola in that it was the builders and City staff at the time of the development who were at fault for the current situation. Ms Pierson-Kolodzienski also felt it would not be appropriate to make the current homeowners pay for the entire project but thought having an assessment for the engineering cost only might not be too much of a hardship for them and would reduce the amount the city would have to pay.

Ms Paavola and Mr Thunberg agreed that the problem must be addressed as soon as possible to prevent further flooding issues and property damage. Mr Thunberg stated he did not feel it was the members responsibility to decide how the project would be funded. He felt the members were in agreement for the most part that the funding should be shared but that it was up to the City Council to ultimately decide how funding the project would be accomplished.

Resident, Virginia Conwell asked the members if “homeowners who have already paid hundreds and thousands of dollars all these years” due to the drainage problems might not be required to pay an assessment. The members understood Ms Conwell’s

suggestion/request and reiterated that the project funding will ultimately be a City Council decision. It is expected that there will be an opportunity for homeowners to provide input on the funding decision at an upcoming City Council meeting.

Resident, Dennis Olson stated that he did not feel the homeowners should have to pay any assessments. They have been dealing with this problem “for twenty plus years and the damage is done”. Mr Olson stated that he has spoken before the City Council and the Road Commission in the past to request help with the problem and the response has not been satisfactory and nothing has been done. He feels very strongly that the city should be responsible for funding the project.

Mr Virta summarized that the members agree some action must be taken to correct the drainage problem in Nordin Estates. He stated that if homeowners are willing to donate the required easements, it should be considered as part of the residents’ contribution to funding the project. Ms Paavola stated that she would like to see minimal costs for the residents for funding the project.

Mr Virta suggested that Mr Harrington could present the discussion regarding costs that has occurred during Road Commission meetings at the City Council meeting to provide additional information for Council members to make funding decisions.

Mr. Thunberg made a motion to recommend the City Council request a bid for the Open Cut plan with Directional Drilling as an option to address drainage improvements for Nordin Estates with minimal cost to the residents. Ms Pierson-Kolodzienski seconded the motion. All in favor, motion carried unanimously.

**Anoka
County Street
Lighting
Project**

The Anoka County Highway Department has been awarded a federal grant for safety upgrades to be used on rural county roads. The funding will be used to upgrade the center line striping with a more reflective material along Viking Blvd from TH65 to the eastern border of Anoka County and to install street lighting at intersections along the same stretch of road.

There are six street light locations proposed for East Bethel that include Rochester St, Vickers St, Breezy Pt Dr, Thielen Blvd/Sportsmen Rd, Tri Oak Circle, and Lexington Ave. (Attachment 6.1) The grant would cover 90% of the construction and installation costs with Anoka County picking up the remaining 10%. East Bethel would be required to handle the operational and maintenance costs. With an LED style light, the monthly cost could be approximately \$6.76 per light or a total yearly cost for the 6 proposed lights of \$487. The costs include electricity charges and cover all maintenance needs for 25 years.

The proposed construction schedule would have the lights installed by mid-summer, 2015.

Mr. Virta motioned to accept the Anoka County Street Lighting Project as described with the request to change the light planned for Lexington Avenue to 195th Avenue. Ms. Pierson-Kolodzienski seconded; all in favor, motion carried unanimously.

**Anoka
Conservation
District Water**

The Anoka Conservation District (ACD) is proposing to fund water quality improvement projects around Coon Lake in East Bethel. The projects include shoreline restoration and rain gardens that help increase storm water infiltration and sediment collection before it

Quality Improvement Projects

enters surface waters. The proposed locations of the Rain Gardens are included in the attachment 7.1 with one located at the Coon Lake Community Center and more along East Front Blvd. The rain gardens would be installed with cooperation from the adjoining property owner who would be responsible for the maintenance for 10 years.

Some of the locations could include being located on City right-of-way. The locations may require that some utilities be relocated as well. If needed, the utility company will be responsible for the relocation. The homeowner agreements are nonbinding and if the property is sold or transferred, the new owner is not required to continue maintenance. At that time the City could take over maintenance or the rain gardens could be abandoned.

