

City of East Bethel
City Council Agenda
 Regular Council Meeting – 7:00 p.m.
 Date: October 7, 2015



- | | Item | |
|----------------|-------------|---------------------------------------|
| 7:00 PM | 1.0 | Call to Order |
| 7:01 PM | 2.0 | Pledge of Allegiance |
| 7:02 PM | 3.0 | Adopt Agenda |
| 7:03 PM | 4.0 | Presentations |
| | Pg. 3-13 | A. ISD 15 Strategic Plan Presentation |
| 7:20 PM | 5.0 | Public Forum |
| 7:30 PM | 6.0 | 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

- | | |
|-----------|---|
| Pg. 16-21 | A. Approve Bills |
| Pg. 22-54 | B. Meeting Minutes, September 16, 2015 City Council Meeting |
| Pg. 55-56 | C. Resolution 2015-54 Setting Public Hearing Date – Delinquent Accounts |
| Pg. 57-58 | D. Resolution 2015-55, Donation Acceptance – Deer Haven Park |

New Business

- | | | |
|----------------|------------|---|
| 7:35 PM | 7.0 | Commission, Association and Task Force Reports |
| | | A. Planning Commission |
| | | B. Economic Development Authority |
| | Pg. 59-60 | 1. September Report |
| | | C. Park Commission |
| | | D. Road Commission |

- | | | |
|----------------|------------|---|
| 7:40 PM | 8.0 | Department Reports |
| | | A. Community Development |
| | Pg. 61-66 | 1. Greystone Agreement |
| | Pg. 67-73 | 2. Larsons Woods Developers Agreement |
| | | B. Engineer |
| | Pg. 74 | 1. Castle Towers Decommission Project |
| | Pg. 75-82 | 2. Service Road Project |
| | | C. City Attorney |
| | Pg. 83-84 | 1. Assessment Hearing-553 Lakeshore Drive |
| | | D. Finance |
| | | E. Public Works |
| | Pg. 85-88 | 1. Ice Arena Report |
| | | F. Fire Department |
| | | G. City Administrator |
| | Pg. 89-100 | 1. Social Media Policy |

Pg. 101-124
Pg. 125-127

2. Tax Forfeit Property Acquisition
3. Code Enforcement Report

8:45 PM

9.0

Other

- A. Staff Report
- B. Council Reports
- C. Other
- D. Closed Session- Purchase or Sale of Real Property Minn. Statute § 13D.0
subd. 3(c). PID # 29-33-23-33-0002

9:15 PM

11.0

Adjourn



City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

Item 4.0 A

Agenda Item:

ISD 15 Strategic Plan

Requested Action:

Information Item

Background Information:

Mr. Troy Ferguson will present the ISD 15 Strategic Plan for the St. Francis School District.

Attachments:

Attachment 1- Power Point Presentation

Fiscal Impact:

Recommendation:

No action required

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



ISD 15

Our New Story!





“The future is not a result of choices among alternative paths offered by the present, but a plan that is created – created first in the mind, and next in activity. The future is not some place we are going to, but a place we are creating. The paths are not to be found, but made, and the activity of making them changes both the maker and the destination.”

– John Schaar

Why do Strategic Planning?

- Provides a long-term view and direction for where we want to be as a district, a clear articulation of our purpose.
- Provides a framework for decision making.
- Provides a system-wide focus.
- It identifies “how we do business”.

How did we get here?

- Began discussions in cabinet about a new strategic plan in 2013
 - Contract with TSL (Transformation Systems Limited) 2014
- Community input through World Cafe meetings
 - Community survey and 3 open forums
- Core Planning Team
 - 30 people, multiple perspectives
- Action Planning Team
 - 20+ participants in three teams
- Measurement & Design Team
 - 10 participants, 2 teams
- School Board Approval (May 11)
- Implementation Team for Year 1

Here is what we have Now: (5 yrs to complete)

A Mission Statement

8 Core Values

3 Strategic Delimiters

2 Mission Outcomes

5 Measurement & Design Results

3 Strategies

11 Action Plan Results

Core Values We believe that:

Trust and respect are fundamental for thriving relationships.

Our community flourishes when individuals, families and organizations collaborate.

Every person matters and has value.

Responsibility and accountability are essential for personal growth, organizational improvement and community engagement.

Core Values We believe that:

Commitment to high expectations is essential to help achieve full individual and collective potential.

Everyone benefits when culture and diversity are understood and respected.

Lifelong learning enriches individuals and creates opportunities.

Open exchanges of ideas and communicated planning are integral for continuous improvement.

Strategic Delimiters

We will not continue or adopt any program or service unless it is aligned with and advances the Mission, and is accompanied by the necessary human and financial resources.

We will not allow past experiences to interfere with the consideration of new ideas.

We will not make decisions without the use of relevant data provided by the appropriate personnel.

Components of a Strategic Plan



Results Statements we will implement first (2015-16) are...

- 1) ISD 15 uses established protocols to support transparent communication to foster trust among all ISD 15 stakeholders.
- 2) Every ISD 15 employee understands the strategic plan.
- 3) ISD 15 has a recognizable and consistent brand.



City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

Item 6.0 A-D

Agenda Item:

Consent Agenda

Requested Action:

Consider approval of the Consent Agenda

Background Information:

Item A

Approve Bills

Item B

September 16, 2015 City Council Minutes

Meeting minutes from the September 16, 2015 City Council Meeting are attached for your review and approval.

Item C

Resolution 2015-54 Setting Public Hearing Date – Delinquent Accounts

Collection of unpaid bills through the property tax system is provided for in the East Bethel Code of Ordinances, Chapter 74, Sec. 74-126 (b) for unpaid utility bills, Chapter 30, Sec. 30-15 for unpaid emergency services and Chapter 26, Sec. 26-41 and 26-91 (c) for unpaid property clean up and nuisance abatement charges. The ordinance also provides an opportunity for delinquent customers for a public hearing before the final certification of delinquent amounts owed to their property taxes. Council must establish a certification cutoff date each year that will determine the appropriate certification amounts.

Resolution 2015-54 provides the delinquent accounts and amounts owed assuming a certification cutoff date of September 30, 2015. Notices of the public hearing will be sent indicating a public hearing date of November 4, 2015. Amounts remaining unpaid by November 15, 2015 will be certified to the County Auditor for collection on property taxes.

Item D

Accept Donation for Park Improvement, Resolution 2015-55

The City of East Bethel received a donation of \$869.53 for park improvements at Deer Haven Park. City Staff recommends the Council consider accepting this donation.

Fiscal Impact:

As noted above.

Recommendation(s):

Staff recommends approval of the Consent Agenda as presented.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Payments for Council Approval October 7, 2015

Bills to be approved for payment	\$225,809.57
Electronic Payroll Payments	\$29,489.46
Payroll - City Council September 15, 2015	\$1,775.99
Payroll - Fire Dept September 15, 2015	\$6,800.09
Payroll - City Staff September 24, 2015	\$34,609.69
Total to be Approved for Payment	\$298,484.80

City of East Bethel

October 7, 2015

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
2005A Public Safety Bonds	Fiscal Agent s Fees	68645	Ehlers	301	30100	\$550.00
2005B 207th Serv Rd SA Bonds	Fiscal Agent s Fees	68645	Ehlers	303	30300	\$550.00
2008A GO SEWER REV BONDS	Fiscal Agent s Fees	68645	Ehlers	308	30800	\$550.00
2010A GO Water Utility Rev Bnd	Fiscal Agent s Fees	68645	Ehlers	310	31000	\$550.00
2010B GO Utility Revenue Bond	Fiscal Agent s Fees	68645	Ehlers	311	31100	\$550.00
2010C GO Bond	Fiscal Agent s Fees	68645	Ehlers	312	31200	\$550.00
Anoka County CDBG	Professional Services Fees	091715	Jim Sobon	233	23300	\$1,295.00
Anoka County CDBG	Professional Services Fees	091715	Tim Saba	233	23300	\$36.00
Anoka County CDBG	Professional Services Fees	051315	Zierke Soil Testing	233	23300	\$400.00
Arena Operations	Bldg/Facility Repair Supplies	544348	Ham Lake Hardware	615	49851	\$19.42
Arena Operations	Bldg/Facility Repair Supplies	S3384114	Pipeline Ham Lake	615	49851	\$60.81
Arena Operations	Bldg/Facility Repair Supplies	22524	Smith Bros. Decorating Co	615	49851	\$75.82
Arena Operations	Bldg/Facility Repair Supplies	22535	Smith Bros. Decorating Co	615	49851	\$79.06
Arena Operations	Bldgs/Facilities Repair/Maint	2740	Grams Electric	615	49851	\$1,900.00
Arena Operations	Electric Utilities	092115	Connexus Energy	615	49851	\$725.85
Arena Operations	Gas Utilities	472315193	Xcel Energy	615	49851	\$83.88
Arena Operations	General Operating Supplies	104330	Becker Arena Products,Inc	615	49851	\$570.58
Arena Operations	General Operating Supplies	96697	Menards Cambridge	615	49851	\$395.70
Arena Operations	Professional Services Fees	100014	Gibson's Management Company	615	49851	\$9,000.00
Arena Operations	Small Tools and Minor Equip	2520	Menards - Forest Lake	615	49851	\$214.95
Arena Operations	Telephone	332373310-166	Sprint Nextel Communications	615	49851	\$24.12
Assessing	Professional Services Fees	3rd Qtr 16	Kenneth A. Tolzmann	101	41550	\$13,581.75
Building Inspection	Telephone	332373310-166	Sprint Nextel Communications	101	42410	\$3.24
Central Services/Supplies	Information Systems	220665	City of Roseville	101	48150	\$2,388.67
Central Services/Supplies	Office Equipment Rental	INV342435	Metro Sales Inc.	101	48150	\$543.22
Central Services/Supplies	Office Equipment Rental	72170852-SP15	Pitney Bowes	101	48150	\$151.32
Central Services/Supplies	Office Equipment Rental	287566889	US Bank Equipment Finance	101	48150	\$269.50
Central Services/Supplies	Office Supplies	563529047	Hewlett-Packard Company	101	48150	\$190.00
Central Services/Supplies	Office Supplies	56367223	Hewlett-Packard Company	101	48150	\$662.00
Central Services/Supplies	Office Supplies	IN0910722	Innovative Office Solutions	101	48150	\$26.11
Central Services/Supplies	Office Supplies	IN0910722	Innovative Office Solutions	101	48150	\$18.43
Central Services/Supplies	Office Supplies	IN0929443	Innovative Office Solutions	101	48150	\$266.78
Central Services/Supplies	Office Supplies	793802472001	Office Depot	101	48150	\$172.79
Central Services/Supplies	Personnel Advertising	258897	ECM Publishers, Inc.	101	48150	\$96.00
Central Services/Supplies	Postage/Delivery	7792-01	Do-Good.Biz	101	48150	\$954.22
Central Services/Supplies	Printing and Duplicating	12920	Catalyst Graphics, Inc.	101	48150	\$546.87
Central Services/Supplies	Software Licensing	B03945206	SHI	101	48150	\$332.00
Central Services/Supplies	Telephone	13299805	Integra Business	101	48150	\$214.79
City Administration	Professional Services Fees	M21591	TimeSaver Off Site Secretarial	101	41320	\$326.63
City Administration	Telephone	332373310-166	Sprint Nextel Communications	101	41320	\$83.06
City Administration	Travel	93015	Jack Davis	101	41320	\$223.35
Civic Events	Professional Services Fees	092415	Coon Rapids Heart Safe	227	45311	\$200.00
Economic Development Authority	Professional Services Fees	111	Susan Irons	232	23200	\$96.00
Engineering	Architect/Engineering Fees	35096	Hakanson Anderson Assoc. Inc.	101	43110	\$226.43
Engineering	Architect/Engineering Fees	35099	Hakanson Anderson Assoc. Inc.	101	43110	\$231.76
Engineering	Architect/Engineering Fees	35099	Hakanson Anderson Assoc. Inc.	101	43110	\$321.76
Engineering	Architect/Engineering Fees	35099	Hakanson Anderson Assoc. Inc.	101	43110	\$548.40

City of East Bethel

October 7, 2015

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Engineering	Architect/Engineering Fees	35099	Hakanson Anderson Assoc. Inc.	101	43110	\$605.00
Engineering	Architect/Engineering Fees	35099	Hakanson Anderson Assoc. Inc.	101	43110	\$180.00
Engineering	Architect/Engineering Fees	35099	Hakanson Anderson Assoc. Inc.	101	43110	\$269.70
Fire Department	Clothing & Personal Equipment	170404	Aspen Mills, Inc.	101	42210	\$89.35
Fire Department	Clothing & Personal Equipment	544475	Ham Lake Hardware	101	42210	\$82.62
Fire Department	Conferences/Meetings	314247	Foremost Promotions	101	42210	\$360.01
Fire Department	Conferences/Meetings	221902	League of MN Cities	101	42210	\$30.00
Fire Department	Conferences/Meetings	222260	League of MN Cities	101	42210	\$30.00
Fire Department	Conferences/Meetings	222441	League of MN Cities	101	42210	\$15.00
Fire Department	Conferences/Meetings	6530750Y	NFPA	101	42210	\$302.45
Fire Department	Electric Utilities	092115	Connexus Energy	101	42210	\$40.94
Fire Department	Electric Utilities	092115	Connexus Energy	101	42210	\$644.08
Fire Department	Electric Utilities	092115	Connexus Energy	101	42210	\$9.82
Fire Department	Electric Utilities	092115	Connexus Energy	101	42210	\$123.96
Fire Department	Fire Pension Contrib.-State	100215	East Bethel Fire Relief	101	42210	\$11,636.13
Fire Department	Fire Pension Contrib.-State	100215	East Bethel Fire Relief	101	42210	\$47,557.86
Fire Department	Fire Pension Contribution-City	100215	East Bethel Fire Relief	101	42210	\$14,000.00
Fire Department	Gas Utilities	472315193	Xcel Energy	101	42210	\$82.48
Fire Department	Motor Vehicles Parts	1539-401797	O'Reilly Auto Stores Inc.	101	42210	\$16.16
Fire Department	Motor Vehicles Parts	1921-293910	O'Reilly Auto Stores Inc.	101	42210	\$101.96
Fire Department	Repairs/Maint Machinery/Equip	5028	Kirvida Fire, Inc.	101	42210	\$362.41
Fire Department	Repairs/Maint Machinery/Equip	5029	Kirvida Fire, Inc.	101	42210	\$346.49
Fire Department	Repairs/Maint Machinery/Equip	5030	Kirvida Fire, Inc.	101	42210	\$320.53
Fire Department	Repairs/Maint Machinery/Equip	1432	North Metro Motors	101	42210	\$499.52
Fire Department	Repairs/Maint Machinery/Equip	1456	North Metro Motors	101	42210	\$850.41
Fire Department	Repairs/Maint Machinery/Equip	29960	Rapid Marine	101	42210	\$374.85
Fire Department	Telephone	13299805	Integra Business	101	42210	\$134.26
Fire Department	Telephone	332373310-166	Sprint Nextel Communications	101	42210	\$6.48
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	996	Bill's Quality Cleaning	101	41940	\$380.00
General Govt Buildings/Plant	Electric Utilities	092115	Connexus Energy	101	41940	\$1,095.80
General Govt Buildings/Plant	Electric Utilities	092115	Connexus Energy	101	41940	\$173.87
General Govt Buildings/Plant	Electric Utilities	092115	Connexus Energy	101	41940	\$14.48
General Govt Buildings/Plant	Gas Utilities	472315193	Xcel Energy	101	41940	\$50.12
Legal	Legal Fees	08 2015	Eckberg, Lammers, Briggs,	101	41610	\$8,388.89
Legal	Legal Fees	08 2015	Eckberg, Lammers, Briggs,	101	41610	\$4,559.54
MSA Street Construction	Architect/Engineering Fees	35093	Hakanson Anderson Assoc. Inc.	402	40200	\$1,957.93
MSA Street Construction	Architect/Engineering Fees	35094	Hakanson Anderson Assoc. Inc.	402	40200	\$11,968.03
Park Maintenance	Clothing & Personal Equipment	1182288372	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1182299706	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1182311047	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Electric Utilities	092115	Connexus Energy	101	43201	\$42.19
Park Maintenance	Electric Utilities	092115	Connexus Energy	101	43201	\$33.25
Park Maintenance	Electric Utilities	092115	Connexus Energy	101	43201	\$31.81
Park Maintenance	Electric Utilities	092115	Connexus Energy	101	43201	\$23.75
Park Maintenance	Electric Utilities	092115	Connexus Energy	101	43201	\$27.34
Park Maintenance	Electric Utilities	092115	Connexus Energy	101	43201	\$115.38
Park Maintenance	Electric Utilities	092115	Connexus Energy	101	43201	\$336.97

City of East Bethel

October 7, 2015

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Park Maintenance	Equipment Parts	02-320617	Lano Equipment, Inc.	101	43201	\$224.42
Park Maintenance	Equipment Parts	02-320644	Lano Equipment, Inc.	101	43201	\$328.57
Park Maintenance	General Operating Supplies	543437	Ham Lake Hardware	101	43201	\$14.19
Park Maintenance	General Operating Supplies	544713	Ham Lake Hardware	101	43201	\$24.90
Park Maintenance	General Operating Supplies	1702	Menards - Forest Lake	101	43201	\$96.97
Park Maintenance	Other Equipment Rentals	94827	Jimmy's Johnnys, Inc.	101	43201	\$1,165.00
Park Maintenance	Professional Services Fees	111	Susan Irons	101	43201	\$48.00
Park Maintenance	Refuse Removal	9724	East Central Solid Waste Comm	101	43201	\$241.50
Park Maintenance	Small Tools and Minor Equip	95287	Menards Cambridge	101	43201	\$71.99
Park Maintenance	Telephone	13299805	Integra Business	101	43201	\$49.22
Payroll	Insurance Premium	10 2015	Dearborn National Life Ins Co.	101		\$1,264.48
Payroll	Insurance Premium	6179375	Delta Dental	101		\$694.50
Payroll	Insurance Premium	10 2015	NCPERS Minnesota	101		\$144.00
Payroll	Insurance Premium	152600001540	PreferredOne	101		\$6,698.30
Payroll	Union Dues	09 2015	MN Public Employees Assn	101		\$429.00
Planning and Zoning	Application Fee Reimbursement	092115	Kateri Lemki	101		\$150.00
Planning and Zoning	Application Fee Reimbursement	092115	Rimma Medelberg	101		\$300.00
Planning and Zoning	Architect/Engineering Fees	35104	Hakanson Anderson Assoc. Inc.	101		\$263.45
Planning and Zoning	Escrow Reimbursement	092115	Kateri Lemki	101		\$300.00
Planning and Zoning	Legal Notices	256095	ECM Publishers, Inc.	101	41910	\$53.75
Planning and Zoning	Professional Services Fees	111	Susan Irons	101	41910	\$48.00
Recycling Operations	Bldg/Facility Repair Supplies	9836186834	Grainger	226	43235	\$468.36
Recycling Operations	Bldg/Facility Repair Supplies	9839321669	Grainger	226	43235	\$3,796.95
Recycling Operations	Bldg/Facility Repair Supplies	9840931563	Grainger	226	43235	\$234.18
Recycling Operations	Bldg/Facility Repair Supplies	9844683558	Grainger	226	43235	\$234.18
Recycling Operations	Bldgs/Facilities Repair/Maint	B038473	Braun Intertec Corporation	226	43235	\$594.75
Recycling Operations	Electric Utilities	092115	Connexus Energy	226	43235	\$122.67
Recycling Operations	Gas Utilities	472315193	Xcel Energy	226	43235	\$25.00
Recycling Operations	Other Equipment Rentals	94827	Jimmy's Johnnys, Inc.	226	43235	\$70.00
Recycling Operations	Postage/Delivery	7792-01	Do-Good.Biz	226	43235	\$136.32
Recycling Operations	Printing and Duplicating	12920	Catalyst Graphics, Inc.	226	43235	\$78.13
Recycling Operations	Refuse Removal	08 2015	Freimuth Enterprises LLC	226	43235	\$712.00
Recycling Operations	Repairs/Maint Machinery/Equip	78550	Gerdin Auto Service Inc	226	43235	\$487.96
Sewer Operations	Bldg/Facility Repair Supplies	66796	Rivard Companies	602	49451	\$225.00
Sewer Operations	Electric Utilities	092115	Connexus Energy	602	49451	\$40.84
Sewer Operations	Electric Utilities	092115	Connexus Energy	602	49451	\$49.83
Sewer Operations	Electric Utilities	092115	Connexus Energy	602	49451	\$120.85
Street Capital Projects	Architect/Engineering Fees	35095	Hakanson Anderson Assoc. Inc.	406	40600	\$315.00
Street Maintenance	Auto/Misc Licensing Fees/Taxes	50788	DVS Renewal	101	43220	\$35.75
Street Maintenance	Auto/Misc Licensing Fees/Taxes	73139	DVS Renewal	101	43220	\$35.75
Street Maintenance	Bldgs/Facilities Repair/Maint	1182288372	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	1182299706	G&K Services - St. Paul	101	43220	\$9.17
Street Maintenance	Bldgs/Facilities Repair/Maint	1182311047	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Cleaning Supplies	2931358	Dalco	101	43220	\$163.78
Street Maintenance	Cleaning Supplies	9841940530	Grainger	101	43220	\$23.76
Street Maintenance	Cleaning Supplies	9842055296	Grainger	101	43220	\$68.46
Street Maintenance	Clothing & Personal Equipment	1182288372	G&K Services - St. Paul	101	43220	\$31.95

City of East Bethel

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Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Street Maintenance	Clothing & Personal Equipment	1182299706	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Clothing & Personal Equipment	1182311047	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$185.68
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$124.07
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$495.86
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$179.74
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$128.03
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$16.27
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$82.48
Street Maintenance	Electric Utilities	092115	Connexus Energy	101	43220	\$287.89
Street Maintenance	Equipment Parts	103206-IN	Diamond Mowers	101	43220	\$135.16
Street Maintenance	Equipment Parts	6507	Hydraulics Plus & Consulting	101	43220	\$16.40
Street Maintenance	Gas Utilities	472315193	Xcel Energy	101	43220	\$20.00
Street Maintenance	Motor Vehicle Services (Lic d)	20928	Central Truck Service, Inc	101	43220	\$328.66
Street Maintenance	Motor Vehicles	104788	Midway Ford Company	701	43220	\$20.00
Street Maintenance	Motor Vehicles	105178	Midway Ford Company	701	43220	\$41,055.60
Street Maintenance	Motor Vehicles Parts	F-252460119	Allstate Peterbilt North	101	43220	\$67.06
Street Maintenance	Motor Vehicles Parts	F-252580012	Allstate Peterbilt North	101	43220	\$178.78
Street Maintenance	Motor Vehicles Parts	F-252600104	Allstate Peterbilt North	101	43220	\$54.84
Street Maintenance	Motor Vehicles Parts	F-252610009	Allstate Peterbilt North	101	43220	\$59.08
Street Maintenance	Motor Vehicles Parts	F-252610018	Allstate Peterbilt North	101	43220	\$16.35
Street Maintenance	Motor Vehicles Parts	F-252640012	Allstate Peterbilt North	101	43220	\$17.10
Street Maintenance	Motor Vehicles Parts	C241187981:01	I State Truck Inc.	101	43220	\$126.66
Street Maintenance	Motor Vehicles Parts	1539-400436	O'Reilly Auto Stores Inc.	101	43220	\$38.54
Street Maintenance	Motor Vehicles Parts	1539-401233	O'Reilly Auto Stores Inc.	101	43220	\$39.99
Street Maintenance	Motor Vehicles Parts	1927683265	Rigid Hitch Inc.	101	43220	\$671.90
Street Maintenance	Motor Vehicles Parts	279384	S & S Industrial Supply	101	43220	\$7.59
Street Maintenance	Professional Services Fees	111	Susan Irons	101	43220	\$48.00
Street Maintenance	Safety Supplies	9841940530	Grainger	101	43220	\$14.96
Street Maintenance	Shop Supplies	279344	S & S Industrial Supply	101	43220	\$25.27
Street Maintenance	Snowplow Cutting Edges	H93951	H&L Mesabi	101	43220	\$480.02
Street Maintenance	Street Maint Materials	IN00011486	City of St. Paul	101	43220	\$3,600.53
Street Maintenance	Telephone	13299805	Integra Business	101	43220	\$49.22

City of East Bethel

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Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Street Maintenance	Telephone	332373310-166	Sprint Nextel Communications	101	43220	\$70.01
Tax Increment District No. 1-1	Professional Services Fees	68512	Ehlers	435	43500	\$105.00
Water Utility Capital Projects	Architect/Engineering Fees	35097	Hakanson Anderson Assoc. Inc.	433	49405	\$4,207.70
Water Utility Capital Projects	Architect/Engineering Fees	35098	Hakanson Anderson Assoc. Inc.	433	49405	\$630.00
Water Utility Operations	Chemicals and Chem Products	3778501 RI	Hawkins, Inc	601	49401	\$1,009.58
Water Utility Operations	Electric Utilities	092115	Connexus Energy	601	49401	\$885.86
Water Utility Operations	Electric Utilities	092115	Connexus Energy	601	49401	\$208.79
Water Utility Operations	Electric Utilities	092115	Connexus Energy	601	49401	\$97.79
Water Utility Operations	Gas Utilities	091715	CenterPoint Energy	601	49401	\$15.00
Water Utility Operations	Gas Utilities	091715	CenterPoint Energy	601	49401	\$15.56
						\$225,809.57
Electronic Payroll Payments						
Payroll	PERA					\$6,272.33
Payroll	Federal Withholding					\$5,792.48
Payroll	Medicare Withholding					\$1,891.70
Payroll	FICA Tax Withholding					\$8,088.52
Payroll	State Withholding					\$2,362.89
Payroll	MSRS/HCSP					\$5,081.54
						\$29,489.46

EAST BETHEL CITY COUNCIL MEETING

SEPTEMBER 16, 2015

The East Bethel City Council met on September 16, 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 Call to Order The September 16, 2015, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

2.0 Pledge of Allegiance The Pledge of Allegiance was recited.

3.0 Adopt Agenda **Harrington stated I'd like to make a motion to adopt tonight's agenda, under Other, I'd like to add a Closed Session, Item 9.0D. Mundle stated I'll second. Voss stated any discussion? Hearing none, all in favor say aye?" All in favor. Voss stated any opposed? That motion passes. Motion passes unanimously.**

4.0 Public Hearing Davis presented the staff report, indicating as a result of action by City Council on December 17, 2014, Resolution 2014-52, the owners of 553 Lakeshore Drive were directed to remove a retaining wall at the intersection of 553 Lakeshore Drive and 179 Forest Road as part of the owners abandoned septic system located on City right-of-way. The owners did not remove the wall and the City, through contract with Dryden Excavating, completed the work. The City notified the owner of the cost prior to the commencement of the work and that the cost would be considered as an assessment on the property. The City also gave the owners the opportunity to retain a contractor of their choice to perform the work but the owners did not respond to the offer.

4.0A
553
Lakeshore Dr.
Assessment

Resolution 2015-48, which sets the date of September 16, 2015, at 7:00 p.m. at the East Bethel City Hall for an assessment hearing for the retaining wall project at 553 Lakeshore Drive was approved by City Council on August 19, 2015.

City Council is requested to conduct the hearing to consider objections to a proposed assessment for the retaining wall reduction at the intersection of 553 Lakeshore Drive and 179 Forest Road. The proposed assessment roll is on file with the City Clerk and open to public inspection.

The area proposed to be assessed consists of every lot, piece, or parcel of land benefitted by said improvement, which has been ordered, made and is as follows: Lots 356, 357, 358, 359 and 360, all in Block 6, Coon Lake Beach, Anoka County, Minnesota, as located in the City of East Bethel, Minnesota.

The total amount proposed to be assessed is \$4,441.20.

4.0A Written or oral objections will be considered at the hearing.

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Lakeshore Dr. Assessment An owner of property to be assessed may appeal the assessment to the District Court of Anoka County pursuant to Minnesota Statutes, Section 429.081, by serving notice of the appeal upon the Mayor or Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the District Court within ten days after service upon the Mayor or Clerk.

No appeal may be taken as to the amount of any assessment adopted by City Council unless a written objection signed by the affected property owner(s) is filed with the City Clerk prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by Minnesota Statutes, Section 429.061, are waived, unless the failure to object to the assessment hearing is due to a reasonable cause.

Under provisions of the Minnesota Statutes, Sections 435.193 to 435.195, the City, may at its discretion, defer the payment of assessments for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments.

The date, time, and place of the hearing was advertised in the *Anoka Union* in the August 28 and September 4, 2015, editions and copies of the notice with other attachments were mailed to all the owners and hand delivered by Anoka County Community Service Officers to the two owners who reside at 179 Forest Road.

Unless City Council deems the objections to the assessment as valid, Council is requested to conduct this hearing and consider approval of Resolution 2014-54, which directs staff to file Special Assessments Certification with the Anoka County Property Records and Taxation Divisions on these parcels.

Voss stated with that, we'll open the special assessment hearing for this property. Is there anyone here wishing to speak before Council?

