

## EAST BETHEL CITY COUNCIL MEETING

JULY 15, 2015

The East Bethel City Council met on July 15, 2015, at 7:00 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  
Mark DuCharme, Fire Chief  
Craig Jochum, City Engineer

**1.0** The July 15, 2015, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

### Call to Order

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

### Pledge of Allegiance

**3.0** **Harrington stated I'll make a motion to adopt tonight's agenda. Under the Consent Agenda, I'd like to add Item H, Supplemental Payment Summary. Koller stated I'll second.** Vierling stated Mayor, I'd like the Council to **add Approval of Settlement Agreement between the City and Joseph and Michaela Loch on land acquisition.** Voss asked onto the Consent Agenda? Vierling replied not on the Consent Agenda, I would suggest it be **added under Item 8c.** Voss asked is the motion and second fine with the Attorney's addition. Both Koller and Harrington indicated in the affirmative. Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated opposed? Motion passes. **Motion passes unanimously.**

**4.0** Commander Shelly Orlando stated I know you're all waiting to hear about the 4<sup>th</sup> of July report, even though this is my June report. We had one call for fireworks disturbing on the 4<sup>th</sup> and that was in the area of Tyler and 207<sup>th</sup>. Mundle asked so only one person was using fireworks? Orlando stated only one fireworks complaint in the City of East Bethel, which is amazing. But I guess Andover only had three so I think people are just like, 'It's the 4<sup>th</sup>.' Voss stated I think everyone was on the lake watching the rest of it. Orlando stated that's what I heard. I missed a good show on Coon Lake. So, maybe next year I'll get off to stay around town. So, we got that out of the way.

### Presentation

4.0A  
Sheriff's  
Report

Orlando presented the June 2015 Sheriff's Report of custodial arrests and significant events.

**DWI's:** There were four DWI arrests for June. All four were the result of stops for driving conduct violations. One test was a refusal. One test had a blood alcohol content of .25. This arrest took place just after noon.

**5<sup>th</sup> Degree Controlled Substance / Warrant Arrest:** On June 7<sup>th</sup> Deputy Kvam conducted a traffic stop on a vehicle where he knew the driver to have a warrant for his arrest. Deputy Kvam also knew the driver to be involved with methamphetamine in the past. Deputy Kvam spoke with the male suspect who advised he was aware of the warrant for his arrest and advised he did have a glass pipe in the center console of the vehicle. Deputy Kvam conducted a search of the vehicle and found many small plastic baggies that contained trace amounts of white powdery substance, believed to be methamphetamine.

4.0A

The male was arrested and transported to jail.

**5<sup>th</sup> Degree Assault/Warrant Arrest:** On June 20<sup>th</sup> Deputies were called to a misdemeanor assault report. Upon arrival, the female victim, who is the sister of the homeowner, advised she had been threatened by a male who lives in her brother's basement. The female advised she had been arguing with the male about him taking advantage of her brother. The female advised that the argument had started in the house, but went outside onto the driveway. The victim reported the male had told her he was going to wrap his arms around her face and shoot her. The male then left with his girlfriend. While the Deputy was there taking the report, the male returned. The male denied making any threat to shoot the victim. There was another witness who verified that the male had made a threat to shoot; however, there was no further talk of a weapon or him getting a gun. The male was found to have a warrant for a probation violation. The male was taken into custody and charged with misdemeanor assault.

**Terroristic Threats/Domestic Assault:** On June 21<sup>st</sup> Deputies were called to a residence on a male/female domestic where the female called, was yelling at a male, then disconnected the line. Upon arriving the female was leaving the residence in her vehicle, which Deputies stopped. The female claimed she was leaving the residence, as she was very upset and yelling and wanted to calm down. The female stated she was mad at her landlord and roommate for various reasons. Deputies met with the roommate who advised the female had been arguing with the landlord. The roommate advised he had tried to steer clear of the female, but she ended up grabbing a knife from the kitchen and coming to where he was sitting, calling him names and stated 'you know where this is going,' while the knife was a few inches from his face. The female then took the knife, threw it on a counter and left. The roommate indicated that he was in fear of the female and thought she was going to stab him. The landlord stated the female has some mental health issues, was not on any medication, and had been drinking. The landlord did not want the female to be charged. As the roommate was the one threatened, the female was taken into custody and charged with terroristic threats and domestic assault.

**Burglary/Damage to Property/Flee on Foot:** On June 27<sup>th</sup> Deputies were called to a reported burglary/damage to property. Upon arrival Deputies met with a renter of a residence. The renter advised she had allowed her brother and his friend to stay at the residence until two nights prior when the homeowner and her brother got into an argument and Deputies were called, formally trespassing her brother and his friend. Tonight she had come home and saw her brother and his friend back at a shed and the ATV was at the wood line on the property. She went out to him and told him he isn't supposed to be at the residence and he told her he was going to do whatever he wanted, in retaliation for being trespassed. The ATV belonged to the property owner. The ATV had been damaged from the two males attempting to hotwire it. The renter called 911 and upon Deputies' arrival one male was detained while the other fled into the woods. A K9 track was started, but the male was not located. The male that was detained was charged with burglary and damage to property. An attempt to locate was placed for the second male.

**Burglary/5<sup>th</sup> Degree Assault /Damage to Property:** On June 28<sup>th</sup> Deputies were called to a residence on a neighbor who had kicked the door in, assaulted a homeowner, and fled the residence. The residence had damage from the door being kicked in after it had been locked with a dead bolt. The homeowners stated that a neighbor had been over at their residence and they had told him to leave, as he was intoxicated. The homeowners went into their residence and the wife locked the deadbolt on their door. The suspect began kicking their

front door and was able to kick it open. The suspect came into the residence and punched the victim in the eye. The suspect then fled the residence. The victim sustained redness to his eye and a scratch on his arm. The door had damage from being kicked open. Deputies responded to the suspect residence but he had not returned home. The suspect was located and arrested approximately 14 hours later.

**Arrest Breakdowns: Felony Arrests** - We had four. Two from burglary and one from Terroristic Threat, one for a 5<sup>th</sup> Degree Controlled Substance. Gross Misdemeanor – We had one Introduction of a Controlled Substance into a Correctional Facility, which stemmed from an East Bethel arrest. Misdemeanor – We had ten. Three for Disturbing the Peace, three for 5<sup>th</sup> Degree Assault, one for Trespassing, one for Property Damage, one for Theft, and one for Possession of Stolen Property.

