

City of East Bethel City Council Agenda

Regular Council Meeting – 7:00 p.m.
Date: November 4, 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 | Public Hearing |
| | Pg. 3-11 | A. Delinquent Utility Certification—Resolution 2015-58 |
| | Pg. 12-14 | B. Administrative Appeal – 19715 Tri Oak Circle |
| 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. 16-20 | A. Approve Bills |
| | Pg. 21-47 | B. Meeting Minutes, October 21, 2015 City Council Meeting |
| | Pg. 48 | C. Liability Coverage – