

EAST BETHEL CITY COUNCIL MEETING

OCTOBER 7, 2015

The East Bethel City Council met on October 7, 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
Craig Jochum, City Engineer

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

Call to Order

2.0 The Pledge of Allegiance was recited.

Pledge of Allegiance

3.0 **Harrington stated I'd like to make a motion to adopt tonight's agenda. Under Department Reports, I'd like to remove Item A1, the Greystone Agreement. Mundle stated I'll second. Voss stated any other changes? Koller stated I'd like to pull Item 6D. Voss stated on the Consent Agenda, okay. All in favor say aye?" All in favor. Voss stated opposed? Motion passes. Motion passes unanimously.**

4.0 Davis stated at this time Mr. Troy Ferguson, the Superintendent of Schools for ISD 15, will present the strategic plan for the St. Francis School District. Thank you for coming Troy and welcome.

4.0A

ISD 15

Strategic Plan Presentation

Ferguson stated thank you so much. Mayor Voss, members of the Council, members of the audience, I thank you for this opportunity to come and present to you something that we're very excited about at Independent School District 15. We have adopted our first, we think our first ever, five-year strategic plan. It's a process that we've been working on for quite some time.

Ferguson stated we asked ourselves, back in, actually conversation started back in 2013. They really started to 'gather steam' in the spring and summer of 2014. We decided as the school board and cabinet that we needed to have some long-term planning that provided direction and a consistent view of what we want our district to look like and the direction we want it to go.

Ferguson stated we needed a framework for consistent and transparent decision making and we wanted to make sure that we're looking at our whole organization system-wide, not compartmentalized or in silos. In short, the strategic plan will identify how we do our business in the future.

Ferguson stated I already talked a little bit about the history of when this started. It's not a brand new thing. We contracted with a company called Transformation Systems Limited and they helped us set this amazing difficult process up. We started with what we call World Café meetings and we invited as many people as we could to come in and talk to us about their ideas for the district. What they wanted Independent School District 15 to look like. We had three of those public meetings and they were pretty well attended. We put out surveys, we did telephone calls, we gathered as much information from as many people as

4.0A

we could to gather data to start to put together our new mission and the vision for our future.

Ferguson stated we put together a core planning team that had 30 representatives, a very eclectic group. Probably about half were school district employees including myself. We had principals, teachers, activities director, school social worker, maybe most important two students. And, we had people from across the district from different walks of life, members of the clergy, city officials, business owners, parents. It was amazing to get that group of people together. One of the rules, the first rule we had to learn is we have to have consensus. Try to get 30 people to, I mean you know how hard it probably is to get five or six of you to agree. I know that too. But that consensus was key.

Ferguson stated this core planning team, when we developed, you have the outline of our strategic plan. It's the big sheet. Every one of those words and every one of those statements was agreed to. There were times when we had, I'll call them, very spirited discussions over one word. So we spent three days in October and then we came back for another two days in the spring to finalize our work.

Ferguson stated we also had an action planning team that would decide, 'Okay, now we have this, now what are we going to do with it. What actions are we going to take.' And then a measurement and design team that tells us how are we doing. This is a five-year plan. We just started, it was just adopted May 11 of this year. We believe that this will continue on into, way beyond the five years. But I'll just say, 'infinity and beyond' because everyone knows what I mean then.

Ferguson stated our mission statement is at the top of the full sheet and it's also on the top of the half sheet, the 'cheater' sheet. If you just bear with me. Our mission is: 'To equip all students with the knowledge and skills to empower them to achieve their dreams and full potential while becoming responsible citizens in a dynamic world.' So we're saying, when we say 'all students' we mean birth to 100 if we're so lucky. So we have seniors that are pretty active in our Sand Hill Center, what used to be Bethel Elementary School. We're always looking to develop programming for them all the way down to early childhood.

Ferguson stated we're saying all students. We want them to think about dreaming. Your dreams as a first or second grader may be to be a fireman or a doctor or a 'you pick it.' But, it's probably going to change throughout time. We want to help students make sure that we guide them to the education and the experiences that they need to achieve those dreams. And, it's a lofty goal. It's huge. We're going to be working, there's not a 'magic button' to push but everything we do going forward will be focused on that mission.

Ferguson stated we have eight core values. The first one, and these are in no particular order but that group of 30 representatives from our district agreed on every word and said that we will support these publicly and privately. So just, again, bear with me.

- We believe that trust and respect are fundamental for thriving relationships.
- We believe that our community flourishes when individuals, families and organizations collaborate.

Ferguson stated I know we've worked on some collaboration with you. We really appreciate it when you let us put stuff on your sign out on 65. And hey, we'll return the favor at our high school and at Lifelong.

- We believe every person matters and has value.
- We believe responsibility and accountability are essential for personal growth, organizational improvement and community engagement.
- We believe that commitment to high expectations is essential to help achieve full

individual and collective potential.

Ferguson stated the reason I'm reading this is the representative from TSL, that's very important that we state it out loud, that we proclaim that this is what we're about. So, I appreciate you bearing with me on that.

- We believe everyone benefits when culture and diversity are understood and respected.
- We believe lifelong learning enriches individuals and creates opportunities.
- We believe open exchange of ideas and communicated planning are integral for continuous improvement.

Ferguson stated so those are our core values. Those are the things that we hold deeply and the actions we take will be reflected in those core values. Everything will be steered towards our mission. We also have three strategic delimiters and those are the things that we have said we are not going to do. That's maybe, in some ways, just as important as the things that we said we are going to do.

- 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.
- 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.

Ferguson stated so if we don't have the money to do it, even if it's an awesome idea, and if it doesn't fit our mission, even though it really may be a cool thing, we're not going to do it. So, we promised our community, our employees, our students, everybody that those are the things that we will not do moving forward.

Ferguson stated there are 15 results that came out of this process. Fifteen things that we're going to do over the next five years. And, we were so very excited about the collaboration and hard work and ability for us to get this together, that we wanted to 'jump in head first,' and you kind of want to hit them all. But, they urged us strongly to just pick three the first year because if you don't, if you 'bite off more than you can chew,' you won't realize any of them and then you get frustrated real quickly. So, this is where we're laying a foundation this year. These are the three results that we're working on this year.

- We're going to use established protocols to support transparent communication to foster trust among all ISD 15 stakeholders.