Heidi Moegerle stated my name is Heidi Moegerle. I live at 179 Forest Road NE, Wyoming, Minnesota 55092-9719. Are you the presiding officer of this hearing Mr. Voss?

Voss stated I'm the Mayor. Moegerle stated well I want to provide this to the presiding manner so I do not waive any of my many objections to this assessment. Voss stated if you have any documents, you can give it to Mr. Vierling. Moegerle (off mic) stated I believe the Mayor is the preceding officer and that is what, the documents (*inaudible*).

Moegerle stated we have a number of objections. What I've given to you states the objections and the facts supporting that. I will be glad to read the entire document because I do want this to be in the minutes of this meeting. However, for speed, since only 40 minutes has been allotted to this, you may choose not to hear the facts.

Voss asked is this one copy here? Or, is it multiple copies? Moegerle stated that's one copy because it didn't require us to make a copy for everyone.

Ronning asked is it complete to what you're addressing? Moegerle stated I have several additional points to make that are not included in the writing so that's another reason why this needs to be in the minutes.

4.0A Ronning stated I'll move to include that in the minutes. You won't have to necessarily go
553 through every one. Moegerle stated no, I... Voss stated it's a written statement that's
Lakeshore Dr. provided during the hearing so it becomes part of the hearing. Ronning asked anybody
Assessment second moving to adopt? (*Motion failed for lack of a second.*)

Moegerle stated I would like to, you asked me if I wanted to address the Council and I'm here to address the Council on these objections that we make. Ronning stated as you do, I have, when you're going through this, state the specific statute or ordinance that you disagree with and why and the reasons. And, in the past with these you've had fair and unfair references. If you should have something like that, make specific.

Voss stated I guess what I would ask, Heidi, is if there's anything in addition to what you provided in writing, rather than read all 20-some pages. Moegerle stated actually our Tort Claims Notice of June 5, 2015, is added. In addition, it's only 10 pages with regard to the objections. So, the objections are somewhat, something under 20, or under 25 and I can state them pretty quickly. Voss stated please.

Moegerle stated on behalf of Darlene Moegerle, Gary Otremba, and Heidi Moegerle, the current owners of 553 Lakeshore Drive, we submit the following objections to the assessment proposed by the City:

Objection #1

The current owners object to each and every finding of fact in the Resolution 2014-52 on the basis that the City Council acted unreasonably in denying the reasonable request of the current owners for a continuance of the hearing based on exigent circumstances involving the health of one participant and two. So, I was ill with a flare up of fibromyalgia, had very meritorious defenses that we wanted to prepare. Due to the circumstances it would have been impossible to give a fair defense. We're entitled to a fair defense. The City Council would not have been prejudice by a postponement of two weeks, is what we requested. We documented our request. I've provided the biopsy report showing cancer so there were real strong reasons why the continuance should have been granted and was not done so.

Objection #2

The current owners object to each and every finding of fact in Resolution 2014-15 on the basis that the City Council acted unreasonably in making findings that are not supported by the minutes of the December 3, 2014, City Council Meeting.

1. The minutes of the December 3, 2014, City Council meeting are the record of the meeting and findings of fact that are not included in the minutes are not valid and therefore, to the extent that Resolution 2014-15 is not supported by information in the minutes, they're invalid.

Objections #3 and #4

The current owners object to each and every finding of fact in Resolution 2015-24 on the basis that the City Council acted unreasonably by failing to follow State law requirements for the adoption of findings of fact and therefore are null and void.

The current owners further object to any efforts to remediate the findings of fact or have a re-hearing on any issues covered by that issue.

1. Minnesota law requires that each and every individual finding of fact be adopted individually or by reading the finding into the minutes of the meeting. The City Council failed to properly adopt the findings of facts by not reading each finding into the minutes of the meeting.

Objection #5

Current owners object to the improper statement of Minnesota law, particularly with regard to the issue of rights to rehabilitate, repair, and remodel existing homes on non-conforming lots, property of record. And, I'm citing to the resolution that was adopted so the citation to relevant law is before you.

Objection #6

Current owners object to the weight and value given interpretations made by the City of circumstances and facts exclusively in the control of the current owners, and there are many of them.

Objection #7

Current owners object to being assessed for a project that is being initiated, pursued, and completed for the political purposes of the Council.

1. At the Fall 2014 Town Hall meeting, a resident spoke directly to the Council and asked that matters concerning the 553 Lakeshore property be postponed until a new Council was seated in January. The offensive and contentious manner in which the Council Members bullied, harassed, and otherwise attempted to embarrass, burden, or injure Moegerle and Moegerle's reputation and investment were obvious to viewers of the meetings and readers of the minutes.

Objection #8

Current owners object to paying for a project that is unnecessary on safety ground because no accidents at the intersections were due to poor visibility of northbound traffic on Forest Road.

1. On the north side of the retaining wall parallel to Lakeshore Drive, in front of 553 Lakeshore, the City placed a stop sign 18 to 20 feet away from the intersection. Had the stop sign been placed at the intersection, motorists had clear view of the intersection and that view was always clear.
2. No collisions had occurred at that intersection as a result of poor visibility of traffic northbound on Forest Road. The intersection was not unsafe.
3. No collisions had occurred at the intersection, even though the stop sign was 18 feet from the intersection and vehicles that parked on the right-of-way against the retaining wall obstructed the view of the northbound traffic on Forest Road.

Objection #9

Current owners object to the City unreasonably choosing an wildly expensive method to make the Lakeshore/Forest intersection safe by re-grading the right-of-way vs. installing no parking signs and moving the existing stop sign forward to the intersection for no appreciable benefit to the City or to the owners of 553 and as a way to burden and harass them.

1. Specifically, the City purposely did not do a traffic or safety study of the intersection to evaluate the safety of it.

2. If a traffic study had been completed, the likelihood was great that the only recommendations would have been to move the existing stop sign forward, to the intersection and no parking signs would have been placed on or along the retaining wall on the City right-of-way.
3. The cost of the sign installation would have been less than \$400 and completely resolved the issue.
4. It is unreasonable for this City Council to adopt a solution that is ten times the cost that would reasonably have resolved the issue.

Objection #10

Current owners object to the assessment on the grounds that 553 Lakeshore property was not benefitted by the grading and restructuring of the retaining wall.

1. The grading of the right-of-way removed valuable lateral support for the 553 Lakeshore property that Minnesota law demands an abutting property owner provide.

Objection #11

Current owners object to the grading and retaining wall modification project on the grounds that it was legally unnecessary because the retaining wall was built in 1986, prior to the City's adoption of Retaining Wall Ordinance.

1. Accordingly, the retaining wall was grandfathered into acceptability because it predated the City's Retaining Wall Ordinance.
2. The retaining wall had been there since 1986, 35 years. It had not failed.
3. There's only one known collision with that and that was done by a City employee in the course of his employment. So, and the City repaired that. So, that figures into this because it indicates that the City's taking responsibility for the retaining wall on the City's right-of-way.

Objection #12

Current owners object to the grading and retaining wall modification project on the grounds that it was legally unnecessary because the retaining wall was built in 1986, prior to the City's adoption of a Traffic Visibility Ordinance for intersections.

1. In the documents that are associated with the resolution, there's a Traffic Visibility Triangle. That ordinance, I believe it's cited in the documents, post dated the building of the retaining wall. Therefore, the retaining wall did not have to meet the standards of that subsequently adopted ordinance.

Objection #13

Current owners object to the assessment on the grounds that the City is violating the current owner's right to equal protection by selecting the right-of-way adjacent to the current owners' property for modification the purpose of harassment and unreasonably forcing them to pay for a benefit to the City only at unreasonable prices.

1. There are several intersections with Lakeshore Drive where a retaining wall is on or abuts the City's right-of-way. The City has taken no action and has no present intention to remove the retaining wall on those properties or to grade the City's right-of-way. Examples are the Lakeshore intersections with Grove, Laurel, and Maple Road.

4.0A

Objection #14

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Lakeshore Dr.
Assessment

Current owners object to the assessment on the grounds that the City is violating the current owner's right to equal protection by selecting the right-of-way adjacent to the current owners' property for the purposes of harassment.

1. The City routinely improves its right-of-way without assessing abutting property owners for the costs of improvement that inure solely to the City. So the benefits inure solely to the City.

Case in point, the paving of Coon Lake Beach roads. Those were not assessed individually against the owners, which those roads pass. That is a general expense. Most importantly and most clearly is the current extensive reconfiguration of the Laurel/Lincoln entrance to Coon Lake Beach where the City right-of-way is being massively re-graded and those people are not being charged the cost of re-grading that land and soil and it benefits solely the City.

So, to charge us for something that benefited the City, on their own property, is, violates equal protection. You have to treat all of us equally and you are not doing that.

Current owners object to all findings of fact that rely on the agreement for location of private sewage disposal system within the City right-of-way.

I'm sure Mr. Ronning is very familiar with this document. This is a document that you all may have seen at one time or another and this was executed on the first day of October 1986 between the City of East Bethel and Roger Schoer. This was a document drafted by the City Attorney. With regard to this agreement, we hold that it terminated on or about November, 2011. That it was null and void after that time and furthermore, that the City squandered its rights and opportunity by only sending a letter of action and request to the owner at that time. Because the City sat on its hands, and on its rights, it has lost those rights and cannot enforce them against the current owners who are not in privity with that owner or with this document.

Notice also that this document was drafted by the City Attorney and so for any missing requirements that may cause a problem with this, that causes this contract or agreement to be construed against the City. Most importantly, for our purposes, paragraph #7: 'This agreement shall terminate upon termination of the useful life of owner's sewage disposal system and upon such termination, each party shall execute all documents the other may request in connection therewith.'

Notice, there is no requirement for the sewage disposal system that is supposedly on the City right-of-way to be removed. There's not requirement for the retaining wall to be removed and there's no requirement for the soil to be removed. If that had been the intention of the parties at the time that this contract, this agreement, was entered into, it was the duty of the City Attorney to put it in there. Whether it was negligence, oversight, or whatever, no court in this State will imply that that is a requirement

You can look at the paragraphs that talk about this. This is mainly where the City granted permission for disposal systems to be located within the right-of-way and to maintain the retaining wall. Again, there's nothing in this agreement on which the City relies that says it is entitled to order a subsequent owner of abutting property to do anything with that sewage system even though it had been determined to be beyond its useful life.

4.0A Most importantly, in the fall of 2014, at the demand of the City of East Bethel, the owners
553 of 553 Lakeshore Drive excavated and entirely removed the sewage disposal system outside
Lakeshore Dr. the perimeter the system. Outside the perimeter of the house. So, under the house there's
Assessment still components of that sewage disposal system. And we filled it back in and we filed a
report as required by the City to show that we had completely removed the sewage disposal
system. In fact, what we discovered that no portion of the sewage disposal system for 553
Lakeshore was on the City right-of-way.

What happened is Mr. Schoer was granted the right to do so but he did not avail himself of that right. So, if the hearing would have gone on to have been continued until December 16th, that fact would have been before this Council and you would have understood that this re-grading for the purposes of removing a sewage disposal system, you would have been confirmed once again that that had been accomplished. Furthermore, the City could have looked to see the report from the excavator that accomplished that.

The City's remedy would have been to say that the report was ineffective and asked us to re-grade it or provide further proof. Again, the City sat on its hands. It did not ask us for any other documentation. The proof is in our file on that property. The entire sewage disposal system was removed from the property that is known as 553 Lakeshore Drive and nothing, nothing was removed from the right-of-way abutting the property.

The soil may have been graded to smooth it out because we took out a big septic tank. But as far, a tile, a drainage tile, a finger system, nothing was removed from the City right-of-way.

Oh, one further point. When there's a failure of consideration where Roger Schoer did not benefit on this contract, then the contract is null and void. So was there a benefit to him to have a retaining wall on that soil? Since there was no finger system on City right-of-way, I would argue that there was no benefit to him and, the agreement was null and void.

Objection #15

There is no right granted by the City to require any owner of 553 Lakeshore Drive to remove sewage disposal system.

So, that wasn't even in here. So it's to say that now the City's going to force us to do that. Well, there's got to be some reason for that. Well, first of all, there's nothing there. Number 2, not only is nothing there but the agreement doesn't provide for it. All it provides for, in Paragraph 7, is that 'Upon such termination, each party shall execute all documents that the other may request in connection therewith.' That's the only remedies available to the cities and it was only available to the owner at the time that the septic system failed.

This agreement has no language that would allow the agreement to survive the termination of the useful life of the sewage disposal system. This means so if they wanted to fight taking out the sewage disposal system, there was no remedy for anybody who'd want to do that. So, the agreement does not survive the termination of the use by the four corners of this document.

Furthermore, the City ratified the report of termination of the end of the City's useful life by writing a letter to Michael McClain. And, this came up when a purchaser in good faith had the septic system assessed in the fall of 2011. Sometime between September and

4.0A

553

Lakeshore Dr.

Assessment

November, and that's when it was determined that there was not sufficient separation of soils so that the system was no longer, or the useful life had expired.

So, the City acted upon that report and sent a letter, by its own admission, to Mr. McClain to say something, let's do something about the sewage septic system. For reasons unknown to me, nothing went further on that. I can assure you that as a resident and as a City Council person, I urged both the Building Official and the City Administrator to review this matter and if they wanted to take action, that they needed to do it while the property was in the name of Mr. McClain. For reasons unknown to me, the City chose not to do that. They had the right to do it at that time. Now that right, under the terms of this agreement, has expired. They're trying to regain what they lost by sitting on their hands.

The Agreement is completely silent on the issue of removal of the sewage disposal system from the City right-of-way or the retaining wall. The City is not given the right and 553 Lakeshore owners are not given the duty to remove either. Again, there's no duty.

Objection #16

Reiterating that the City has no rights under the agreement against the current owners because the agreement prepared by its attorney did not preserve those rights. Specifically, the attorney did not add a paragraph that created a survival of remedies against future owners.

Again, the City knew that the property was for sale and that by the terms of the agreement, future purchasers would have no legal responsibility under the terms of the agreement.

Objection #17

The City lost all its rights to all remedies under the terms of the agreement with Roger Schoer when it failed to obtain them from Mike McClain/McClane. There's nothing in this that says that the City could not contact Mike McClain/McClane and get whatever remedies it would seek including the \$4,414 and some change that the City is now seeking from the subsequent owners.

Minnesota courts will not create rights against innocent third parties like the current owners of 553 Lakeshore Drive when the party seeking the remedy, the City, slept on its rights against a party responsible. In short, 'You snooze. You lose.'

Current owners object to the City confusing the issues of this matter by presenting significant irrelevant findings of fact that are inaccurate, inflammatory, and written for the purpose of harassment and embarrassment.

Current owners object to the City assessing Darlene Moegerle any monies, as Minnesota Statute 435.193 to 435.195 provide.

1. Darlene Moegerle qualifies for an exemption under these Statutes. She is 79 years old.
2. That assessment would create a hardship.

Furthermore, since, prior to the City's decision to re-grade the right-of-way at Lakeshore and Forest, that location was an ideal location for a rain garden. Currently, a rain garden has just been installed at the Community Center so with the effectiveness of that, that makes the City right-of-way more obvious as a place for a rain garden on the other side of the road because the water goes down on each side.

4.0A

553

Lakeshore Dr.
Assessment

Voss stated I don't think that discussion is germane to this hearing. Moegerle stated well, no, but I'm saying that I object to it because that potential, that, those fees could have been put on the Anoka Conservation District when they put in a rain garden. So, it was not necessary that this be done today.

Moegerle stated, oh, the City wants us to take responsibility for the retaining wall despite the fact it repaired it. It assumed ownership of this. This is the damage that occurred, I believe, in early 2014.

Voss stated Heidi, just so we're all clear, you presented written documents with 17 objections. You're through that now so this is additional? Moegerle stated yes. Voss stated okay.

Moegerle stated so our objection is that this clearly shows that the City of East Bethel has taken ownership of the retaining wall on its right-of-way. So the point is, is that if this was our responsibility, then they would have made us pay for it. Because if they were looking at the terms of the agreement, if this were in effect, they could have enforced that. They didn't enforce it because they knew the agreement didn't apply. So, that is evidence that the City knows they can't get away with it and that should be the end of the discussion.

Moegerle stated oh, there's an ordinance in the City of East Bethel that requires for it to communicate with its residents by first class mail, postage prepaid, so the refusal to accept hand delivered documents should not even enter into this issue. The City has the right, they know the ordinance, and they should have mailed things to us. However, it's very clear that we received documents in an envelope addressed to us with no postage on it, which was found in our mailbox. So, we object to the continuing issues of, associated with this City's attempt to communicate with us.

Moegerle stated so in addition to show that the City's taken possession of this, they did. We object to the fact that they're trying to make us responsible for properties in which they did acts like clearing trees from the property because they endangered the power lines. This is consistent with a showing that the City knows that it's responsible for the City right-of-way and is maintaining it. We were very glad to see that they started mowing it.

Moegerle stated one moment and then I think I'll conclude. Our objections to this is we are being singled out to pay for what the City calls an improvement to the right-of-way where other citizens in the City of East Bethel are not being called upon to pay for improvements to the City right-of-way. And, that is unfair. It is important to understand. An additional issue that will be made clear as we continue to go through this set of serious downpours, but we're entitled to the right of lateral support of our property. And, by removing the soil, the City has taken that away from us.

Moegerle stated we also object to the fact that what we received in written documentation, as a requirements to complete this project, were not the standards to which the City held itself. And furthermore, as a practical matter, I don't believe that the grading actually complies with the traffic visibility corner that is cited in the resolution. So, the City didn't even meet its own standards by hiring its own expert.

Moegerle stated so on that, we say we object to every bit of this and we ask that you take this under advisement and come back with a determination that the current owners of 553 Lakeshore Drive are not responsible for the way the City has chosen to resolve a safety

4.0A issue by spending ten times the actual amount that would have been necessary and simple to
553 cure. Thank you.

Lakeshore Dr.

Assessment Voss stated thank you. Is there anyone else here tonight wishing to speak at this hearing?
Seeing none, we will close the special assessment hearing.

Voss stated what was presented tonight to Council in written form was basically more detail of the 17 objections, the first 17 objections presented by Ms. Moegerle, and then there's a second document, which I believe is documents that we've received from Ms. Moegerle, the City's received from Ms. Moegerle in the past. I guess my suggestion, seeing we have this information, I think it appears that most of it is stuff we've seen in the past, is, because it's being given here tonight is obvious voluminous, is that we don't act on this tonight. Give a chance for all of us to review these written documents.

Vierling stated I think that's fair. We have more than adequate time. Assessments don't need to be certified to the County until November 1st so I think City staff would like to take a look at the documents and prepare a resolution addressing them individually and present that at your next Council meeting.

Voss asked any objections from Council? Ronning stated no. Voss stated okay. Mundle asked so we need a motion to table this item? **Voss stated I'll make a motion to postpone action on this hearing until the next regularly scheduled Council meeting. Ronning stated second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

4.0B
Dangerous
Dog Hearing
Joshua
Jeppesen
456 196th Ln.

Davis presented the staff report, indicating the Council is asked to determine by hearing if a dangerous dog determination issued by the City Administrator to Joshua Jeppesen should be maintained, modified or removed.

The hearing relates to a dog bite incident that occurred on August 10, 2015. The Anoka County Sherriff's office reported that a brown pit bull owned by Joshua Jeppesen bit, in the public right-of-way in front of 445 196th Lane, a dog owned by Scott Koivisto.

Since the incident was unprovoked as reported by the investigating Deputy, off the owner's property, and Mr. Jeppesen's dog was the aggressor, it is now sufficient to issue a dangerous dog notice pursuant to Chapter 10 of the City Code based on the incident report in your packet. A review of City records indicates that Mr. Jeppesen's dog was not licensed at the time of the incident and that the owner has not obtained a license as of September 11, 2015. The dog was not current with its rabies vaccinations. The dog was, however, vaccinated on August 11, 2015.

Based on the veterinarian report submitted by Mr. Jeppesen, which is Attachment 2 in your packet, the dog was not seized. However, the owner was instructed to quarantine the dog at the 456 196th Lane address, and after it was reported running loose, the owner was advised to keep the dog out of the City until this matter was resolved.

The owner has submitted written request to appeal the decision of the dangerous dog declaration. Pursuant to City Code Chapter 10, Article II, Dogs, Subd. 3, an animal owner is allowed to contest the dangerous dog determination. In this case, Mr. Jeppesen, the animal owner, has requested a hearing before Council.

4.0B
 Dangerous
 Dog Hearing
 Joshua
 Jeppesen
 456 196th Ln.

Per City Code Chapter 10, Section 10-72, the owner is to be granted a hearing before the City Council. Mr. Jeppesen is present tonight to appeal the determination that the dog in question is a dangerous dog.

City Council, pursuant to Section 10-72, has several options in this matter.

1. Conduct the hearing allowing the owner to present reasons, if present, why the dangerous dog determination should be lifted or sustained.
2. If the dangerous dog determination is sustained, identify the action to be taken:
3. If the dangerous dog determination is not sustained, make a determination that the animal is to be released without further action from or by the City Council.

The following are requirements for maintaining the animal should the dangerous dog determination be sustained. Per City Code these include those listed in 10-76 in your packet.

Staff recommends City Council conduct the hearing relating to the dangerous dog determination and issue a decision to sustain the dangerous dog determination in this incident pursuant to City Code, Chapter 10, Animals, Article II. Dogs, Division 3, with directions as to the issuance of requirements for keeping the dog or lift the determination and release any conditions in this matter.

Voss stated with that, we'll open the hearing on the dangerous dog determination. Are there any parties here tonight wishing to speak before Council? If you'd state your name and address for the record please.

Cheryl Koivisto, 445 196th Lane, stated it was my daughters that were out walking that night and they walked around the neighborhood. They were within half a yard's length away from our house, the dog came out into the street, he did not listen to verbal commands, he circled them, our dog had nowhere to go, took a bite out of his leg, was unable to walk for five days. Mr. Jeppesen was told that the dog, the next day, had to be maintained on the property, on a leash. He was not allowed to have him freely run. On two separate instances after that, specifically Mondays, the dog was witnessed to be off a leash, running freely through the yard.

Cheryl Koivisto stated we are not going to sit by and let this happen again. It was an unprovoked attack. You have a 14- and a 16-year-old going for a walk down a City street and a dog comes out and literally attacks their dog and pins it to the ground in front of them. The owner comes, takes the dog, and my understanding is, I was not a witness, carried the dog up the driveway by his tail. It is a pit bull, yes, but it partially is off of how the dog is being treated.

Cheryl Koivisto stated the stepfather came over approximately four weeks later and spoke with my husband and has told us that he has decided that the dog will not be allowed to reside on his residence. That is where we left it at that point. So he comes and goes. He tries to say that this residence is not where he lives; however, this is where his mail is being delivered and this is where everything is taking place. I just, for our own safety, our dog has an electronic fence. He's maintained on the property. He does not leave.

Cheryl Koivisto stated we have other neighbors that have come tonight. I sent out an e-mail requesting everybody to be careful that walks down our street with a neighborhood dog so

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this does not happen to anybody else or their children. So, most of this is here for the kids.

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Voss stated just a couple questions for clarification. You mentioned that you witnessed this dog getting loose in the yard? Cheryl Koivisto stated two separate incidents. Voss asked and do you know if at all between the time of the incident and the time you saw the dog again, an electronic fence was installed on that property? Cheryl Koivisto stated we have an electronic fence. Voss stated no, with that property. Cheryl Koivisto stated no, they don't. Voss stated I just want to make sure of that, so you don't know that. Cheryl Koivisto stated yeah, they for sure do not. And, the Anoka County Sheriff's Department has record of each finding.

Voss stated the other question I have is, I don't think it was in the record but it was the costs that you had to incur. Cheryl Koivisto stated I have vet papers here if you'd like them. Voss stated if you'd like to present it as part of the hearing, you may. Cheryl Koivisto stated you're more than welcome to them. Total bill, the first night, was just over \$300 and the second bill was just under \$100. Voss asked so roughly \$400 in vet bills? Cheryl Koivisto stated yeah, probably just over \$400. You're welcome to a copy if you'd like them. Voss stated okay, if you'd like to give Jack a copy. *(At this point, Cheryl Koivisto provided a copy to Jack.)*

Cheryl Koivisto stated I don't know if you have any more questions for me. Voss asked any more questions? Mundle stated so you stated that on the two separate occasions that the Sheriff's Department does have documentation of that? Cheryl Koivisto stated yes, both times. The second time Jack was in a meeting and so they didn't seize the dog. They came up and wanted to talk to him and later that day when I had talked to the City Administrator, they had said that there was no possibility that the dog was on that property that day because he was in North Dakota. But shortly after, the Deputy sat out in front of his house for several minutes, he loaded himself and his things and left. So at the time he spoke to him, he probably was in North Dakota. Yes, he was there at the time but he's trying to say that he isn't.

Cheryl Koivisto stated I mean, you know what, this is, we've lived at our house for 17 years. His parents have been our neighbors. We have had no problems. He's home, he's home for four weeks, the whole neighborhood is in an uproar over a dog. I mean, the dog doesn't need to be there. It doesn't. He can come and go as he wants, which at 33 years old, he's back living with his parents. Voss asked any other questions?

Ronning stated you said something about the dog was running loose again two different days after. How soon was this after the incident? Cheryl Koivisto stated I believe the following Monday. So if it happened on August 10th it would have probably been on the police report on the 17th. It would also be on the police report on the 24th.

Ronning asked have you had experience with this dog threatening in any way since? Cheryl Koivisto asked myself? Ronning stated anyone in your family that was affected. Cheryl Koivisto stated not since the incident, no.

Voss stated thank you. Is anyone else here tonight for this public hearing? Please come forward and state your name and address for the record.

Joshua Jeppesen stated I live at that address. Voss asked can you just state it? Jeppesen stated 456 196th. All right, so first of all, I'm not even, I get my mail at my parent's house

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but I have a farmhouse out in Keene, North Dakota. I come home for two weeks at a time, two weeks on, two weeks off. Second of all, my dog was not on the leash but he did come out into the street. I was actually selling a vehicle that day and my dog went to go sniff Scott's dog and his dog attacked mine. And mine attacked back. It was a split, like ten seconds, done and over with. I grabbed my dog by the tail because their dog was trying to get at me too and I still have a scar on my leg from their dog.

Jeppesen stated now he wants to bark threats at my parents about if my daughter's even had a scratch that we'd own your house and stuff like that. Well, we don't play games like that. You know? It was a dog situation. It was two dominant males. It was a little scrap. It was nothing big. My dog has marks on him. He has punctures. The Officer took pictures of my leg and asked if I wanted to press charges. I said no, it's just a dog bite, or not even a bite, it was a scratch from the paws.

Jeppesen stated so, I mean, this has just gone way too far. I've had my dog for seven years. He's got his Good Citizens Canine Certificate. I bring him to nursing homes. He grew up with my grandma. I mean, he's been around kids. He plays with cats. I've even got the record, they did a behavior assessment at the vet here. And, I got the document here showing that he didn't have no aggression and they have cats at the vet and other dogs. It was just a dumb scrap out in the front yard, or out in the street that lasted two seconds. Nobody got hurt. I got a scratch, big deal.

Jeppesen stated now they want to say they paid \$400 for a vet. Well, we wrote them a check for \$1,023 and included his pay for his days off claiming he had to carry his dog out to the front yard so it could go take a leak. So, and I was there for those days and that dog walked back perfectly fine. I seen that dog out in the front yard running around just fine the next day. But they say they had to claim the dog needed to be carried out to go to the bathroom. I visually witnessed this. So, we paid them their money plus some just to get this out of the way.

Jeppesen stated my dog has never ever been aggressive. My dog's not aggressive. My parents have dogs that my dog doesn't even really know because I'm never really at my parents. And, he gets along with those dogs just fine too. So, he got, you know what happened was is he went to go sniff their dog and he came around and grabbed my dog and my dog grabbed his dog and I ripped them apart. It lasted, it was like a second, I mean not a second but I mean it was that quick.

Voss stated I understand what happens when dogs get together. Jeppesen stated yeah. Voss stated just so we're clear. It sounds like you've already reimbursed them for their vet bills? Jeppesen stated plus his days off of work. Voss stated but that's a settlement between the two parties. Okay. So to me it doesn't really need to be part of the hearing. But the question I have is, well first question is, and I apologize, I'm bad on names, but the previous testimony was that the dog was loose two other times, at least. Jeppesen stated that's what I heard and I got a call from Jack saying we just got a call stating that your dog was loose and I was almost.

Voss stated I was going to ask you. Was it loose or. Jeppesen stated no, I was in Dickinson, North Dakota. So then my stepdad went and talked to Scott and from the story I heard is, oh, there's another pit bull in the neighborhood, maybe it might have been that dog. Voss stated well, let's not get off track. I'm just, you don't know if the dog was loose or not. That's what I'm asking. Jeppesen stated well I know the dog wasn't loose. I was

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there. Voss stated you were in North Dakota. Jeppesen stated yes, the dog was sitting next to me in my car. Voss stated oh, so it wasn't here in the City. Jeppesen stated no, no, and it's not here right now. I got a farmhouse on 14375 34th Street in Keene, North Dakota.

Voss stated and you were advised the night of the incident by the Deputy that your dog had to be under control. It's a City ordinance that your dog has to be under control at all times. Jeppesen stated yeah, the Officer had told me that and Jack told me that until it was resolved, just keep the dog out of the neighborhood. So I have and it's still sitting out in North Dakota.

Jeppesen stated I come home to visit my parents now for two weeks on, two weeks off because I don't see them much and I haven't seen them in a lot, much, in like 13 years so I've been coming back to visit my parents. Then I go back out to North Dakota because I work on the oil fields. My dog is my 'right hand man.' He goes with me everywhere. He trucks with me and everything. So, he's, you know, when someone tells me they're going to put my little dog down, that's my kid. You might as well say, 'Well, hey, I'm going to take your daughter down too then.' You know? I tried to resolve it with him. A few times he came up and, you know, kept barking at me and kept barking and I said, 'Hey, you know, I'll show you the papers.' I even offered to pay the vet bill. I said, 'Go bring your dog in. I'll pay for it.' I offered everything and it's just been a fricking mess around the neighborhood now. I paid them the \$1,023.54. It says he makes \$318.24 a day.

Voss stated that's beside the point. I mean that's the settlement that you made with, between two parties. Jeppesen stated I'm just saying I want this resolved and to be over with. Voss stated we're focused on the dog aspect of this. Jeppesen stated my dog has never attacked anybody, has never bit nobody, has never went after another dog. I guess the way I look at it is if any one of us got punched, I mean, what are you going to do? You retaliate. And that's what they did. He got bit and he bit back. It was like that. It was probably a ten second deal, maybe 15, and there ain't anyone here in this room that actually seen what happened except the two in the back corner there. They're witnesses. Scott wasn't there. His daughters were there because they were walking the dogs.

Voss stated I don't think we're in dispute of what happened. Jeppesen stated well I, this is all new to me. Voss stated it doesn't seem like we're in dispute that your dog was not in control. You were not in control of your dog. If it was in a public street, you're in violation of City ordinance. Jeppesen stated yeah, because he wasn't on a leash, yes. Voss stated and under control. Jeppesen stated well he was fine if he didn't get attacked. He wasn't the aggressor. That's what I'm trying to say. Voss stated what I'm stating is the reason why we have the ordinance is to keep the dogs under control. And, you failed to do that. Just so we know that.

Jeppesen stated okay, that's duly noted. But what the police report is saying, and even though I offered to ask the Officer, an Officer that was not even there to see nothing, he wants to come up into my driveway and tell me that my dog is aggressive when he wasn't even there to see nothing. He didn't witness anything. Nothing. He just came into the situation. I offered for him to see me and my dog and everything and he's like, 'Oh, no, no, that's fine.' And, he asked me if I wanted to take pictures of the scar on my leg, or the scratch that I had. I was like, 'No, you know, it's no big deal.'

Jeppesen stated we didn't realize that he was going to take it as far as he did. So, we're not trying to play games. We just want it to be over with. We paid him the vet bill plus his

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days off, and we're just hoping this is over. My dog is not an aggressive dog. He's been raised by my grandma, my children, everything. He's not a bad dog and for everybody around here to try to decipher if my dog is a dangerous dog or not when they don't even know him doesn't seem fair. He wasn't the aggressor so, like you said, he went out to sniff the dog. I mean, he was already on the roadside. The dog was three feet over in the middle of the road.

Voss stated but I think you've also got to listen to what she just said. Your dog left the property to go see the other dog. I can see it being interpreted as being aggressive. If it was on a leash, it wouldn't have happened, right? Jeppesen stated well, if he was on a leash, no. But, he didn't go out to attack the dog either. I just want this to be over and we paid him his money and we just want to move on with this. But, you know, I don't even live here and my dog isn't even here. Yeah, so I get my mail at my parent's house because I live in a very rural area and I'm not home a lot of the times because I work on the oil fields. So, I can guarantee I can get my mail. That's about it.

Jeppesen stated so when she wants to sit there and talk about 33 years old living back at my parent's house, I mean. Voss stated let's focus on the issue at hand. Jeppesen stated well, there's been some cheap shots here though. Voss stated well, it's not coming from us so you communicate with us. Jeppesen stated no, I understand that.

Voss stated I guess I have one question and we'll see if other Council Members have questions. But, you say your dog is in North Dakota now. Jeppesen stated yup. Voss asked do you have any intentions of bringing the dog back here at all? Or, is the dog going to stay in North Dakota? Jeppesen stated he usually comes with me but when I talked to Jack, he specifically said, and I actually have it in an e-mail, that hey, if we really thought your dog was a dangerous dog, that we...

Voss stated you're not answering my question. You would like to bring the dog back here? Jeppesen stated well, yes I would. Voss stated okay, that's all I wanted to know. Jeppesen stated yes because I'm actually trying to purchase a house back here in Minnesota because the oil fields are slowing down. So, I've been back home more often looking to purchase houses in the area to be closer to the family. So, yes, I would like to bring him back but I'm just going by what Jack said and just to keep him out of the neighborhood for now until the problem's resolved. Voss asked are there any questions?

Ronning stated if all that works out, you get a home back here, you bring Rebel back with you, what are your plans for maintaining the animal? Jeppesen stated well, he's very well behaved so just being at my parents' house with all the dogs around I think he's curious and just wants to smell around. Right now I've got hundreds of acres out in Keene, North Dakota, and just buffalo and livestock. He just gets to roam around so I think that's what he's used to and that's how he's always been raised. I would probably put a shock collar on him and at least give him a little, maybe, reminder, you know of where his perimeters are. Or, when I do come back out here, we're looking at places out in the country where we have no neighbors so we don't have to deal with other people's issues or people having issues with us. That's what I'm looking for. I'm not looking for a neighborhood. I'm looking for somewhere out in the country where there's property. We've also been looking in Wisconsin too. Out here is not a guarantee. We've just been looking around right now.

Ronning stated you made a comment but could you be more specific what your thoughts are as far as maintaining the daughter, I'm sorry, Rebel, it's not even late. Maintaining Rebel

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and not having something like this happen again, irregardless of where you live. Jeppesen stated well, I guess the thing is I've had him for seven years and I've never had this issue. This is all new to me so I've never had a problem with him, especially around other dogs. He's never been attacked either though. So, this is all new. But, if I do end up in the City, and I know already he's 'red flagged' so obviously I'm going to have to do something. Put maybe an underground fence wherever I end up, or keep him on a wire line or something. But, he's my baby and he's always kind of had free range and been able to roam and he's never ever caused any problems and he never goes too far either. So I think this particular incident is just the dogs in the neighborhood and he's curious and wants to smell around.

Ronning asked do you agree with the Sheriff's report that you stated you were outside working on a van? Jeppesen stated I was actually selling a van. Ronning stated and that your dog Rebel was outside in the yard, he saw Rebel walk over to the other dogs, and just thought they were going to sniff each other. You've implied that earlier. Jeppesen stated yeah.

Ronning stated and that Rebel and Cooper latched onto each other's back legs. Asked about the injuries, didn't have any. The thing that's missing that I think is usually included in the Sheriff's report is they made an offer, and I'm not challenging one way or another, they made an offer to take the picture or something, to document your injury, some such thing, and that the person declined. Jeppesen stated yeah, he goes, 'Did anything happen to you.' And, I was like, 'Well, I just got a scratch.' And he goes, 'Well, do you want me to take pictures and all of this?' I'm like, 'No.' I just showed him, it's like, it's just a little scratch. You know, it's dogs. I didn't think it was going to go this far. It wasn't a big deal. And, he's like, 'Are you sure?' I said, 'Yeah.' And he said, 'Okay.' And I said, 'Do you want to see my dog? He's inside.' The Officer's like, 'Oh no, that's fine.' He goes, 'Look, just make sure you keep your dog on a leash and, you know, everything will be fine.' And then all of a sudden, I get a call from the City here and then it just resolved into where I'm sitting right now. I didn't ever expect it to get this far.

Koller asked who is Dawn Hesselgrave? Jeppesen stated that is my ex. She's got all the vet records for Rebel and I didn't realize that he was. Koller stated oh, it lists her as owner. Jeppesen stated yeah, she's under the vet records for our dogs so I wasn't getting the mail that, I didn't realize he was a year off from his rabies shots. And, he's had two priors before that but he had been a year expired. So, when I brought him to the vet, it was under her name so I never got no notification saying Rebel needs this or that. So I got everything taken care of. But before the incident, he already had two prior rabies shots. So I updated his last one and gave him his distemper, which is just kind of a disease that dogs get.

Voss asked is the dog licensed with the City now? Jeppesen stated no because I'm not part of the City. The dog's not in the City. I come here to visit. Jack told me if I'm going to be here and I'm actually going to be a resident to this City, to make sure my dog gets licensed before I come back. But then he told me until the situation's resolved, he goes maybe you might want to leave your dog somewhere else. So, if he can't even be here, I didn't see the reason why or how I should license him. Voss stated okay. Any other questions for Mr. Jeppesen?

Harrington stated I just want to say that I'm a dog owner and I follow City ordinances. My dog's leashed and I have a shock collar on it. I don't want to see anybody lose their dog but, you know, you've got to be responsible for that dog. Jeppesen stated oh yeah. Harrington stated that's my biggest thing. Jeppesen stated yeah. Like I said, I've had him

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for seven years and I've never had an issue. He's a big baby. That's why I offered the Officer to meet him that day. Because right now, the Officer's telling me it's a brown pit bull. I mean, that's all he knows about my dog. He doesn't know anything else. He didn't see the incident. He doesn't see how my dog was. I brought my dog into the vet and they did a behavior assessment on him and they gave him his shots and they even made a little report here about how well behaved, no aggression, does tricks, is on commands, listens well to strangers.

Voss stated again, you say you know dogs. You've had dogs. I've had dogs my whole life too. And the reason why we have these leash laws and ordinances in the City like this is when two dogs get together, things like that can happen. Just in a second. I've broken up more dog fights, my own dog hunting, than I ever want to remember. And in a City environment, when people can't have control of the situation, that's why a dog's got to be controlled. It's the owner's responsibility. You can say, you know, you've had the dog for 15 years and it's never done a thing. All it takes is one incident and that's why we have these rules.

Jeppesen stated the City of East Bethel has these rules but you can go into our neighborhood any given day and see 20 dogs off their leash running around. Voss stated but we're talking about the situation that you have control over. You have control over your dog. Jeppesen stated like the Officer said though, you know, he goes, 'Well, your dog is suppose to be on a leash at all times, City of East Bethel ordinance, whatever.' You look around the neighborhood and everyone's dogs running around the area.

Voss stated but that's a different situation. We're talking about your situation right now. You need to have control over it. Jeppesen stated dogs come into our yard too but we don't care. We don't care when their dog comes into our yard and craps. Voss stated what I'm trying to convey is the reason why this happened is because your dog was not under control. Do you disagree with that statement? Jeppesen stated in a way, yes I do, because my dog might not have been on a leash but he was not the aggressor. So if either of these dogs weren't the aggressor... Voss stated if your dog was on a leash or within an electronic dog fence, would this have happened? Jeppesen stated if he was on a leash, then probably not, no. But, they're trying to claim my dog is the aggressive dog here.

Mundle stated I believe the definition for that was because your dog was on public property, not on a leash. The other dog was on a leash so by that definition, just by that definition, that's why they're saying that. Jeppesen stated yes, and I understand that.

Ronning stated your dog left the property to go to the other animal. Jeppesen stated yeah, it was probably about three feet and went over there and just sniffed the dog and then got nipped and then my dog nipped back, and it was over with.

Voss stated that's my point. Things happen with dogs and that's why you have to control dogs at all times. Jeppesen stated no, I get what you're saying.

Ronning stated there isn't always a first time but there was this time. Jeppesen stated yes, exactly. Ronning stated so you have to be prepared. You mentioned a behavioral report. Is that something you want to enter into the record with Jack? Davis stated it is included in your packet. Jeppesen stated okay, so you got that because I know the police took all the paperwork because I had to get copies again.

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Voss stated okay, is there anything else you'd like to add? Jeppesen stated um, no that should be it. You know, I just don't want my dog to be deemed a dangerous dog in the City of East Bethel. As I said, this is all new to me. I've never had to deal with this before so I just, you know, I just want this resolved and I'm hoping both parties are happy and he's been paid and he's been paid more than what the vet was. So, I just want this to be over with. And, yeah, you know, my parents have lived next to them guys for many years and we all live close to each other. No one wants to have hate towards their neighbors or any, you know, static. We just want this over with. So, that's pretty much it.

Voss stated okay, thank you. Is there anyone else here tonight wishing to comment? Yes, please state your names and address.

Scott Koivisto, 445 196th Lane, stated I was to my dog approximately a minute to a minute and a half after the occurrence. He was laying in the blacktop, straight out. Mr. Jeppesen and some other gentlemen were over him and my daughter was standing there so I didn't actually see the dog bite him. At that point, I picked the dog up, brought him back to my house, went inside where my wife took him to the front to check to see how bad things were. At that point, I left, went back over to him standing in the street, told him that he had about a half hour to prove rabies vaccination and if he couldn't prove it, I was going to call the Sheriff's Department. I could tell by the look on his face and his comments that he made that his dog wasn't current on rabies vaccination and I was right.

Koivisto stated as far as any verbal confrontations or communication between him, he has not been over to my house once. I haven't spoken a single word to him. He has never offered to pay for anything. His stepdad came over to try to make amends because we've lived across the street from each other for 17 years. He's never made even an inclination to come over and say that he's sorry that his dog attacked my dog.

Koivisto stated as far as I'm concerned, I hate to see anybody lose their dog too but you know what, if that dog comes back into the neighborhood, and he's not controlled, and he's already broke that rule two times. And actually as far as that goes, I can show you on a camera picture of his dog coming across the field directly across from my driveway. So, if there's any, you can make the dog out, you can make two of the dogs out. One is a black lab, one was his pit bull.

Koivisto stated when I came back over to ask him about the rabies vaccination, I told you I knew that he was lying to me. Voss stated Scott, can I interrupt you. Can you move the microphone back towards you? Koivisto stated when I came back and I knew he was lying. At that point I told him, 'You know what. I hope things work out.' And, at that point I left, went back over, called the Sheriff's Department because I knew that at that point it was going to be a moot.

Koivisto stated his dog, my vet measured the bite marks on the inside of the leg were four to five centimeters deep. That almost went all the way through my dog's leg. As far as my dog biting him, he should have documented that because what he's telling you guys is nothing. And, without no pictures and proof or anything else, whatever. His record isn't the top as far as it goes anyway. Just so you know. My daughter was there and I would like her to tell you exactly what she seen happen.

Ashley Koivisto, 445 196th Lane, I was holding the leash and I was walking my dog on the complete opposite side of the street, practically in my neighbor's yard. And, his dog came

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out from like the middle of his yard into the street. It was not like three feet. It was more like 40 feet. And, he came right out into the street, practically circled my dog. My dog did growl but he did not bite his dog. He did not. He was like complete opposite. My dogs head was here (*indicating with her left hand*) and his dog's head was here (*indicating with her right hand*). When my dog growled, he latched onto his leg and he (*indicating towards Jeppesen*) then came over and pulled his dog off after I'd gotten in-between the two of them. And, he just pulled him off and my dog was yelping so loud that he (*motioning towards her father*) could hear my dog in the back yard, across the street.

Ronning stated you stated that the dog came out to meet you when you were walking. How did the dog come out? Was it just all casual walk? Or, quickly? Ashley Koivisto stated it, he wasn't like running but he wasn't like walking slowly. It was more of like a jog. So he wasn't running out. I didn't think he was going to attack my dog. I continued walking because I didn't think it was going to be a big deal. But, when he (*indicating towards Jeppesen*) called his dog, his dog did not listen to him. The dog continued on and that's when.

Ronning asked there was a call to the dog before the incident? Ashley Koivisto stated yes. Ronning stated when the dog came out, did you notice how the ears were? Or, hair on the back? Ashley Koivisto stated he kind of got into a stance, Rebel did. Like he kind of stopped and he kind of, he didn't really move, he just kind of stopped and my dog stopped. That's when Cooper growled and he latched onto the back of his leg. Ronning stated thank you.

Voss asked any other questions for Ashley? Anything else you'd like to add? Okay, thank you. Yes, please come forward. Name and address please.

Leann Nelson, 19721 Fifth Street NE, stated so I'm just around the corner from this road. I walk every day and, first of all, I want to say I did not witness this. What I am responding to is what I have heard tonight from Joshua. There's a big point that I want to make as a dog walker in the neighborhood, there's a lot of things I agree with Joshua on. Number 1, your pet, it's your baby. It's like a child, and it's very important to you. But the other thing that I want to, and there are dogs that are loose. They are not on leash. There are some that are more controlled than others. The ones that are not on leash are problematic.

Nelson stated so the big point I want to say, as a walker through a neighborhood, the ones that are not on leash or not in a dog fence that come out of their property onto a public area, doesn't matter whether they are aggressive or not. The point is, you don't have control over that dog the minute it walks away from your property. And, your dog doesn't have to be aggressive. Who's ever walking down that road, their dog could be aggressive. One of the number one rules in dog training is you train your dog that it is not suppose to walk up to other dogs and go sniff it in the face or do any of that stuff because you can have an aggressive dog that it's coming up to sniff. Therefore, that dog is going to protect its owner or it's going to protect itself and it will attack.

Nelson stated again, I didn't see this. I don't know. But as a person walking through a neighborhood, when I hear Joshua say, you know, I'm just here visiting, so number one you're bringing a visiting dog. Number two, it doesn't sound like you really believe in controlling your dog and understanding it needs to stay in your yard. Whether it's with a leash or with a dog fence. I'm not hearing that.

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Nelson stated I do know that if you want to do shock collar training, you have to train that dog on a leash first to even get to a shock collar and that takes time. That's not an overnight solution. So, I get a little concerned when I'm hearing that, maybe I'll put a shock collar on, maybe I won't. I don't want somebody to lose their dog but as a walker in a neighborhood, I personally need people to have control of their dogs. And, it can be a little, bitty, tiny thing that runs out in the road and if it's going to run into an aggressive dog, there's going to be a dog fight. Whether it's a curious dog and if it's an aggressive dog on an aggressive dog, you've got a real dangerous situation.

Nelson stated the point of the matter is, the person walking has an aggressive dog or the one coming out of the yard is aggressive. You've got people then who are trying to decide do I break this up. Now you've got people in danger. And, the younger, the worse it is. I've had toddlers running down a road trying to get their dog. And, there's cars coming on a busy road. That's a dangerous situation. Now, a toddler's in danger. So, bottom line, it gets down to control and it gets down to do you have control over your dog. If it's a service dog, certified, they're not suppose to be approaching other dogs. They aren't suppose to be aggressing because that's how you get certified in the first place to be a service dog. I know this because I'm investigating this for myself to be able to have a therapy dog. That's a bottom line requirement. So, that's my feedback and input. Thank you.

Voss stated thank you. And, just one thing for clarification too, just for everyone's sake, the shock collar that you control is not a simple means of, under our ordinance, control a dog. So, it's not. Nelson stated oh, it's totally understandable. Especially when you've got a powerful dog. Personally, I have been rushed by the other pit bull in the neighborhood. And, the other pit bull can be leashed up but his leash is not strong enough to even hold him. And that's why. I understand he breaks free and he has stood me down on a road and I've had to turn around and walk the other direction and get the heck out of there. And, so, I have seen that one as well. But, once again, I did not witness this.

Voss stated okay, great, thank you. Anyone else tonight here wish to speak to this matter? If not, we'll close the hearing. Thoughts? Harrington stated well I've just got a comment Steve. Voss yes, will you please come forward? I'll reopen the hearing.

Jeppesen stated I agree with a lot of what she said and the Anoka Sheriff Department told us to not approach Scott at all and that was the reason why we didn't go over there and talk to him. So I just want to clarify that because we were told not to go over there at all until the matter was, you know, taken care of. Because, I wanted to go over there and so did my stepdad. I was out of town when my stepdad ended up bumping into Scott. But, we were told to stay clear from him. So, I just wanted to clarify that. So, we were just trying to abide by what we were told by the Sheriff's Department.

Voss stated okay, I'll reclose the hearing.

Harrington stated I just wanted to make a comment Steve, and inform everyone. We do have animal control and people can call and she will come out. Voss stated but you should call 911. Harrington stated call 911 but I mean we do have animal control. They're talking all these loose dogs that are out and running around in their neighborhood. They have a right to call.

Ronning stated this is a tough consideration. There's a situation that is documented as having happened. Whichever one is the cause of the situation is not here so it's at the

4.0B

present resolved. The issue would be what the future holds.

Dangerous

Dog Hearing

Joshua

Jeppesen

456 196th Ln.

Voss stated well, yeah, I agree. I think the primary purpose of having this hearing is to make sure it doesn't happen again. Ronning stated yes. Voss stated it seemed to me the root cause of this is the dog wasn't under proper control. We've had these incidents where both dogs have been loose, you know, things like that. Or, dogs attacking people. I've seen, I don't know how many times in my neighborhood, my own dogs hunting, you know, things happen. But what we don't want to happen is, we want people going through neighborhoods not to feel uncomfortable.

Voss stated so, to me, my suggestion on this, I'll just throw this out and we can go from there, is to find the dog dangerous with restrictions. That's going to be dog under control, if the dog is going to be here more than 30 days out of the whole year that dog needs to be licensed, it's a free license. So that way, we'll have record of it. And that the dog should be micro-chipped. It's pretty common to identify the dog. It seems to me that there's been restitution on cost, which is part of it. Then it becomes a permanent record, the dog's on record as having one incident. I think it would be different if this had happened in the past, documented in the past. Ronning stated it sounds like very good resolve.

Mundle asked can you repeat that? Voss stated the dog's either got to be leashed or a dog fence. Mundle stated but it would be a dangerous dog. Would they have to fulfill all the requirements 1 through 10, I believe it is? Voss stated correct me if I'm wrong, but we have levity on terms of how many of the restrictions we have. Ronning stated correct. Voss stated my suggestion is just these. Mundle stated okay, that seems reasonable. An incident happened and I don't think it's enough to warrant putting an animal down.

Ronning asked is there any need to define the control, the mechanical control? Voss stated well, it's leash or electronic fence. Ronning stated okay, or tethered. Voss asked Jack, do we have any monitoring programs that we do for previous incidents with dogs? Do we check on them from time to time?

Davis stated we can. We don't have too many of these incidents that go to this degree. I think your recommendations are sound and we should identify, number one, that the dog must be maintained within a proper enclosure and that's defined in City Code under Section 10-70. And if the dog is off the property, it must be under control either by a leash that's no more than six feet long and must be muzzled. That's one of the other requirements that can be imposed upon the dog also. And, it must be under the control of somebody that's 18 years of age or older. The microchip is a common thing and it's probably good as this will be documented so if there's ever another incident, then we will have this on record. Voss stated that's why I we microchip.

Voss stated my view is the one requirement and I agree, off property the dog needs to be on a leash. I don't agree with your recommendation of muzzling the dog. If the owner's truly controlling the dog you shouldn't need a muzzle. From what everyone has said is this behavior hasn't happened in the past. If the dog has been constantly aggressive I'd consider that.

Voss stated I'll make a motion that the dangerous dog designation be sustained; the dog be registered with the City; be licensed with the City if it's going to be in the City for more than 30 days in a calendar year. Voss stated no, strike that, license the dog because it's a free license; if it's off property it's on a leash and under control by the owner or

4.0B

Dangerous
Dog Hearing
Joshua
Jeppesen
456 196th Ln.

someone older than 18. Davis stated and it must be, if it's on property, it must be enclosed by proper enclosure. **Voss stated proper enclosure, leash, or electronic fence.** Mundle asked and micro-chip? **Voss stated and micro-chip.** Sorry, I can't say things twice, just once. **Mundle stated I'll second that.** Voss stated a motion's been made and seconded. Is there any discussion? Hearing none, all in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

Voss stated I'd encourage you, Joshua, to talk to Jack and he'll get you lined up. And, I think to the neighborhood, obviously everyone knows of the incident and if you have other incidents in the neighborhood with loose dogs, feel free to contact the City, contact the Sheriff. Because I walk too and I know that dogs run loose in my neighborhood and it can happen to anyone, particularly if you have a dog. We just don't want things to happen like this. Thank you everyone.

4.0C
Sheriff's
Report

Commander Shelly Orlando presented the August 2015 Sheriff's Report of custodial arrests and significant events.

DWI's: There were three DWI arrests in August. One arrest occurred as a result of a vehicle hitting a squad, which was stopped at a stoplight, waiting to turn eastbound from Highway 65. The vehicle sideswiped the squad and kept traveling south. The Deputy was able to catch up to the vehicle and stop it. The male smelled of an alcoholic beverage and was unable to perform field sobriety tests. The male refused to take a breath test; however, the Deputy who was struck was having some back pain as a result, so a search warrant was obtained for a blood draw. The male is charged with felony criminal vehicular operation as well as felony DUI. The test results have not come back yet. The second DWI arrest was a result of a Deputy witnessing a driver run a red light. The driver was very nervous, upon being pulled over and said he had been chased by a motorcycle club and was worried that the Deputy was not a real Deputy. The male failed field sobriety and admitted to using methamphetamine. The male did submit to a urine test. The final arrest was the result of a male who had driven off the roadway and crashed into a cable box. The male advised he had three drinks after work and was on his way home. The male did submit to a breath test and showed a blood alcohol content of .19.

2nd Degree Assault / Terroristic Threats / Domestic Assault: On August 10, 2015, a delayed assault report was made with a Deputy regarding an assault that had occurred five days prior. The female victim reported her live-in boyfriend had been acting strangely and she thought he may have been on methamphetamine. She advised he was very angry with her and took away her cell phone. She advised he held a knife to her throat and threatened to kill her and then himself. The male then calmed down and left the room. The male wouldn't allow her to leave the residence that day. The next day he left and she found a ride to leave as well. She had instructed the suspect's mother to call the police and tell them about the suspect taking her cell phone and her car. The suspect's mother did so, but did not mention any threats or threatened assault (as the mother was unaware of it). The victim decided to get an order for protection and contacted the Deputy to find out why no one had contacted her about what had happened. The suspect was unable to be located and an arrest warrant has been issued for the incident.

Burglary: On August 11, 2015, Deputy Bolles was contacted regarding a burglary that had occurred on August 10, 2015. The homeowner reported she had found her son's window pried open with the screen off. She then noticed that a safe containing \$11,000 was missing. The homeowner reported she believed the suspect to be her son's friend, whom

4.0C
Sheriff's
Report

she had seen driving in the neighborhood on the 10th. Deputy Bolles recognized the suspect name as someone whom a welfare check had been requested after a melee in the St Francis McDonald's parking lot in the very early hours of August 11, 2015, due to a large fight involving several people taking place. There was no one in the lot upon the Officer's arrival to the call. Deputy Bolles met with the homeowner/victim who reported she had been at the McDonald's with her son around 2:00 a.m. to meet with the suspect. A few of her son's friends also happened to be there and agreed to "back up" her son if necessary. The suspect denied taking the safe; however, it was located in his backseat. Several males then began breaking windows on the suspect vehicle. The victim was able to recover the safe and about \$9,500. The suspect told her he had spent the other \$1,500. The suspect was known to the victim to be homeless and a drug user. The victim and her son took the items and left. The suspect ended up going to the St Francis Police Department a few hours later, not making any sense. Deputy Bolles did have St. Francis detain the male until he could arrive there and make an arrest. The victim reported she had not involved law enforcement initially, as she just wanted to get help for the suspect for his drug addiction.

Possession of Stolen Property: On August 26th Deputy Nelson conducted a traffic stop on a slow moving vehicle traveling on the shoulder of Highway 65. The driver was revoked and neither of the two passengers had a valid drivers license. The vehicle was also missing its rear tire and was down to the rim. The driver also advised he did not know if the vehicle was insured or what company it would be insured through. The Deputy cited the driver for driving after revocation, driving without valid insurance, and advised that he would be towing the vehicle. The driver and two passengers advised they were going to walk to a nearby establishment and left. Deputy Nelson was conducting an inventory search of the vehicle, and located two shotguns lying on the floor behind the front seats. Deputy Nelson also located a large amount of power equipment. Deputy Nelson contacted dispatch to run the firearms and the dispatcher advised that these firearms sounded similar to firearms that had been taken in a Spring Lake Park burglary a few days ago. The firearms were then confirmed stolen. Deputies then began to search for the three that had walked away. They located the two passengers and advised the driver had fled into the woods. The male passenger who had been sitting in the back seat was taken into custody. The female passenger who was in the front seat was turned over to a Spring Lake Park officer for questioning. The driver was located a short time later at the establishment and taken into custody.

Arrest Breakdown: Felony 6: 1 Fifth Degree Controlled Substance, 1 First Degree Burglary, 1 Terroristic Threats and Second Degree Assault, which were the same incident, 1 Possession of Stolen Firearms, 1 for Aid and Abet Possession of Stolen Firearm; Misdemeanor 6 arrests: 1 Violate Harassment Restraining Order, 1 Harassing Communications, 1 Violation of Order for Protection, 1 Underage Consumption, 1 Unattended Rec Fire.

Voss asked questions? Koller asked how was the open house? Orlando stated as you are very aware, it was a very busy night for us. Voss stated it was incredibly busy, holy smokes. Orlando stated we had about 1,500 people, we believe, come through in that three hour period. So, it was very well attended. It went really well and, thankfully, we had good weather and that kind of thing.

Koller stated I got there about 4:30 and you couldn't park with half a mile of the place so we gave up. Orlando asked so you gave up? Koller stated yeah. Orlando stated that's what I would have done. But, I couldn't believe the people just coming and coming and coming.

4.0C

Sheriff's

Report

I thought where are they all coming from?

Voss stated I think you mentioned when I came in at 5 that you already had 500 people by 5 o'clock. Orlando stated yeah, it was huge. Voss stated that's incredible. It's a good thing. Orlando stated it was amazing to me but I just thought, 'Why are you all coming here? It's a beautiful night out.' Voss stated and you have this annually. Orlando stated we do have this annually. Voss stated and I assume you'll have it next year. Orlando stated so we will be having it next year. The Sheriff's Office does have a Facebook page so I think that information is put out on there a month or so beforehand that this will be coming up.

Voss stated for residents who did not make it to yesterday's open house, it was very interesting to see just what our Sheriff's Department does. I guess the strength of the Sheriff's Department was kind of displayed there. Orlando stated since I work in that building, it's just the building that I work in. But to the citizens coming in and all the different divisions we have, I guess it's interesting because they keep coming back. Voss stated it is very interesting.

Orlando stated usually around this time of year we have it and it's typically three hours in length. I think yesterday was the most well attended one we've had so far. Voss stated you may need to make that more than three hours next year. It's a good thing. Orlando stated it's taxing on the employees though.

Ronning stated if you know the answer, the second one, Terroristic Threats, the guy is missing. Did she get her car back? Orlando stated that I do not know. I don't know if the car was recovered or not. Typically what we do with any kind of domestic assault where the suspect is gone on arrival, they get a complaint warrant signed so it's not just the complaint charging them with a domestic assault. Obviously this one is more, is a higher level, because it's felony level crimes there. But, even on a misdemeanor domestic assault, they'll get a complaint warrant signed. So they get the complaint and attached to it is the warrant so that can be, if he is found or stopped by the police anywhere in Minnesota, that's going to pop up that he has a warrant out for his arrest based on that domestic assault.

Ronning asked you used to call that a bench warrant? Or something? That's what I'm familiar with. If somebody is stopped for anything, there's a warrant. Orlando stated but it's actually the actual complaint charging him with the domestic assault besides just the warrant. Ronning stated thank you.

Voss asked anything else from Council? Any questions from the public for our Sheriff's Department tonight? Orlando stated and I do have dogs. Voss stated you know, it's East Bethel. We either have dogs or trucks or both. Orlando stated I do have one that's part pit bull and she's a really good dog but I've taken her to obedience class for the last year that I've had her. So, she's good. But, I know that if a dog goes running into the street it's probably not a good thing. So, keep your dogs locked up. Voss stated all right, thank you.

5.0 Public Forum

Voss stated this is the time of the meeting where we allow members of the public to come forward to address Council. There's one person signed up. David stated she has since left so she will not be speaking. Voss stated okay, is there anyone else here tonight wishing to speak before Council? If not, we will move on to our Consent Agenda.

**6.0
Consent
Agenda**

Item A Approve Bills

Item B September 2, 2015 City Council Minutes

Meeting minutes from the September 2, 2015 City Council Meeting are attached for your review and approval.

Item C Resolution 2015-53, Authorizing the Elimination of an Interfund loan

The City created a revolving loan program to assist Commercial business’s costs associated with connecting to the City’s utility system. In order to provide initial funding for this program, the HRA loaned funds to the EDA in which were then borrowed by business’s utilizing the program. Staff is recommending that Council approve the EDA paying off this loan (\$46,652.12) with the HRA in full. This is strictly an accounting measure designed to have only one entry in our system. This is a bookkeeping procedure and will not involve any new City funding. The City’s Auditing Firm has been advised of this request and has no issues with this action.

Item D Pay Estimate #1 for the 185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project

This item includes Pay Estimate #1 to Peterson Companies for the 185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project. This pay estimate includes payment for erosion control, clearing and grubbing, bituminous pavement reclamation, earthwork and storm sewer construction. Staff recommends partial payment of \$213,762.91. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 225,013.59
Less 5% Retainage	<u>\$ 11,250.68</u>
Total payment	\$ 213,762.91

Payment for this project will be financed from the Municipal State Aid Construction Fund. Funds are available and appropriate for this project. A copy of Pay Estimate #1 is attached.

Harrington stated I’ll make a motion to approve tonight’s Consent Agenda. Koller stated I’ll second. Voss stated 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 Davis presented the staff report indicating Lex Reinke from First State Tire in Isanti gave a presentation on tire derived aggregate and how it is used in road construction. Examples and locations of the use of this material for construction roads in areas of poor soils and high water tables were provided to the Commission.

7.0D.1

September

Report

This is an alternate method of construction that has useful applications in areas where roads must cross wetlands. The cost of this construction is generally comparable to that of normal construction in areas with suitable soils.

This method of construction has been and can be a consideration for Phases 1-4 of the City's Service Road Plan for the Sewer District.

8.0**Department Reports**

8.0A

Community

Development

None.

8.0B

Engineer

8.0A.1

Castle Towers

WWTP

Report

(Note, this item was considered following 8.0E.1, Recycle Center Grant)

Davis stated as you noted in your packet, there is no written report for the Castle Towers Waste Water Treatment Plant Decommissioning Project. The reason for this being is that meetings we've had with contractors were postponed and some of the information we received from the contractors hasn't been received or was only received last Monday.

Davis stated we have met with a local contractor to provide us an alternative method for sludge disposal and that would be for pumping the sludge out and then removing it. The advantage to this is that it only has to be handled one time. The disadvantage may be that it may require more truck loads of material to come out of there. We're waiting for this person to give us a price for that so we can compare it with the dry and haul method.

Davis stated we did talk with the low bidder of this project when we took bids back six weeks ago. And, we told him that we would be back in touch with him to negotiate this if the City got the permits. They gave us a price of \$188,000 for the removal of 5,900 cubic yards of sludge. It just doesn't include any costs for the liner removal or any other work.

Davis stated we feel that this cost is exorbitantly high and we wouldn't recommend that we pursue awarding this to the contractor. In discussions with the City Engineer, we feel that we can hopefully get the whole project done for about \$150,000. What we would like to do at this point is get authorization or direction from City Council to continue to work with some other area contractors to get some firm prices.

Davis stated one thing we're working against now, though, is the weather. If we're going to do the dry and haul method, we need to start actually moving some of the material so it can be de-watering itself. And, if we do the pump method, that can be done in the spring. But, we do have a shorter window in the spring. We do have a tentative agreement with a local land owner to do land application, which would be about a five mile round trip haul. So, we think that we've got a lot of things narrowed down. Now we just need the cost and which method we're going to use to pursue the removal of the biosolids from the Castle Towers Waster Water Treatment Plan lagoon. Craig, do you have anything else to add on that?

8.0B Jochum stated no, just that we are still continuing on the permit with the MPCA for the land
Engineer application.

8.0A.1

Castle Towers Ronning stated what you said about direction, is that a motion? Davis stated I hate to ask
WWTP for approval but what we would like to do is seek some type of direction or authorization to
Report continue to work on this project and pursue the most cost effective approach to do this. One
of the things that we would like to do is if the pumping method is cost prohibitive, and
correct me if I'm wrong Craig, we think we can complete the dry and haul removal for less
than \$100,000 by utilizing the City's general contractor and subcontracting the various
phases of this out. But in order to do that, we need to get in there and start doing some
work within approximately the next ten days or no later than two weeks to start windrowing
this material so it will start drying so we can do the load and removal in the spring when
road restrictions are lifted.

Voss asked for that work Jack, is that something we will do internally with our own
equipment? Or is this something we have to subcontract? Davis stated we will subcontract
most of it.

Ronning stated I'll move to authorize City staff to investigate options to bring back to the Council for accommodating decommissioning the Castle Towers Waste Water Treatment. Does that do it? Davis stated yeah, to some degree. However, our next City Council is not until October 7th. We have three weeks now between our next scheduled meetings. I'll let Craig comment just a little bit on the schedule and the timetable. If we pursue the dry and haul method, which means we're going to mechanically take the sludge up out of the lagoon, windrow or stockpile it so it can dry over the last part of the fall and in the winter. In the spring, when it thaws out and the road restrictions are lifted, then we can actually begin the actual removal and trucking of that material off site.

Jochum stated yeah, I think mostly what we're asking for is to try to get a firm quote yet on the pump and haul method, which we haven't been successful with yet in getting a firm number. But if that doesn't happen in the next week or so, authorization to at least get a subcontractor, maybe by the hour, to start pushing and windrowing some of this material in anticipation of drying and hauling it.

Voss asked do you want to continue with your motion? I think the answer is it is not what Jack wanted to hear. Ronning stated yeah. Davis stated some more detail, if you could to include Craig's comments. **Ronning stated authorize City staff to pursue methods to decommission the Castle Towers Waste Water Treatment by means of the dry and haul or pump and haul based on cost. Harrington stated I'll second.** Voss stated any discussion?

Harrington stated one question on the money. That's coming out of the bond money we have left over, right? Davis stated the funds to pay for this, we have approximately \$200,000 left in a bond fund account that was issued for this project and those will be the funds that will be used for the decommissioning of the plant. Harrington stated thank you.

Voss stated so, question. If I put it this way, that right now we think that the dry method we can get it for under \$100,000 to do it. Is that what you're saying? Davis answered that's correct. **Voss stated I'd move to amend the motion to say that unless City staff can find a more cost effective liquid method, that's going to be less in cost than the dry method, we just go ahead with the dry method.** Is that a clear enough direction? Ronning asked is

8.0B that a friendly amendment? Voss stated that's an amendment. Is there a second to the
 Engineer amendment? **Ronning stated second.** Voss asked is that more clarity? Davis replied yes.
 8.0A.1 Vierling advised to vote on the amendment first. Voss stated to the amendment, all in favor
 Castle Towers say aye. **All in favor.** Voss stated opposed? **Mundle stated abstain. Harrington, Koller,**
 WWTP **Ronning, and Voss-Aye; Mundle-Abstain. Motion passes.**
 Report

Vierling stated and now vote on the motion as amended. Voss stated to the motion as amended, all in favor say aye. **All in favor.** Voss stated any opposed? **Mundle stated abstain. Harrington, Koller, Ronning, and Voss-Aye; Mundle-Abstain. Motion passes.**

8.0C None.
 City Attorney

8.0D None.
 Finance

8.0E Davis presented the staff report indicating on June 10, 2015, the City of East Bethel
 Public Works submitted a request to Anoka County Recycling and Resource Solutions for additional
 8.0E.1 funds for repairs and improvements to the City Recycling Center located at 2761 Viking
 Recycle Boulevard NE. These repairs and improvements will upgrade not only the functionality but
 Center Grant also the appearance of the Recycling Center.

The funds requested were for doors, equipment tires, gutters, gutters and downspouts, replace the existing wood double swing gate with chain link, and four self dumping hoppers for recyclable materials. The estimates received for these items totaled \$13,698.96. Sue Doll, with the Anoka County Recycling and Resource Solutions, notified the City on September 9, 2015, that the grant for the work had been approved and that additional funding of \$11,301.04, or up to a total of \$25,000 was available.

As a result, we hope to be able to add the chain link fence described below to this year's improvement project.

The next phase of improvements at the Recycle Center will be for the following items:

1. 460 feet of 8-foot high chain link fence, which we hope to be able to accomplish to be done with this year's money;
2. Potential addition of 1,400 square feet;
3. Approximately 20,000 square feet of paving; and,
4. Exterior improvements to improve the aesthetics of the building.

Bids for all this work will be obtained and then presented to Anoka County for approval of this additional grant request.

The repairs and improvements would be totally funded by a grant from Anoka County and no City funds would be required for the work.

City Council is requested to approve these grant funds for the improvements to the Recycle Center.

Voss stated questions? On the agenda, before that, we had the Engineer's Report on Castle Towers? Davis stated if you could, we'd change that up or we could go back to it now. Voss stated that's fine. Davis stated do you want to act on this request to approve the

8.0E.1 submission for this grant? Voss stated I apologize, I didn't see that action was required. Recycle It's on the next page, okay. Staff is requesting approving a grant to fund improvements to Center Grant the Recycle Center.

Mundle stated I'll make a motion to approve the grant funds for the improvements to the Recycling Center. Koller stated I'll second. Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.**

8.0F DuCharme stated good evening Council, Mayor. So, this is the August 2015 Report I have Fire for you and it's in your packages. The month of August we responded to 33 emergency Department calls. Of those 33 emergency calls, 20 of those were medical related. Of those 20 medical 8.0F.1 related, 19 were actually transported to hospitals. Actually, August was our slowest month August of the year so far. Maybe a little bit of help, we'll trend down a little bit. As I said, we Report responded to 20 medical calls and of those 20, 19 we assisted in loading patients to go to the hospital.

DuCharme stated on our inspection report, we've been out inspecting. We try to get to all the businesses once a year. We average about 110 inspections per year. Some of the ones I'd like to note is Builders by Design, they do have the new sprinkler system that's been put in that new building of theirs. It's state-of-the-art. That whole building came out really, really nice. The other notable inspection is Emergency Response Solutions. They're actually a vendor for the Fire Service. The City has used them before as one of our vendors and they're moving in the building right on the corner of Viking and... Voss stated oh, that's what the construction was. DuCharme stated right, that's what's going on there. DuCharme stated so we've been working with them on plan reviews and so forth.

DuCharme stated a couple items because I'm actually not scheduled to be before Council before this, but our Fire Prevention Open House is Saturday, October 10, and that goes from 10 o'clock in the morning until 2 p.m. The Lions Club and the Royalty will be there to assist us with hotdogs and chili and then we always have our annual Chili Cook Off Contest. So, it's usually a pretty good day. Firefighters right now are lining up, you know, who's going to be there so I don't have quite the itinerary put out.

DuCharme stated then also, Fire Prevention Week is actually that week of the Open House, basically from October 5th until the 10th so we will be in the schools. We haven't finished our public education schedule yet with the schools but we'll be getting that back. Most likely we'll be in the schools the Thursday, Friday, and Saturday, which is the 7th, 8th, and 9th. And we usually have an opportunity to meet up with 500-600 kids and give them the Fire Safety message.

Ronning asked what was the time on October 10th? DuCharme stated 10 o'clock in the morning until 2 p.m. And, if any Council would like to join us in the Chili Cook Off, we'd entertain that too. Voss asked are you looking for judges? DuCharme stated well, we never know who we're going to judge because we never know who's there. Voss stated I never get involved with that. Ronning asked do you have the Chili Contest at a Fire Department on purpose? DuCharme stated yes. Ronning asked to put out the fire? Voss asked any other questions for the Chief?

DuCharme stated I also want to let the Council know that our Fire Liaison, Brian Mundle, actually partook in training this past Monday and was floating in Cooper Lake in one of our water rescue suits. Voss stated sure, the three-foot deep lake. Mundle stated I tried to find

8.0F.1 a deep spot. I walked through a quarter of the lake and could not find one. DuCharme
 Fire Dept stated be careful when you come to our trainings. Anything else? Voss stated thank you
 August very much.
 Report

8.0G Davis presented the staff report, indicating staff is seeking direction to schedule or cancel
 City the September 23, 2015, Work Meeting.

Administrator

8.0G.1 Should Council provide direction to hold the September 23, 2015, Work Meeting an agenda
 Sept. 23, 2015 will need to be set. The following items have been previously proposed for or have had
 Work Mtg. discussion:

1. Social Media Policy. It was mentioned that we might want to discuss that.
2. No other items have been proposed for the meeting.

So, my question is do we want to schedule the meeting and if we do, what items do we want to place on the agenda.

Mundle asked is the Social Media Policy something that we want to get done right away? Davis stated it doesn't have to be done right away but I'd recommend if we're going to consider it, it be done within the next month or two.

Voss stated my suggestion would be to put it forward on the next Council meeting agenda and that way we can look, because staff's going to present some proposals, right? Davis answered that's correct. Voss stated then we can review it and from that point, decide whether or not we want a separate meeting to discuss it. Because, it may be an easy issue to deal with or it may be prolonged.

Mundle stated otherwise, I was just going to suggest if we at least have a second item for a Work Meeting. Voss stated unless there's other items that Council wants to discuss at a Work Meeting. I haven't heard anything.

Davis stated we can make this a scheduled item on our October 7th meeting, present you examples, and then you can decide how you want to approach this. Voss stated okay, works for me. Mundle asked do you need any direction for that? Davis stated I'm good, thank you. Voss stated so we'll be canceling our September 23rd Work Meeting.

9.0 Other

9.0A

Staff Reports

Viking
 Lighting
 Project

Davis stated the lighting project for Viking Boulevard, we've been informed by the Anoka County Highway Department is scheduled to start by the end of this month. That's the installation of the seven additional street lights. Voss stated as it is getting darker earlier, people will notice that. Davis stated yeah, so just an update on that. They did give us indication last week that's what their schedule start date is.

Voss asked Jack, can you go over for the public, do you offhand know what intersections are getting the lights? Davis answered Rochester and Viking Boulevard, Thielen and Sportsman, Rendova, Breezy Point, 195th and Tri Oak Circle. And, I may have missed one but those are the primary ones. Voss stated I think there were seven, right? Davis stated yeah, there were seven. I think it was Vickers and Rendova. Voss stated so residents will see streets lights along Viking soon.

Fall Recycle
 Day

Davis stated the only other thing I have to report is our Spring Recycle Day is scheduled for Saturday, September 26th. Voss corrected the Fall Recycle Day. Davis stated yes Fall, I'm sorry, I wish it was spring. From 8 a.m. to noon, Saturday, September 26th. Voss stated at

Fall Recycle Day the Ice Arena. Davis repeated at the Ice Arena. Voss stated good, that's usually well attended too.

9.0B Council Report – Member Harrington Council Member Ronning

Harrington stated the only thing I have is, like Mark touched on, we have a couple new businesses, Emergency Response Solutions on Viking. And Auto Transportation, they moved into the old Plow World building. So, two new businesses. That's all I have.

Ronning stated the Road Commission meeting is in the packet. Just to comment, this Lex Reinke from First State Tire in Isanti gave a presentation on these shredded tires for fill and the whole process. He had a PowerPoint presentation. It was interesting. I'm still a 'Doubting Thomas.' There's no 'silver bullet' in it. There were some challenging grounds they put this thing through. He did offer that if anybody is interested, that he'd come back and review it with others as well. It was interesting to me.

Voss asked how did the Roads Committee receive it? Ronning stated I would say the same as me, with curiosity. They cannot guarantee how much fill it takes. Every situation is going to be different. So, that's why I say there's no 'silver bullet.' Everything goes on its own, sink or swim.

Ronning stated and, ahh, help me chief... Troy Lachinski, I'm sorry Troy, he was there doing the training thing again. He had a couple of videos this time and you maybe have seen the one. The one was at a tire place and showed the guy, there were some people in the tire place that knew what to do and the value of that whole program. He gave some information about how many more people were necessary but I don't recall what it was. This guy is tireless it seems like with that. You've got to give him all the credit in the world. He went through the whole Road Commission. They took the training and, I'm trying to think, it seems like there was something different. It was more thoroughly explained about.

Davis stated to add to what Tom has said, Troy was also at the Arena for their registration meeting for the hockey sign up, giving training to all parents and coaches too.

Voss stated that's great. Along those lines, Chief is there a session coming up at Station #1? DuCharme stated there is and I'd have to look at my schedule here. Voss stated I bet you didn't anticipate I was going to ask you that. It's usually been on Thursdays. DuCharme stated yes.

Ronning stated one comment while he's looking. I had asked Troy if there's a maintenance plan? Once we train people, is there some follow up and do it some more? And, there are things in the works but I don't recall what the details would be. But, it is good to know that sometimes you have to be retrained on these things. Or, if something changes. DuCharme stated it's just like any training on any skill. You always have to be retrained, remedial, or whatever.

DuCharme stated on my schedule it looks like there is one on Thursday. I know Troy is out of town for a couple weeks, he's out of the country. Voss asked so tomorrow Thursday? DuCharme stated it would be the 24th. Voss stated okay so for those who are watching, on the 24th at Station #1 we'll have HeartSafe training. And, there's a Facebook page. DuCharme stated Facebook and I think it is also posted on the website. I'll check that in the morning. Mundle stated I think it's on the City calendar, isn't it? On line? DuCharme

Council
Member
Ronning

stated yes, yes it is.

DuCharme stated one thing on the training. One of the bigger trainings coming up will be St. Francis High School. Earlier this late summer, Troy and I met with the administrator there as far as getting that set up. I don't think the dates have been 'etched in stone' yet but it will be right after MEA and we will train the whole school. Voss stated good.

Ronning stated there was one new thing he mentioned that I wouldn't have thought of. Some guys are very strong secondary male characteristics, they've got a lawn planted on their chest or something, and if somebody has a lot of hair and you put the pads on there, it might not work. DuCharme confirmed it might not. Ronning stated some of these kits. Voss asked come with a razor? Ronning stated they come with a razor. The one at the Senior Center comes with a razor. DuCharme stated we carry razors also on the trucks. Voss stated but it's the CPR that's the big...it's the CPR. Okay, good.

Ronning stated he's thorough to the point that he seems to cover everything. DuCharme stated Troy's a very good instructor. No doubt about it. The remedial, one comment here, the remedial training is something we'll work on schedules and sessions and things like that to keep everybody current.

Council
Member
Koller

Koller stated I have nothing.

Council
Member
Mundle

Mundle stated the Sheriff's Open House, I went to that, attended it, good times. Next year a lot of people should go because I only got through a small part of it and it was pretty cool.

Mundle stated the Fire Department training last Monday, of course the Chief touched on it. They split the Station #1 and Station #2 up. Station #1 did training with a boat on Coon Lake and I went with Station #2 up to Cooper Lake where they started training for cold weather rescue in cold weather suits. That was a pretty different experience going into a lake and being in the water and not being wet. It was pretty cool.

Mundle stated B&R, Business Retention and Expansion, they had one training session last week for interviewers during the day. I will be going to training tomorrow, 6:30 to 8, at Chambers here. Interviews should be starting up soon with businesses. I know that some businesses at least have gotten a preview letter that said B&R is interested in interviewing you. Here's about 3,500 questions to read and look over...it was a big stack of questions. Voss stated not that many questions. Mundle stated no, not that many questions. I exaggerated. But, there was a lot of questions.

Voss asked are they still looking for volunteers for the interviewing? Mundle stated last I talked, maybe. Or, the last I talked to Doug, maybe. But, I'd have to confirm that with Doug for sure. So that is going forth.

Mundle stated I noticed a resident on 241st Avenue, they put up a little neighborhood book exchange. They built a little box with a clear window and loaded it full of books and labels on it 'Borrow, Read, Return.' I've seen that portrayed on the news before and I thought that was...

Voss stated it's a nice community thing to have. Mundle agreed stating yeah, it's a

Council Member Mundle community thing and if anybody wants to possibly do a service project that possibly located at City Hall, or if we could identify another park where there's lots of children or lots of big population around there, if that community would have an interest in having one. That would be kind of neat. Voss stated that's a great scout project. Mundle stated that's what I was thinking so I just wanted to recognize that resident of our City for doing that. That's all I've got.

Mayor Voss Voss stated I was at the Sheriff's Open House yesterday too and sort of related to your training, Deputy Darso again tried to get me to be the 'victim' to his canine. He tried to get me to do that once in a ride-along and it's just, I'd probably have nightmares for a while after that. But, I was so impressed with how many people were there. It was just incredible.

Voss stated along with the dogs, I know we've probably had enough discussion with dogs, but if residents have loose dogs in their neighborhood, if there's dogs you feel threatened by, we shouldn't feel threatened walking through our neighborhoods or riding our bikes through neighborhoods. No one wants dog incidents to happen at all so for those that have loose dogs, please control them, tie them up. But if you have a problem with your neighborhood, call City Hall. Do something about it before something happens. That is all I have.

9.0C None.

Other

9.0D

Closed Session

Vierling stated for the benefit of the public and for the record, we'd note that at the present time, the Council's about to go into Closed Session to deal with matters of possible acquisition of real property authorized under Minnesota Statute 13D.05, Subdivision 3(c). The Closed Session will be tape recorded as required by law. The Council will go into Closed Session then return to Open Session to announce any action taken. With that notice, Mr. Mayor, I'd recommend that a motion be made to go into Closed Session for the purposes I've indicated.

Move to Closed Session

Mundle stated I'll make a motion to go into Closed Session at 9:08 p.m. for the purposes the City Attorney has indicated. Harrington stated I'll second. Voss stated all in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

Reconvene Open Session

Vierling stated back on the record we'll note that the Council is back into Open Session after having concluded a Closed Session dealing with the acquisition of real property under Minnesota Statute 13D.05, Subdivision 3(c), which is identified as Property Identification Number 29-33-23-33-0002. Council was all in attendance. That is Mayor and all Council members. The Closed Session was also attended by City Administrator Jack Davis and myself as the City Attorney. Council reviewed issues of strategy and negotiation with the City Administrator and staff, gave their input with regard to those issues, but made no motions. The Closed Session was concluded at 9:48 p.m. Thank you Mr. Mayor.

10.0 Adjourn

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

Meeting adjourned at 9:49 p.m.

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

City of East Bethel - Utility Past Due Amounts at 9/30/15

Utility Billing Delinquencies

Name	Address	PIN	Utility Due	Certification Charge	Interest 18% from 1/1/16	Total Certified	Annual Interest Rate	Term
HAMMARGREN, RICK	24161 WHISPERING CIRCLE NE	29-34-23-23-0187	85.71	70.00	15.43	171.14	N/A	1 year
FLAHERTY, DOUGLAS	1056 243RD CIRCLE NE	29-34-23-22-0113	115.53	70.00	20.80	206.33	N/A	1 year
STEPHANIE EINCK & SCOTT SMITH	24140 PIERCE ST NE	29-34-23-23-0188	134.02	70.00	24.12	228.14	N/A	1 year
HAUGE, MARTIN	24323 FILLMORE CIRCLE NE	29-34-23-22-0127	498.45	70.00	89.72	658.17	N/A	1 year
TOURCO BUS CO	18530 ULYSSES ST NE	32-33-23-24-0007	602.28	70.00	108.41	780.69	N/A	1 year
ROGER'S ROD & CUSTOMS	18689 BUCHANAN ST NE	32-33-23-21-0003	605.49	70.00	108.99	784.48	N/A	1 year
JAMES FENNERN & IDELLE STANDAERT	1075 243RD AVE NE	29-34-23-22-0108	874.61	70.00	157.43	1,102.04	N/A	1 year
FLEMING, KRISTIN	1074 243RD CIRCLE NE	29-34-23-22-0111	1,133.81	70.00	204.09	1,407.90	N/A	1 year
SCHUNEMAN, MARCUS	24235 FILLMORE CIRCLE NE	29-34-23-23-0170	1,448.70	70.00	260.77	1,779.47	N/A	1 year
			<u>5,498.60</u>	<u>630.00</u>	<u>989.75</u>	<u>7,118.35</u>		

SAC/WAC Loan Payment Delinquencies

Name	Address	PIN	Due	Certification Charge	Interest 4% from 1/1/15	Total Certified	Annual Interest Rate	Term
Ricky Properties	18689 Buchanan St	32-33-23-21-0003	16,640.00	70.00	665.60	17,375.60	4%	5 years
Truck Body Specialists	18581 Buchanan St	32-33-23-24-0005	16,640.00	70.00	665.60	17,375.60	4%	5 years
			<u>33,280.00</u>	<u>140.00</u>	<u>1,331.20</u>	<u>34,751.20</u>		

SAC/WAC Delinquencies

Name	Address	PIN	Due	Certification Charge	Interest 4% from 1/1/15	Total Certified	Annual Interest Rate	Term
Tourco	18530 Ulysses St	32-33-23-24-0007	25,350.00	70.00	1,014.00	26,434.00	4%	5 years
			<u>25,350.00</u>	<u>70.00</u>	<u>1,014.00</u>	<u>26,434.00</u>		

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

RESOLUTION NO. 2015-54

**PRELIMINARY CERTIFICATION OF DELINQUENT ACCOUNTS TO THE COUNTY
AUDITOR FOR COLLECTION WITH 2016 PROPERTY TAXES**

WHEREAS, East Bethel Code of Ordinances, Chapter 74, Sec. 74-126 (b) provides for the collection of unpaid utility bills through the property tax system; and

WHEREAS, City Council must establish a certification cutoff date each year that will determine the appropriate certification amounts for delinquent accounts; and

WHEREAS, the attached list reflects the delinquent accounts greater than \$70.00 assuming a certification cutoff date of September 30, 2015.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT THE COUNCIL: That the following dates are set for delinquent accounts for 2015:

1. September 30, 2015 Certification cutoff date
2. November 4, 2015 Public Hearing date
3. November 15, 2015 Final Certification date

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL: That the attached list of delinquent accounts and amounts is hereby adopted and made part of this resolution to be certified to the County for collection with property taxes for 2016.