The construction timeline calls for a completion date of October 2015.

Staff is seeking recommendations on the locations of the rain gardens and the feasibility of installations on City right-of-way with the possibly of requiring utilities to be relocated.

Ms Paavola reviewed the proposed garden near the Coon Lake Community Center. Residents have attended meetings to discuss the garden and others in the area. Property owners have agreed to have gardens placed as seen in Attachment 7.1. Mr Virta questioned if the ACD will measure phosphate levels to see if they decrease following establishment of the gardens. Mr Ayshford was not aware of any plans for future data collection at this time. The phosphorous and sediment projections are based on storm water calculations.

Ms. Pierson-Kolodzienski motioned to accept the proposed locations for rain gardens to be established and funded by the ACD. Mr. Murphy seconded; all in favor, motion carried unanimously.

Council Report/Other Business

Mr Harrington brought up the previous "Breakfast Meeting" with MnDOT to discuss Hwy 65. He stated that his takeaway from the meeting was that MnDOT does not have any major plans for future improvements in East Bethel and that the city should focus on frontage roads. Mr Virta stated that the city has been working on frontage roads for some time and doesn't have many options for the area at 187th and Viking due to wetlands.

Ms Pierson-Kolodzienski stated she was very disappointed with the discussion and the information MnDOT representatives provided was not helpful in addressing city concerns. She stated they commented on the city 'giving back' money previously but did not take into account the reason this occurred was that the project was not appropriate.

Mr Virta requested the status of the Commercial Park Secondary Access project. The City Council accepted the recommendation from the Road Commission. Further information including a vehicle count, funding options and utility requirements are being gathered. Mr. Harrington asked if the vehicle count had been accomplished on Jackson as the county has agreed to perform this count. Mr Ayshford stated it had not been done as of this date. The project may go out to Jackson or possibly Viking Blvd behind Our Saviour's Church.

The recommendation for the project was to fund it from MSA budget. The project has not been approved yet and no funds have been appropriated but it could still be done in 2015. There is still money from the Laurel/Lincoln/Longfellow project (\$600,000) that was not

done as scheduled in 2014 due to Right of Way issues. Further project discussion is anticipated on the City Council agenda in January or February. There may be other funding sources to pay for water related expenses as placing the water line is part of the project.

Mr Murphy and Ms. Pierson-Kolodzienski submitted letters to remain on the Road Commission for the next year. Mr Ayshford thanked them for their service to the city. There is still one vacancy on the Commission. Members agreed that no interview would be required if someone expresses interest in being appointed to the Commission.

The city is reviewing meeting days/times for 2015. Members agreed that the current schedule of meeting on the second Tuesday of the month at 6:30pm works well for all of them.

Adjourn **Ms. Pierson-Kolodzienski motioned for adjournment. Mr. Thunberg seconded; all in favor, motion carried. Meeting was adjourned at 7:30 p.m.**

Respectfully submitted,
Susan Lori Irons
Recording Secretary

Attachments:

- 2.0) Agenda for December 9, 2014 Road Commission Meeting
- 3.0) Minutes of October 14, 2014 Road Commission Meeting
- 4.0) Fiscal Year-to-date Financial Reports
- 5.1) Map of Project Location
- 5.2) Project Cost Estimate for Directional Drill
- 5.3) Project Cost Estimate for Open Cut
- 6.1) Map of Project Locations
- 7.1) Map of Project Locations



City of East Bethel City Council Agenda Information

Date:

February 4, 2015

Agenda Item Number:

Item 7.0 G.1

Agenda Item:

Recycle Grant

Requested Action:

Consider approving 2015 Additional Recycling Funds.

Background Information:

The Anoka County Department of Integrated Waste Management has notified the City that we are eligible to apply for up to \$22,052 in additional funds for drop-off, municipal park, and community event recycling programs. These funds are a 100% reimbursable grant, meaning that the City would only be eligible to receive monies actually spent on these activities. No local matching funds are required. Utilizing this additional funding would enhance our current Recycling Program.