Ferguson stated that's why I'm here. I'm telling you about the strategic plan if you have any questions for me, and Jack calls me, I wouldn't say all the time but we talk frequently enough to where I have you in my phone. So, that's good. We want to be open and transparent and communicate back and forth. So, anything that we can do as a district to partner with you to work on concerns, Jack has my number. Actually, it's all over the place. So, please feel free to call. We are also saying:

- Every ISD 15 employee understands the strategic plan.

Ferguson stated so we've been going to all of our different groups, our teachers, our EAs, our bus drivers, our custodians, presenting this to all of them. At our big welcome back right before Labor Day, we presented it again. So, we're getting pretty close to where all of our employees understand it. And I know that because when a decision is made that maybe they don't like so much, they're telling me about it. So, I see that as a good thing. Does this really fit the strategic plan? We're suppose to be asking those questions. So I see that as a positive.

sounds relatively easy but we think is going to be a challenge is:

- We need to have a recognizable and consistent brand.

Ferguson stated we're 165 square miles and part of our district sits in your City and we have two schools that sit in your City. But we also sit in St. Francis and parts of Nowthen and parts of Andover and two counties and the City of St. Francis. So, we have all these entities that have history and have community pride. So, what are we going to call ourselves? And, I don't know that answer yet. And, I don't know what our logo is going to be but through the process of figuring that out this year, our goal is that every time you get something from our district, you know it's from us. Our colors are navy and white so we should be consistent with those colors. We should have recognizable font and style and that whole branding thing, it's a popular thing and it makes sense.

Ferguson stated a lot of people call us 'St. Francis' or 'St. Francis School District.' But, you guys live in East Bethel and do people from Nowthen want that? You know, what will it be, I guess stay tuned and we would welcome input on that.

Ferguson stated I've rushed this really fast because I know you're very, very busy. You have the information that I gave you. Anybody have any questions?

Voss asked is there anything that, I know you talked to Jack, but as a City or Council that we can do? Ferguson stated I think the best thing is to stay in touch. We would welcome, I would invite you as the Superintendent, if you want to come to talk to us about things that are happening in the City of East Bethel. I think that open two-way and bring whomever you want and we would be happy to hear what you have to say, what the plans are. I think the more we know about each other and about what your concerns are and what's going on, the better it's going to be for all of us. So, I guess I'm here to welcome you to any school board meeting or any other function. To me, that would be the #1.

Ferguson asked anything else? Voss asked any questions for Mr. Ferguson? Ferguson stated I know I went very quick, and intentionally, so thank you so much for your allowing me to come and I look forward to working with you in the future. Voss stated great, thanks Troy. Harrington stated thanks Troy. Ronning stated it looks like you've done a lot of work. Ferguson stated we did and we're not done. It's just starting. Ronning stated thank you for that.

Informational; no action required.

**5.0
Public
Forum**

Voss next on our agenda is the Public Forum. We do have one person that has signed in so we'll go with that first.

**5.0A
Coon Lake
Beach**

Jim Sobon stated the whole deal was just over the lakeshore property, you know? The Beach? All of a sudden, these maps I get. They're all different. Voss stated Jack, can I stop you for a minute? Can you state your name and address for the record? And then present to Council. I don't think we all know why you're here yet.

Jim Sobon, 426 Aspen Road, it's the Lake Beach over there. I don't know what to do here. Like I say, these deals are different. The maps. And, there's a little spot, like three feet, where it's seaweed and now all of a sudden the Coon Lake Beach, or the Clubhouse, they want me to pay for dock space there. There's never been dock space down there. I just want them to quit harassing me, you know, the Clubhouse over there.

5.0A

Voss stated so if I'm understanding what you're saying, you're in the area on the Beach that

the City had surveyed a couple months ago. Sobon stated yup. Voss stated and you obviously have land that comes right up to the Lake. Sobon stated yeah, I've got land that goes up to that imaginary road. But that imaginary road, I mean, you know, they got, I don't know. Voss stated well, it's not 'imaginary.' The right-of-way is there. There's no road there.

Voss stated but to continue it sounds like there's a piece of land yet that the Community Center owns. Sobon stated yeah but it's in the water. I mean their part. Voss stated okay. Whatever you have, we don't have. So, I'm just trying to interpret what. Sobon stated I can show you this map here, what I'm talking about.

Voss stated I think we understand the issue. So, do you have a question for us? Sobon stated I just want them to quit messing with me over there. I get a letter, they're going to sue me. You know, I mean it's a goofy Clubhouse over there and they get, they're walking across my yard to go over there and, you know, do all this stuff. You know who I'm talking about. I don't know but that's it. Voss stated okay.

Ronning asked whatever's in the water, who does that belong to? Voss answered the State, right? Davis answered the DNR has control over it. It's totally open to public access in the water. DNR controls the water boundary.

Ronning asked does any right or group have the right or ability to any, does any group have the right or ability to charge for something in the water? Davis answered no. Ronning asked that's what your question is, sort of?

Voss stated what I think he's saying, though, is a slice of land that's there, between the City's right-of-way and the Lake. Davis stated the survey that we had done indicates that there is potentially a sliver of land that's owned by the Community Center between Mr. Sobon's property and Lakeshore Drive. There's also another small tract of land that's owned by the Community Center that's in front of Mary Kjenstad's property at the intersection of Lincoln and Lakeshore. The rest of that, per the survey, appears to be inundated and a big portion of Lakeshore Drive is actually under water.

Davis stated I think the question is, we've identified where our right-of-way is. And, the question would be the Community Center probably needs to identify where their property is. Voss stated okay. Davis stated thank you Jim. Voss stated yeah, thank you.

Voss asked is there anyone else here tonight for Public Forum? Davis stated the Royalty's here. They didn't have a chance to sign up. Voss stated that's fine. Would you like to speak before Council? Please step forward.

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Donation
Request

Miss East Bethel Karley Landwehr stated yes. So, we have talked to the EDA about a donation to our program to better our float, to make a new float, to represent the City of East Bethel better. We have a letter, we only have one if you guys could share. In this letter, it states our mission as the East Bethel Scholarship Program. It states what we are asking for from the EDA. We are also asking for a donation from the City, not an investment. We cannot take an investment. In our letter, it also states other things that we could use donations for, such as our crowns, help for the coronation, scholarships, helping us get our education is very nice. So, we are just asking to pass the EDA, for them to give us money, and then to ask for you guys to also give a donation, if possible.