Adopted this 7th day of October, 2015 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Steven R. Voss, Mayor

ATTEST:

Jack Davis, City Administrator

THIS CHECK IS BEING DONATED
TO THE CITY OF EAST BETHEL
PAVILS FUND FOR USE AT
DEER HAVEN PARK (NATE AYSHFORD)
AND I HAVE BEEN WORKING TOGETHER
ON OUR PARK IMPROVEMENTS.

PLEASE LET ME KNOW WHEN WE
ARE ABLE TO START OUR WORK

THANKS DENNIS FEELA

Home # 651-462-3859

Cell # 612-940-2475 From 5 AM TO 5 PM

22571 JEWELL ST

BETHEL MN 55005

\$ 869.53

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

RESOLUTION NO. 2015-55

**RESOLUTION ACCEPTING AND EXPRESSING APPRECIATION FOR DONATION
OF FUNDS FROM DENNIS FEELA FOR DEER HAVEN PARK**

WHEREAS, Dennis Feela, on behalf of the residents of Deer Haven Subdivision, donated the balance in the amount of \$869.53 from a fund previously established to raise money for park improvements by the residents of Deer Haven to the City of East Bethel and;

WHEREAS, The City of East Bethel accepts this donation and will use it for park improvements at Deer Haven Park;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: The City Council hereby accepts this donation and expresses its thanks and appreciation.

Adopted this 7th day of October, 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:

October 7, 2015

Agenda Item Number:

Item 7.0 B.1

Agenda Item:

EDA September Report

Requested Action:

Information Item

Background Information:

Karen Skepper Anoka County Director of Community and Governmental Relations, provided an update on the various types of assistance the County provides for economic development activities. Ms. Skepper’s presentation outlined the County’s association with DEED and Greater MSP, the Economic Gardening Program and the potential for County financial assistance with a development project.

Staff presented an overview of different types of assistance the City could provide for business recruitment and retention. It was noted that City has provided varying forms of administrative assistance that have supported the expansion of existing business and recruitment of new business. These efforts, with the exception of the creation of one TIF District, have been primarily staff support relating to guidance through City zoning and ordinance requirements and provision of information and data needed for business development decisions.

In addition to the basic administrative support, other forms of City assistance need to be discussed to determine what level the City Council believes to be appropriate.

Varying forms of financial assistance are the primary tools that are most commonly used by other Cities in their efforts to retain and attract business and these include but are not limited to the following:

- Tax Increment Finance Districts
- Tax Abatement
- Below market rate sales of Public Lands and Buildings
- Subsidies
- Modification of City Fees
- Participation wholly or partially in Infrastructure Improvements.

The Cities of St. Francis, Isanti and Cambridge have used or considered all of the above forms of assistance. The City of Oak Grove has used TIF Districts and tax abatement programs. The City of Ham Lake has relied on the Ham Lake Development Corporation for their business assistance outreach.

Attachments:

Fiscal Impact:

To be determined

Recommendation:

Staff requests the City Council consider adding this discussion to a future work meeting.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

8.0 A.1

Agenda Item:

Mobile Home Park Setback Agreement

Requested Action:

Discuss the Greystone Setback Proposal

Background Information:

The City of East Bethel through Chapter 38 of the East Bethel City Code of Ordinances regulates Manufactured Homes and Manufactured Home Parks. This Chapter, which was adopted in 1987, was designed primarily for new manufactured home parks. However, its applicability for manufactured home parks prior to this date is in question. Greystone, previously doing business as Castle Towers, has been in existence since 1970 and at the time of their approval by the City, there were no defined regulations regulating manufactured home parks.

Upon review of the issue, City Staff discovered that our existing ordinance far exceeds State requirements related to manufactured home parks as they relate to those that were in existence prior to 1987. After discussions with Greystone, we determined that the application of the existing code in relation to setbacks would unreasonably restrictive for the lot plan for Greystone, LLC. City Staff met with the owners of Greystone, LLC and discussed a compromise that would meet the State requirements and allow them to operate within their existing lot sizes. This compromise outlines the new standards through contract and not through ordinance.

The proposed contractual agreement addresses setback distances for manufactured homes, decks and landings and accessory structures. The agreement is in compliance with state standards for setbacks for manufactured homes.

The owners of Greystone are in concurrence with the agreement with the exception of the indemnification clause.

Attachments:

Attachment 1- Manufactured Home Park Agreement

Fiscal Impact

None at this time

Recommendation(s):

Staff is seeking direction from Council as to further discussions with the owners of Greystone.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

MANUFACTURED HOME PARK AGREEMENT GREYSTONE MANUFACTURED HOME PARK

This MANUFACTURED HOME PARK AGREEMENT – GREYSTONE MANUFACTURED HOME PARK (the “Agreement”) is made this ____ day of _____, 2015, by and between the CITY OF EAST BETHEL, a municipal corporation and political subdivision of the State of Minnesota (the “City”) and GREYSTONE LLC, a Minnesota limited liability company (the “Owner”).

WHEREAS, the Owner is the current owner of five parcels of property, being Anoka County PID#’s 29342310001, 293423210007, 293423240109, 293423220144, and 293423220145, hereafter referred to as “the property”. Located in and around 24355 Highway 65 NE in the City (the “Property”), upon which are located 189 lots that are rented to tenants through leases with the Owner, with approximately 150 manufactured homes being currently situated on those lots; and

WHEREAS, the Property is zoned as R-2 (Single Family & Townhome Residential) under the City’s zoning ordinance, and is guided as Medium Density Residential (4-6 per acre) under the City’s current Comprehensive Plan; and

WHEREAS, the parties to this Agreement understand and acknowledge the Property has been used and operated as a manufactured home park since at least 1970; and

WHEREAS, the City has adopted manufactured home and manufactured home park regulations at Chapter 38, Article II of its City Code, through the adoption of Ordinance No. 142, on March 4, 1987 (the “Ordinance”); and

WHEREAS, Section 38-44 of the City Code provides that manufactured home parks in existence as of the effective date of the Ordinance, such as the Property, may continue to operate as such for a period not to exceed two years from such effective date, and upon such time, must meet all requirements of the Ordinance; and

WHEREAS, Section 38-44 of the City Code exempts manufactured home parks from various restrictions, even after the expiration of two years from the effective date of the Ordinance; and

WHEREAS, manufactured home parks existing on the effective date of the Ordinance are not subject to the following regulations: (i) 30-foot minimum distance between manufactured homes in all directions; (ii) 30-foot front setback from the curb face; and (iii) 20-foot setback from the rear lot line; and

WHEREAS, Minn. Stat. 462.357 and Minn. Rule 4630.0400 impose standards on municipal regulation of mobile home parks and establish dimensional requirements for placements of mobile homes within any mobile home park; and

WHEREAS, the parties to this Agreement have negotiated in good faith to allow the imposition of various regulations on the Property, despite the Property not being subject to various restrictions of the Ordinance as described above, with the intent to provide for the public health, safety and welfare of the City and the Property.

NOW, THEREFORE, the parties to this Agreement agree as follows:

1. Side Setback. There shall be no less than 20 feet between manufactured homes side to side on the Property.

2. Front Setback. The front setback of each manufactured home on the Property shall be no less than six (6) feet from the curb face. On corner lots the setback shall be observed on both frontages.

3. Rear Setback. The rear setback of each manufactured home on the Property shall be no less than six (6) feet from the rear lot line.

4. Decks/Landings. The placement of a deck or landing on a manufactured home lot shall not count against the setback requirements described in Sections 1 through 3 of this Agreement, as long as the deck or landing does not exceed six feet in width. If width exceeds six feet, that portion beyond 6 feet shall be included in the setback requirement.

5. Storage Sheds. The storage shed located on each manufactured home lot shall have the same siding appearance and color as the manufactured home. If a storage shed is located within eight (8) feet of the manufactured home, it shall be insulated up to industry standards for manufactured home parks.

6. Default. If the Owner permits a use of the Property to occur in violation of this Agreement, the City will provide notice to the Owner to correct the violation, and a reasonable time in which to do so. If the default remains uncured, the City may suspend or terminate this Agreement and take whatever action, including legal, equitable or administrative action, which may appear necessary or desirable to enforce compliance with this Agreement.

7. No City Liability. No officer, official, or employee of the City shall have any personal financial interest, direct or indirect, in this Agreement, nor shall any such officer, official, or employee participate in any decision relating to this Agreement which affects his or her personal financial interests, directly or indirectly. No officer, official, or employee of the City shall be personally liable to the Owner, or any successor-in-interest, by reason of this Agreement or by any use, damage, or injury incurred as to any manufactured home, personal property, or persons in and among the Property.

8. Indemnification. The Owner agrees to protect and defend the City and its governing body members, officers, agents and employees, now and forever, and further agrees to hold the aforesaid harmless from any claim, demand, suit, action or other proceeding whatsoever by any person or entity whatsoever arising or purportedly arising from this Agreement or use of the Property.

9. Amendment/Termination. This Agreement may be amended or terminated only upon the express written consent of each party to this Agreement.

10. Binding Effect. This Agreement shall bind the parties hereto, including their successors and assigns, and run with the Property. This Agreement shall further be recorded at the Anoka County Recorder's Office.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto affixed their signatures on the date and year above written.

CITY OF EAST BETHEL, MINNESOTA

By: _____
Its: Steven R. Voss, Mayor

By: _____
Its: Jack Davis, City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Steven Voss and Jack Davis, the Mayor and City Administrator, respectively, of the City of East Bethel, Minnesota, a municipal corporation and political subdivision under the laws of the State of Minnesota, on behalf of the City.

Notary Public

(Signature page of the City of East Bethel, Minnesota to the Manufactured Home Park Agreement)

GREYSTONE LLC

By: _____
Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015,
by _____, the _____ of Greystone LLC, a Minnesota limited liability
company, on behalf of the company.

Notary Public

(Signature page of Greystone LLC to the Manufactured Home Park Agreement)



City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

Item 8.0 A.2

Agenda Item:

Larsons Woods Developers Agreement

Requested Action:

Consider approval of the Larsons Woods Subdivision Developer's Agreement

Background Information:

On July 1, 2015 the City Council approved the preliminary and final plat for Larsons Woods Subdivision. A title issue with a small remnant tract on the property has now been resolved and the attached Developer's Agreement for this subdivision has been submitted for your review.

The Developer's Agreement was prepared by the City Attorney and is acceptable to both the City and Mr. Jim Malvin.

Attachments:

Attachment 1- Developer's Agreement

Attachment 2- Location Map

Attachment 3- Subdivision Plat

Fiscal Impact:

None at this time

Recommendations:

Staff requests Council consider the approval of the Larsons Woods Developers Agreement

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

DEVELOPMENT AGREEMENT

AGREEMENT, made this ____ day of _____, 2015, between the City of East Bethel, a municipal corporation under the laws of the State of Minnesota, (“City”) and Jim Malvin, (“Developer”).

1. **Request for Plat Approval.** The Developer has requested that the City approve a plat entitled LARSONS WOODS (hereinafter the “Plat”), the subject land being legally described as:

SE ¼, of the NE ¼ of Section 22, Township 33, Range 23, Anoka County MN and part of Lot 11, Block 1, Oakwood Meadows and that part of Lot 11, Block 1, OAKWOOD MEADOWS, in said Anoka County, which lies north of the following described line: Commencing at the most northerly corner of said Lot 11; thence south along the West line of said Lot 11 a distance of 84.45 feet to the Point of Beginning of the line to be described; thence east parallel with the North line of said Southeast Quarter of the Northeast Quarter a distance of 10.96 feet to the East line of said Lot 11 and there terminating.

2. **Conditions of Plat Approval.** The City agrees to approve the Plat on condition (i) that the Developer enter into this Agreement and perform the undertakings and furnish the security required herein; (ii) that the Developer comply with all requirements of the City’s approval of the preliminary plat of LARSONS WOODS; and (iii) that the Developer comply with all requirements of the City’s ordinances for final plat approval.

3. **Right to Proceed.** Within the plat of LARSONS WOODS or the land to be platted, the Developer may not construct any buildings until all the following conditions have been satisfied: (i) this Developer’s Agreement has been fully executed by all parties and filed with the City Administrator; (ii) all conditions contained in the Agreement have been met; and (iii) the security required pursuant to Section 10 hereof has been received by the City. (iv). Lot 3 as created by the plat has an existing home and will remain one single family residential use and occupancy. No future subdivision of this lot shall be permitted. (v). Developer shall resubmit a drainage plan meeting the requirements specified by the City Engineer. (vi). All city engineer recommendations on drainage shall be implemented on site and Developer shall post security with the city to assure implementation.

4. **Development Plans.** The plat of LARSONS WOODS will be developed in accordance with the plans on file in the office of the City Administrator and the conditions stated below. If the plans vary from the written terms of this Agreement, the written terms will control. The plans (hereinafter the “Development Plans”) are:

A. Preliminary Plat of LARSONS WOODS, prepared by Oliver Surveying and Engineering, Inc. dated 5/28/2015

B. Wetland Delineation Report prepared by Oliver Surveying and Engineering, dated 5/28/2015;

C. LARSONS WOODS Grading Plan prepared by Oliver Surveying and Engineering dated 5/28/2015

All written comments and requirements of the City Engineer and Anoka County Conservation District prior to the date of this Agreement also are part of the plans and documents and on file in the Community Development Department at City Hall, 2241 221st Ave NE, East Bethel MN 55011.

5. **Erosion Control.** The Developer is required to provide adequate erosion control as required by the City Engineer.

6. **Grading, Drainage, and Erosion Control Plans.** Grading will be in accordance with the approved plans listed in Section 4C. The Developer will provide the City with an “as built” grading plan including certification by a registered land surveyor or engineer that final elevations are complete and ready for single family lots.

7. **Clean Up.** The Developer will promptly clean any and all dirt and debris from streets resulting from construction work by the Developer, its agents, or assigns. All streets shall be maintained free of debris and soil until the subdivision is completed. Warning signs shall be placed when hazards develop in streets to prevent the public from traveling on same and directing attention to detours. The repair of any damage done to the streets or public utilities by Developer or any of its Contractors or Subcontractors, shall remain the financial responsibility of the Developer.

8. **Park/Trail Dedication.** The Developer must pay a cash contribution of \$4,000.00 in satisfaction of the City’s park/trail dedication requirements for the subject property. The contribution must be paid before the City signs the final plat.

9. **Final Plat.** No site work, including grading shall be allowed until final plat is signed by the City and recorded in the office of Anoka County. Wetland Designation. All areas classified as wetlands shall be displayed upon the plat.

10. **Security Deposit** To ensure compliance with the terms of this Agreement and construction of the Improvements, the Developer will furnish to the City a check in the amount of \$5,000.00 for escrow. In the event that the Developer does not meet the obligations as outlined in this Agreement the City shall utilize the escrow to complete the project. If the amount required to complete the project exceeds the escrow amount, the Developer shall be billed for all outstanding costs. If the project is completed and meets the obligation of this Agreement, all outstanding balance in the escrow will be returned to the Developer.

11. **Notices.** Notices to the City will be in writing and will be either hand delivered to the City Administrator or mailed to the City by registered mail at the following address, Attention:

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

Notices to the Developer will be in writing and will be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by registered mail at the following addresses:

Jim Malvin
16749 Washington St NE
Ham Lake, MN 55309

12. Warranty of Title.

By its execution hereof Developer hereby warrants and represents that it has the exclusive and marketable fee title to the subject property. Developer further warrants and represents that there are no liens or encumbrances against the title and that it is fully authorized to execute this agreement as the fee owner of the subject lands.

13. Binding Effect. The terms and provisions hereof shall be binding upon and inure to the benefit of the heirs, representatives, successors and assigns of the parties hereto and shall be binding upon all future owners of all or any part of the Subdivision and shall be deemed covenants running with the land. References herein to Developer, if there be more than one, shall mean each and all of them. The Agreement, at the option of the City, shall be placed on record so as to give notice hereof to subsequent purchasers and encumbrances of all or any part of the Subdivision and all recording fees, if any, shall be paid by the Developer.

CITY OF EAST BETHEL

By: _____
Its Mayor

By: _____
Its City Administrator

DEVELOPER

By: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Steve Voss and Jack Davis, the Mayor and City Administrator of the City of East Bethel, a Minnesota municipal corporation, on behalf of the City and pursuant to the authority of the City Council.

Notary Public

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by Arthur Swanson, the President of Arthur Swanson Construction, Inc., on behalf of the corporation.

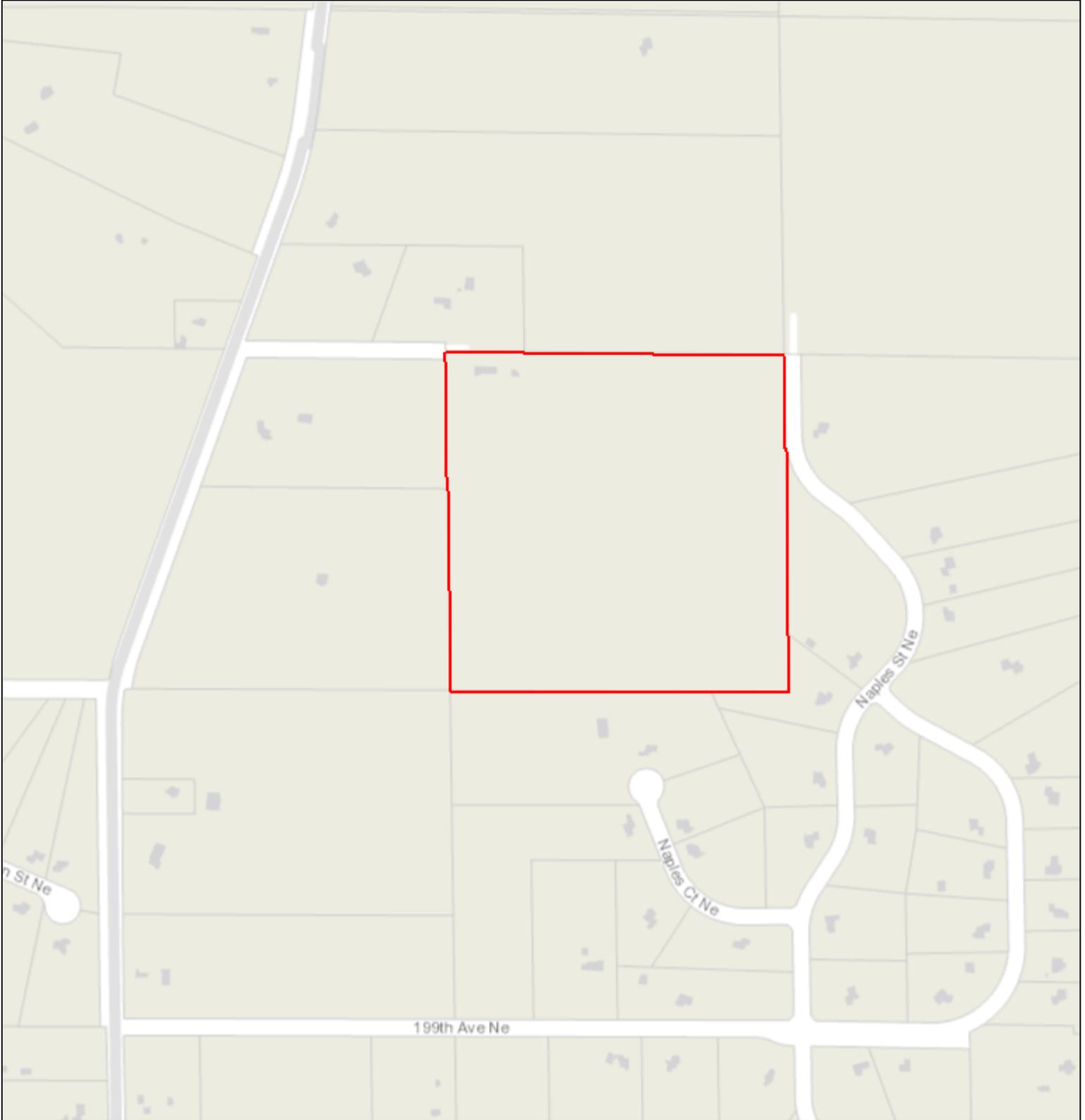
Notary Public

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

THIS INSTRUMENT WAS DRAFTED BY:
Colleen Winter, Community Development Director
2241 221st Ave NE
East Bethel, MN 55011



3216 203rd Ave NE



Parcel Information

1 in = 752 ft

PIN: 223323140001

Acres: 40.5

Owner Name: MALVIN AMY

Address1: 3216 203RD AVE NE

Address 2: EAST BETHEL, MN 55011

Site Address1: 3216 203RD AVE NE

Site Address 2: EAT BETHEL, MN 55011-9523

Zoning: RR

Shoreland: null

Legal: THE SE1/4 OF NE1/4 OF SEC 22 TWP 33 RGE 23, SUBJ TO EASE OF REC



June 19, 2015

JENNIFER L. & MICHAEL J. NEU
22-33-23-12-0007

LORRAINE KAY ZINS
22-33-23-11-0003

JEFFREY D. MEDELBERG
22-33-23-11-0006

BERT L. & XUYEN ANDERSON
23-33-23-22-0001

203RD
AVENUE

S89°31'40"E 1329.74

729

DOUGLAS P. OBRIEN
JERI L. OBRIEN
NATHANIEL W. OBRIEN
22-33-23-13-0005

S00°50'50"E 1328.97

PHILIP K. CHOUKALAS
22-33-23-13-0006

Lot 3
1,283,599 S.F.
29.47 Acres

ROY A. & M. A. REICHOW
22-33-23-42-0001

S89°47'01"E 1331.09

MICHAEL CHARLES RINGHOFFER
22-33-23-41-0012

RYAN & SARAH DEJONG
23-33-23-41-0013

BRYAN D. CRISTAN & MARY SITKO
23-33-23-41-0015

MATTHEW J. JOHN
23-33-23-32-0004

ROBERT & REBECCA BLEY
23-33-23-32-0009

BONNIE J. & ROGER L. LEE
23-33-23-23-0003

DONNA S. & ERIC J. COLEMAN
23-33-23-23-0004

LINDA M. & POTH M A KINGSBURY
23-33-23-23-0002

KRISTOPHER G. KNUTSON
23-33-23-23-0005

R T & CORNELL J A MUEHLBAUER
23-33-23-23-0006

GREGORY & LEARMONT T A MAJORS
23-33-23-23-0007

BLOCK 1

Lot 2
360,105 S.F.
8.27 Acres
(62,884 S.F. Buildable)

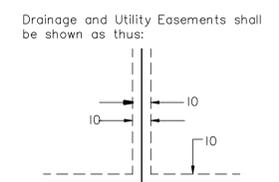
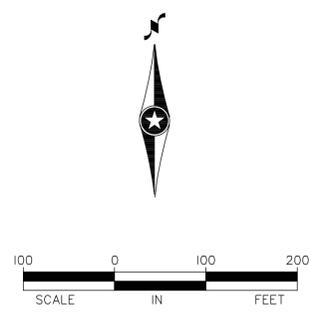
Lot 1
120,035 S.F.
2.75 Acres
(42,450 S.F. Buildable)

DRAINAGE AND UTILITY EASEMENT

DRAINAGE AND UTILITY EASEMENT

FEMA ZONE A
100 YR. FLOOD: _____

MAPLES COURT



Drainage and Utility Easements shall be shown as thus:
Being 10 feet in width and adjoining right-of-way lines, unless otherwise indicated, also being 10 feet in width and adjoining lot lines, unless otherwise indicated, as shown on the plot.

- Denotes 1/2 Inch x 14 Inch Iron Pipe Set With A Plastic Cap Marked R.L.S. 21729
- Denotes Iron Pipe Found

LEGAL DESCRIPTION:
SE 1/4 of the NE 1/4 of Sec. 22, Twp. 33, Rng. 23, Anoka County, MN. & Part of Lot II, Block I, OAKWOOD MEADOWS, Anoka County, MN.

SETBACKS:
Front: 40
Side: 25
Rear: 25

ZONING:
RR, RURAL RESIDENTIAL

BENCHMARK:
Anoka County Benchmark #4014
Railroad spike in Power Pole No. 120089.
NW Quad, Klondike Drive NE & East Bethel Blvd. NE
Elevation 914.04 ft. (N.A.V.D. 88)

OWNER/DEVELOPER:
Jim Malvin
16749 Washington St. NE
Ham Lake, MN 55304

Wetland determination boundary, and 20' Buffer determination in accordance with Anoka County Soil & Water District.

Soil Borings Performed By:
Tradewell Soil Testing, dated 3/10/15.
Average Mottled Soil Elevation used: 910.7

REV NO.	DATE	DESCRIPTION
1	05/28/2015	RDA
2		BUC,DM
3		LPC
4		8999-10PLPLAT
5		8999-10-03

DATE: 05/28/2015
DESIGN BY: RDA
DRAWN BY: BUC,DM
CHECKED BY: LPC
DWG: 8999-10PLPLAT
TEXT: 8999-10-03
FILE NO.: 8999-10-03

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.
Signature: *Jim Malvin*
Lynn P. Caswell, LS
Date: 05/28/2015 Lic. No. 13057

Oliver Surveying & Engineering, Inc.
Land Surveying • Civil Engineering • Land Planning
580 Dodge Ave. Elk River, Minnesota 55330
(763) 441-2072 - fax. (763) 441-5665
www.oliver-se.com

LARSONS WOODS
EAST BETHEL, MN
FOR
JIM MALVIN
PRELIMINARY PLAT

SHEET NO. 1 OF 2



City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

Item 8.0 B.1

Agenda Item:

Decommissioning Project Update

Requested Action:

Information Item

Background Information:

Staff continues to work with the Minnesota Pollution Control Agency (MPCA) to permit the disposal of the biosolids from the Castle Towers Wastewater Treatment Plant. Staff is still waiting for comments from the MPCA regarding the request to land apply the biosolids on land that is approximately 3 miles east of the site. The week of September 21 City staff worked the biosolids within the pond with a dozer. There was some success of separating the water from the biosolids which are currently estimated to be about 75% water. The current estimate of biosolids in the pond is 4,000 cubic yards.

Staff does not anticipate any additional work being done this year. It is anticipated that the permit from the MPCA to land apply the biosolids will take 2-3 months for approval. The anticipated schedule includes securing the permit such that the biosolids can be applied prior to planting crops next spring.

One of the methods for removal of the biosolids that was discussed was pumping and hauling the material. We have since received comment from two pumping contractors that this approach solely would not be feasible. Staff is now concentrating on a dry and haul removal for the material with the possibility of some limited pumping being required at the end of the process.

Fiscal Impact:

Funds for the Castle Towers Wastewater Treatment Plant Decommissioning Project will be financed from the remaining municipal sewer and water bond funds. The estimated cost of this project is \$200,000.

Recommendation(s):

For information only.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

Item 8.0 B.2

Agenda Item:

Phase I Service Road Municipal State Aid Fund Advancement

Requested Action:

Staff is requesting Council to consider MSA advance funding for the Phase I Service Road Project

Background Information:

The City of East Bethel was not selected for a grant as part of the MnDOT Cooperative Agreement solicitation for the Phase I service road from 187th Lane to Viking Boulevard. The total estimated cost of this project is \$2.4 million. This project has been identified as a priority in our service road plan, would relieve congestion at the intersection of 187th Lane and Hwy. 65 and enhance economic development opportunities along the alignment of the proposed road.

MnDOT has a program that allows Cities to advance money from their Municipal State Aid (MSA) account to cover project costs. To advance MSA funds the Council must pass two resolutions, one resolution requesting the funds and one resolution requesting that the funds be secured for the year 2016.

At the end of this year our MSA fund balance will be approximately \$300,000. In January of 2016 the City will receive their 2016 construction allotment of approximately \$600,000 which will put the fund balance at \$900,000. That would leave a funding shortage for the service road of \$1.5 million. To close the funding gap staff is recommending the City request advancement of funds into the MSA account. The advancement would be for 2.5 times the construction allotment. MnDOT allows advancements up to 5 times the construction allotment. Approval of the advance funding would encumber our MSA funds through 2018. There are no interest payments that are involved with this means of project financing.

The City has applied for Transportation Economic Development (TED) Grant in the amount of \$1,200,000. Applicants will be notified in December 2015 as to the approval and an award amount. Should the City receive this funding it can be applied to reduce the amount of advance funding requested from our MSA account.

Attachments:

- Attachment 1- MnDOT Letter
- Attachment 2- Service Road Location Map
- Attachment 3- MSA CIP
- Attachment 4- MSA CIP (proposed)

Fiscal Impact:

As discussed above.

Recommendation(s):

Staff requests approval to prepare the required resolutions for Council consideration to request advancement of Municipal State Aid funds and be presented at the October 21, 2015 City Council Meeting for consideration should Council desire to proceed with the project.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Minnesota Department of Transportation

Metro District
Office of State Aid
1500 West County Rd B2
Roseville, MN 55113-3174

Telephone: 651-234-7768
carl.jensen@state.mn.us

September 21, 2014

Mr. Craig J. Jochum, PE
City Engineer
City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011

RE: Request for FY 2017 Municipal Agreement Program Funding
TH 65 Frontage Road at 187th Lane NE (CS) # 0208
City of East Bethel

Dear Mr. Jochum:

I am writing to inform you that the FY 2017 Municipal Agreement Program Selection Committee did not select your project for funding. The Committee, comprising four Metro City Engineers and one County Representative, along with Phillip Bergem, Dan Erickson and me representing MnDOT, discussed and considered all 12 of the projects submitted and came to a group consensus on which projects to select. It was a difficult decision because, as with other years, there were many more worthy candidates submitted than funds will allow.

On behalf of Metro State Aid and the Cooperative Agreements program we do appreciate your involvement and recognize the effort it takes to submit a project for consideration.

Sincerely,

Carl Jensen, P.E.
Cooperative Agreements Project Manager
Metro State Aid

cc: Dan Erickson, MnDOT-Metro State Aid *
Phillip Bergem, MnDOT Metro Cooperative Agreement Engineer *
Sheila Kauppi, MnDOT-North Area Manager *
Paul Jung, MnDOT-North Area Engineer *
Project File

* Electronic copy only (hard copies available upon request)

An Equal Opportunity Employer



**Street Capital Projects
2016-2020
Funding Analysis**

MUNICIPAL STATE AID FUND As Approved By City Council	Beginning Balance	Sources (Revenues)	Uses (Project Costs)	Ending Balance
2016 Beginning Balance	\$855,083			
Municipal State Aid Funding		\$603,199		\$1,458,282
HSIP Grant		\$500,000		\$1,958,282
Cooperative Agreement Grant		\$700,000		\$2,658,282
189th Ave/Taylor St Service Road (Phase I)			\$2,400,000	\$258,282
2016 Ending Balance				\$258,282
2017 Beginning Balance	\$258,282			
Municipal State Aid Funding		\$603,199		\$861,481
None			\$0	\$861,481
2017 Ending Balance				\$861,481
2018 Beginning Balance	\$861,481			
Municipal State Aid Funding		\$603,199		\$1,464,680
HSIP Grant		\$500,000		\$1,964,680
Cooperative Agreement Grant		\$200,000		\$2,164,680
Classic Commercial Park Service Road, South Section (Phase 2)			\$1,500,000	\$664,680
2018 Ending Balance				\$664,680
2019 Beginning Balance	\$664,680			
Municipal State Aid Funding		\$603,199		\$1,267,879
181st Ave Reconstruction			\$400,000	\$867,879
2019 Ending Balance				\$867,879
2020 Beginning Balance	\$867,879			
Municipal State Aid Funding		\$603,199		\$1,471,078
Cooperative Agreement Grant		\$300,000		\$1,771,078
East Side Service Road, South Section(Phase III)			\$1,900,000	-\$128,922
Davenport St Reconstruction			\$600,000	-\$728,922
2020 Ending Balance				-\$728,922
TOTAL MUNICIPAL STATE AID FUND SOURCES & USES		\$5,215,995	\$6,800,000	

Note: MSA Funding can be "Advanced Funded" to met certain requirements. The City can advance fund up to 4 times the construction allotment or \$3,000,000 whichever is less

A negative balance is not an indication of too many projects. It simply means the City has anticipated numerous projects and can fund this within the regulations identified by MnDOT.

**Street Capital Projects
2016-2020
Funding Analysis**

STREET CAPITAL FUND	Beginning Balance	Sources (Revenues)	Uses (Project Costs)	Ending Balance
2016 Beginning Balance	\$573,293			
Transfer from General Fund		\$425,000		\$998,293
Rendova St- Overlay			\$140,000	\$858,293
Okinawa and Tippecanoe-Overlay			\$225,000	\$633,293
209th, Austin, and 204th-Overlay			\$505,900	\$127,393
2016 Ending Balance				\$127,393
2017 Beginning Balance	\$127,393			
Transfer from General Fund		\$425,000		\$552,393
Sunny View Addition- Sealcoat			\$53,000	\$499,393
DeGardners Addition- Sealcoat			\$75,500	\$423,893
2017 Ending Balance				\$423,893
2018 Beginning Balance	\$423,893			
Transfer from General Fund		\$425,000		\$848,893
Hidden Haven West-sealcoat			\$180,000	\$668,893
Hidden Haven East-sealcoat			\$70,000	\$598,893
Cedar Brook Addition-sealcoat			\$90,000	\$508,893
2018 Ending Balance				\$508,893
2019 Beginning Balance	\$508,893			
Transfer from General Fund		\$425,000		\$933,893
181st Ave Reconstruction			\$300,000	\$633,893
2019 Ending Balance				\$633,893
2020 Beginning Balance	\$633,893			
Transfer from General Fund		\$425,000		\$1,058,893
University Ave Reconstruction			\$400,000	\$658,893
2020 Ending Balance				\$658,893
Total Street Capital Fund Sources and Uses		\$2,125,000	\$2,039,400	

**Street Capital Projects
2016-2020
Funding Analysis**

PROPOSED MUNICIPAL STATE AID FUND	Beginning Balance	Sources (Revenues)	Uses (Project Costs)	Ending Balance
2016 Beginning Balance	\$300,000			
Municipal State Aid Funding		\$603,199		\$903,199
HSIP Grant				\$903,199
Cooperative Agreement Grant				\$903,199
189th Ave/Taylor St Service Road (Phase I)			\$2,400,000	-\$1,496,801
2016 Ending Balance				-\$1,496,801
2017 Beginning Balance	-\$1,496,801			
Municipal State Aid Funding		\$603,199		-\$893,602
None			\$0	-\$893,602
2017 Ending Balance				-\$893,602
2018 Beginning Balance	-\$893,602			
Municipal State Aid Funding		\$603,199		-\$290,403
HSIP Grant				-\$290,403
2018 Ending Balance				-\$290,403
2019 Beginning Balance	-\$290,403			
Municipal State Aid Funding		\$603,199		\$312,796
Classic Commercial Park Service Road, South Section (Phase 2)			\$1,500,000	-\$1,187,204
MnDOT Setaside Funds		\$500,000		-\$687,204
Cooperative Agreement Grant		\$200,000		-\$487,204
2019 Ending Balance				-\$487,204
2020 Beginning Balance	-\$487,204			
Municipal State Aid Funding		\$603,199		\$115,995
MnDOT Setaside Funds		\$500,000		\$615,995
Davenport St Reconstruction			\$600,000	\$15,995
181st Ave Reconstruction			\$400,000	-\$384,005
2020 Ending Balance				-\$384,005
TOTAL MUNICIPAL STATE AID FUND SOURCES & USES		\$4,215,995	\$4,900,000	

Note: MSA Funding can be "Advanced Funded" to met certain requirements. The City can advance fund up to 4 times the construction allotment or \$3,000,000 whichever is less

A negative balance is not an indication of too many projects. It simply means the City has anticipated numerous projects and can fund this within the regulations identified by MnDOT.

**Street Capital Projects
2016-2020
Funding Analysis**

STREET CAPITAL FUND	Beginning Balance	Sources (Revenues)	Uses (Project Costs)	Ending Balance
2016 Beginning Balance	\$573,293			
Transfer from General Fund		\$425,000		\$998,293
Rendova St- Overlay			\$140,000	\$858,293
Okinawa and Tippecanoe-Overlay			\$225,000	\$633,293
209th, Austin, and 204th-Overlay			\$505,900	\$127,393
2016 Ending Balance				\$127,393
2017 Beginning Balance	\$127,393			
Transfer from General Fund		\$425,000		\$552,393
Sunny View Addition- Sealcoat			\$53,000	\$499,393
DeGardners Addition- Sealcoat			\$75,500	\$423,893
2017 Ending Balance				\$423,893
2018 Beginning Balance	\$423,893			
Transfer from General Fund		\$425,000		\$848,893
Hidden Haven West-sealcoat			\$180,000	\$668,893
Hidden Haven East-sealcoat			\$70,000	\$598,893
Cedar Brook Addition-sealcoat			\$90,000	\$508,893
2018 Ending Balance				\$508,893
2019 Beginning Balance	\$508,893			
Transfer from General Fund		\$425,000		\$933,893
181st Ave Reconstruction			\$300,000	\$633,893
2019 Ending Balance				\$633,893
2020 Beginning Balance	\$633,893			
Transfer from General Fund		\$425,000		\$1,058,893
University Ave Reconstruction			\$400,000	\$658,893
2020 Ending Balance				\$658,893
Total Street Capital Fund Sources and Uses		\$2,125,000	\$2,039,400	



City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

Item 8.0 C.1

Agenda Item:

553 Lakeshore Drive Assessment Hearing Decision

Requested Action:

Council will be requested to take appropriate action as a result of the objections of the Owners of 553 Lakeshore Drive as presented at the September 16, 2015 Assessment Hearing

Background Information:

The City Council conducted an Assessment Hearing on September 16, 2015 to consider objections to a proposed assessment for the retaining wall reduction at the intersection of 553 Lakeshore Drive and 179 Forest Road.

The area proposed to be assessed consists of every lot, piece or parcel of land benefitted by said improvement, which has been ordered made and is as follows: Lots 356, 357, 358,359 and 360, all in Block 6 Coon Lake Beach, Anoka County, Minnesota, as located in the City of East Bethel, Minnesota.

The total amount proposed to be assessed is \$4,441.20.

Written and oral objections were given at the Hearing and Council postponed action on the matter to further review the materials and testimony submitted by the Owners. Resolution 2015-56, addressing the objections of the complainant and the recommendations of assessment, will be supplied by the City Attorney.

Attachments:

Attachment 1- Assessment Bill

Fiscal Impact:

To be determined

Recommendation:

Staff requests City Council to consider approval of Resolution 2015-56.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

**City of East Bethel
Dryden Excavating - Retaining Wall Work**

PIN # 36-33-23-21-0266
Property Owner Gary Otremba / Heidi Moegerle / Darlene Moegerle
Address 553 Lake Shore Drive NE

Assessment Summary

Payment Type Annual
 Cost \$4,441.20
 Interest Rate 4.00%
 Interest 10/7/15 to 12/31/15 \$42.44
 Certification Fee \$70.00
 Amount Certified at 12/31/15 \$4,553.68
 Term 1
 Payment \$4,735.83

#	Payment Date	Loan Balance	Payment	Principal	Interest	Balance @ 12/31
1	2016	\$4,553.68	4,735.83	4,553.68	182.15	0.00
Total				<u>4,553.68</u>	<u>182.15</u>	



City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

Item 8.0 E.1

Agenda Item:

Ice Arena Report

Requested Action:

Information Item

Background Information:

The City of East Bethel, the St. Francis Blue Line and Youth Hockey Association and Gibson Management have completed a number of upgrades at the City Ice Arena over the past four months. The major improvement was the replacement of the dasher boards. These boards were installed used in 1996 and were due for replacement. The cost of the project was \$54,000. Through the efforts of Brad Kaehler with the Saint Francis Blue Line Club and Jen Smith of the St. Francis Youth Hockey Association, these two groups raised \$22,500 for their share of the costs and the old boards were sold for \$10,000. The City’s share of the project was \$21,500.

Other improvements include:

- Replacement of the existing 14 small Bose speakers with 7 Electro-Voice 350 watt speakers donated by Ben Geving;
- Installation of new electrical services for speakers and bench/scorers area (\$1,900);
- Repair of the overhead infra-red heating units for the bleacher area;
- Dry wall repair in the off rink practice corner;
- Installation of new monitor in the lobby with access to an upgraded scheduling application;
- Replacement of the existing boards for the outside rink, underground utility installation for the outdoor lights extension to the warming house pad (to be completed by November 2015);
- Installation of new matting in the bench boxes and public access way between the locker room entrance and public rest room entrance (\$3,000);
- Painting of locker room hallways;
- Installation of new engine and starter in the 1996 Zamboni and plumbing repairs in the Zamboni room (\$5,200).

In addition to the Open Skate for the general public on New Years Eve, public skating will be available at least once a week in January and February. The times are to be determined and will be posted on Arena and City Websites.

Attachments:

Attachment 1- Ice Arena Financial Reports

Fiscal Impact:

\$31,600 of the improvements were paid from the Arena Depreciation Funds and the upgrades to the outdoor rink in the amount of \$15,000 will be paid from Park Capital Funds. Park Capital Funds are monies that are set aside annually for Park improvements.

Recommendation:

No action required at this time

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

City of East Bethel
Revenue / Expense Statement
Fiscal Year 2015
1/1/15 to 9/30/15

<u>Arena Operations</u>	Account Description	1/1/15 to 9/30/15 Actual	FY 2015 Budget	YTD as a % of Budget
Revenues				
	R 615-36210 Interest Earnings	137.61	-	N/A
	R 615-36240 Refunds/reimbursements	32,500.00	-	N/A
	R 615-37920 Vending Machine Sales	228.86	500.00	46%
	R 615-38060 Ice Rental Revenues	68,674.72	220,500.00	31%
	R 615-38062 Dry Floor Events	5,430.00	1,500.00	362%
	R 615-38064 Concession Rental	-	2,000.00	0%
	R 615-38065 Locker Room Rental	-	7,500.00	0%
	R 615-38066 Advertising Revenue	675.00	2,000.00	34%
Total Revenues - Arena		107,646.19	234,000.00	46%
Expenditures				
	E 615-49851-211 Cleaning Supplies	263.44	-	N/A
	E 615-49851-212 Motor Fuels	936.38	2,000.00	47%
	E 615-49851-219 General Operating Supplies	925.29	500.00	185%
	E 615-49851-223 Bldg/Facility Repair Supplies	1,196.52	4,000.00	30%
	E 615-49851-231 Small Tools and Minor Equip	699.60	1,000.00	70%
	E 615-49851-307 Professional Services Fees	44,200.00	79,000.00	56%
	E 615-49851-321 Telephone	170.92	1,500.00	11%
	E 615-49851-342 Legal Notices	32.25	-	N/A
	E 615-49851-381 Electric Utilities	14,204.86	33,000.00	43%
	E 615-49851-382 Gas Utilities	8,843.50	20,000.00	44%
	E 615-49851-385 Refuse Removal	1,585.35	2,000.00	79%
	E 615-49851-402 Repairs/Maint Machinery/Equip	1,374.08	3,000.00	46%
	E 615-49851-403 Bldgs/Facilities Repair/Maint	4,541.70	15,000.00	30%
	E 615-49851-422 Auto/Misc Licensing Fees/Taxes	190.53	1,000.00	19%
	E 615-49851-481 Depreciation Expense	-	72,000.00	0%
	E 615-49851-530 Improvements Other Than Bldgs	54,750.00	-	N/A
Total Expenditures - Arena		133,914.42	234,000.00	57%
Net Income - Arena		(26,268.23)	-	

Ice Arena

	2011	2012	2013	2014	2015 through 9/30/15
Ice Sales	204,332.00	195,025.00	191,300.28	190,840.92	68,674.72
Dry Floor Events	4,450.00	1,500.00	1,350.00	1,397.00	5,430.00



City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

Communications/Social Media Policy

Requested Action:

Consider the need for a City Communications/Social Media Policy

Background Information:

There are numerous items in the news on a daily basis that detail problems with personal social media comments and how postings can lead to consequences that may create serious problems for employers of the posters, even if the posters are not representing the City and are on their own personal time.

It is important for City employees to remember that the personal communications may reflect on the City. Electronic communications are public, essentially permanent and may be disseminated to large audiences.

For these and other reasons linked to unintended consequences of communications through social media, the City may need to consider the adoption guidelines that relate to use of this form of electronic interaction.

The Cities of Ham Lake, Oak Grove and Isanti and St. Francis do not have social media policies. The City of Cambridge addresses this issue in their personnel policies.

Attached are sample and existing policies that could be considered should Council desire to develop and approve a Communications/Social Media Policy.

Attachments:

Attachment 1- Sample Communications Policy as provided by the City Attorney's Office

Attachment 2- City of Cambridge Policy

Attachment 3- City of St. Michael Policy

Attachment 4- League of Minnesota Cities Social Media Policy Tips

Fiscal Impact:

To be determined

Recommendation:

Staff requests the City Council provide direction to Staff as to this matter.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

3.9 Use of Social Media

The City of East Bethel respects employees' rights to post and maintain personal websites, blogs and social media pages, but does require employees to act in a prudent manner with regard to website and internet postings that reference the City of East Bethel, its personnel, its operation or its property. When engaging in social networking, employees must abide by the Technology Use policy, as well as all other workplace rules for all conduct that may be directly or indirectly attributed to the City. Employees and others affiliated with the City may not use a city brand, logo or other city identifiers on their personal sites, nor post information that purports to be the position of the City without prior authorization. This policy is not intended to prohibit protected activity under the National Labor Relations Act or any other state or federal law.

Personal Social Media Activities

In general, off-duty or personal activities are the employee's personal business, except where such activities negatively affect an employee's job performance, the performance of others, the work environment, or the City's interests with the community. Employees who choose to communicate about the City externally, including in online forums, bulletins, or message boards, chat rooms, blogs, Facebook, MySpace, LinkedIn, Twitter, etc. (referred to collectively as "Online Social Media"), are expected to comply with the City's Employee Conduct policy, Sexual Harassment policy, Workplace Violence policy, Technology Use policy, and all other relevant policies found in the City's Handbook.

The following principles apply to external communications using Online Social Media and in other external communications:

1. **Personal responsibility:** Employees are personally responsible for the content they publish or communicate.
2. **Confidential Information:** Employees may not disclose private information protected by the Minnesota Data Practices Act.
3. **Respect:** Employees should respect their audience and avoid any offensive language or sentiments such as ethnic slurs, sexual comments, obscenity, or any conduct that would not be acceptable in the City's workplace.
4. **Disclaimer:** Employees who identify themselves as a City employee and comment on City-related topics must make clear that their views and positions are not those of the City or the City Council, unless specifically authorized by the City to speak on behalf of the City.
5. **City Logos:** Unless otherwise authorized, employees may not use City logos for their own personal use.
6. **Media Relations:** If a member of the news media or blogger contacts you about an Internet posting that concerns the City, please refer that person to the City Administrator.
7. **Comply with laws:** Employees must be mindful not to engage in any unlawful conduct, such as invasion of privacy, violations of security laws, defamation, etc.

Business Activities and Social Media

Employees must be explicitly authorized to conduct business for the City using Online Social Media by the City Administrator. Authorization must include review and approval of content prior to publication.

Confidentiality and Social Media

Even in a virtual reality, employees need to be cognizant of their obligations to the employer, employees, and clients with regard to confidentiality. Following the guidelines below will ensure compliance with the City's expectations.

1. **Private Information:** Private information protected by the Minnesota Data Practices Act is NEVER to be released.
2. **Legal Information:** Any conversations conducted in a closed meeting with our attorney's related to labor negotiation strategy, litigation strategy, the evaluation of an individual subject to City Council authority, and/or the preliminary consideration of allegations against an individual subject to City Council authority must not be disclosed. This policy is not intended to interfere with the employee's ability to discuss or enact labor organization efforts, or to perform their work.
3. **Anything that belongs to anyone else:** If the material was created or maintained by someone else, the greatest approach is to allow that individual to post it.
4. **Medical Information:** Medical information regarding other employees, directors, supervisors, administrators, or council members is NEVER to be released, published or posted via online social media.

Any employee who violates the City's Use of Social Media policy or any other workplace rule or policy will be subject to disciplinary action, up to and including termination.

City Social Media Activities

The City of East Bethel does not presently use any social media websites, but may choose to do so in the future in order to provide information to the public. The City of East Bethel disclaims liability for ads, videos, promoted content or comments accessible from any external web site. The responsibility for external content or comments rests with the organizations or individuals providing them. Any inclusion of external content or comments does not imply endorsement by the City of Bethel. The City reserves the right to delete any postings that are obscene, vulgar, threatening, contain profanities or show the City or its residents in a negative manner.

Sec. 42. Communications Policy for Employees

The City of Cambridge strives to provide the public accurate and timely information, communicated in a professional manner, and in accordance with the laws regarding public information and data practices.

This policy provides guidelines for all external communications from the City using various mediums including:

- Printed materials such as newsletters, articles, and brochures.
- Electronic materials such as email, postings to web sites or social media sites.
- Media relations such as requests for interviews, news releases, and media inquiries.

The City also recognizes that employees may sometimes comment on City matters outside of their official role as an employee of the City of Cambridge. Therefore, this policy also provides guidelines for employees when communicating as a private citizen on matters pertaining to City business.

GENERAL GUIDELINES FOR ALL COMMUNICATIONS (OFFICIAL AND PERSONAL)

All City employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Any employee who identifies a mistake in reporting should bring the error to the City Administrator or other appropriate staff. Regardless of whether the communication is in the employee's official City role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use etc. Employees must also follow all City policies that may apply. Examples of relevant policies include:

- **Technology and Computer Use Policy.** See Section 40 Computer Usage.
- **Respectful Workplace Policy.** For example, employees cannot publish information that is discriminatory, harassing, threatening, or sexually explicit. This policy should be reviewed and complied with in full.
- **Data Practices Policy.** For example, employees cannot disclose private or confidential information and must route data practices requests to the responsible authority. This policy should be reviewed and complied with in full.
- **Political Activity Policy.** For example, employees cannot use City resources or participate in personal political activity while on City time or while discharging City responsibilities. No employee may act in a manner that suggests that the City either supports a particular candidate or political issue, or endorses the personal political opinions of the employee. This policy should be reviewed and complied with in full.

ADDITIONAL GUIDELINES FOR OFFICIAL CITY COMMUNICATIONS

Handling General Requests:

All staff are responsible for communicating basic and routine information to the public in relation to their specific job duties. Requests for private data or information outside of the scope of an individual's job duties should be routed to the City's responsible authority under the State's Data Practices Act.

Handling Media Requests:

With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media are to be routed to the City Administrator. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, and web sites.

When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda) provide the information.
2. If the request is regarding information about City personnel, potential litigation, controversial issues, an opinion on a City matter, or if you are unsure if it is a "routine" question, forward the request to the City Administrator. If it involves a police matter the request should be referred to the Chief of Police. An appropriate response would be, "I'm sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person who will get back to you as soon as he/she can."
 - Ask for the media representative's name, questions, deadline, and contact information (phone number and e-mail).

Communicating on behalf of the City

The Mayor, Acting Mayor, City Administrator, City Attorney, and Department Heads are authorized to communicate on behalf of the City in interviews, publications, news releases, on social media sites, and related communications. If the communication involves an on-camera interview, department heads shall seek the approval of the City Administrator prior to the interview. Other employees may represent the City if approved by one of these individuals to communicate on a specific topic. When speaking on behalf of the City:

- Employees must identify themselves as representing the City. Account names on social media sites must clearly be connected to the City and approved by the City Administrator.

- All information must be respectful, professional and truthful. Corrections must be issued when needed.
- Personal opinions generally don't belong in official City statements. One exception is communication related to promoting a City service. For example, if an employee posted on the City's Facebook page, "My family visited Hill Park this weekend and really enjoyed the new band shelter". Employees who have been approved to use social media sites on behalf of the City should seek assistance from their department head on this topic.
- Employees should be aware that the data transmitted on a City computer is subject to the Data Practices Act.

ADDITIONAL GUIDELINES FOR PERSONAL COMMUNICATIONS

It is important for employees to remember that the personal communications of employees may reflect on the City, especially if employees are commenting on City business. The following guidelines apply to personal communications including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements.

- Remember that what you write is public, and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information that you would not want your boss or other employees to read, or that you would be embarrassed to see in the newspaper.
- The City of Cambridge expects its employees to be truthful, courteous and respectful towards supervisors, co-workers, citizens, customers and other persons associated with the City. Do not engage in name-calling or personal attacks.
- If you publish something related to City business, identify yourself and use a disclaimer such as, "I am an employee of the City of Cambridge. However, these are my own opinions and do not represent those of the City."
- City resources, working time, or official City positions cannot be used for personal profit or business interests, or to participate in personal political activity. For example, a building inspector could not use the City's logo, email, or working time to promote his/her side business as a plumber.
- Personal social media account names or email names should not be tied to the City (e.g. CambridgeCop)

CITY OF ST. MICHAEL, MN

SOCIAL MEDIA POLICY

Purpose

The purpose of this policy is to ensure the proper use of the City of St. Michael's social media sites by its employees and establish procedures for creating an overall social media presence for the City in a positive and informative fashion for the general public. Social media users have the responsibility to use these resources in an efficient, effective, ethical and lawful manner pursuant to all existing City and departmental policies. This policy also provides guidelines and standards for individual employees regarding the use of social media for communication with citizens, colleagues and the world at large.

Policy

The City of St. Michael will determine, at its discretion, how its web-based social media resources will be designed, implemented and managed as part of its overall communication and information sharing strategy. City related social media sites may be modified or removed by the City at any time and without notice, as described in this document.

Scope

This policy applies to any existing or proposed social media web sites sponsored, established, registered or authorized by the City of St. Michael. This policy also covers all City employees, Council members, any appointed board or commission member, volunteer Firefighters and their use of social media.

Definition

Social media are internet and mobile-based tools for sharing and discussing information. Social media users can post photos, video, comments and links to other information to create content on any imaginable topic. This may be referred to as "user-generated content" or "consumer-generated media."

Social media tools include, but are not limited to:

- Sites such as Facebook, LinkedIn, Google Buzz, and MySpace
- Blogs
- Twitter
- Videosharing sites such as YouTube and iReport
- Photo sharing sites such as TwitPic and Flickr
- Wikis, or shared encyclopedias such as Wikipedia
- RSS feeds
- Mobile phone content uploaded to the Internet
- An ever emerging list of new technological tools

Goals

Social networking in government serves two primary functions: to communicate and deliver messages directly to citizens and to encourage citizen involvement, interaction, and feedback. Information which is distributed via social networking must be accurate, consistent, and timely and meet with information needs of the City's customers.

Management of Social Media

City employees with administrator access are responsible for managing social media websites. Facilities or departments wishing to have a new social media presence must initially submit a request to the City Administrator in order to ensure social media accounts are kept to a sustainable number and policies are followed. All approved sites will be clearly marked as the City of St. Michael site and will be linked with the official City website (www.ci.st-michael.mn.us). Employees are prohibited from establishing social networking sites on behalf of the City unless specifically authorized.

Responsibility

Administration of all social media web sites and online community accounts must comply with applicable laws, regulations, and policies as well as proper business etiquette.

City social media accounts accessed and utilized during the course and scope of an employee's performance of his/her job duties may not be used for private or personal purposes or for the purpose of expressing private or personal views on personal, political or policy issues or to express personal views or concerns pertaining to City employment relations matters.

City of St. Michael social media and online community web site accounts are considered a City asset and logins to these accounts must be securely administered in accordance with the City Information Technology Policy. **The City reserves the right to shut down any of its social media sites or accounts for any reason without notice.**

A social media web site and online community accounts shall not be used by the City or any City employee or representative to disclose sensitive and/or confidential information.

All social media web sites and online community accounts created and utilized during the course and scope of an employee's performance of his/her job duties will be identified as belonging to the City of St. Michael, including as a link to the City's official web site.

Rules of Use

When using social media sites as a representative of the City, employees will act in a professional manner. Examples include but are not limited to:

- Adhere to all City personnel and Information Technology Policies
- Use only appropriate language

- Be aware that content will not only reflect on the writer but also on the City of St. Michael as a whole, including elected officials and other city employees. Make sure information is accurate and free of grammatical errors.
- Not providing private or confidential information, including names, or using such material as part of any content added to a site.
- Not negatively commenting on community partners or their services, or using such material as part of any content added to a site.
- Not providing information related to pending decisions that would compromise negotiations.
- Be aware that all content added to a site is subject to open records/right to know laws and discovery in legal cases.
- Always keep in mind the appropriateness of content.

Moderating Public Comments

Where moderation of comments is an available option, comments from the public may be moderated by City staff, with administrative rights, before posting. Where moderation prior to posting is not an option, sites will be regularly monitored by City staff.

City of St. Michael’s staff, with administrative rights, will not edit any posted comments, but will not post any comments that are abusive, obscene, defamatory, in violation of the copyright, trademark, right or other intellectual property right of any third party, or otherwise inappropriate or incorrect. The following are examples of content that may be removed by City staff before or shortly after being published:

- Potentially libelous comments
- Obscene or racist comments
- Personal attacks, insults, or threatening language
- Plagiarized material
- Private, personal information published without consent
- Comments totally unrelated to the topic of the forum
- Commercial promotions or spam
- Hyperlinks to material that is not directly related to the discussion

Personal Social Media Use

The City of St. Michael respects employees’ rights to post and maintain personal websites, blogs and social media pages, but does require employees to act in a prudent manner with regard to website and internet postings that reference the City of St. Michael, its personnel, its operation or its property. Employees and others affiliated with the City may not use a city brand, logo or other city identifiers on their personal sites, nor post information that purports to be the position of the City without prior authorization.

City employees are discouraged from identifying themselves as city employees when responding to or commenting on blogs with personal opinions or views. If an employee does identify him or herself as a City of St. Michael employee, and posts a statement on a matter related to City business, a disclaimer similar to the following must be used:

“These are my own opinions and do not represent those of the City.”

Occasional access to personal social media websites during work hours is permitted, but employees must adhere to the guidelines outlined in the City’s Information Technology policy. Employees should also review the Ownership section of this policy (below).