In 2014 our recycling tonnage goal was 1,091 tons and we were able to meet 96.5% of our goal. Attachment #1 provides a summary of our recycling report of activities and accomplishments for 2014.

Should the County increase the tonnage requirements for this program, these additional monies, over and above the basic grant, would be beneficial in providing a means to achieve any higher goals that may be imposed.

The City will receive \$30,260 from Anoka County in 2015 to operate the City Recycling Center. These funds are separate from the additional grants that are available and are provided on an annual basis.

Attachments:

2015 Municipal Funding Request

2014 Recycling Report

Fiscal Impact:

This is a reimbursable grant program and 100% of the costs are covered by the grant. The City allocates no funds to City Recycle Program.

Recommendation(s):

Staff recommends City Council authorize the approval of the additional \$22,052 in grant funds that have been made available for this program.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

**2015 Municipal Funding Request
Attachment B**

The City of East Bethel is requesting the following funding for their municipal efforts in 2015.

Grant Projects	Eligible Allocations	Amount Requested
Municipal Grant Funding Allocation	\$30,260.00	\$30,260.00
Full Service Drop-off Center Allocation (Staffed recycling center, open a minimum of 3 days per week, collecting mattresses, traditional recyclables, scrap metal, carpet, etc.)	\$30,000.00	
Monthly Drop-off Event (at least 8 months)	\$10,000.00	\$ 10,000.00
Municipal Park/Community Event Recycling	\$4,000.00	\$ 4,000.00
Multi-Unit /Curbside Recycling	\$4,000.00	\$ 4,000.00
Recycling Enhancement Grant (Additional promotion efforts, multi-units, Insert a description of the efforts being proposed below.	\$4,052.00	\$ 4,052.00
Source-Separated Compostables/Organics Grant	\$4,052.00	\$
Total Amount Eligible Being Requested for 2015	\$56,364.00	\$* 52,312.00

A description of the efforts being proposed for the additional funding requests.

<p>Improvements to the Recycle Center</p>

The City of East Bethel requests * \$52,312.00 for 2015 Municipal Funding.

Date _____

Name _____

Title City Administrator

*these amounts should match and may not exceed eligible allocation total. This amount will be 90% of the contract maximum for the grant.

Municipality	2015 Base Funding and Goals				2015 Additional Enhancement Funds Available										Total Funds Available for 2015 Base + Enhancement Funds
	Contract Number	Total Pop	HH	Base Funding: \$10,000 + \$5.00/HH	Monthly Drop-off Events		Full Service Drop-off Center	Park and Event Recycling		Curbside and Multi-Unit Recycling		General Enhancement Grant \$1/HH	Organics Collection \$1/HH		
					Up to 4,999 households	5,000 + households		Up to 2,000 households	2,001-4,999 households	Up to 2,000 households	2,001-4,999 households			5,000 and up households	
East Bethel	C0003920	11,588	4,052	\$ 10,000	\$ 20,260	\$ 10,000	\$ 30,260	\$ 1,094	\$ 10,000	\$ 2,000	\$ 4,000	\$ 4,000	\$ 4,052	\$ 4,052	\$ 56,364
					Goals: 175 PP MF + 190 PP SF	\$10,000	\$15,000	\$30,000	\$2,000	\$4,000	\$6,000	\$2,000	\$4,000	\$6,000	

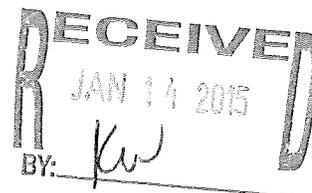
2015 Total SCORE Allocation: \$1,051,986 - \$116,810.50 must be spent on organics
 Population and Household Counts are based on 2013 Met Council Estimates
 Goals are based on 190 pounds/person/year single family home up to 4 units and 175 pounds/person/year multi-units 5 units or more