Harrington asked what kind of donation? Landwehr stated we're asking for \$10,000 to \$15,000. Harrington stated okay. Landwehr stated to make our perfect float, in our idea, would cost about \$20,000 because we would like to buy a new trailer for safety issues. Any other questions?

Ronning asked who would administer these donations? Who will approve an expense and sign, endorse a check or some such thing. Landwehr stated we're asking you guys to make it possible for the EDA to give a donation. And, asking you guys to give a donation.

Davis stated the Royalty has a group, or a board of directors, that conducts their business. So, I'm assuming it would be that group. Landwehr stated we actually have our treasurer right here that would be dealing with the donations and how we spend them. In the letter is a plan for what we'd plan to spend the money on for the new float. And, kind of breaking it down.

Voss asked and how soon do you want to get moving on your project? Landwehr stated like yesterday. Voss stated I thought that'd be the answer.

East Bethel Princess Tori Larson stated we want to start it over the winter because that's our downtime for our float. So, just have it ready for spring and summer. Landwehr stated so when we do get busy with our parades, we can have a very nice presentable float that represents the City of East Bethel as best as possible.

Voss asked should we have this as future agenda item? Davis stated since we have the information now, if you want to, we can have this on the next EDA agenda for their recommendation back to City Council. We can either have it on the 21st City Council meeting or the November 4th, whichever one you choose. If you want to go back to the EDA, we can schedule it for the 4th. If you want us to present something and show where it would fit in with our budgets, we can do that on the 21st City Council Meeting. Voss stated the EDA meeting is the 19th. Davis agreed stating the 19th.

Ronning asked can you explain for them what the timeline might be based on what you just said. Davis explained depending on Council's direction, we can either consider this at the City Council meeting on October 21st. If the Council desires that the EDA provide a recommendation based on the information you just submitted, we could do it on November 4th. Landwehr stated okay.

Voss stated so the best course of action is see if Council tonight has consensus that we consider the recommendation from EDA. Because I think we want an EDA with Council direction whether they should even consider it. Then let EDA work through the details and make a recommendation to Council. Davis stated I think that would be the best process to do and then that way, we can present the EDA on the 19th of October and then schedule it for the Council meeting to consider their recommendation on November 4th. Voss stated okay.

Voss stated I'll move that we direct the EDA to consider the request for a donation from the East Bethel Royalty and bring a recommendation back to the Council. Koller stated I'll second. Voss asked any discussion?

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Donation
Request

address things and I'm not sure if the response is clear. Do you understand exactly what? Landwehr stated yes, we do. Ronning stated okay.

Harrington stated the questions I have, I attended the last EDA meeting that you guys had brought up about approaching the businesses. Is that? Landwehr stated we are both going tomorrow to the Chamber of Commerce meeting. Harrington stated okay, so that hasn't been ruled out yet. Landwehr stated no, we are actually going to pursue that. And, a big part of having a presentable float is the trophies that we bring back to the City. Larson stated there's actually one right out there. Landwehr stated yes, it's for our Anoka Halloween one.

Voss asked any other questions? Discussion? To the motion, all in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

Voss stated I'm sure we're going to see you at the EDA. Landwehr stated yes. Ronning stated thank you. Voss stated thank you. Anyone else here for Public Forum tonight? Okay, we will move on to the Consent Agenda.

**6.0
Consent
Agenda**

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

This item was removed from the Consent Agenda upon adoption.

Harrington stated I'll make a motion to adopt tonight's Consent Agenda. Voss stated and we previously had pulled Item D. **Ronning stated I'll second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated opposed? Motion passes. **Motion passes unanimously.**

6.0D.
Accept
Donation

Voss stated Ron, Item D. Or, do you want me to present it? Koller stated you can present it. Voss stated Item D is a Resolution. We received a donation from Dennis Feela who lives in the Deer Haven Subdivision on our northeast corner of our City. He made a

donation of \$869.53. There's a Resolution that I'll read quickly:

"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.

The City of East Bethel accepts this donation and will use it for park improvements at Deer Haven Park."

Voss stated I will move Resolution 2015-55, Resolution Accepting and Expressing Appreciation for Donation of Funds from Dennis Feela and the Neighborhood for Deer Haven Park. Harrington stated I'll second. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated any opposed? Motion passes. Motion passes unanimously. Voss stated thank you Dennis.

**7.0
New Business**

Commission Association and Task Force Reports

7.0A
Planning
Commission

None.

7.0B
Economic
Development
Authority
7.0B.1.
Sept. Report

Davis presented the staff report indicating 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 to the EDA. 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 has 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; and, Partially or Wholly 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.

7.0B.1.
EDA Sept.
Report

Staff requests that Council consider adding this discussion to a future Work Meeting to explore East Bethel's desire to bring some of these tools into play for our use in future business recruitment and retention practices.

Ronning asked is that a motion or recommendation? Davis stated that's just a request. Ronning stated oh, a request.

Voss asked at the next meeting we'll discuss the agenda for the Work meeting? Davis replied yes. Voss stated okay, can we just continue this on to the next agenda? Davis stated we sure can.

Informational; will be considered again at October 21, 2015, meeting.

7.0C
Park
Commission

None.

7.0D
Road
Commission

None.

**8.0
Department
Reports**

8.0A
Community
Development

8.0A.1
Greystone
Agreement

This item was removed from the agenda upon adoption.

8.0A.2
Larsons
Woods

Davis presented the staff report indicating the Council is being asked to consider approval of the Larsons Woods Subdivision Developer's Agreement.

Dev. Agree.

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.

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

Ronning stated move to approve the Larsons Woods Developers Agreement as stated in the previous reading and Attachment 1, 2, and 3. Harrington stated I'll second.

Voss stated any discussion? Vierling stated I'd note for the Council's benefit that there is an errant insertion of an acknowledgement paragraph that we will substitute out in the draft that was in the Council packet. It's a form matter but the Notary paragraph, which is the acknowledgement paragraph, apparently was borrowed from another Developer's Agreement and needs to be substituted out with the correct one. So, other than that, substantively, the Development Agreement that's in your packet is correct.

8.0A.2
Larsons
Woods
Dev. Agree.

Ronning asked okay to proceed with the motion? Vierling advised you are okay to proceed with your motion. I'm just noting that we're going to make that grammatical change. **Voss stated so noted for the motion.** Is there any discussion? Ronning asked any second? Harrington stated I seconded. Voss asked any discussion? All in favor say aye?" **All in**

favor. Voss stated any opposed? That motion passes. **Motion passes unanimously.**

8.0B
Engineer
8.0B.1
Castle Towers
Decommission
Project

Jochum presented the staff report indicating the 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 three miles east of the site. The week of September 21st 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 approximately 75% water.