Voss asked any questions for Commander Orlando? Mundle asked how does East Bethel measure up to the rest of the cities that Anoka County patrols as far as crime statistics? Orlando stated they're all pretty much similar. You know, obviously, Andover has probably higher damage to property, misdemeanor theft calls, just because it's a more populated city. But I think if you looked at population-wise, they're all pretty similar.

Voss asked any questions for the Sheriff's Department from the audience? Thank you very much, enjoy you evening. Orlando stated thank you.

**5.0  
Public  
Forum**

Voss asked anyone sign up? Davis replied we have Mr. Brad Slawson who'd like to speak about the update on this tent party activities.

Route 65  
Pub 'N Grub  
Tent Party

Brad Slawson, owner of Route 65 Pub 'N Grub, 18407 Highway 65 NE, stated I applied for a tent party for July 10, 11, and 12, which was granted. There was one change to have the party end at one-half hour earlier than last year, which was a reasonable request for us to make. The party went off, again, with no problems. We had GB Leighton on Friday that started at 8:30 p.m. We had Austin Healey on Saturday, got started at 8:30 p.m. And then Sunday we had a bike show. We had a band playing outside as well, the Retro Rockers. The bike show was a big success again. Our farthest traveled person for the bike show was from Switzerland. We had some people that drove in from Chicago, so it's a show that's getting pretty well known as a place to be for nice bikes to see and walk through. So, I wanted to thank you for giving us approval for the tent party. There was no problems that I'm aware of with noise calls or no Sheriffs were called out and things such as that.

Slawson stated a little bragging rights, if I can as Councilmember asked the question, there was a fatality in Coon Rapids in a bar here just this past month, which is not something that anyone likes to see. The report that was in the paper said that the bar where the fatality was at was the bar that didn't have a lot of problems, which is good. They only had 15 calls from the Sheriff's Department in the prior year. We haven't had one call and this is now our third year so we're pretty proud of the fact that we try to run a very good business in the area and try to make sure our patrons are always in check and we're trying to abide by the law. So, we're very proud of what we're doing up there. We try to run a 'tight ship.'

Slawson stated we're here, obviously, tonight for a mistake that had happened and we're going to make sure that it doesn't happen again. I definitely wanted to address you and thank you for the permit. It went off great. It was a success and we'll for sure be asking for another one for next year. Any questions of myself? Thank you.

Denise Lachinski, Chairperson of East Bethel Booster Days, stated I haven't been on this side for a long time. Of course, this week is our big event and we invited the City Councilmembers to be part of the parade so we have a spot for you guys. East Bethel Booster Days starts Friday night. We have the water ball tournament, we've actually got four or five fire departments from around Anoka County arranged to come participate. I've seen the trophy, it's pretty big. The movie is 'The Box Trolls' and it's provided by Chops, Inc. once again this year. Hopefully we can get them in the parade on Saturday but we don't have confirmation on that.

Lachinski stated Saturday we have lots of stuff going on. I want everybody to know that weather permitting, other than tornadoes, hurricane, monsoon, things will be going forward so I'm praying this will be my fourth year with good weather.

Lachinski stated this year, brand new, we have the Red Cross blood drive here in City Hall put on by our East Bethel Fire Auxiliary. That is something that you can sign up for or they're taking people as they come. We have the Anoka County Radio Control Plane Club coming. They will be doing their flying over here in Booster East in the afternoon, possibly having some drones. They weren't sure whether they could bring those in or not but then we can see what they do down south of Rivard. They are pretty excited to be here.

Lachinski stated we have the tractor pull once again, the parade at 11, the pageant at the Ice Arena at 2, fireworks at dusk provided by the City of East Bethel, thank you very much, and the East Bethel Booster Day Committee. And also, we have the fire fighters celebration with, it's an hour earlier this year, with the teen band Downstairs Attic who are local kids from the area who will open for the big band Georgia Clay. Does anybody have anything? We have the 5k in the morning, golf tournament on Friday morning. I've heard they're full up.

Mundle stated the pancake breakfast. Lachinski stated the pancake breakfast and we've got sloppy joes in the Senior Center so if it's hot I expect everyone to be playing bingo. Voss stated the air will be on.

Lachinski stated there's a car show too. I forgot about that. Route 65 is helping us out with that this year and also Route 65 will be providing beverages and food at the dance. So, we have lots of food this year. Everybody wants to bring food so you'll have lots of choices on everything. There should be something for everybody to do. Then hopefully next year, we'll have a bigger event still because we're trying to expand. So, if anyone wants to volunteer, we'll be meeting again in September. We always take August off because we need that month to recoup. If you guys don't have any questions, that's all I had.

Voss stated well, you forgot the highlight though. Lachinski asked what was that? That the Mayor's going to be in the parade? Voss stated that's City Council's being the 'sacrificial' first team in the waterball tournament. So, all five of us will be there. We had challenged the Ham Lake City Council but they...' Lachinski stated I had not heard that so I'll take a lot of pictures. Voss stated so that will be the highlight on Friday night. Lachinski stated Friday night, and I'm sure you guys have been training. Voss stated yeah. Lachinski asked should I talk to the East Bethel Relief Association President about that? Voss stated we may need some EMTs around. Lachinski stated we've got those here too. But, I know that we have, usually the Explorers have a good time with that too. I don't know if they've got a team but it will be fun and if it's hot, lots of water is good.

Harrington stated I just wanted to say Denise, thanks for all your hard work on Booster Days. I know you put a lot of time into it. I just want to say thanks. Lachinski stated I'm still flagging phone calls. Right before I came here I talked to the tractor pull people so everybody come. Come, we're going to do something. Friday night, if there's bad weather, the movie will be at the Ice Arena. I think waterball will go on regardless because it's water if it's raining you're still getting wet. But unless something major comes through, we're planning on going forward. All right, cool. We'll see you all there Saturday. Voss stated Friday. Lachinski stated and Friday, Saturday too.

Voss stated I'm sure Friday, for those of you who don't get injured Friday night, Saturday too. Lachinski stated you guys are in the parade remember? All right, thank you everybody. Voss stated thanks Denise.