Ownership

All social media communications or messages composed, sent, or received on city equipment are the property of the City and will be subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public upon request. The City of St. Michael also maintains the sole property rights to any image, video or audio captured while a City employee is representing the City in any capacity.

The City retains the right to monitor employee’s social media use on city equipment and will exercise its right as necessary. Users should have no expectation of privacy. Social media is not a secure means of communication.

Policy Violations

Violations of the Policy will subject the employee to disciplinary action up to and including discharge from employment.

Approved by Council on July 14, 2015.

6 Tips for Social Media Policies

BY IRENE KAO

Social media is a large part of our daily lives, personally and professionally. More than half the adult population is on Facebook, Twitter, Instagram, Pinterest, or LinkedIn.

That means that social media use is affecting the workplace, so many cities have developed or are developing social media policies.

The National Labor Relations Board (NLRB) has recently focused on the appropriateness of employers' social media policies. Private employers have been surprised by what has been found as illegal in these policies. While the NLRB doesn't consider cases for public entities like cities, courts have used their decisions to interpret similar laws under the Minnesota Public Employment Labor Relations Act.

Employees have a right to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection. This includes the right to discuss wages, benefits, and terms and conditions of employment. Employers' policies can violate this right in a number of ways. One way is when they maintain policies—including social media policies—that employees would reasonably construe as restricting this right.

To avoid this mistake, keep the following tips in mind:

1 Be specific. According to the NLRB, employers' most frequent mistake is making social media policies overbroad and ambiguous. When this happens, employers inadvertently prohibit protected concerted activity.

For example, language such as: "Employees should avoid harming the image and integrity of the company." This statement is unlawfully overbroad because employees could reasonably construe it to prohibit protected criticism of an employer's labor policies or treatment of employees.

2 Don't simply require "professionalism." General requests that employees act professionally have been found to be ambiguous (see tip #1). For example: "Communicate in a professional tone, which includes proper consideration of topics that may be considered objectionable or inflammatory."

Without further clarification as to what is "objectionable" or "inflammatory," employees could construe this rule to prohibit discussions about working conditions or unionism. However, policies that provide more specificity through examples have been found permissible. For example: "Harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online."

The NLRB has read policies in context, not in isolation. Ambiguous terms that provide no clarification or examples are unlawful because of their potential chilling effect on protected activity. On the other hand, a seemingly ambiguous rule (such as "statements that are slanderous or detrimental to the company")

that appears within a list of specific prohibited conduct (such as "sexual or racial harassment" and "sabotage") is not read to restrict concerted activity because the context provides greater clarity as to what is prohibited.

3 Don't simply require employees to tell the truth. Again, this relates to tip #1. It may seem logical to require employees to be truthful. For example: "Your posts should be completely accurate and not misleading."

However, "completely accurate and not misleading" could be interpreted by employees as prohibiting discussion or criticism of an employer's labor policies or treatment of employees. Employers can fix such policies by defining what "accurate" or "misleading" mean by providing examples or limiting the term to exclude protected concerted activity.

4 Ensure control of communications. Employees are within their right to control comments made on their behalf. For example: "Users may not post anything on the Internet in the name of Employer or in a manner that could reasonably be attributed to Employer without prior written authorization."

Employees can't read such a rule as infringing on their right to discuss labor policies. In fact, employers could require employees to expressly state that their postings are "my own and do not represent my employer's positions, strategies, or opinions."

5 Don't rely on "savings" clauses. Savings clauses are commonly at the end of long contracts or policies to serve as a catch-all. A savings clause could either "save" the rest of the contract if one of the provisions is illegal, or could be used to correct any unlawful provisions.

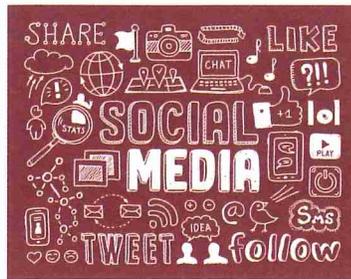
For example: "This policy will not be construed or applied in a manner that interferes with employees' rights under the National Labor Relations Act."

If any part of a social media policy is overbroad or ambiguous, a savings clause like this will not cure the policy. Instead, the best way to cure overbroad or ambiguous provisions is to provide examples or be specific about what behavior is prohibited.

6 Most importantly, get legal guidance. Have the city attorney review the city's social media policies to ensure labor and employment concerns are addressed. This area of law is constantly changing, so you need to periodically reassess your social media policy to ensure optimal compliance.

The League recently updated its model personnel policy to include the changes discussed here. Download the policy at www.lmc.org/personnelpolicy. You can also find "web extra" content related to this topic at www.lmc.org/SMpolicies. 

Irene Kao is a research attorney with the League of Minnesota Cities. Contact: ikao@lmc.org or (651) 281-1224.





City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

Item 8.0 G.2

Agenda Item:

Tax Forfeit Property

Requested Action:

Consider applying for tax forfeit properties as offered by Anoka County

Background Information:

Tax forfeit properties that aren't claimed by Cities in the initial offering of these lands become properties owned in trust by the State of Minnesota. The local County Boards manage this inventory of properties. As needed, the local County Boards re-evaluate these properties for potential reclassification. At this time Cities are offered the option to acquire or recommend an appropriate use of these parcels.

As part of this process, the City has been contacted by the Anoka County Property Records Division and we have been notified us that there may be several properties in their tax forfeiture inventory that may be of interest to the City. If the City is interested in acquiring any of these parcels, the County would need either a resolution or approved minutes showing that the City has taken official action to request the property, including the intended use of its acquisition.

If the city chooses not to acquire the properties, they would remain in the current status of tax forfeit property. The County would then review the parcels and most likely look at combining them, if possible. Depending on whether or not the parcel(s) would be buildable, it would then determine if they would be offered on a private or public land sale.

The properties submitted by the County to the City for consideration are:

- 36-33-23-24-0338
- 36-33-23-32-0008
- 36-33-23-21-0211 thru 0217
- 36-33-23-21-0231
- 36-33-23-23-0050
- 36-33-23-24-0067 thru 0078
- 36-33-23-24-0087 thru 0105
- 36-33-23-24-0158 thru 0176

Parcel 0338 (Attachment 1) is potentially buildable depending on soil conditions. This property may have use for the City as a retention pond site of a future road extension.

Parcel 0008 (Attachment 1) may have value to the City as it includes the section of a City Street that transitions Cedar to Birch Road. It appears that the City only has a prescriptive easement through this parcel.

Parcels 0211-0217 (Attachment 2) do not appear to be buildable due wetland issues and have limited benefit for City use.

Parcel 0231 (Attachment 2) does not appear to be buildable due to wetland issues and has limited benefit for City use.

Parcel 0050 (Attachment 3) is not designated as a wetland, but is mostly inundated and is a pond site.

Parcels 0067-0078 (Attachment 3) are mostly wetlands and appear to have limited benefit for City use (0.75 acres)

Parcels 0086-0105 (Attachment 3) Parcels 101-105 (0.23 acres) should be considered for City acquisition for future use for Fire Station 3; Parcels 94-100 are wetlands and Parcels 86-93 (0.36 acres) appear to be mostly wet and have limited benefit for City use.

Parcels 0158-0176 (Attachment 3) are mostly wetlands and have limited benefit for City use.

Generally, no compensation is required for conveyance of tax forfeited property for a public use, provided the conveyance meets the requirements of the Statute. Attached is Minnesota State Statute 282.01 which describes methods of acquisition, along with other requirements and information relating to tax forfeited lands.

Attachments:

Attachments 1-3, Location Maps
Attachment 4 – Mn. State Statute 282.01

Fiscal Impact:

To be determined

Recommendation:

Staff requests the City Council consider a request of conveyance of parcels 36-33-23-24-0338, 36-33-23-32-0008 and 36-33-23-24-0101 thru 0105 for public use and inform the County that the City has no interest in parcels 36-33-23-24-0067 thru 0078 and 36-33-23-24-0086 thru 0100; 36-33-23-21-0211 thru 0217; 36-33-23-21-0231; 36-33-23-23-0050; and 36-33-23-24-0158 thru 0176.

City Council Action

Motion by: _____

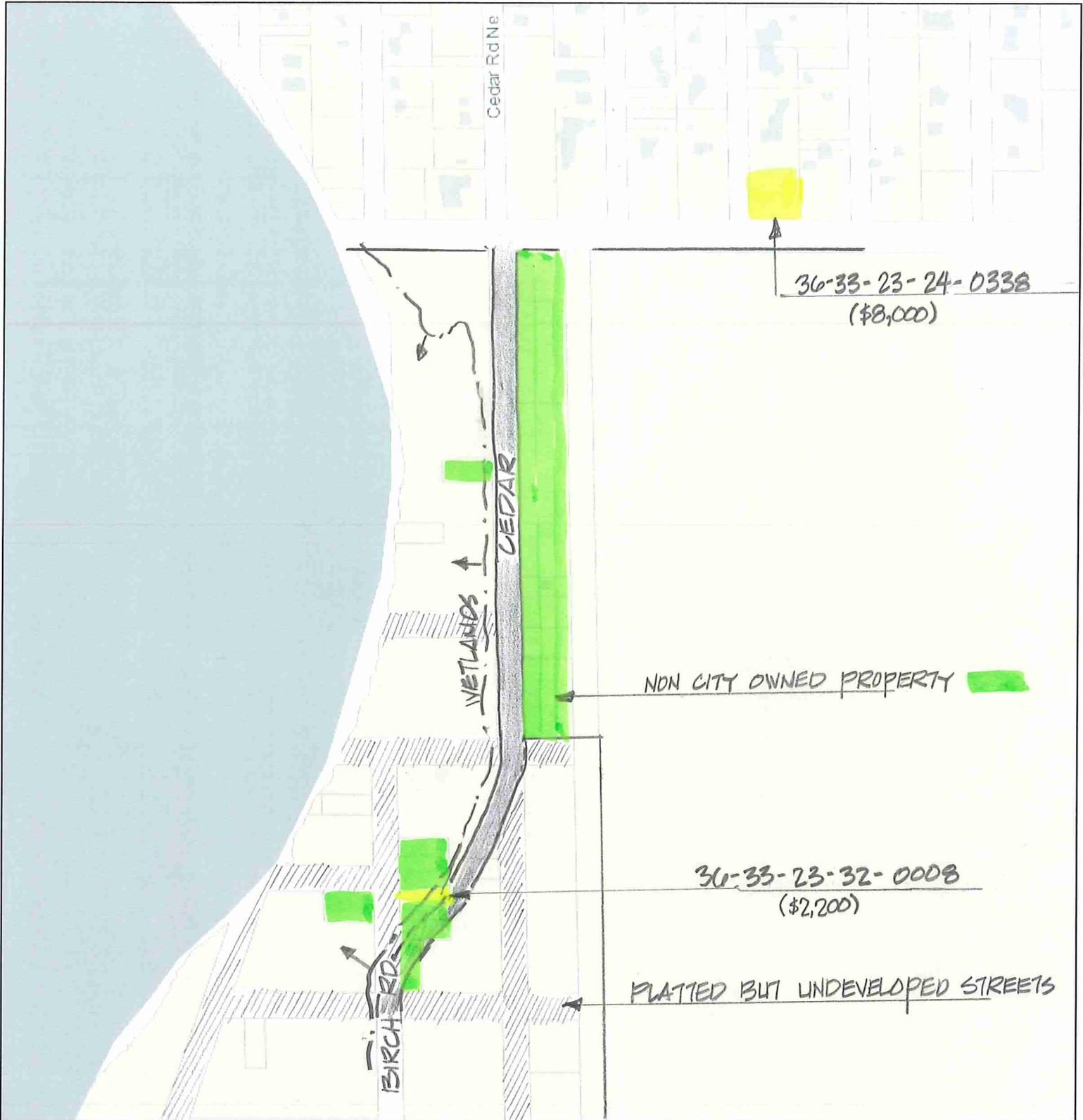
Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

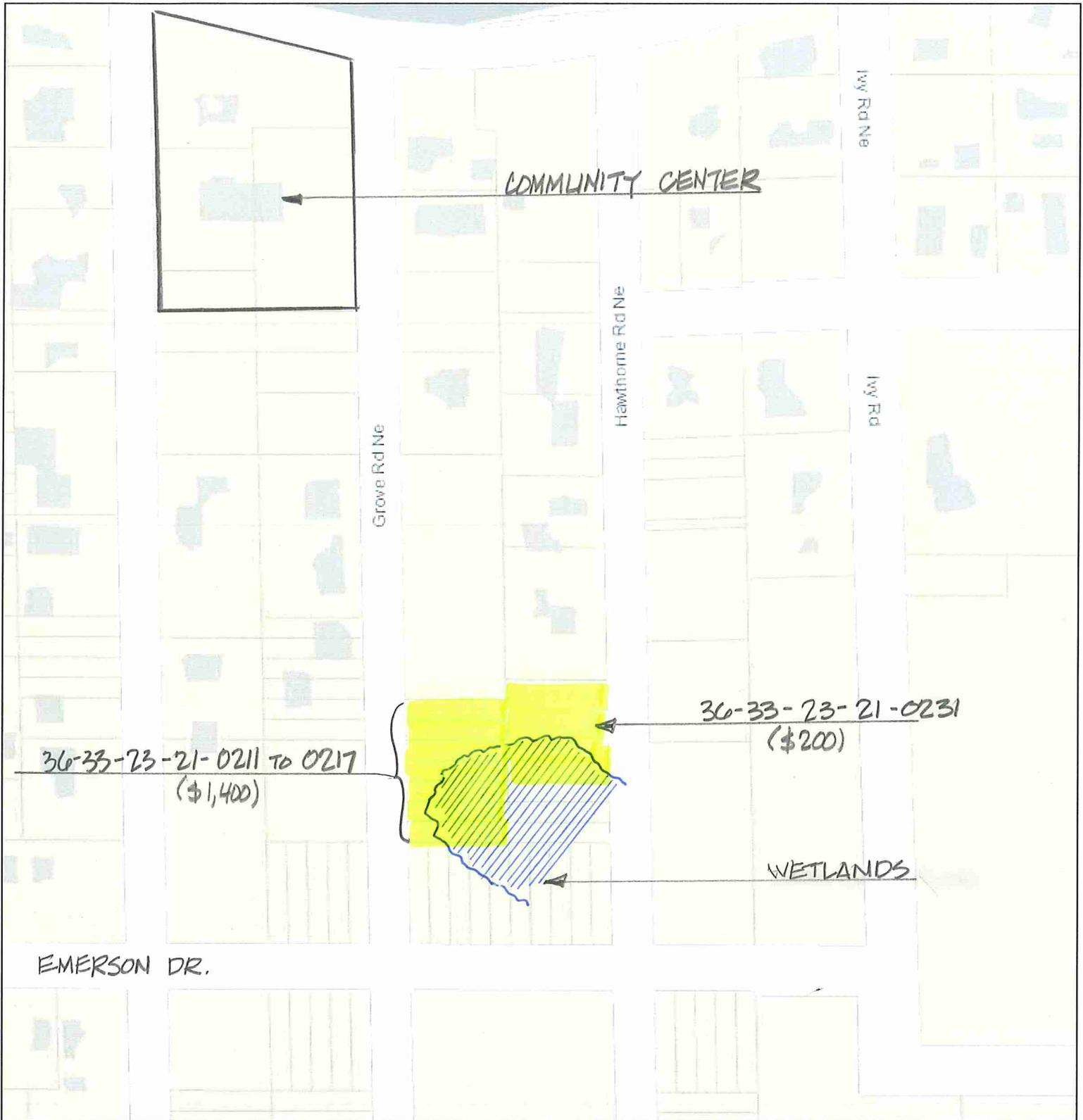
ATTACHMENT 1



1 in = 376 ft



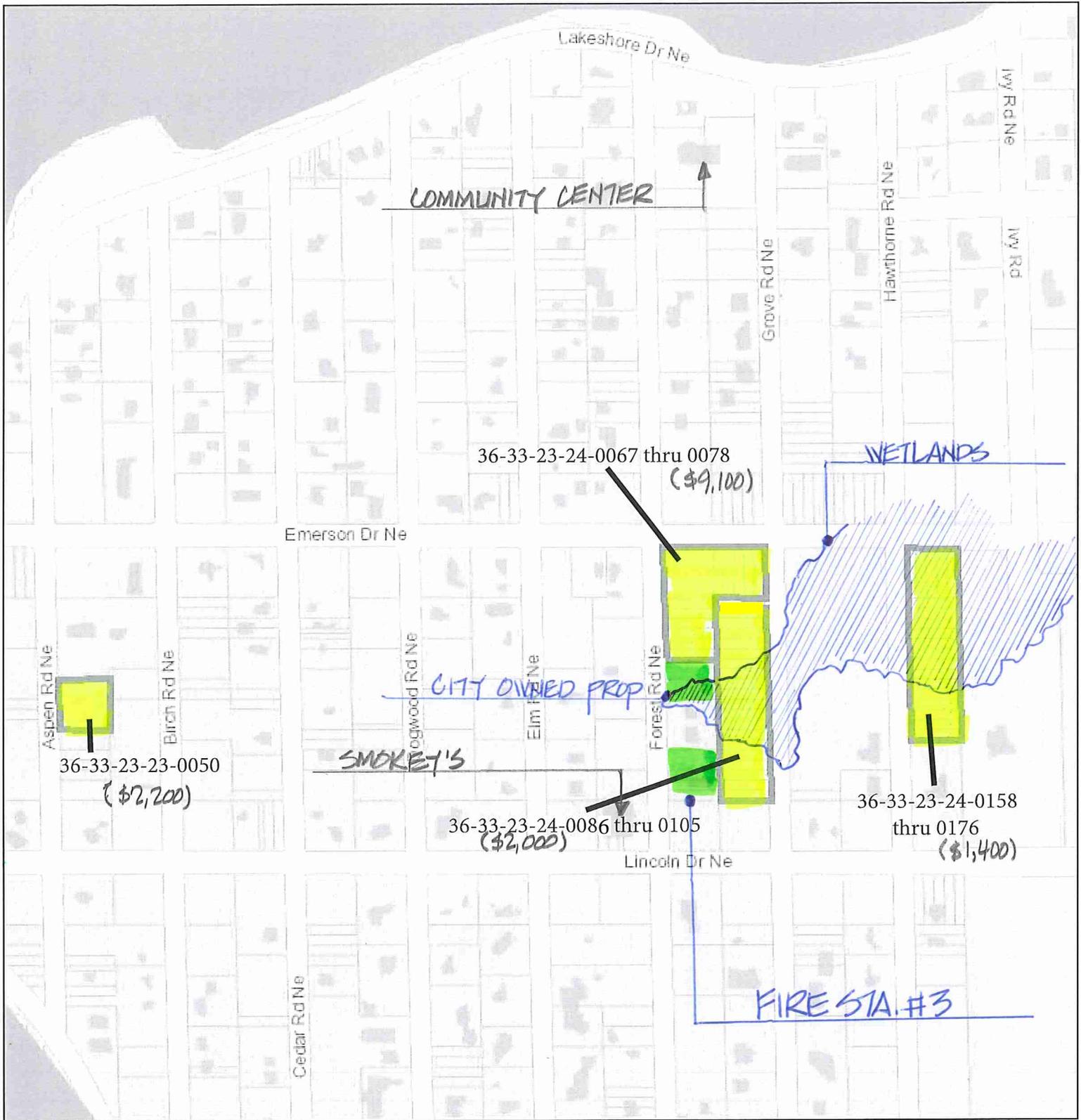
ATTACHMENT 2



1 in = 188 ft



Tax Forfeited Properties - ATTACHMENT 3



1 in = 376 ft



2015 Minnesota Statutes

282.01 TAX-FORFEITED LANDS; CLASSIFICATION, SALE.

Subdivision 1. **Classification as conservation or nonconservation.**

(a) When acting on behalf of the state under laws allowing the county board to classify and manage tax-forfeited lands held by the state in trust for the local units as provided in section [281.25](#), the county board has the discretion to decide that some lands in public ownership should be retained and managed for public benefits while other lands should be returned to private ownership. Parcels of land becoming the property of the state in trust under law declaring the forfeiture of lands to the state for taxes must be classified by the county board of the county in which the parcels lie as conservation or nonconservation. In making the classification the board shall consider the present use of adjacent lands, the productivity of the soil, the character of forest or other growth, accessibility of lands to established roads, schools, and other public services, their peculiar suitability or desirability for particular uses, and the suitability of the forest resources on the land for multiple use and sustained yield management. The classification, furthermore, must: (1) encourage and foster a mode of land utilization that will facilitate the economical and adequate provision of transportation, roads, water supply, drainage, sanitation, education, and recreation; (2) facilitate reduction of governmental expenditures; (3) conserve and develop the natural resources; and (4) foster and develop agriculture and other industries in the districts and places best suited to them.

(b) Whenever the county board deems it appropriate, the board may hold a meeting for the purpose of reclassifying tax-forfeited land that has not been sold or released from the trust. The criteria and procedures for reclassification are the same as those required for an initial classification.

(c) Prior to meeting for the purpose of classifying or reclassifying tax-forfeited lands, the county board must give notice of its intent to meet for that purpose as provided in this paragraph. The notice must be given no more than 90 days and no less than 60 days before the date of the meeting; provided that

if the meeting is rescheduled, notice of the new date, time, and location must be given at least 14 days before the date of the rescheduled meeting. The notice must be posted on a Web site. The notice must also be mailed or otherwise delivered to each person who has filed a request for notice of special meetings with the public body, regardless of whether the matter is considered at a regular or special meeting. The notice must be mailed or delivered at least 60 days before the date of the meeting. If the meeting is rescheduled, notice of the new date, time, and location must be mailed or delivered at least 14 days before the date of the rescheduled meeting. The public body shall publish the notice once, at least 30 days before the meeting, in a newspaper of general circulation within the area of the public body's authority. The board must also mail a notice by electronic means to each person who requests notice of meetings dealing with this subject and who agrees as provided in chapter 325L to accept notice that is mailed by electronic means. Receipt of actual notice under the conditions specified in section [13D.04, subdivision 7](#), satisfies the notice requirements of this paragraph.

The board may classify or reclassify tax-forfeited lands at any regular or special meeting, as those terms are defined in chapter 13D and may conduct only this business, or this business as well as other business or activities at the meeting.

(d) At the meeting, the county board must allow any person or agency possessing pertinent information to make or submit comments and recommendations about the pending classification or reclassification. In addition, representatives of governmental entities in attendance must be allowed to describe plans, ideas, or projects that may involve use or acquisition of the property by that or another governmental entity. The county board must solicit and consider any relevant components of current municipal or metropolitan comprehensive land use plans that incorporate the area in which the land is located. After allowing testimony, the board may classify, reclassify, or delay taking action on any parcel or parcels. In order for a state agency or a governmental subdivision of the state to preserve its right to request a purchase or other acquisition of a forfeited parcel, it may, at any time following forfeiture, file a written request to withhold the parcel from sale or lease to others under the provisions of subdivision 1a.

(e) When classifying, reclassifying, appraising, and selling lands under this chapter, the county board may designate the tracts as assessed and acquired, or may by resolution provide for the subdivision of the tracts into smaller units or for the grouping of several tracts into one tract when the subdivision or grouping is deemed advantageous for conservation or sale purposes. This paragraph does not authorize the county board to subdivide a parcel or tract of tax-forfeited land that, as assessed and acquired, is withheld from sale under section [282.018, subdivision 1](#).

(f) A county board may by resolution elect to use the classification and reclassification procedures provided in paragraphs (g), (h), and (i), instead of the procedures provided in paragraphs (b), (c), and (d). Once an election is made under this paragraph, it is effective for a minimum of five years.

(g) The classification or reclassification of tax-forfeited land that has not been sold or released from the trust may be made by the county board using information made available to it by any office or department of the federal, state, or local governments, or by any other person or agency possessing pertinent information at the time the classification is made.

(h) If the lands are located within the boundaries of an organized town or incorporated municipality, a classification or reclassification and sale must first be approved by the town board of the town or the governing body of the municipality in which the lands are located. The town board of the town or the governing body of the municipality is considered to have approved the classification or reclassification and sale if the county board is not notified of the disapproval of the classification or reclassification and sale within 60 days of the date the request for approval was transmitted to the town board of the town or governing body of the municipality. If the town board or governing body disapproves of the classification or reclassification and sale, the county board must follow the procedures in paragraphs (c) and (d), with regard to the parcel, and must additionally cause to be published in a newspaper a notice of the date, time, location, and purpose of the required meeting.

(i) If a town board or a governing body of a municipality or a park and recreation board in a city of the first class desires to acquire any parcel lying in the town or municipality by procedures authorized in this section, it may file a written request under subdivision 1a, paragraph (a).

Subd. 1a. Conveyance to public entities.

(a) Upon written request from a state agency or a governmental subdivision of the state, a parcel of unsold tax-forfeited land must be withheld from sale or lease to others for a maximum of six months. The request must be submitted to the county auditor. Upon receipt, the county auditor must withhold the parcel from sale or lease to any other party for six months, and must confirm the starting date of the six-month withholding period to the requesting agency or subdivision. If the request is from a governmental subdivision of the state, the governmental subdivision must pay the maintenance costs incurred by the county during the period the parcel is withheld. The county board may approve a sale or conveyance to the requesting party during the withholding period. A conveyance of the property to the requesting party terminates the withholding period.

A governmental subdivision of the state must not make, and a county auditor must not act upon, a second request to withhold a parcel from sale or lease within 18 months of a previous request for that parcel. A county may reject a request made under this paragraph if the request is made more than 30 days after the county has given notice to the requesting state agency or governmental subdivision of the state that the county intends to sell or otherwise dispose of the property.

(b) Nonconservation tax-forfeited lands may be sold by the county board, for their market value as determined by the county board, to an organized or incorporated governmental subdivision of the state for any public purpose for which the subdivision is authorized to acquire property. When the term "market value" is used in this section, it means an estimate of the full and actual market value of the parcel as determined by the county board, but in making this determination, the board and the persons employed by or under contract with the board in order to perform, conduct, or assist in the determination, are exempt from the licensure requirements of chapter 82B.

(c) Nonconservation tax-forfeited lands may be released from the trust in favor of the taxing districts on application to the county board by a state agency for an authorized use at not less than their market value as determined by the county board.

(d) Nonconservation tax-forfeited lands may be sold by the county board to an organized or incorporated governmental subdivision of the state or state agency for less than their market value if:

(1) the county board determines that a sale at a reduced price is in the public interest because a reduced price is necessary to provide an incentive to correct the blighted conditions that make the lands undesirable in the open market, or the reduced price will lead to the development of affordable housing; and

(2) the governmental subdivision or state agency has documented its specific plans for correcting the blighted conditions or developing affordable housing, and the specific law or laws that empower it to acquire real property in furtherance of the plans.

If the sale under this paragraph is to a governmental subdivision of the state, the commissioner of revenue must convey the property on behalf of the state by quitclaim deed. If the sale under this paragraph is to a state agency, the commissioner must issue a conveyance document that releases the property from the trust in favor of the taxing districts.

(e) Nonconservation tax-forfeited land held in trust in favor of the taxing districts may be conveyed by the commissioner of revenue in the name of the state to a governmental subdivision for an authorized public use, if an application is submitted to the commissioner which includes a statement of facts as to the use to be made of the tract and the favorable recommendation of the county board. For the purposes of this paragraph, "authorized public use" means a use that allows an indefinite segment of the public to physically use and enjoy the property in numbers appropriate to its size and use, or is for a public service facility. Authorized public uses as defined in this paragraph are limited to:

(1) a road, or right-of-way for a road;

(2) a park that is both available to, and accessible by, the public that contains improvements such as campgrounds, playgrounds, athletic fields, trails, or shelters;

(3) trails for walking, bicycling, snowmobiling, or other recreational purposes, along with a reasonable amount of surrounding land maintained in its natural state;

(4) transit facilities for buses, light rail transit, commuter rail or passenger rail, including transit ways, park-and-ride lots, transit stations, maintenance and garage facilities, and other facilities related to a public transit system;

(5) public beaches or boat launches;

(6) public parking;

(7) civic recreation or conference facilities; and

(8) public service facilities such as fire halls, police stations, lift stations, water towers, sanitation facilities, water treatment facilities, and administrative offices.

No monetary compensation or consideration is required for the conveyance, except as provided in subdivision 1g, but the conveyance is subject to the conditions provided in law, including, but not limited to, the reversion provisions of subdivisions 1c and 1d.

(f) The commissioner of revenue shall convey a parcel of nonconservation tax-forfeited land to a local governmental subdivision of the state by quitclaim deed on behalf of the state upon the favorable recommendation of the county board if the governmental subdivision has certified to the board that prior to forfeiture the subdivision was entitled to the parcel under a written development agreement or instrument, but the conveyance failed to occur prior to forfeiture. No compensation or consideration is required for, and no conditions attach to, the conveyance.

(g) The commissioner of revenue shall convey a parcel of nonconservation tax-forfeited land to the association of a common interest community by quitclaim deed upon the favorable recommendation of the county board if the association certifies to the board that prior to forfeiture the association was entitled to the parcel under a written agreement, but the conveyance failed to occur prior to forfeiture. No compensation or consideration is required for, and no conditions attach to, the conveyance.