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 an additional two to three 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 pumping being required at the end of the process.

Jochum asked are there any questions on that? Harrington asked are you still planning on staying under the \$200,000 on the remaining bond part? Jochum answered yes. Harrington stated okay.

Informational; no action required.

8.0B.2
Service Road
Project

Jochum presented the staff report indicating the Council is being asked to consider MSA advance funding for the Phase I Service Road Project.

The City of East Bethel was not selected for a grant as part of the Mn/DOT 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 the service road plan, would relieve congestion at the intersection of 187th Lane and Highway 65, and enhance economic development opportunities along the alignment of the proposed road.

Mn/DOT 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 \$600,000. 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 approximately \$1.5 million. To close the funding gap, staff is recommending that City request advancement of funds into the MSA account. The advancement would be for 2.5 times the construction allotment. Mn/DOT allows advancements up to 5 times the construction allotment. Approval of the advancement

8.0B.2
Service Road

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 \$1.2 million. 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.

Staff requests approval to prepare the required Resolutions for Council consideration to request advancement of MSA funds and to present at the October 21, 2015, City Council meeting for consideration should the Council desire to proceed with this project.

Ronning stated I'll move to request advancement of MSA funds to be presented at the October 21, 2015, City Council meeting for consideration. Harrington stated I'll second.

Harrington stated I have a question. Craig, do they give you a reason why we weren't selected for the grant? Jochum stated not particularly other than they just said it was a very competitive grant cycle. But, basically, it comes down to because we're not closing the median it did not score very high. Ronning stated not to me, that makes sense. I understand that.

Voss asked is this going to Roads as well before it comes back to us in two weeks? Davis replied it will be on the Roads Commission meeting this Tuesday, this next week. Voss stated okay. Any other discussion? Other than that, it's very unfortunate. Davis stated I did put two attachments in there.

Davis stated I would like to point out one thing on those. Even if we have to advance funds to finance the whole project, at the end of the five-year period, we will have less of a negative account this way but we'll be behind one year on our next phase of the service road project for the Sewer Districts. So, it will set us back about a year but we can still manage to get the other projects that we had talked about: two reconstruction projects; and, then the extension of the southern portion of the west side service road.

Voss stated correct me if I'm wrong, but there's no second phase if there isn't a first phase. Davis stated that is correct. Voss stated the question I think we want to make sure we understand is when we consider this in two weeks, what are the potential adverse effects on other projects in the City. We need to understand that, I think. Davis stated in short, and we can detail this more, but in short what this will do, we had projected to hopefully start Phase 3, which would be the service road from Briarwood to 187th Lane in 2020. Now we'll have to wait until 2021 to start that.

Voss asked there's no other projects in the City that are on our MSA list? Davis stated Davenport and 181st Avenue are still in this plan and can still be done with the advanced funding. Voss stated all right. Any other discussion? Hearing none, all in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

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 recommendations of the assessment, have been supplied by the City Attorney.

Based on the Findings of Fact within the City Attorney's presentation, staff requests City Council consider approval of Resolution 2015-56.

Ronning stated move to approve Resolution, adopt Resolution 2015-56. Harrington stated I'll second. Voss stated any discussion?

Voss stated real quick typo on Page 3, Item C., near the bottom of the page, between the fourth and the fifth word insert 'that' so it should say: The record is clear that...' So, it's just inserting the word 'that.' **Voss stated so I move that addition. Mundle stated I'll second. Voss stated all in favor say aye?" All in favor. Voss stated opposed? Motion passes. Amendment motion passes unanimously.**

Voss stated to the motion, any further discussion? Hearing none, all in favor Resolution 2015-56 say aye?" **All in favor. Voss stated any opposed? That motion passes. Motion passes unanimously.**

8.0D
Finance

None.

8.0E
Public Works
8.0E.1
Ice Arena
Report

Davis presented the staff report indicating 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 that have been made include:

- Replacement of the existing 14 small Bose speakers with 7 Electro-Voice 350 watt Speakers. These were donated by Ben Geving;
- Installation of new electrical services for speakers and bench/scorers area;
- 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 software;
- Replacement of the existing boards for the outside rink, underground utility installation for the outdoor lights, and extension to the warming house pad. All of these electrical works will 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;

8.0E
Public Works
8.0E.1
Ice Arena

- Painting of locker room hallways and areas within the Arena; and,
- Installation of new engine and starter in the 1996 Zamboni and plumbing repairs in the Zamboni room.

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. These times are to be determined and will be posted on Arena and City websites.

\$31,600 of the improvements were paid from the Arena Depreciation Funds. Arena funds were collected from user fees. Upgrades to the outdoor rink in the amount of \$15,000 and these will be paid for from Park Capital Funds.

Voss stated those are significant improvements. That's nice to see. Davis stated they are.

Koller stated they are putting in a warming house pad. Do we have a warming house? Davis stated we're going to rent one. They make those available for rental. We're going to rent one this year and then we'll make a decision on what to do with a permanent structure or continued rental. Koller stated okay.

Harrington stated the new engine in the Zamboni, is that coming out of the Parks Budget too? Davis stated no, that comes out of the Depreciation Funds for the Arena. And incidentally, on our Capital Equipment Replacement Fund, that 1996 Zamboni is now considered to have another life expectancy of about 15 years. Voss stated I can imagine. Voss stated okay, any other questions for Jack on this item?

Informational; no action required.

8.0F
Fire
Department

None.

8.0G
City
Administrator
8.0G.1
Social Media
Policy

Davis presented the staff report indicating 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 or their employer and are on their own personal time.

It is important for City employees to remember that 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, Isanti, and St. Francis do not have social media policies. The City of Cambridge addresses this issue in their personnel policies.

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

8.0G.1
Social Media
Policy

Staff requests the City Council provide direction to Staff as to how they wish to proceed on this subject.

Mundle stated a first basic question, just to ask it, do we think we need it? A whole policy? Or, can we get away with a paragraph or two? Davis stated I think in the samples, one of them that our City Attorney's office drafted and prepared, which is about a page and a half, which would be incorporated into the Personnel Policies, fairly well covers most of the items that we need to address. I know this is a very 'touchy' subject and I'm sensitive to it also but we may need to have something in our policies just for our own protection should we have a situation where we get into some issues with things that can happen to social media comments.