Voss asked anybody else? Okay, then we'll move on.

**6.0  
Consent  
Agenda**

Item A Approve Bills

Item B July 1, 2015 City Council Minutes

Meeting minutes from the July 1, 2015 City Council Meeting are attached for your review and approval.

Item C Final Payment for the Nordin Estates Projects

Dryden Excavating, Inc. has completed the Nordin Estates Drainage Improvement Project and has submitted all the required documentation to consider this project for final payment. Staff recommends final payment of \$53,196.40. Payment for this project will be financed from the City's Street Capital Fund. Funds, as noted, are available and appropriate for this project. A copy of the final payment form is attached.

Item D Purchase of Fire Tanker Truck

At the June 17, 2015 Council Meeting, Staff presented a proposal to replace a budgeted Fire Truck Tanker. Council tabled the project until additional questions could be answered on the overall cost versus other apparatus that is advertised on the internet.

Staff has researched the internet advertised vehicle and compared it to the proposed apparatus and has attached a short comparison for the Council to view. It appears there is no real cost savings with the internet advertised truck and Staff has concerns over the poly/plastic body.

Because of the large differences between the two trucks and the needs of the Fire Department, along with the scheduled life of the truck; Staff recommends the purchase of the Rosenbauer Fire Truck Tanker.

Staff has included below the information from the June 17, 2015 Agenda:

The Vehicle/Equipment replacement fund calls for the replacement of Tanker 11 in 2016. The Fire Department has created a truck replacement committee that has carefully analyzed the needs for the City in replacement of this truck.

Staff is recommending Council approval to enter into a contract to purchase a Fire Truck tanker through Houston Galveston Area Council (HGAC) cooperative that the City of East Bethel has joined. The City of East Bethel became a member of this group, with Council

direction, in 2012. Our City Attorney has vetted the HGAC agreement before Council approval to apply for membership. As members of this organization, the City is able to receive preferential and national bid pricing on many items, including Fire Trucks. This method is very similar to purchasing items off the Minnesota state bid list. The City has purchased two Fire Trucks using this agreement in the past.

Staff recommends the purchase of Tanker 11 for delivery in 2016. Ordering the truck this calendar and model year will also allow the City savings in the cost of additional price increases. The NEW Tanker 11 is scheduled to be in service with the Fire Department for the next 30 years. The old Tanker 11 is a 1986 Ford L8000. This truck will be sold upon delivery of the new truck.

The low price for these trucks through the buying Consortium is Rosenbauer of Wyoming, Minnesota. Rosenbauer is a major constructor of Emergency Vehicles and offers outstanding service.

Pricing for the vehicle is as follows:

Tanker 11:	\$ 266,333.00
Radio and Mobile CAD	3,000.00
Misc. Tools for truck	2,000.00
Total Project Cost for Tanker 11:	\$ 271,333.00

The Vehicle/Equipment Replacement Fund:

Tanker 11:	\$ 275,000.00
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Delivery on Vehicles is estimated to be 330 days from signed contract. The City would prepay for the chassis when it is delivered to Rosenbauer.

Item E Liquor Violation

On July 1, 2015, Route 65 Discount Liquors sold alcohol to a minor and failed an alcohol compliance check by the Anoka County Sheriff's Office per City Code, Chapter 6-93, Article IV, Prohibited Sales and Compliance Checks.

Route 65 Discount Liquor failed a compliance check on July 1, 2014, and paid a fine of \$250. Due to the unintentional action of the clerk in this matter, a history of involvement and support of many civic events and activities on the part of the owner, and the prior enrollment of the owner's staff in the RBS (Responsible Beverage Service) program, it is recommended that the fine for this offense be \$500.00. Mr. Slawson will also enroll the employee in question into the RBS program upon availability of the next class.

Item F Rental Inspection Fee

As part of the recently enacted City Rental Ordinance, an inspection of rental property is required. It is recommended that Council establish a fee of \$50.00 per unit fee for this requirement.

Item G Resolution 2015-36, Night to Unite

To recognize Night to Unite, Council has traditionally adopted a resolution endorsing this event. Resolution 2015-36 is presented for adoption.

**Ronning stated move to approve the Consent Agenda as printed, including Item H, Supplemental Payment Request. Mundle stated I'll second. Voss stated is there any discussion? All in favor say aye?" All in favor. Voss stated opposed? Motion passes. Motion passes unanimously.**

**7.0** Commission Association and Task Force Reports

**New Business**

7.0A None.

Planning  
Commission

7.0B None.

Economic  
Development  
Authority

7.0C None.

Park  
Commission

7.0D None.

Road  
Commission

**8.0** None.

**Department  
Reports**

8.0A  
Community  
Development

8.0B Davis stated the next item is bids for 185<sup>th</sup> Avenue, Laurel Road, and Lincoln Drive Street, the 2015 Street Overlay Projects Award.

8.0A.1

215 Overlay Project Bids Jochum stated bids for this project were opened July 13<sup>th</sup> at the City Hall. The project specifications allow the City to award this project as one or as two separate contracts. The attached Resolutions include a summary of the five bids received. Peterson Companies from Chisago City was the low bidder on both projects.

Jochum stated the engineer's estimate for 185<sup>th</sup>, Laurel Road, and Lincoln Drive project was \$958,000. The low bid was \$1,015,177.03. The excavation cost of the peat soils was higher than estimated. Since the design requires the road is to remain open at all times, the excavation needs to be completed in two phases. The excavation along with the phasing of the traffic has increased the project cost above what was anticipated in the estimate.

Jochum stated the engineer's estimate for the 2015 Street Overlay Project was \$245,000. The low bid was \$219,991.25. The City's Capital Improvement Plan had \$365,000 set aside for overlays in 2015. The 185<sup>th</sup> Avenue, Laurel Road, and Lincoln Drive Reconstruction Project will be financed through the City's Municipal State Aid Fund. This Fund currently has \$1,539,456.05 available for construction. The 2015 Street Overlay Projects will be financed through the City's Street Capital Fund.