Anoka County

PARKS & COMMUNITY SERVICES DIVISION

Integrated Waste Management



Date: January 7, 2015
To: Municipal Recycling Coordinators
From: *Sue*
Sue Doll, Solid Waste Specialist
Regarding: Municipal Contracts for 2015 Funding and Goals

The 2015 Residential Recycling Agreements include a fixed base of \$10,000 for each municipality and \$5.00 per household. In addition, targeted program funds are available for specific program areas and funds may be used for problem materials and yard waste/organics. The household count is based on the latest population and household estimate available from the Metropolitan Council. This funding allocation is not dependent upon the receipt of the second SCORE allocation. The county will use reserve funds if the second grant payment is not received in the spring of 2015.

The 2015 funding includes enhancement funds for the following program areas:

Full service drop-off recycling centers – \$30,000

Monthly drop-off recycling centers – \$10,000 to \$15,000 depending on the number of households*

Park and Event Recycling – \$2,000 to \$6,000 depending on the number of households**

Curbside and Multi-Unit Recycling – \$2,000 to \$6,000 depending on the number of households**

General Enhancement Grant \$1/Household

Organics Collection \$1/Household

*Up to 4,999 HH – 10,000 and 5,000 HH and up – \$15,000

**Up to 2,000 HH – \$2,000, 2001 – 4,999 HH – \$4,000, and 5,000 HH and up – \$6,000

The contract again includes a change order of up to 10% of your total allocation.

The 2015 municipal recycling goal will remain the same as last year, 190 pounds per person for single family households (up to 4 units) and 175 pounds per person for multi-unit households (5 units or more). This goal reflects the estimated tonnage needed to assist the county in achieving its recycling goal as established by the State of Minnesota. The goals have been set to reflect the differences between single family and multi-unit housing.

Three copies of the contract have been enclosed for signature by your municipality. Please have **all three** signed and fill in the 2015 Municipal Funding Request – Attachment B. Each contract must have a completed Attachment B. Mail **all three** signed copies back to our department and we will obtain remaining signatures. We would like to receive all contracts back by March so that we know what funds may be available for redistribution.

Thank you for your cooperation and efforts to reduce waste and increase the amount of material recycled in our county. Please do not hesitate to contact me if you have any questions regarding this information.

Respectful, Innovative, Fiscally Responsible

1530 Bunker Lake Blvd NW • Andover, MN 55304 • www.anokacounty.us/recycle
Office: 763-323-5730 • Fax 763-323-5731 • recycle@co.anoka.mn.us