Mundle stated okay and how does the Social Media Policy that is written up, how does that correspond with the rest of the Employee Policies as far as acting as an employee as part of the City. Davis stated it's an expansion of what we already have. We have a Technology Policy that relates to how computers are to be used and what you can use them for within the City itself. This would step out just a little bit further and emphasize the fact to City employees that what you say can affect the perception of the City. It reflects upon the City and it just emphasizes that you need to consider your statements and act in a professional manner when you're on social media outside the workplace.

Voss stated so Jack, maybe Jack or Mark can answer this, so to balance, it always happens when you do Policies, is how far do you go and yet not infringe so much. So my question would be, as a whole, where do you think this Policy lands? Is it restrictive? Is it something that employees are going to have a hard time with?

Vierling stated we hope it has struck a balance. Obviously, the essential nexus of what we're trying to do is keep workplace activities out of social media at least as far as introduced by employees. We prefer that they not be wearing logo wear as they take selfies of themselves or whatever the case may be. We have seen a number of communities where there's been problems with employees that inadvertently reflect back upon their co-workers, their supervisors, their cities that they work on. We're not trying to get in the place of First Amendment speech and what they want to do for themselves.

Vierling explained we are cautioning them to keep the City out of their communications either by their verbal presentation or by the way that they conduct themselves on social websites in terms of who they are talking about and what they're talking about. It's a fair expectation from an employer's standpoint to ask their employees to do that. Even if the employer themselves do not have a social media site such as Facebook and that type of thing.

Vierling stated there's always a judgment call that you get into vogue on these things but, you know, the bright line demarcation is to what extent is the communication, be it verbal or visual, reflecting back on the employee, employers, co-workers, things of that nature.

Ronning stated that's a slippery deal. Vierling stated it can be but on the other hand, if people are reasonably careful with what they do and think about it and are thoughtful, it's not that difficult. Ronning stated no, it shouldn't be. Personally, I've said this before and say it again, that absent a direct connection to the employer or to the head of a department or such and the ability to show some kind of harm, the rest of it belongs to First Amendment. And, I'm opposed to it, depending on what you come up with.

Ronning stated one thing to make sure that people are aware, a lot of this addresses what people do at home, on their own time, off the 'clock,' maybe not even in the State. That's where it gets touchy to me.

Mundle stated I do have a question on #3 under Confidentiality and Social Media, #3 states, Anything that belongs to anyone else, the material is created or maintained by someone else, the greatest approach is to allow that individual to post it. It's kind of an unwritten rule that once something is on the internet, that it doesn't belong to you any more. Ronning stated public domain.

Mundle stated maybe not actually public domain but you can't control it and what somebody else posts, somebody else can repost it. Vierling stated that's absolutely true but #3 does not speak to that. #3 speaks to not something that somebody else pulled off the internet. It's something that is confidential that you had from somebody else that you decide to put on the internet. Mundle stated okay, that's a clarification I was looking for. It wasn't quite clarified. So good, yeah.

Ronning asked what number was that you were referring to? Mundle replied #3. Ronning asked on which? Mundle stated on the back page. 'Anything that belongs to anyone else...' Ronning stated okay, I see.

Ronning stated with my negativity, I'm not trying to say there is no need to caution people. But, I'd be very cautious about anything I would support with what people do away from the workplace, without connection to the workplace, without reference to the workplace.

Voss stated I don't think that goes there. Ronning stated it shouldn't go anywhere. Voss stated well no, it's specific enough that, just like, again, it's just like any employer. They don't want their brand, they want control of their brand, they want control of their name and if things are used inappropriately by an employee, that's not going to 'fly.' That's what this is all about.

Ronning stated Mark mentioned the nexus, there has to be a connection. There has to be a relationship to the action and to the entity. And, the action has to show something's been harmed, how, when, and why. Now, that's maybe a little more extensive. I know in the industrial setting, that's where it goes.

Vierling stated I think 'harm' is no longer required. The issue is to what extent is, you know, the information about the workplace, co-workers, the employer being depicted on a private site. The essence is that the employer has the right to at least control what information it wishes to disseminate, if anything, about its workplace, its employees, its activities, things of that nature. Certainly, people have the right to put their own personal effects and personal comments about themselves. But what we're saying is if it's about the employer, your co-workers, pictures about co-workers, materials, things of that nature, that doesn't belong on your website. That belongs, if anyplace, on the employer's website if we're going to have one. Certainly free to post what you want about yourself but do not cross that line and pick something about the employer, at least on a internet setting without the employer's permission. Don't do that.

professional, and think twice before you hit the 'send' button.

Voss stated one option, perhaps, we have is to take this proposed Policy and why not distribute it to our staff now and see if there're any serious concerns over it. If we're uneasy about it, that's one way to find out. Because me, I never have this issue. So, believe me, I know how to spell 'Facebook' but that's about it.

Ronning stated there's two samples in here, I think. Voss stated well, you've got a proposed Policy, is the first part, right? Davis stated the first proposal is what was prepared by our City Attorney, which I think addresses the situation more than adequately. The second one wasn't labeled but that's from the City of Cambridge. The third one is from the City of St. Michael and the fourth attachment are some tips from the LMC in regard to drafting a Social Media Policy. We looked at probably about a dozen and the Cambridge and the St. Michael ones were very similar to what's being proposed here by the City Attorney. We put those in there just to show that we've taken a look at several. But, I think what the City Attorney has prepared covers what we need to address in this at this time. And, it doesn't specifically say do this or do that. It's a general outline and a guide for directions for your conduct on social media. It sets expectations.

Ronning stated in the ones you mentioned, what were the other ones that were reviewed. Davis stated I think we looked at one from Waseca, I'd have to go back and look. Mike got those and we'd sit down and look at them. They were all very similar. These two that we included were a little more directed, we thought, to our situation. But they're all kind of similar in nature in what they were trying to achieve. No one of them, none of them in there said you can't be on Facebook, you can't be this, you have to say this, or you have to say that. They were all fairly generic to give a lot of latitude and respect to First Amendment rights. And, again, like I said in the beginning, I'm very sensitive to that too. I think we have to be very careful with what we do but at the same time, I think there should be certain expectation levels that are made known to City employees that what you do and what you say on Facebook, Twitter, or whatever social media form you use, can reflect upon the City.