8.0A.1 Jochum stated in summary, staff recommends that Council consider approval of Resolution

2015-37 Accepting Bids for the 185<sup>th</sup> Avenue, Laurel Road, and Lincoln Drive Street Reconstruction Project and Approval of Resolution 2015-38 Accepting Bids for the 2015 Street Overlay Projects.

**Mundle stated I'll make a motion to approve Resolution 2015-37 and Resolution 2015-38. Harrington stated I'll second. Voss stated any discussion?**

Mundle asked has Peterson done projects for the City before? Jochum stated no. Mundle stated okay, are you checking in and seeing what references. Jochum stated I've checked one so far, it was favorable. I worked with them about six years ago in Linwood and it went well albeit a much smaller scope than this one. But, as of so far, this is kind of over really fast and playing telephone tag with his references and stuff. But, I will keep checking a few more.

Voss stated Peterson's been around for a while on the east side. Jochum stated right. They've grown substantially in the last six to eight years. Ronning stated they have a good reputation through somebody that does construction-type work. Jochum stated they were very easy to work with in Linwood. They were very reasonable, very accommodating.

Harrington asked what kind of timetable are you looking at to start this? Jochum stated if Council moves this forward, we'll get the contracts out tomorrow. We'll probably have a bid conference next week already. This thing's got to keep going if we want to get it finished. I've been talking to the utility companies. There's some major work to do on that so they're kind of on board with what they've got to do. Mainly the gas on 185<sup>th</sup> is going to be the biggest conflict. I've been talking to them the last couple of days so they can get on their schedule. They've known about this project for a year though.

Harrington stated that was my second question. The utilities all been notified already? Jochum stated yeah, they actually had the utility design meet a year ago already. Harrington stated okay. Jochum stated then they were sent the final plans about a month ago and then we've actually been in contact the last week. Harrington stated okay, thanks.

Ronning asked do you have a tentative start date? Jochum stated I would say probably before August 1<sup>st</sup> or right around August 1<sup>st</sup>.

Voss stated Craig, the fact that Peterson's being awarded both bids, so they're getting two good-sized projects, have you talked to them about their own scheduling? Jochum stated I have not yet but I guess my assumption is that if they can't fit it in their schedule, they wouldn't be bidding on them. That's part of, probably, the little bit higher bids is that this isn't the ideal time to be bidding this stuff. But, the other side of the 'coin' is we have temporary easements that expire at the end of the year so if we put this off another year, then we're going back to get temporary easements. I guess that's a consideration.

Voss stated well I'm not suggesting you put it off. I'm just asking from the aspect of quality control and scheduling. Jochum stated yeah, I know they are eager to get going. Voss stated I imagine they'll start the overlay before they... Jochum stated that I imagine they'll be done in the next month. That's a totally separate contractor, a subcontractor. Voss stated right, it's a sub.

it now. Voss stated yup. Jochum stated actually, the overlays I believe we have them due towards the end of August. So, this project has to have the base course on October 15<sup>th</sup>. Then we're going to leave the wear off one thaw season. The wear would go on next spring.

Voss stated any other questions for Craig? All in favor say aye?" **All in favor.** Voss stated opposed? Motion passes. **Motion passes unanimously.**

Comment on  
Route 65  
Liquor  
Compliance  
Violation

Davis stated before we proceed with Mr. Veiling's report, Mr. Slawson has requested to speak before Council regarding the compliance check issue that was on the Consent Agenda.

Brad Slawson, owner of Route 65 Pub 'N Grub, 18407 Highway 65 NE, stated I just wanted to address the Council. We apologize for that, it's obviously not the type of business that we want to run where we fail a compliance check. We take it very serious that we only sell to people above age. Our policy is if the customer's over 21, if they are younger than 40, so it's not a question of how close the person was to 21 or not. I wasn't at the store at this time of night. I did get a phone call from the Sheriff's Department to come up there. I met with the Sheriff and we failed. It's not as if we're selling product out the back door to a minor. But we failed a compliance check.

Slawson stated the employee is here, Brock Holland, as he wanted to address the Council as well. Brock is a fairly new employee with us. He's working a lot of hours for us. He's a hard worker. I think the norm is that most owners discharge the employee when they fail a compliance. I'm not taking that approach. I'd rather put more efforts in the training. Again, he's done a good job for us. So, he's going in for alcohol awareness training in two weeks, on a Wednesday, in Blaine. He's the only employee I have that doesn't have one. The rest of the employees were trained six months ago. So we'll have a full staff up again and trained.

Slawson stated I apologize for that. It's rather embarrassing for me. I don't like addressing the Council on these issues. We want to run a 'ship' that's correct and accurate. So, Brock, you want to say a few words?

Brock Holland stated I was the cashier on the night in question. A person came in under the age of 21 and I mistakenly did not card him. It's not what I would usually do. Usually I card everybody that comes into that place that looks as if they are under the age of 40. It's not a mistake that I intend on making again. That's all I have.

Slawson stated thank you. Voss stated thank you both. Slawson stated I'll see you Friday and Saturday.

8.0C  
City Attorney  
8.0C.1  
Settlement  
Agreement  
Joseph and  
Michaela  
Loch  
8.0C.1

Davis stated Mr. Vierling will present the item that was added to the agenda about the Loch easements and right-of-way.

Vierling stated thank you Mayor and Council. You have before you the Settlement Agreement relative to property acquisition, which is the last parcel to be acquired on the project that the Engineer just presented. The right-of-way, both temporary easements and fee ownership of Parcel 3 of Right-of-Way Plat and secured now subject to the Council's approval of the Settlement Agreement. Our office recommends the Settlement to the Council, especially since the project has proceeded and this matter was previously discussed

by Council in Closed Session.

Ronning asked is there a Resolution format on this? Vierling advised a simple motion to approve the Settlement Agreement would be the appropriate action.

**Ronning stated move to approve the Settlement Agreement described by the Attorney. Harrington stated I'll second. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated opposed? Motion passes. Motion passes unanimously.**

8.0D  
Finance

None.

8.0E  
Public Works

None.