(h) Conservation tax-forfeited land may be sold to a governmental subdivision of the state for less than its market value for either: (1) creation or preservation of wetlands; (2) drainage or storage of storm water under a storm water management plan; or (3) preservation, or restoration and preservation, of the land in its natural state. The deed must contain a restrictive covenant limiting the use of the land to one of these purposes for

30 years or until the property is reconveyed back to the state in trust. At any time, the governmental subdivision may reconvey the property to the state in trust for the taxing districts. The deed of reconveyance is subject to approval by the commissioner of revenue. No part of a purchase price determined under this paragraph shall be refunded upon a reconveyance, but the amount paid for a conveyance under this paragraph may be taken into account by the county board when setting the terms of a future sale of the same property to the same governmental subdivision under paragraph (b) or (d). If the lands are unplatted and located outside of an incorporated municipality and the commissioner of natural resources determines there is a mineral use potential, the sale is subject to the approval of the commissioner of natural resources.

(i) A park and recreation board in a city of the first class is a governmental subdivision for the purposes of this section.

(j) Tax-forfeited land held in trust in favor of the taxing districts may be conveyed by the commissioner of revenue in the name of the state to a governmental subdivision for a school forest under section [89.41](#). An application that includes a statement of facts as to the use to be made of the tract and the favorable recommendation of the county board and the commissioner of natural resources must be submitted to the commissioner of revenue. No monetary compensation or consideration is required for the conveyance, but the conveyance is subject to the conditional use and reversion provisions of subdivisions 1c and 1d, paragraph (e). At any time, the governmental subdivision may reconvey the property back to the state in trust for the taxing districts. The deed of reconveyance is subject to approval by the commissioner of revenue.

Subd. 1b. Conveyance; targeted community lands.

Notwithstanding subdivision 1a, in the case of tax-forfeited lands located in a targeted community in a city of the first class, the commissioner of revenue shall convey by quitclaim deed in the name of the state any tract of tax-forfeited land held in trust in favor of the taxing districts, to a political subdivision of the state that submits an application to the commissioner of revenue and the favorable recommendation of the county board. For purposes of this subdivision, the term "targeted community" has the meaning given in section [469.201, subdivision 10](#), except that the land must be located within a first class city.

Subd. 1c. Deed of conveyance; form; approvals.

The deed conveying property for an authorized public use under the authorities in this section, must be on a form approved by the attorney general and must be conditioned on continued use of the property for the purpose stated in the application as provided in this section. All deeds conveying property for an authorized public use, regardless of when executed, are conditional use deeds that convey a defeasible estate. Reversion of the estate occurs by operation of law and without the requirement for any affirmative act by or on behalf of the state when there is a failure to put the property to the approved authorized public use for which it was conveyed, or an abandonment of that use, except as provided in subdivision 1d.

Subd. 1d. Reverter for failure to use; conveyance to state.

(a) After three years from the date of any conveyance of tax-forfeited land to a governmental subdivision for an authorized public use as provided in this section, regardless of when the deed for the authorized public use was executed, if the governmental subdivision has failed to put the land to that use, or abandons that use, the governing body of the subdivision must: (1) with the approval of the county board, purchase the property for an authorized public purpose at the present market value as determined by the county board, or (2) authorize the proper officers to convey the land, or the part of the land not required for an authorized public use, to the state of Minnesota in trust for the taxing districts. If the governing body purchases the property under clause (1), the commissioner of revenue shall, upon proper application submitted by the county auditor, convey the property on behalf of the state by quitclaim deed to the subdivision free of a use restriction and the possibility of reversion or defeasement. If the governing body decides to reconvey the property to the state under this clause, the officers shall execute a deed of conveyance immediately. The conveyance is subject to the approval of the commissioner and its form must be approved by the attorney general. For 15 years from the date of the conveyance, there is no failure to put the land to the authorized public use and no abandonment of that use if a formal plan of the governmental subdivision, including, but not limited to, a comprehensive plan or land use plan, shows an intended future use of the land for the authorized public use.

(b) Property held by a governmental subdivision of the state under a conditional use deed executed under this section by the commissioner of revenue on or after January 1, 2007, may be acquired by that governmental subdivision after 15 years from the date of the conveyance if the commissioner determines upon written application from the subdivision that the subdivision has in fact put the property to the authorized public use for which it was conveyed, and the subdivision has made a finding that it has no current plans to change the use of the lands. Prior to conveying the property, the commissioner shall inquire whether the county board where the land is located objects to a conveyance of the property to the subdivision without conditions and without further act by or obligation of the subdivision. If the county does not object within 60 days, and the commissioner makes a favorable determination, the commissioner shall issue a quitclaim deed on behalf of the state unconditionally conveying the property to the governmental subdivision. For purposes of this paragraph, demonstration of an intended future use for the authorized public use in a formal plan of the governmental subdivision does not constitute use for that authorized public use.

(c) Property held by a governmental subdivision of the state under a conditional use deed executed under this section by the commissioner of revenue before January 1, 2007, is released from the use restriction and possibility of reversion on January 1, 2022, if the county board records a resolution describing the land and citing this paragraph. The county board may authorize the county treasurer to deduct the amount of the recording fees from future settlements of property taxes to the subdivision.

(d) Except for tax-forfeited land conveyed to establish a school forest under section [89.41](#), property conveyed under a conditional use deed executed under this section by the commissioner of revenue, regardless of when the deed for the authorized public use was executed, is released from the use restriction and reverter, and any use restriction or reverter for which no declaration of reversion has been recorded with the county recorder or registrar of titles, as appropriate, is nullified on the later of: (1) January 1, 2015; (2) 30 years from the date the deed was acknowledged; or (3) final resolution of an appeal to district court under subdivision 1e, if a lis pendens related to the appeal is recorded in the office of the county recorder or registrar of titles, as appropriate, prior to January 1, 2015.

(e) Notwithstanding paragraphs (a) to (d), tax-forfeited land conveyed to establish a school forest under section 89.41 is subject to a perpetual conditional use deed and reverter. The property reverts to the state in trust for the taxing districts by operation of law if the commissioner of natural resources determines and reports to the commissioner of revenue under section 89.41, subdivision 3, that the governmental subdivision has failed to use the land for school forest purposes for three consecutive years. The commissioner of revenue shall record a declaration of reversion for land that has reverted under this paragraph.

Subd. 1e. Notice and declaration of reversion.

If the tax-forfeited land is not either purchased or conveyed to the state in accordance with subdivision 1d, the commissioner of revenue shall by written instrument, in form approved by the attorney general, declare the land to have reverted to the state, and shall serve a notice of reversion, with a copy of the declaration, by certified mail upon the clerk or recorder of the governmental subdivision concerned. No declaration of reversion under this subdivision shall be made earlier than 60 days after the expiration of the three-year period described in subdivision 1d. The commissioner shall file the original declaration in the commissioner's office, with verified proof of service. The governmental subdivision may appeal to the district court of the county in which the land lies by filing with the court administrator a notice of appeal, specifying the grounds of appeal and the description of the land involved, mailing a copy of the notice of appeal by certified mail to the commissioner of revenue, and filing a copy for record with the county recorder or registrar of titles, all within 30 days after the mailing of the notice of reversion. The appeal shall be tried by the court in like manner as a civil action. If no appeal is taken as provided in this subdivision, the declaration of reversion is final. The commissioner of revenue shall file for record with the county recorder or registrar of titles, of the county within which the land lies, a certified copy of the declaration of reversion and proof of service.

Subd. 1f. Land exchanges; Minneapolis.

A city of the first class with a population of 450,000, or over, or its board of park commissioners, which has acquired tax-forfeited land for a specified public use under this section, may convey the land in exchange for other land

of substantially equal worth located in the city. The land conveyed to the city, or its board of park commissioners, in exchange is subject to the public use and reversionary provisions of this section. The tax-forfeited land so conveyed is thereafter free from the public use and reversionary provisions of this section. The exchange shall in no way affect the mineral rights of the state of Minnesota, if any, in the lands exchanged.

Subd. 1g. Conditional use deed fees.

(a) A governmental subdivision of the state applying for a conditional use deed under subdivision 1a, paragraph (e), must submit a fee of \$250 to the commissioner of revenue along with the application. If the application is denied, the commissioner shall refund \$150 of the application fee.

(b) The proceeds from the fees must be deposited in a Department of Revenue conditional use deed revolving fund. The sums deposited into the revolving fund are appropriated to the commissioner of revenue for the purpose of making the refunds described in this subdivision and administering conditional use deed laws.

Subd. 1h. Conveyance; form.

The instruments of conveyance executed and issued by the commissioner of revenue under subdivision 1a, paragraphs (c), (d), (e), (f), (g), and (h), and subdivision 1d, paragraph (b), must be on a form approved by the attorney general and are prima facie evidence of the facts stated therein and that the execution and issuance of the conveyance complies with the applicable laws.

Subd. 2. Conservation lands; county board supervision.

(a) Lands classified as conservation lands must be held under the supervision of the county board of the county within which the parcels lie and must not be conveyed or sold unless the lands are:

- (1) reclassified as nonconservation lands;
- (2) conveyed to a governmental subdivision of the state under subdivision 1a;
- (3) released from the trust in favor of the taxing districts as provided in paragraph (b); or

(4) conveyed or sold under the authority of another general or special law.

(b) The county board may, by resolution duly adopted, resolve that certain lands classified as conservation lands shall be devoted to conservation uses and may submit a resolution to the commissioner of natural resources. If, upon investigation, the commissioner of natural resources determines that the lands covered by the resolution, or any part thereof, can be managed and developed for conservation purposes, the commissioner shall make a certificate describing the lands and reciting the acceptance thereof on behalf of the state. The commissioner shall transmit the certificate to the county auditor, who shall note the same upon the auditor's records and record the same with the county recorder. The title to all lands so accepted shall be held by the state free from any trust in favor of any and all taxing districts and the lands shall be devoted thereafter to the purposes of forestry, water conservation, flood control, parks, game refuges, controlled game management areas, public shooting grounds, or other public recreational or conservation uses, and managed, controlled, and regulated under the jurisdiction of the commissioner of natural resources and the divisions of the department.

(c) All proceeds derived from the sale of timber, lease of crops of hay, or other revenue from lands under the jurisdiction of the commissioner of natural resources shall be credited to the general fund of the state.

(d) If the commissioner of natural resources determines that any tract of land acquired by the state under paragraph (b) and situated within or adjacent to the boundaries of any governmental subdivision of the state is suitable for use by the subdivision for any authorized public purpose, the commissioner may convey the tract by deed in the name of the state to the subdivision upon the filing with the commissioner of a resolution adopted by a majority vote of all the members of the governing body thereof, stating the purpose for which the land is desired. The deed of conveyance shall be upon a form approved by the attorney general and must be conditioned upon continued use for the purpose stated in the resolution.

(e) The county auditor, with the approval of the county board, may lease conservation lands remaining under the supervision of the county board and sell timber and hay stumpage thereon in the manner hereinafter provided, and

all proceeds derived therefrom shall be distributed in the same manner as provided in section [282.04](#).

Subd. 3. Nonconservation lands; appraisal and sale.

(a) All parcels of land classified as nonconservation, except those which may be reserved, shall be sold as provided, if it is determined, by the county board of the county in which the parcels lie, that it is advisable to do so, having in mind their accessibility, their proximity to existing public improvements, and the effect of their sale and occupancy on the public burdens. Any parcels of land proposed to be sold shall be first appraised by the county board of the county in which the parcels lie. The parcels may be reappraised whenever the county board deems it necessary to carry out the intent of sections [282.01](#) to [282.13](#).

(b) In an appraisal the value of the land and any standing timber on it shall be separately determined. No parcel of land containing any standing timber may be sold until the appraised value of the timber on it and the sale of the land have been approved by the commissioner of natural resources. The commissioner shall base review of a proposed sale on the policy and considerations specified in subdivision 1. The decision of the commissioner shall be in writing and shall state the reasons for it. The commissioner's decision is exempt from the rulemaking provisions of chapter 14 and section [14.386](#) does not apply. The county may appeal the decision of the commissioner in accordance with chapter 14.

(c) In any county in which a state forest or any part of it is located, the county auditor shall submit to the commissioner at least 60 days before the first publication of the list of lands to be offered for sale a list of all lands included on the list which are situated outside of any incorporated municipality. If, at any time before the opening of the sale, the commissioner notifies the county auditor in writing that there is standing timber on any parcel of land, the parcel shall not be sold unless the requirements of this section respecting the separate appraisal of the timber and the approval of the appraisal by the commissioner have been complied with. The commissioner may waive the requirement of the 60-day notice as to any parcel of land which has been examined and the timber value approved as required by this section.

(d) If any public improvement is made by a municipality after any parcel of land has been forfeited to the state for the nonpayment of taxes, and the improvement is assessed in whole or in part against the property benefited by it, the clerk of the municipality shall certify to the county auditor, immediately upon the determination of the assessments for the improvement, the total amount that would have been assessed against the parcel of land if it had been subject to assessment; or if the public improvement is made, petitioned for, ordered in or assessed, whether the improvement is completed in whole or in part, at any time between the appraisal and the sale of the parcel of land, the cost of the improvement shall be included as a separate item and added to the appraised value of the parcel of land at the time it is sold. No sale of a parcel of land shall discharge or free the parcel of land from lien for the special benefit conferred upon it by reason of the public improvement until the cost of it, including penalties, if any, is paid. The county board shall determine the amount, if any, by which the value of the parcel was enhanced by the improvement and include the amount as a separate item in fixing the appraised value for the purpose of sale.

Subd. 4. Sale: method, requirements, effects.

The sale authorized under subdivision 3 must be conducted by the county auditor at the county seat of the county in which the parcels lie, except that in St. Louis and Koochiching Counties, the sale may be conducted in any county facility within the county. The sale must not be for less than the appraised value except as provided in subdivision 7a. The parcels must be sold for cash only, unless the county board of the county has adopted a resolution providing for their sale on terms, in which event the resolution controls with respect to the sale. When the sale is made on terms other than for cash only (1) a payment of at least ten percent of the purchase price must be made at the time of purchase, and the balance must be paid in no more than ten equal annual installments, or (2) the payments must be made in accordance with county board policy, but in no event may the board require more than 12 installments annually, and the contract term must not be for more than ten years. Standing timber or timber products must not be removed from these lands until an amount equal to the appraised value of all standing timber or timber products on the lands at the time of purchase has been paid by the purchaser. If a parcel of land bearing standing timber or timber products is sold at public auction for more than the appraised value, the

amount bid in excess of the appraised value must be allocated between the land and the timber in proportion to their respective appraised values. In that case, standing timber or timber products must not be removed from the land until the amount of the excess bid allocated to timber or timber products has been paid in addition to the appraised value of the land. The purchaser is entitled to immediate possession, subject to the provisions of any existing valid lease made in behalf of the state.

For sales occurring on or after July 1, 1982, the unpaid balance of the purchase price is subject to interest at the rate determined pursuant to section [549.09](#). The unpaid balance of the purchase price for sales occurring after December 31, 1990, is subject to interest at the rate determined in section [279.03, subdivision 1a](#). The interest rate is subject to change each year on the unpaid balance in the manner provided for rate changes in section [549.09](#) or [279.03, subdivision 1a](#), whichever, is applicable. Interest on the unpaid contract balance on sales occurring before July 1, 1982, is payable at the rate applicable to the sale at the time that the sale occurred.

Subd. 5. Sale on terms, certificate; failure to comply.

When sales hereafter are made on terms the purchaser shall receive a certificate from the county auditor in such form, consistent with the provisions of sections [282.01](#) to [282.13](#) and setting forth the terms of sale, as may be prescribed by the attorney general. Failure of the purchaser or any person claiming under the purchaser, to pay any of the deferred installments with interest, or the current taxes, or to comply with any conditions that may have been stipulated in the notice of sale or in the auditor's certificate herein provided for, shall constitute default; and the state may, by order of the county board, during the continuance of such default, declare such certificate canceled and take possession of such lands and may thereafter resell or lease the same in the same manner and under the same rules as other lands forfeited to the state for taxes are sold or leased. When the county board shall have adopted a resolution ordering the cancellation of such certificate or certificates and the cancellation shall have been completed in accord with section [282.40](#), then a reentry shall be deemed to have been made on the part of the state without any other act or deed, and without any right of redemption by the purchaser or any one claiming under the purchaser; and the original purchaser in default or any person claiming under the original

purchaser, who shall remain in possession or enter thereon shall be deemed a willful trespasser and shall be punished as such.

When the cancellation of such certificate has been completed the county auditor shall cancel all taxes and tax liens, delinquent and current, and special assessments, delinquent or otherwise, imposed upon the lands described in the certificate after its issuance.

Subd. 6. Duties of commissioner after sale.

When any sale has been made by the county auditor under sections 282.01 to 282.13, the auditor shall immediately certify to the commissioner of revenue such information relating to such sale, on such forms as the commissioner of revenue may prescribe as will enable the commissioner of revenue to prepare an appropriate deed if the sale is for cash, or keep necessary records if the sale is on terms; and not later than October 31 of each year the county auditor shall submit to the commissioner of revenue a statement of all instances wherein any payment of principal, interest, or current taxes on lands held under certificate, due or to be paid during the preceding calendar years, are still outstanding at the time such certificate is made. When such statement shows that a purchaser or the purchaser's assignee is in default, the commissioner of revenue may instruct the county board of the county in which the land is located to cancel said certificate of sale in the manner provided by subdivision 5, provided that upon recommendation of the county board, and where the circumstances are such that the commissioner of revenue after investigation is satisfied that the purchaser has made every effort reasonable to make payment of both the annual installment and said taxes, and that there has been no willful neglect on the part of the purchaser in meeting these obligations, then the commissioner of revenue may extend the time for the payment for such period as the commissioner may deem warranted, not to exceed one year. On payment in full of the purchase price, appropriate conveyance in fee, in such form as may be prescribed by the attorney general, shall be issued by the commissioner of revenue, which conveyance must be recorded by the county and shall have the force and effect of a patent from the state subject to easements and restrictions of record at the date of the tax judgment sale, including, but without limitation, permits for telephone and electric power lines either by underground cable or conduit or otherwise, sewer and water

lines, highways, railroads, and pipe lines for gas, liquids, or solids in suspension.

Subd. 7. County sales; notice, purchase price, disposition.

The sale must commence at the time determined by the county board of the county in which the parcels are located. The county auditor shall offer the parcels of land in order in which they appear in the notice of sale, and shall sell them to the highest bidder, but not for a sum less than the appraised value, until all of the parcels of land have been offered. Then the county auditor shall sell any remaining parcels to anyone offering to pay the appraised value, except that if the person could have repurchased a parcel of property under section [282.012](#) or [282.241](#), that person may not purchase that same parcel of property at the sale under this subdivision for a purchase price less than the sum of all taxes, assessments, penalties, interest, and costs due at the time of forfeiture computed under section [282.251](#), and any special assessments for improvements certified as of the date of sale. The sale must continue until all the parcels are sold or until the county board orders a reappraisal or withdraws any or all of the parcels from sale. The list of lands may be added to and the added lands may be sold at any time by publishing the descriptions and appraised values. The added lands must be: (1) parcels of land that have become forfeited and classified as nonconservation since the commencement of any prior sale; (2) parcels classified as nonconservation that have been reappraised; (3) parcels that have been reclassified as nonconservation; or (4) other parcels that are subject to sale but were omitted from the existing list for any reason. The descriptions and appraised values must be published in the same manner as provided for the publication of the original list. Parcels added to the list must first be offered for sale to the highest bidder before they are sold at appraised value. All parcels of land not offered for immediate sale, as well as parcels that are offered and not immediately sold, continue to be held in trust by the state for the taxing districts interested in each of the parcels, under the supervision of the county board. Those parcels may be used for public purposes until sold, as directed by the county board.

Subd. 7a. City sales; alternate procedures.

Land located in a home rule charter or statutory city, or in a town which cannot be improved because of noncompliance with local ordinances regarding minimum area, shape, frontage or access may be sold by the county auditor pursuant to this subdivision if the auditor determines that a nonpublic sale will encourage the approval of sale of the land by the city or town and promote its return to the tax rolls. If the physical characteristics of the land indicate that its highest and best use will be achieved by combining it with an adjoining parcel and the city or town has not adopted a local ordinance governing minimum area, shape, frontage, or access, the land may also be sold pursuant to this subdivision. If the property consists of an undivided interest in land or land and improvements, the property may also be sold to the other owners under this subdivision. The sale of land pursuant to this subdivision shall be subject to any conditions imposed by the county board pursuant to section 282.03. The governing body of the city or town may recommend to the county board conditions to be imposed on the sale. The county auditor may restrict the sale to owners of lands adjoining the land to be sold. The county auditor shall conduct the sale by sealed bid or may select another means of sale. The land shall be sold to the highest bidder and may be sold for less than its appraised value. All owners of land adjoining the land to be sold shall be given a written notice at least 30 days prior to the sale.

This subdivision shall be liberally construed to encourage the sale and utilization of tax-forfeited land, to eliminate nuisances and dangerous conditions and to increase compliance with land use ordinances.

Subd. 8. Minerals in tax-forfeited land and tax-forfeited stockpiled metallic minerals material subject to mining; procedures.

In case the commissioner of natural resources shall notify the county auditor of any county in writing that the minerals in any tax-forfeited land or tax-forfeited stockpiled metallic minerals material located on tax-forfeited land in such county have been designated as a mining unit as provided by law, or that such minerals or tax-forfeited stockpiled metallic minerals material are subject to a mining permit or lease issued therefor as provided by law, the surface of such tax-forfeited land shall be subject to disposal and use for mining purposes pursuant to such designation, permit, or lease, and shall be withheld from sale or lease by the county auditor until the commissioner shall notify the county auditor that such land has been removed from the list

of mining units or that any mining permit or lease theretofore issued thereon is no longer in force; provided, that the surface of such tax-forfeited land may be leased by the county auditor as provided by law, with the written approval of the commissioner, subject to disposal and use for mining purposes as herein provided and to any special conditions relating thereto that the commissioner may prescribe, also subject to cancellation for mining purposes on three months written notice from the commissioner to the county auditor.

Subd. 9.

[Repealed, [2010 c 389 art 9 s 14](#)]

Subd. 10.

[Repealed, [2010 c 389 art 9 s 14](#)]

Subd. 11.

[Repealed, [2010 c 389 art 9 s 14](#)]

Subd. 12. Notice; public hearing for use change.

If a governmental subdivision that acquired a parcel for public use under this section later determines to change the use, it must hold a public hearing on the proposed use change. The governmental subdivision must mail written notice of the proposed use change and the public hearing to each owner of property that is within 400 feet of the parcel at least ten days and no more than 60 days before it holds the hearing. The notice must identify: (1) the parcel, (2) its current use, (3) the proposed use, (4) the date, time, and place of the public hearing, and (5) where to submit written comments on the proposal and that the public is invited to testify at the public hearing.



City of East Bethel City Council Agenda Information

Date:

October 7, 2015

Agenda Item Number:

Item 8.0 G.3

Agenda Item:

Code Enforcement Report

Requested Action:

Informational Only

Background Information:

Attached is a report of City code enforcement activities through September 2015.

Attachments:

2015 Code Enforcement Report

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: X

Open Enforcement Cases in the City of East Bethel

Accessory Structure: If an accessory structure is larger than 120 sq. ft. than it must have a permit. All accessory structures must meet code.						
Total Cases	Case Number	Date initiated	# of Days Open	Next Action Date	Status	Notes
1	AS2015-00001	12/15/2014	189	06/10/2015	First Inspection	In January we agreed to give them until 6/10/15 to remove the temporary structure. Temporary structures do not meet code.
Farm Animal Licensing: You must have an Interim Use Permit to keep farm animals in East Bethel.						
Total Cases	Case Number	Date initiated	# of Days Open	Next Action Date	Status	Notes
2	FA2015-00002	05/01/2015	149	06/02/2015	Second Inspection	They need an IUP for chickens. Property owner did not receive certified letter due to "Not deliverable as addressed. Unable to forward." Current resident did not receive the letter either.
	FA2015-00004	08/28/2015	36	10/26/2015	Second Inspection	Complainant witnessed more than 6 chickens. They do not have an IUP to keep chickens. Complainant witnessed electrical vehicle outside their property on several occasions believing they were wiring the chicken coop to heat it. They do not have any electrical permits.
Number of animals: Only 2 dogs are allowed before you need a kennel license and farm animals need an IUP.						
Total Cases	Case Number	Date initiated	# of Days Open	Next Action Date	Status	Notes
1	AU2015-00002	04/20/2015	166	06/08/2015	Second Inspection	Unable to view from the road. Will send a nonaccusatory letter notifying them of city ordinances. CSO hand delivery on 5/8/15
Debris or Junk: Debris of junk in yard is visible from public right-of-way or neighboring property.						
Total Cases	Case Number	Date initiated	# of Days Open	Next Action Date	Status	Notes
6	DJ2015-00002	02/10/2015	189	05/06/2015	Send Final Notice	See Nick about this case...
	DJ2015-00005	05/31/2015	125	07/02/2015	Second Inspection	
	DJ2015-00006	05/31/2015	125	10/24/2015	Second Inspection	Nick taped to the door of the property since it is a HUD property. Neighbor is selling property and wants the neighboring property cleaned up.
	DJ2015-00007	07/12/2015	83	08/13/2015	Second Inspection	7/9/15: Piles of cement on yard near roadway. New owners are pulling up old tennis court.
	DJ2015-00008	09/14/2015	19	10/16/2015	Second Inspection	
	DJ2015-00009	09/28/2015	5	09/28/2015	First Inspection	Needs first inspection to confirm the location.
Grass: Cannot exceed 8 inches high.						
Total Cases	Case Number	Date initiated	# of Days Open	Next Action Date	Status	Notes
4	GR2015-00001	05/08/2015	148	06/16/2015	Second Inspection	
	GR2015-00003	06/09/2015	125	07/02/2015	Second Inspection	
	GR2015-00004	08/29/2015	35	09/28/2015	Second Inspection	
	GR2015-00006	09/03/2015	30	10/01/2015	Second Inspection	

Hazardous Property: Property is deem hazardous because of health, safety, fire, or structural reasons.						
Total Cases	Case Number	Date initiated	# of Days Open	Next Action Date	Status	Notes
1	HA2015-00001	03/10/2015	189	06/03/2015	Unfit/Hazardous Structure Final Letter	See Nick about this case...
No permit: Construction taking place without a building permit.						
Total Cases	Case Number	Date initiated	# of Days Open	Next Action Date	Status	Notes
1	NP2015-00003	04/30/2015	156	06/18/2015	Second Inspection	Debris in yard, scrap metal, lumber
No permit for a Home Occupation: An Interim Use Permit is needed for all home occupations.						
Total Cases	Case Number	Date initiated	# of Days Open	Next Action Date	Status	Notes
2	PH2015-00003	05/22/2015	134	09/23/2015	Final Inspection	The previous case of excess vehicles and yard debris indicated to us that the resident was running a home occupation without an IUP. Nick spoke to the resident and the resident admitted that he was running a home occupation where he worked on vehicles. He cleaned up the property and minimized the vehicles on his property so he is now in compliance, but we will now be asking that he apply for an IUP for a home occupation. Final notice was sent via CSO and we have the receipt.
	PH2015-00004	08/15/2015	49	11/19/2015	ON HOLD	They applied for a home occupation IUP on 9/23/15. Pending Planning Commission and City Council approval.
Public Nuisance: Property is a nuisance/unsafe.						
Total Cases	Case Number	Date initiated	# of Days Open	Next Action Date	Status	Notes
1	PN2015-00001	04/24/2015	162	06/20/2015	Third Inspection	No inspection from Nick is needed, we only need to know if they got a demo permit. If no permit was obtained than we need to send the final notice. Please see the last letter that was sent.
Vehicles: You can only keep 5 vehicles in view of the public right-of-way or neighboring properties and they all need to be licensed.						
Total Cases	Case Number	Date initiated	# of Days Open	Next Action Date	Status	Notes
9	VE2015-00002	04/03/2015	183	06/10/2015	Third Inspection	Extention was granted on May 18th. Extended until June 10th.
	VE2015-00003	04/27/2015	159	07/15/2015	Second Inspection	
	VE2015-00005	05/13/2015	142	09/25/2015	Final Inspection	
	VE2015-00006	05/14/2015	142	11/26/2015	Second Inspection	
	VE2015-00007	05/31/2015	125	06/12/2015	Final Inspection	First notice sent.
	VE2015-00008	08/31/2015	33	10/15/2015	Third Inspection	Tarps do not resolve the issue.
	VE2015-00009	09/12/2015	21	10/23/2015	Third Inspection	Attempted to send but returned. Will attempt again but with "current resident" as the recipient.
	VE2015-00010	09/26/2015	7	10/26/2015	Second Inspection	One letter sent to the property and another sent to the PO box.
	VE2015-00011	10/02/2015	1	11/03/2015	Second Inspection	Nick said that this would be their last notice before we forward this case to the City Attorney's office. To be delivered by the CSO
28	Total Enforcement Cases			PAST NEXT ACTION DATE		