Voss asked so what's our pleasure? Mundle stated well, I think something should be in place. I'd prefer it to be three sentences that Jack used, just to keep it simple. But, I'm sure we're going to need something because what will probably happen is eventually an instance will happen and then the Council will have to debate what to do and if there's no Policy already in place, then what repercussions can happen, it would be backtracking rather than being progressive on this issue. Because social media sites are not going away. The internet is not going away.

Ronning stated this is probably old fashioned. If we're aware of a problem, I'm the sort that says, 'Well, let's call in the problem and deal with them.' Not 'painting everyone with the same brush.' Mundle stated that's why I want something simple.

Voss stated except this is laying out the expectations, which we don't have right now. These are just expectations. Ronning stated but it is everybody. Everybody is being 'painted' with this Policy. Voss stated yeah, it is. Ronning stated if you have a problem, address the problem. If you're aware of a problem.

Mundle stated but if we can stop problems from happening, before they happen, that's why we already have an Employee Handbook that states expectations that they're already being expected, like City employees can't be drinking alcohol while wearing City logo. I believe

I read that one. Is that true Jack? Davis stated that's true. Mundle stated so we have that in there. It's just saying some expectations. I'd prefer them be simple rather than constricting any freedoms that anybody should have.

Ronning stated once again, this is in part, at least, directed at people's conduct away from work in their own personal settings without addressing the employer or employer functions. Mundle stated but their personal settings... Ronning asked does it include those items? Mundle stated if they're at their house and they post something that is a detriment to the City, then their personal setting affected the professional setting. Ronning stated right but the assessment, to make that judgment, is a very subjective, there's no 'cookbook' that says if this, then that. If that, then this.

Voss stated it becomes a discipline issue then, right? Davis stated it does and if we do get into a situation where we have an issue with this, we do have a Policy in place. We have been proactive, at least we've addressed the situation. I think that's very important to consider too. You know, an example would be, and I'll just use myself. Again, I've never been on Facebook or Twitter and I don't ever plan to be. But let's assume that I was and I was posting offensive material and I wasn't representing the City but I was on there. People know who you are and they say, 'Is this the kind of person that you want for your City Administrator?' I mean that affects the perception and then reflects badly upon the City. If you have employees that do that, then you associate their performance on social media, perhaps, to their performance on the job.

Mundle stated it may not be true at all but that's perception. Davis agreed.

Davis stated incidentally, my wife did set me up with a Facebook account so I could communicate with all my relatives but I don't know what my password is so I've never been able to get on it. Ronning stated I have the password but I don't know how to use it. Mundle stated I can offer training if you want. Davis stated that's okay but I'll pass. Thank you Brian. Voss stated yeah, the young one can.

Voss stated I guess my suggestion would be for us to take a look, think about it again, bring it up at the next meeting. I think it would be worthwhile for staff to get some feedback. Not necessarily for us. Davis stated I agree. I think that's a very good recommendation and I'd just like to disseminate this one. Voss stated give it to someone who is part of this use too. Davis stated I'll make sure they're under 50. Voss stated you might have to go further than that. Koller stated I'm on Facebook. Voss stated I just refuse to. I like the telephone. Koller stated my phone doesn't have a dial. Voss asked are you suggesting mine does?

Informational; will be considered again at October 21, 2015, meeting.

8.0G.2
Tax Forfeit
Property
Acquisition

Davis presented the staff report indicating 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.

8.0G.2
Tax Forfeit
Property

As part of this process, the City has been contacted by the Anoka County Property Records Division and we have been notified 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, they 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 listed in your packet.

Davis stated I'll go over these four that we think the City has interest in only by the last four number of their PIN for ease of presentation.

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

Parcels 0086-0105 (Attachment 3) Parcels 101-105 (0.23 acres) should be considered for City acquisition for future use for Fire Station #3.

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.

Staff requests the City Council consider a request of conveyance to the City of parcels PIN Nos. 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 the other parcels and we'll suggest an appropriate use for those.

Voss stated before we hear a motion, what's the compelling reason for not accepting all parcels? Davis stated they're non-buildable, they're wetlands, they have no use and some of them have some land that may be of value to the adjoining property owners, maybe like one lot. All these are in Coon Lake Beach. If you'll look at the attachment on the map, there's three of them that adjoining property owners, I think, may have an interest in because it would probably increase the usability of their lots by 20 or 30 feet. It would get these properties also on the tax roll. The other property may have some value as a building site. It's very debatable or it would probably already have been developed but my reasoning for not accepting the others, or not have any interest in them, is there's a potential maybe to get them back on the tax rolls.

Vierling stated another aspect I think the Council should be aware of, several years ago,

cities could take property by tax forfeiture and nobody ever followed up on it. You have to take it and certify that you're going to put it to a public use. For years, communities certified it and really just kind of held it in a land bank and didn't do much with it. Three years ago, the Department of Revenue decided that they weren't going to tolerate that practice any longer so annually, when you take back property, A. you have to certify what public use you're going to put it to and then there's an annual verification that you have to follow up with the State and the County that you, in fact, have put that property to that use. If you have not, they will take it back from you and they will put it then in public auction and that type of process.

Voss stated I guess where I'm going with it, and I looked at all these properties in detail, but do we have any opportunity with any of these properties? There's a lot of wetland on it but to expand the wetland and create credit for future projects? Ronning stated that's an idea.

Davis stated Craig, I'll let you address the requirements for wetland credits and banks. I think just because you own wetlands... Voss stated I know you can't get it on the screen but Attachment 2's got two parcels. Are these ones that you're recommending we keep? Or not? Davis stated no, those are not. Voss stated I'm looking at that, seeing a partial wetland, but I'm also seeing quite a bit of real estate that either we can improve it, and this is an area that we need to start improving our stormwater anyway. Is there any reason to have this to either enhance that wetland, I know it's all cattail.

Jochum stated we'd have to look if there's any upland areas within the wetlands. It is a possibility. Voss stated you get credit for improving the quality of a wetland as well. Correct? Jochum answered correct. You could do it in a wetland bank-type thing. Basically, you have to build it and then there's a five-year monitoring period to make sure it is established. Voss stated I know we always want bigger pieces to do those kinds of things. I just want to make sure we're not going to, I mean we have an opportunity and I just want to make sure we're not just throwing it away.

Ronning stated with the wetland thing, the use that Steve's describing, would that fit the requirement? Vierling advised that would be permissible, yes. That's almost a conservation use that is also permissible. Voss stated even if we needed to improve stormwater, you know if we need more stormwater storage somewhere. I just want to make sure we're thinking it through.