8.0F  
Fire  
Department  
8.0F.1  
June 2015  
Report

DuCharme stated thank you Mr. Mayor and Council and thank you for approving the purchase of the fire tanker. A couple things before I get into my report. Not only do we have Booster Days coming up, and I'll talk about that in just a bit, we also have Night to Unite coming up August 4<sup>th</sup>. That's the first Tuesday of August. For those residents who are thinking about having a party and would like to have it registered and posted with the Sheriff's Office, the person to contact is Laura Landes and she's the Crime Prevention Specialist with the Sheriff's Office. There's a website that I'll talk to the City staff tomorrow about putting that link onto our website. So once again, that's the first Tuesday of August and its August 4<sup>th</sup>.

DuCharme stated one thing about the fireworks and Booster Days, the fireworks are usually about 10 o'clock, a little bit before. It's usually that first break that the band takes and the band will take the break, they'll stop, and then we try to start the fireworks right away. I hate to say this, just in case it rains, we do have a rain date and the rain date is Sunday. So, it would be the next night.

DuCharme stated Saturday, it looks like the temperatures are going to be warm. It looks like the humidity is going to be high, and I encourage everybody to drink lots of water. Not only before you get here but also during the day. We don't want anybody sick or overcome by the heat.

DuCharme stated once we've talked a little bit, and Denise has also helped promote the dance a little bit, but the dance will start at 8:30 and, like I say, the band will play that first set and then we'll shoot off the fireworks. So, we're pretty excited to participate. The parade will be at 11 o'clock. The Fire Department will be out throughout the day. We'll have the medical crew stationed here at City Hall and the grounds in case somebody does fall ill, we can help them.

DuCharme stated you heard a little bit about the blood drive. Actually the blood drive's going to be inside this room, the Council Chambers. The American Red Cross will be here and the American Red Cross will have some people who have already registered to give blood but they'll also be taking walk-ins. So, we appreciate that.

8.0F.1

DuCharme stated Denise is actually absolutely right. The weather's always beautiful on this weekend and that's why we do it. We're all looking forward to it. She's done a wonderful job, by the way. Any questions about the...oh, we've got to talk about the

waterball. So, we're going to start waterball and actually, the Senior Fire Officers are going to be your opponent and so I hope you're nice to us, okay? Voss stated I think we're all thinking the other way around. Mundle stated I thought it was supposed to be the new guys. DuCharme stated you don't want the new guys. Voss stated they might be a little more aggressive.

DuCharme stated we look forward to doing that about 6 o'clock. We'll have the hot dogs cooking and things like that so please stop by. There's a wonderful trophy. The Explorer group is running this tournament. It's their tournament and they've worked really hard on this. They've planned this, they've made the contacts, and everything else. I give them a lot of credit. We just kind of step back and let them go ahead and plan this tournament.

Voss asked are we going to need a change of clothes? DuCharme stated no, I don't think so. I think the equipment I bring up should be good. Mundle asked so when you say 'old guys' do you mean seniors or the retired? DuCharme stated no, the senior officers. Mundle stated oh, not the retirees? DuCharme stated no. I asked the retirees if they wanted to do it and one of them just looked at me and laughed. Never answered.

Koller stated they're all going to be over 70, right? DuCharme stated yeah and then they proceeded to go have lunch on their own. Remember that Mayor? Voss stated I remember that yeah. DuCharme asked any other questions on that?

Harrington asked Mark, who's the backup on Saturday night. You got Bethel again? DuCharme stated Bethel's going to be our backup, absolutely. They'll be stationed at Station 2 over here by Public Works and they'll be answering calls. We also have our Duty Officer for the week is actually Mark Duchene and he'll be answering all those calls. We've got that handled. If anybody sees any Bethel Fire Department people, thank them because they help us out quite a bit. And, we'll also help them out come Halloween with their haunted trails. So, we go back and forth. Bethel does training with us. They do all their medical training with us and then once in a while, three-four times a year, we'll get together and they'll also come over and train with us on fire stuff. So, they're a good partner for us.

DuCharme stated in your package is the monthly report for June. I haven't collected all the first half of the year data but as you can see, we have answered, through June 30, 288 calls. In case you're wondering, that's about 35 calls higher than a year ago. I'm not sure what that means. It doesn't necessarily mean we're going to have the second half of the year equal to this but I can tell you June and July it's been a busy month for us.

DuCharme stated once again our medical calls takes majority of our calls. We answered 28 medical calls. Out of those 28, a little bit different this month, but of those 28 medical calls we answered, 18 we sent off in the ambulance to hospitals. Some of those calls are medical alarms, as you can see. That's becoming more and more popular. Sometimes those accidentally go off and sometimes we just have to help people off the floor if they've fallen or out of a chair or something like that.

DuCharme stated other than that, we did go on a couple of mutual aid calls but was nothing real serious. Once again, we talk about this almost every month, we did have a couple calls of possible illegal burning. Just warning people if you're going to have a rec fire, you're always better off to go talk to your neighbor and let them know that you are going to burn something. Once again, rec fire is no more than 3 feet wide, no more than 3 feet high, and

have your hose out there to put it out if you have to.

DuCharme stated one thing that we did have that might be more July 4<sup>th</sup> related, at the end of June, we had grass fires that were started up on 229<sup>th</sup> and Gopher Drive. We had about five grass fires that were started there, a series of them. We're pretty sure they were started by illegal fireworks, possibly somebody driving a car.

DuCharme stated our inspection for June, the report's in there. We did get through about ten businesses that we went through and that continues. Most of the violations that we find are just simple things like emergency lighting, the batteries are worn out, and fire extinguishers are not proper. We have started going through some of the City facilities in July and you'll see those on the next report. Any questions?

Ronning stated I noticed on the East Bethel Fire Department Response Calls, there's 42. DuCharme stated yes. Ronning stated 7 were from the same place, the same address anyhow. One was canceled. DuCharme stated we'll run a cycle of having addresses that, especially on medical type calls, where there'll be a series of them. Some of these people are very ill and we always look at it this way, that they're having a worse day than we have, so we're always happy to go back there. Especially on those. If it was an alarm that kept going off, like a fire alarm, that's a different story. But, some of these people have chronic illnesses.

Ronning stated if you've considered it a problem I assume you would have said something about that. DuCharme stated that's right. Ronning stated just curious. DuCharme stated we actually have an ordinance also that if we have, like fire alarms that go off, at the third fire alarm we can charge for it.