Printed on 30% post-consumer recycled paper

Affirmative Action / Equal Opportunity Employer

Anoka County 2014
Municipal SCORE Reimbursements

Municipality	Total Allocation	Jan-Jun Request	July-Dec Request	Total Reimbursed	Balance Unrequested
Andover	\$ 97,036.00	\$ 31,346.75	\$ -	\$ 31,346.75	\$ 65,689.25
Anoka	\$ 75,821.25	\$ 20,548.57	\$ -	\$ 20,548.57	\$ 55,272.68
Bethel	\$ 22,870.00	\$ 3,568.07	\$ -	\$ 3,568.07	\$ 19,301.93
Blaine	\$ 156,548.00	\$ 85,441.91	\$ -	\$ 85,441.91	\$ 71,106.09
Centerville	\$ 40,640.00	\$ -	\$ -	\$ -	\$ 40,640.00
Circle Pines	\$ 30,240.00	\$ 28,123.28	\$ -	\$ 28,123.28	\$ 2,116.72
Columbia Heights	\$ 85,006.00	\$ 27,087.04	\$ -	\$ 27,087.04	\$ 57,918.96
Columbus	\$ 33,115.00	\$ 8,933.21	\$ -	\$ 8,933.21	\$ 24,181.79
Coon Rapids	\$ 221,080.00	\$ 95,398.60	\$ -	\$ 95,398.60	\$ 125,681.40
East Bethel	\$ 64,198.00	\$ 26,719.42	\$ 39,904.71	\$ 66,624.13	\$ -
Fridley	\$ 95,460.00	\$ 22,133.05	\$ -	\$ 22,133.05	\$ 73,326.95
Ham Lake	\$ 47,431.91	\$ 19,876.05	\$ -	\$ 19,876.05	\$ 27,555.86
Hilltop	\$ 38,382.00	\$ 8,438.23	\$ -	\$ 8,438.23	\$ 29,943.77
Lexington	\$ 28,668.00	\$ 14,947.91	\$ -	\$ 14,947.91	\$ 13,720.09
Lino Lakes	\$ 86,938.00	\$ 19,616.87	\$ -	\$ 19,616.87	\$ 67,321.13
Linwood	\$ 36,597.35	\$ 10,636.41	\$ -	\$ 10,636.41	\$ 25,960.94
Nowthen	\$ 44,772.00	\$ 13,060.35	\$ -	\$ 13,060.35	\$ 31,711.65
Oak Grove	\$ 38,045.89	\$ 20,728.47	\$ -	\$ 20,728.47	\$ 17,317.42
Ramsey	\$ 65,817.16	\$ 65,817.16	\$ -	\$ 65,817.16	\$ -
St. Francis	\$ 45,258.00	\$ 16,981.06	\$ -	\$ 16,981.06	\$ 28,276.94
Spring Lake Park	\$ 33,630.00	\$ 19,597.84	\$ -	\$ 19,597.84	\$ 14,032.16
TOTAL	\$ 1,387,554.56	\$ 559,000.25	\$ -	\$ 559,000.25	\$ 828,554.31

2014 Anoka County Municipal Recycling Report

Population	City/Township	2014 Goal (in tons)	Jan-June Tons Abated	July-Dec Tons Abated	Total	% of Goal Achieved	Pounds per person	Pounds per person per month	HH	#/HH/YR
31,125	Andover	2,943	1,719.11	-	1,719.11	58.413%	110.46	9.21	10,006	343.62
17,345	Anoka	1,533	655.00	-	655.00	42.727%	75.53	6.29	7,123	183.91
465	Bethel	44	34.13	-	34.13	77.568%	146.80	12.23	174	392.30
60,199	Blaine	5,625	2,069.54	-	2,069.54	36.792%	68.76	5.73	21,758	190.23
3,841	Centerville	363	8.94	-	8.94	2.461%	4.65	0.39	1,328	13.46
5,018	Circle Pines	472	211.81	-	211.81	44.876%	84.42	7.04	2,040	207.66
19,676	Columbia Heights	1,818	769.84	-	769.84	42.346%	78.25	6.52	8,001	192.44
3,929	Columbus	373	201.77	-	201.77	54.095%	102.71	8.56	1,423	283.59
61,850	Coon Rapids	5,758	80.46	-	80.46	1.397%	2.60	0.22	23,680	6.80
11,555	East Bethel	1,091	462.66	590.14	1,052.8	96.5%	182.22	15.19	4,033	522.09
27,591	Fridley	2,543	1,094.24	-	1,094.24	43.030%	79.32	6.61	11,292	193.81
15,462	Ham Lake	1,458	661.04	-	661.04	45.339%	85.51	7.13	5,233	252.64
842	Hilltop	74	92.63	-	92.63	125.173%	220.02	18.33	397	466.64
2,014	Lexington	186	94.94	-	94.94	51.044%	94.28	7.86	778	244.07
20,625	Lino Lakes	1,819	1,003.82	-	1,003.82	55.185%	97.34	8.11	6,323	317.51
5,169	Linwood	488	178.25	-	178.25	36.526%	68.97	5.75	1,903	187.33
4,487	Nowthen	421	163.77	-	163.77	38.901%	73.00	6.08	1,462	224.04
8,088	Oak Grove	767	340.07	-	340.07	44.338%	84.09	7.01	2,761	246.34
23,946	Ramsey	2,263	1,294.91	-	1,294.91	57.221%	108.15	9.01	8,134	318.39
7,277	St Francis	682	276.05	-	276.05	40.476%	75.87	6.32	2,543	217.10
6,244	Spring Lake Park	581	272.08	-	272.08	46.830%	87.15	7.26	2,605	208.89
336,748	TOTAL	31,302	11,685.06	-	11,685.06	37.330%	69.40	5.78	122,997	4,920.21