Ronning stated I was thinking the same thing. What's wrong with all of it? Voss stated I've heard that before too, so, putting the land to use. Ronning stated that part I'm not aware of. Voss stated but by the same token, if there's adjoining properties that can actually use the land, there's benefit to that from a community basis too.

Voss asked have we talked to any of these adjoining property owners at all? Davis replied no, we just got the notice about three or four weeks ago so we haven't proposed that to them, to see if they're interested in purchasing it.

Davis stated what we'll do, if there's a property we don't want, they actually ask us to recommend a use for it. In these cases, we could recommend that it could be used for improvements of adjoining properties and could potentially be buildable in terms if somebody wants to put an accessory building on it and expand the use of their lots. We'll recommend a use for it and then they'll decide how it's going to be disposed of, through a public sale.

Voss stated I don't even know if it's important whether it increases buildable to do something on it. Again, I don't know these properties but if it's a problem property and all of a sudden, you've got somebody that owns it, they're going to keep that piece of property cleaner. You know if it's a dumping ground or anything else or if it needs to be mowed or seeded, or whatever. We've got a better chance of that property owner making it look better at least if we don't have any kind of reasonable use for it in the future.

Voss stated that's a tight area if we ever need land for doing public improvements. Jochum stated yeah, that would be the biggest thing I'd see, if any of them would work for that. I guess I personally haven't looked at them.

Davis stated some of these, this wetland designation that's shown on these maps, is generic information. It's coming off our GIS system. If you look at the aerial photographs, though, you can see that the wetlands extend out probably quite a bit further, just looking at the types of vegetation. In the instance on Attachment 3, it shows 067 thru 078, it appears that's a nice corner lot and could be buildable or used for creation of a wetland or retention ponds. But, if you look at the vegetation real close and you go down and look at the site, there's a lot of low spots on there. There's a lot of vegetation that indicates it could be wetlands. There's probably a reason that corner never develops.

Voss asked that's Hawthorne, right? Davis replied yes. Voss stated that road ends right past that. I know who owns the house at the end. That road does not go that far. Davis stated actually that one is on Forest Road, at the intersection of Forest and Emerson. But the one on Hawthorne is the one over, that's 0158 thru 0176. There is, one of those lots appears to be fairly dry ground but the rest of it appears to be wet.

Davis stated the other thing is off of Hawthorne, too, and behind the Fire Station, most all that property is wet and it's either in trust to the State of Minnesota or it's owned by the City. We can request all of these and as Mark said, if we don't do something with them or show that they're being put to public use, then perhaps they'd go back in their inventory and then they could be disposed of later.

Ronning asked what's the cost to this whole thing? Davis stated generally, there's not going to be a cost. We just have to show the County that we want them and there may be some minor admin cost on their part. But, the cost to get these in terms of what they're worth, depending on how you use them, and for our purpose they'd be used for a public purpose, there wouldn't be any cost for the property.

Ronning asked if you lost it down the road for some reason, there wouldn't be any cost at that point either? Davis replied no, I wouldn't anticipate and even if it was, it would be very minor cost.

Voss stated again, I just want to make sure we're evaluating these thoroughly. The one we were just talking about, Hawthorne, you couldn't even get a shed on there. You can see the wetlands in there. I don't mean to go through each one here.

parcels that they've identified in their inventory reclassification and see if we have any interest in them. Voss asked is there a time certain when they need action? Davis replied if we needed to think about this another two weeks, I could get them to put it off until the end of the month.

Mundle stated if we say we want all of them and the worst that happens is that some go back. Voss stated I'm fine, if we look at them, like this one we looked at that's entirely under water, I don't know what the City would ever use that for anyway.

Davis stated and we have looked at them pretty closely and the ones, that's why we did identify one would be a parcel where it could be a retention pond or creation of wetlands if we dug it out and prepared it properly. It's only a quarter of an acre and most of these properties that are there are 20-foot by 100-foot lots.

Ronning asked on this Phase 1 road thing, is there any use for wetlands or expansion of wetlands credit involving that? Phase 1? Davis stated on the Phase 1 there will be, probably I'm going to guess, a couple of acres that will be wetlands that we'll have to mitigate somewhere. If you took these Coon Lake parcels, with the exception of the one I'm recommending we do acquire, you might get a tenth of an acre, maybe a little bit more.

Voss stated they're not worth that. Davis agreed it's really not worth what it takes to get that. Essentially, there'd be maybe one lot in each one of these groups so let's say you even had four or five, you're talking about getting two-tenths of an acre at the most, probably. And, they're scattered sites.

Voss asked Jack, you think from a staff flow, you feel that you've looked at these thoroughly? Davis stated I've looked at them very closely and Nate's looked at them. We've compared the aerials and the wetlands and what we think the benefits may be. Again, especially that one that's shown in Attachment 3 on the corner of Forest and Emerson is a fairly substantial amount of contiguous lots. But that hasn't developed since 1926 and, again, there's a reason why it hasn't. Voss stated all right.

Koller stated it all looks pretty wet. Voss asked is there a motion to staff on this matter? **Ronning stated I'll move to request conveyance of Parcels 36-33-23-24-0338; Parcel 36-33-23-32-0008; and, Parcel 36-33-23-24-0101 thru 0105 for acquisition for authorized public use under State Statute 282.01 Subd 1.a (e) 1 for parcels ending in 0338 and 0008 and State Statute 282.01 Subd 1.a (e) 8 for parcels ending in 0101-0105. Mundle stated I'll second.** Voss asked is that clear enough Jack? Davis responded yes, thank you. Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

8.0G.3
Code
Enforcement
Report

Davis presented the staff report indicating attached is a report of City Code enforcement activities through September 2015 to show you what's ongoing and what we're dealing with in Code enforcement. One thing in particular to point out, you'll see some of these have a long number of days they've been open. A big part of that process is our attempt to work with property owners to try to get some of these issues resolved. If you have any questions on any of those, I'll be glad to answer them.

8.0G.3
Code
Enforcement

Ronning stated there's a little bit of, 'Complainant, whatever that is, witnessed more than six 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.’ What’s the cause to even look at that thing? Davis stated if we get a complaint, we investigate it. However, that one has been closed and everything’s good on that one. Ronning stated that’s a joke to me. Let’s see, there’s another one I came across, well, be that as it may.