Voss stated is that Castle Towers? Davis stated yeah, that's Castle Towers so there's 140 homes up there. Voss stated it's all the same address. Davis stated yeah, all the same address. DuCharme stated they're all the same address and they have different lot numbers and they show up all as the same address. The density up there, also, it's a higher density so it's a higher calls for service.

Ronning stated no way it's a single family home. DuCharme stated no. Voss stated the address is Castle Towers. Ronning stated it's not one person abusing things. It's a whole community. DuCharme stated but we do have a couple people up there that we've been helping through their illnesses.

Voss stated on the inspections, I know years ago it seemed we were having to re-inspect more, even two, three times. Has that gotten better? DuCharme stated it's quite a bit better and really, Mark Duchene who is our part-time Inspector, you've got to give him a lot credit because he gets out. He's only got one day a week that he can get out and by the time the year's over, he's got over 100 inspections that he's made. He's also very well respected, when I'm out with him. Very well respected with the business owners, which means he takes time, talks to them, and things like that. Voss stated more of an educational. DuCharme stated that's right so a lot of that, I think, is staying on the program, trying to get those 100 inspections done per year, and also relationship with the business community.

Voss stated touching base again on who's at Booster Day this weekend, if I recall, HeartSafe. You're going to have HeartSafe? DuCharme stated HeartSafe will be out. They will be out in the back yard here of City Hall. We'll plan on instructing and get a lot

of people through the hands-on stuff. Voss stated I think you have to make like, stanchions and ropes, to make people go into it. DuCharme stated that's right. Voss stated at least make them walk by it. DuCharme stated right. You know Troy, his passion about the project, everybody says that and if he doesn't get enough people walking up I'm sure he'll go get them. Voss stated I'm sure he will.

Ronning stated my monthly question, whatever it is, did we lose anybody? DuCharme stated no. Ronning stated there were a number of ambulance transports. DuCharme stated no we didn't. Voss asked any more questions from Chief? DuCharme stated okay, thank you and we'll see you Friday. Voss stated see you this weekend. Harrington stated thanks Mark. Ronning stated make sure they don't get the water from the swamp out here.

8.0G  
City  
Administrator  
8.0G.1  
Park  
Dedication  
Fee

Davis presented the staff report indicating the Council is being asked to consider Parks Dedication Fee Requirements. State Statute 462.358 Subd. 2.b, Dedication, outlines the general statutory requirements for park dedication. City Ordinances Article VII., 66-195 and Article VII, 12-2, deal with the specifics of park dedication fees.

Our Current Residential Parks Dedication Fee is up to 6 units/acre: 10% of land or cash equal to market value of land. Our surrounding neighbors have Parks Dedication Fees of a not to exceed payment that is significantly less than the City's. As a result, Council may wish to consider amending the Ordinance for this requirement. This would eliminate a competitive disadvantage and level our charges for these fees to those of surrounding cities. As no Parks Dedication Fees have been collected since 2008, this would not have an impact on our Parks Budget at this time. As an ongoing process, the Dedication Fee will be reviewed annually to insure the fee schedule is consistent with the financial needs for parks acquisition and development as outlined in the City Parks, Recreation and Open Space Plan.

Another consideration that may be appropriate for review would be the exemption of the lot with the habitable structure from parks dedication fees for Metes and Bounds or Minor Subdivisions. Metes and Bounds Subdivisions involve only two lots and include one, which is occupied by a habitable structure. It can be argued that this lot creates no new demand for parks and has been paying taxes for parks improvements.

Our current schedule structures fees that are based on land value. Not to exceed costs per lot in our case are set at such an amount that they are a non-factor in the calculation of fees. Smaller subdivisions have disproportionate fees in relation to larger platted developments in which there are a greater number of lots over which to spread the cost. A recent example was the approval of a three-lot subdivision with land value of \$104,200 as compared to a proposed 46-lot development with a land value of \$229,000. The respective park dedication fees per lot would be \$3,743 and \$500. There is a need to examine and bring forth proposals to equalize this inequity.

This matter can be referred to the Planning Commission at their July 21, 2015, meeting for recommendations as to amendments of these sections of the City Ordinance and returned to City Council at the August 5, 2015 meeting.

Staff is requesting Council to consider directing the Planning Commission and staff to review and present proposals to amend City Ordinance Section 66-195 and Section 12-2 at the August 5, 2015, City Council meeting.

8.0G.1

Mundle asked so you're just looking for direction on this? Not a motion? Davis stated

well, I'd like it in the form of a motion since this is a formal Council meeting. Mundle stated okay, so a motion to give direction.

**Harrington stated I'll make a motion to direct the Planning Commission and staff to review and present proposals to amend City Ordinance Section 66-195 and Section 12-2 at the August 5, 2015, City Council meeting. Koller stated I'll second.** Voss stated any discussion?

Voss stated I guess my only comment would be, might put a little pressure to get it done in one meeting but if they can, great. If they need more time, I think if they ask for more information from staff and consider it again we should also consider that too. Davis stated it is a little of an ambitious schedule but hopefully we can cover this. It won't be too complicated and if we can't, we'll just have to bring it back to the next meeting.

Ronning asked are there any pending developments that would be affected by this? Davis answered there's one that's the subdivision we approved at our last meeting. In discussing this matter with the City Attorney, what we can do is we can require them to meet the current pay schedules and then if this is approved, then we can reimburse the difference.

Ronning asked could you administratively postpone it? Postpone that portion until this is done? Davis stated well it says in our ordinance that the payment is due upon the filing of the final plat. So, we could possibly look at amending that but administratively, we can probably see if that was a possibility.

Voss stated they may not want to. They may want to get going on their development. Davis stated he said he wanted to try to start doing something, hopefully, he said in 30 days. So, at the worst he could just put that in an escrow. We would hold that until we decided if these amendments would be passed and if they were, then he would be given a refund.

Mundle stated yeah, I think it would be easier to get all up front and then if it passes provide a refund because if you only get some of it and we didn't charge all of it and this doesn't pass, then it's harder to go after. Voss stated it's a bonus, it's to their advantage. Mundle stated yeah. Voss stated I don't think they would object to that.