City of East Bethel City Council Agenda Information

Date:

February 4, 2015

Agenda Item Number:

Item 8.0 G.2

Agenda Item:

Anoka County Broadband Connectivity Project

Requested Action:

Consider approving the renewal of the Connectivity Services Agreement with Anoka County for the provision of broadband service.

Background Information:

The Connect Anoka County project was completed in 2012 and links 145 anchor institutions with three broad band fiber core rings, creating a 286-mile fiber optic backbone that connects police, fire, public works, libraries, K-12 schools, colleges, city and town halls, and county buildings.

The term of this agreement expires on August 16, 2015 and the County desires to renew the terms of the agreement. The renewal will be three five-year terms. The County is requesting a letter of intent and resolution approving Amendment 2 should the City decide to approve the proposal.

Attachment(s):

1. Resolution 2015-11
2. Location Map
3. Amendment 2- Connectivity Services Agreement

Fiscal Impact:

The service sites that are served in the City of East Bethel are the Ice Arena, Fire Station #1 at Viking Blvd. and East Bethel Blvd. and City Hall. The cost for this service is \$225.00/month.

Recommendation(s):

Staff recommends approval of Resolution 2015-11, Renewal of the Anoka County Connectivity Services Agreement

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

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

RESOLUTION NO. 2015-11

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

**A RESOLUTION APPROVING THE RENEWAL OF THE ANOKA COUNTY
CONNECTIVITY SERVICES AGREEMENT**

WHEREAS, The City of East Bethel entered into a Service Agreement Contract with Anoka County for the provision of broadband service at three service sites in the City in 2012;

WHEREAS, The City of East Bethel desires to renew this contract for three five year renewal terms;

WHEREAS, Written notice must be provided to Anoka County no less than 180 days prior to the contract expiration of August 16, 2015;

WHEREAS, Anoka County does desire to renew the terms of Connectivity Services Agreement with the City;