Mundle asked how about under Vehicles, or under Notes, it states, ‘Tarps do not resolve the issue.’ Is somebody trying to play ‘hide the car?’ Davis stated yeah, I think that somebody thought that they could solve the issue of too many vehicles on the property or junk vehicles by covering them up with a tarp. Voss asked any other questions for staff on this?

Ronning stated there’s one, ‘piles of cement on yard near roadway.’ That’s debris or junk, total case is 6. ‘Piles of cement on yard near roadway. New owners are pulling up old tennis court.’ Are they refusing to move it? Or, unload it someplace? Davis stated no, they’re just removing that. They’re about 50% complete. They are in the process of, hopefully, getting it done by wintertime and we’re still working with them to get that resolved. Voss asked any other questions?

Informational; no action required.

9.0 Other
9.0A
Staff Reports

Davis stated there’s a Chamber of Commerce business breakfast meeting tomorrow morning at 65 Pub ‘N Grub. As part of the agenda, they would like for Council to present a brief report on their activities with their Commissions and offer any other statements that they’d like and the Mayor will be there to answer questions. I’ll be there to give an update on our new agreement with the Met Council. So, we hope to see all of you there, as many of you as can be, in the morning at 7 o’clock.

Mundle asked so they just want the liaison updates, the Commission updates and not any Council updates? Or is Steve taking care of the Council updates? Davis explained that will probably be, Steve will take care of that. But, anything you’d like to comment on, just try to keep your comments as brief and concise as possible. We’ll probably only have about ten minutes for that section anyway. If something that you can relate to as far as fire, roads, parks, WMOs, whatever you’re Commission assignment is would be good for them to hear. Mundle stated okay.

Voss asked and you said 7. Is it 7:30, right? Harrington confirmed 7:30. Davis stated I like to get there early. Voss stated I know you do. Ronning stated you are the original ‘early bird.’ Voss asked anything else Jack? Davis replied that’s it.

9.0B
Council
Report –
Member
Harrington

Harrington stated I just have one question either for Craig or for Jack. Where are we at with Rochester Street? I’ve got a couple e-mails that residents are a little upset they were given cards that the road would be done or worked on in August and we’re in October and they still haven’t done a thing. Jochum stated they’re actually starting the paving tomorrow. Harrington asked on Rochester? Jochum replied no, they’re starting on 185th and then they’re in town until they are done. So, they’ll probably be on the overlays next week, probably towards the end of next week they’ll be done.

Council
Member
Harrington

Harrington stated I just say maybe in the future have the construction company, when we get close, don’t say August. People make plans. Jochum stated they told us one thing and then switched it up on us. Harrington stated okay, that’s all I got.

Voss asked the contractor doing Lower Road is doing the rest of our projects too, right?

Jochum answered the same sub-paver, yes.

Council
Member
Ronning

Ronning stated I'm done.

Council
Member
Koller

Koller stated well I had a Planning Commission meeting but it was canceled due to lack of a quorum. Voss stated oh, that's not good. Must be summer.

Council
Member
Mundle

Mundle stated Fire Open House this weekend at Station #1, 1 to 2, Chili Cook Off. Voss asked Saturday, right? Mundle replied Saturday, yup. So, free chili, come eat it and judge it.

Mundle stated this week is Fire Prevention Week so the Fire Department has been busy going around to the schools to educate the kids. I believe they did some training, or some educating today and tomorrow and the next day they'll be at the schools and be visiting them at some point.

Mundle stated BR&E, Business Retention & Expansion, continues. Interviews started and are, hopefully, thoroughly underway. Of the four that I have, I've done one. I have another one tomorrow, and I have to line up the other two. One of the tougher parts of it, that I've heard, is getting a hold of the businesses to get the interview. Voss stated they're busy folks. Mundle stated yup and the other side of that is it follows rush season for a lot of the seasonal, I shouldn't say seasonal, but for a lot of the businesses. To get everything done before freeze up. So, that's been another difficulty of getting the time. But, it is progressing.

Mundle stated what I've heard so far is that the businesses that have been interviewed like it. The interviewers are really enjoying it, learning about the businesses. Already some ideas of what has to improve has emerged. So, that's all.

Mayor Voss

Voss stated I don't have anything in particular other than to kind of relay a story. You know, we talked earlier about the issue with the Mn/DOT not coming through with our funding for the service road on the west side of 65. I was graphically reminded a few weeks ago of just how dangerous that intersection is at 187th and 65. On a Friday night just driving up 65, approaching that intersection, a semitruck, not one of the soil trucks but a big delivery truck, came across and realized he wasn't going to get onto northbound and was blocking southbound and he just went. There was a couple on a Harley that were on the inside lane and they moved very quickly out of the way or they would have went right into them. And, the truck behind them almost hit that semi and this was full traffic. It just reminded me how dangerous that intersection is. It's only a matter of time before something really serious happens there. I just want to stress to us, as Council, to keep finding a way to get that corrected from a safety standpoint and get that service road in.

9.0C

None.

Other

9.0D

Closed
Session

Vierling stated thank you Mr. Mayor. At the present time it is recommended by staff that the Council go into Closed Session to review items classified under purchase or sale of real property, which is closed pursuant to Minnesota Statute 13D.0 subd. 3. The parcel will be

9.0D
Closed
Session

identified and discussed is Property Identification Number 29-33-23-33-0002. The Closed Session will be tape recorded as is required by law with the tape being preserved for a period of two years. After the Council has concluded its Closed Session, we'll come back into Open Session for purposes of announcing any action that has been taken by the City Council. With that being said Mayor and Council, I recommend a motion be made to go into Closed Session for the purposes indicated.

Move to
Closed
Session

Mundle stated make a motion to go into Closed Session at 8:31 p.m. for the purposes indicated by the City Attorney. Harrington stated I'll second. Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? Motion passes. **Motion passes unanimously.**

Reconvene
Open Session

Vierling stated thank you Mr. Mayor. For the benefit of the record and for the public, we'd note the Council's back into Open Session after having concluded a Closed Session with regard to issues of purchase and acquisition of real property being Parcel Identification Number 29-33-23-33-0002. The Closed Session was tape recorded and attended by all members of the City Council, the City Administrator, and myself. The Council reviewed issues with City staff, gave staff direction on communication to the property owner, but otherwise took no formal motions at this time. Thank you.

**10.0
Adjourn**

Harrington stated I'll make a motion to adjourn. Mundle stated 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 9:30 p.m.

Submitted by:
Carla Wirth

TimeSaver Off Site Secretarial Inc.