Voss stated any other discussion? Hearing none, to the motion all in favor say aye?" **All in favor.** Voss stated opposed? Motion passes. **Motion passes unanimously.**

8.0G.2  
MCES  
Wastewater  
Service  
Agreement

Davis presented the staff report indicating the Council is being asked to consider a Metropolitan Council Environmental Services (MCES) Contract Modification Proposal

Staff initiated negotiations with the MCES in January 2014 to request modifications to the Wastewater Service Agreement (WSA), that's the contract that defines the terms and conditions of our financial obligations to the Met Council for our portion of the debt owed for the sewer facilities. The City's request was the elimination of the provisions of the Reserve Capacity Loan and its associated SAC goals, interest on the unmet goals and equalization of SAC rates and flow charges to that of the urban rates. The first two meetings were with Pat Born, Met Council Regional Administrator, and his staff. These meetings outlined a process for the City to present our proposals to a Metro-Cities Committee appointed to hear this matter along with MCES staff.

8.0G.2

After six meetings between November 2014 and June 2015, we have a proposal that merits

serious consideration by the City. The proposal, which was offered by the MCES Staff and presented to Mayor Voss and City staff on June 8, 2015, was a response to a similar counter offer made by the City on April 28, 2015 and achieves the majority of our original objectives. Their offer is summarized as follows:

- The offer sets a \$2 million cap on the Reserve Capacity Loan (RCL). Once the debt of the Reserve Capacity Loan reaches the cap this would trigger the termination of the Reserve Capacity Loan Contract and its payback requirements based on annual SAC goals.

The benefit to the City of this provision would be that it removes the uncertainty of negotiating the future Reserve Capacity Loan debt with no conditions or requirements. Settling this matter at this time removes the risk of both the City and the MCES having representatives attempting to resolve this issue that have little or no knowledge of the background and the details involved in this complex and complicated issue.

- In addition, at the time of the termination of the Reserve Capacity Loan, the City would begin repayment of the \$2 million cap amount over 10 years at an interest rate of 2.73%. This provision eliminates the potential of the City facing a debt that has the potential to be in the range of \$20 million to \$30 million by 2032. The cost of repaying the loan cap of \$2 million over a 10-year term would be \$2.3 million with annual payments of \$231,000. This payment could be covered by other City bond debt reduction that will occur in 2022, the use of the Reserve Capacity Loan payment or other non-levied funds. This cost could be structured in a manner that would be revenue neutral on City tax levies. A 15-year term would also be available at annual payment of \$164,278 for a total cost of \$2.46 million. The City's risk is minimal that we would owe less than \$2 million in SAC goal charges and interest rates at the conclusion of the loan.

In the event that we did owe less than \$2 million, it would still be to our benefit because it would mean that we're taking in enough development to pay for the fees.

- Also under the offer made by the MCES staff, the City SAC rates would increase at the urban rate with an additional increment of \$700 for each unit until the \$2 million Reserve Capacity Loan cap is triggered. At that time, our SAC rate would be frozen until the urban rate becomes equal to our SAC rate. Reserve Capacity Loan payments equal to the annual flow charges would cease once the \$2 million loan cap is triggered. This would eliminate the 4.7% to 4.9 % annual increase in our current SAC cost schedule and base this fee on the lesser increase of the urban SAC rate. Even with the \$700 increment, our SAC rate would even out in 2018–2019 with those listed in the current agreement and be \$3,065 less than the current projected SAC rate in 2032. Assuming the Reserve Capacity Loan cap limit occurs in 2021, the City could potentially save \$3 million on future charges for Reserve Capacity Loan payments.

Based on analysis provided by the City and the current growth projections by the Met Council, the development forecasts needed to meet the SAC requirements of the Reserve Capacity Loan are unrealistic and this Loan balance will increase exponentially and reach the proposed \$2 million cap by 2024. The cap could potentially be reached by 2021 if SAC units continue to progress at their present pace. Savings to the City could potentially reach \$20 million by 2032 if the City accepts the proposed modifications to the Wastewater Service Agreement. This number does not account for the SAC cost increases which would place East Bethel at a competitive disadvantage in relation to other cities or any costs by the City needed to subsidize these increases.

This matter is currently scheduled for presentation at the August 11, 2015, Met Council meeting and a formal approval of the modified terms would officially signify that the City is in basic agreement with the proposal. Approval of the terms of the MCES staff offer is not binding on the City, as a new contract amendment would have to be executed by both parties. Final contract language and clarification of existing contract questions would occur in the preparation of the final documents should the amendment be recommended and approved by the MCES and the City.

At this time, staff is requesting Council consider endorsement of the June 12, 2015, MCES staff modifications, as described above, to the Wastewater Service Agreement with final approval to be scheduled at a later date and pending acceptable contract language, terms, and conditions.

**Koller stated I'll make the motion to endorse the June 12, 2015 MCES staff modifications to the Wastewater Service Agreement. Ronning stated I'll second with somewhat of an amendment to add 'with final approval to be scheduled at a later date and pending acceptable contract language, terms, and conditions. Koller agreed with the friendly amendment. Voss stated that's understood. Discussion?**

Harrington asked do you have any idea when Met Council will hear this? Coming up in the next month or two? Davis stated this would be presented at their August 11<sup>th</sup> Committee meeting. After that then it would be, their legal department would provide our City Attorney with the Contract documentation. That could take a couple of months so maybe by late Fall, sometime like that. Voss asked this goes to the Environment Committee right? Davis stated that's correct. Voss stated it's not the Met Council itself. Harrington stated so late Fall then. Davis stated I would suspect, hopefully, within two or three months by the time it goes through all the legal and comes back to City Council for final approval. But I think it would be in our best interest, when we go to that meeting, that we have at least endorsed the proposal officially as a Council.

Voss stated I'd have to say that staff, Jack and Mike, have worked long and hard on this for a while now and the staff at MCES has also been very good to work with through this time period too. They've been, the various changes that we went through, trying to do what we did. So, the negotiations seem like they went very well and seems like both parties are at a good position. This is obviously going to make a significant impact, a positive impact, on our future financing.

Ronning stated for general reference, I guess, to add with what Steve's saying, a lot of this negotiation process is convincing them that there is a problem and it's something that should be worked on by the parties. I would think that takes almost most of the time to get that. But, good job. Thank you.

Voss asked any other discussion? All in favor to the motion say aye?" **All in favor.** Voss stated opposed? None opposed, motion passes. **Motion passes unanimously.**

Davis presented the staff report indicating the Council is being asked to consider the 2015 Fall Recycle Day.