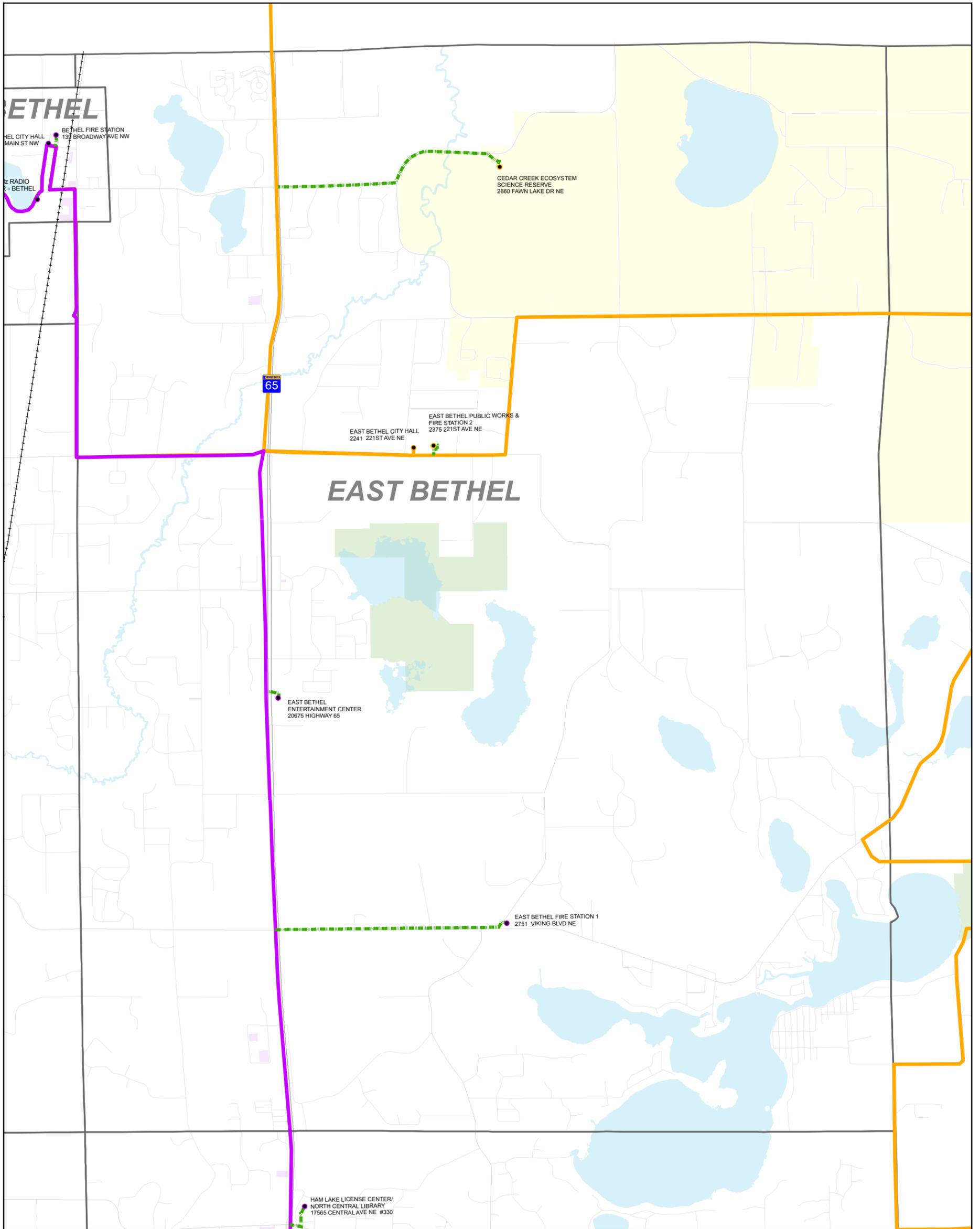
NOW THEREFORE, BE IT RESOLVED, by the City Council of East Bethel that the renewal of the agreement and Amendment 2 has been approved by Council at their regular meeting on February 4th, 2015.

Adopted by the City Council for the City of East Bethel, this 4th day of February, 2015.

Steven R. Voss, Mayor

ATTEST:

Jack Davis, City Clerk



City of East Bethel

Anoka County Proposed Fiber Network

- | | | |
|-----------------------|--------------------------|--------------------------------|
| ● Core Ring 1 Sites | ▬▬▬▬▬ Distribution Fiber | Industrial Zones |
| ● Core Ring 2 Sites | ▬▬▬▬▬ Core Ring 1 Fiber | County Park |
| ● Core Ring 3 Sites | ▬▬▬▬▬ Core Ring 2 Fiber | Nowthen Unserved FTTx |
| ○ Redundancy Required | ▬▬▬▬▬ Core Ring 3 Fiber | Linwood Township Unserved FTTx |
| Railroad | | |



Prepared by Anoka County GIS Department
 This is a compilation of records as they appear in the Anoka County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.

AMENDMENT NO. 2
TO Connectivity Services Agreement
With Community Anchor Institution(s)
For Broadband Services
At Co-Location Service Site(s)

THIS AMENDMENT is made this 16th day of August, 2015, the date of the signature of the parties notwithstanding, by and between the County of Anoka, a political subdivision of the State of Minnesota, 2100 Third Avenue, Anoka, Minnesota 55303, hereinafter referred to as the "County," and the City of East Bethel, hereinafter referred to as the "Entity."