East Bethel traditionally schedules a Spring and Fall Recycle Day at the City Ice Arena. In 2013, the City began a monthly recycle drop off program at the City Recycle Center on the

fourth Saturday of each month. This program has expanded and collects most items that the two designated Recycle Days accept. As a result, we have seen a decrease in tonnage of materials at the Spring and Fall Recycle Day.

We do propose that we continue the Fall Recycle Day and we propose that this date be scheduled for September 26, 2015. This date is unopposed with any of our neighboring cities. If this date is scheduled, the Saturday Drop-Off at the Recycle Center would be cancelled for that date.

Staff recommends Council consider setting Saturday, September 26, as Fall Recycle Day

**Mundle stated I'll make a motion to approve Saturday, September 26, 2015, for Fall Recycle Day for East Bethel. Koller stated I'll second. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated any opposed? That motion passes. Motion passes unanimously.**

8.0G.4  
July Work  
Meeting

Davis presented the staff report, indicating the Council is being asked to consider the July Work Meeting.

The fourth Wednesday of the month is the regularly scheduled Work Meeting for City Council. City Council held a Work Meeting on July 8, 2015, to begin discussion on the 2016 Budget and receive a proposal for water and sewer service extension and modifications to the City's Park Dedication Fees.

At this time there are no items which appear to be required for a Work Meeting discussion. Council is requested to consider an agenda for or cancelation of the July 22, 2015, City Council Work Meeting.

Voss asked is there any items that you felt we should have a Work Meeting for? Koller stated no, I don't have anything. Voss stated if not, we should entertain a motion to cancel that meeting.

**Ronning stated move to cancel that July 22, 2015, City Council Work Meeting. Harrington stated I'll second. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated any opposed? Motion passes. Motion passes unanimously.**

9.0 Other  
9.0A  
Staff Reports

Davis stated nothing to add for Staff Reports.

9.0B  
Council  
Report –  
Member  
Mundle

Mundle stated I attended fire training this last Monday, a couple days ago. They reviewed and were instructed on some search and rescue techniques in the urban and rural environments. They were also introduced to map grid mapping system.

Mundle stated in the County magazine, the *Anoka County News* that just came out, I'd like to point out that Progressive Hydraulics was featured in an article. And on Page 11, that the article entitled '*Kudos for Recycling Efforts*' and East Bethel is mentioned for our good efforts that we've done.

Member

Mundle stated with the summer heat, a couple hot days coming up here, just like to ask

residents to check in with elderly residents, family, friends, and neighbors to see how they're doing and especially if you know they don't have air conditioning. Just give them a phone call or knock on their door to make sure everything's just fine.

Mundle stated if it hasn't been mentioned enough, Booster Days this weekend. That's all.

Council  
Member  
Koller

Koller stated I attended the Upper Rum River Watershed meeting. We pretty much finalized our budget for next year. Ham Lake still wants to make reduced payments because they have a smaller area and we're going around with that. And, we have put out for bids to have the audit done. That's about it.

Council  
Member  
Ronning

Ronning stated the Road Commission met last night and they did a tour of the road projects, overlays, etc. for the 2015. Don't go down Klondike. Myself and a couple others were at the back of the bus and you could almost hit your head when you bounced. It's exaggerating but it was, it's rough.

Ronning stated I went past the Nordin project and it looks very good. Voss stated they've had two sunny nights to test it. How did it, do we have any complaints or anything? Davis stated I've heard no complaints at all. If you drive by there, you have to look twice to even see that there's any disturbance. Voss asked really? Davis stated yeah, it's really, they did a great job and re-vegetated really good. Like I say if you don't know what you're looking for you'd never know that there was any excavation or pipe installed at that location. Voss stated well good because I think that's what the intent was always when you do those things.

Ronning stated that was, for the cost of that, I think there was an awful lot, not to put 'words in anybody's mouths' but appreciation for being recognized as a problem finally.

Council  
Member  
Harrington

Harrington stated I'd just like to remind everybody that Monday, the 20<sup>th</sup>, they start the overlay on 221<sup>st</sup> and 65 down to County Road 74 so I'm sure the traffic's going to be a little bit of a hassle. So, keep that in mind.

Voss stated that's going to be a very nice road when it's done. Harrington stated yes, when it's done it's going to be nice. Voss stated I think it's coming at just the right time. I think that road's going to completely fall apart.

Mayor Voss

Voss stated again, we talked about Booster Days. I think everyone is looking forward to that. Just hope to see as many people out there as we can. That's all I have.

9.0C  
Other

None.

9.0D  
Closed  
Session

Vierling stated for the benefit of the public and for the record, we note that at the present time the City Council's about to go into Closed Session to review matters affecting purchase of real estate authorized under Minnesota Statute 13D.05. The property involved in issue is identified by Anoka County Property Identification Number 29-33-23-33-0002. After the Council concludes its Closed Session it will come back into Open Session and announce any action that's been taken at that time. With that being said Mr. Mayor, I request a motion be made to go into Closed Session for the purposes that I've indicated.

Move to

**Mundle stated I'll make a motion to go into Closed Session for the purposes the City**

Closed  
Session

**Attorney has mentioned. Harrington stated I'll second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated opposed? Motion passes. **Motion passes unanimously.** Meeting recessed at 8:03 p.m.

Reconvene  
Open Session

Vierling stated we're back into Open Session. The Council having concluded the Closed Session discussing issues of real estate acquisition affecting a property identified as Property Identification Number 29-33-23-33-0002. Council received input from City staff, the City Engineer, and the Attorney on issues relative to the property and its potential acquisition, gave staff some direction with regard to negotiations and discussions with the property owner, but took no formal actions. The Closed Session was attended by all members of the City Council, City Administrator, City Engineer, and myself as City Attorney. With that being said, that concludes the report of the Closed Session. Thank you.

**10.0**  
**Adjourn**

**Koller stated I'll make a motion to adjourn. Mundle stated I'll second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? Motion passes. **Motion passes unanimously.**

Meeting adjourned at 8:58 p.m.

Submitted by:

Carla Wirth

*TimeSaver Off Site Secretarial Inc.*