WITNESSETH:

WHEREAS, the County wishes to amend its Agreement with the Entity for Connectivity Services on the ConnectAnokaCounty Network dated October 6, 2011; and

WHEREAS, Paragraph XII. MODIFICATIONS of said Agreement provides that any material alterations, modifications or variations of the terms of this Agreement shall be valid and enforceable only when they have been reduced to writing as an amendment and signed by the parties.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter stated or contained in the Agreement, the parties do hereby agree as follows:

1. The parties agree to change Paragraph VI. TERM, as follows:

A. This Agreement will be for a period commencing on the date of signing by both parties, and continuing until August 16, 2015 (Initial Term), with up to a total of three (3) renewal periods of additional five (5) years terms (Renewal Terms) upon written amendment. Both parties shall provide written notice of intent to renew this agreement not less than one hundred eighty days (180) before the end of the Initial Term or Renewal Term. For purposes of this agreement, written notices shall be sent to the addresses of each of the Parties as indicated above. Upon the termination or expiration of this Agreement, Anoka County shall have no further obligation to provide Services and no further liability to Entity. Upon termination or expiration of this agreement, ZAYO shall be provided a reasonable opportunity to retrieve its equipment from the co-location service site(s). At the request of the entity, ZAYO will remove equipment from individual terminated co-location sites within a mutually agreed time not to exceed 180 days. Upon termination of Entity's connectivity service from a co-location site, without terminating this entire agreement, ZAYO, at the request of the entity, shall remove its equipment from said co-location

site within a mutually agreed time not to exceed 180 days and any underlying rights for that co-location site shall terminate with the removal without further action or notice by any party. Any underlying rights granted by the Entity under this Agreement shall terminate or expire with the Agreement without need for further action or notice by any party.

B. Pursuant to the above paragraph, both parties have sent written notice to each other one hundred eighty (180) days or more in advance of August 16, 2015 indicating the desire to renew the agreement for the next five (5) years. The commencement date of the new term is August 17, 2015 and the new expiration date is August 16, 2020. The Agreement may be renewed under these same terms, conditions and procedures for an additional two (2) terms.

C. If there have been any changes in service levels at the time of this Amendment, the parties will execute updated Attachment A.

2. This Amendment is hereby made a part of and shall be amended to the Agreement of the parties.
3. All other terms and conditions of the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have signed this Amendment on the dates written below.

COUNTY OF ANOKA

ENTITY

By: _____
Rhonda Sivarajah, Chair
Anoka County Board of Commissioners

By: _____

Its: _____

Dated: _____

Dated: _____

By: _____
Jerry Soma
County Administrator

Dated: _____

APPROVED AS TO FORM

By: _____
Kathryn Timm
Assistant County Attorney

Dated: _____



Anoka County Attorney

TONY PALUMBO

Justice, Advocacy, Prevention.

January 6, 2015

City of East Bethel

Re: Connectivity Services Agreement with Community Anchor Institution(s) for Broadband Services at Co-Location Site(s) (CSA)

Dear Mr. Davis:

As you may recall, the City of East Bethel has executed an Agreement with the County of Anoka to participate in the ConnectAnokaCounty Network. The term of this Agreement expires on August 16, 2015 with three 5 year renewal terms upon written notice from both parties. The written notice needs to be made no less than 180 days prior to termination (February 17, 2015). The Agreement does not specify the form of the notification, but the County prefers a letter of intent followed by a formal amendment.

The County does desire to renew the terms of the CSA with the City of East Bethel. In anticipation of renewal, the County has drafted a contract Amendment to be executed if the City concurs with renewing the Agreement. The draft Amendment is attached.

Current service levels will continue unless the City amends Addendum A to the Agreement. Addendum A may be amended at any time without amending the Agreement otherwise.

If you should have any questions, please do not hesitate to contact me at (763) 323-5641.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathryn M. Timm", is written over a faint, larger version of the same signature.

Kathryn M. Timm

Assistant Anoka County Attorney

Phone: 763-323-5641

FAX: 763-422-7589

Kathryn.Timm@co.anoka.mn.us

KMT:jcs

Attachments

cc: Rhonda Sivarajah
Jerry Soma
Susan Vreeland
Dan Lekatz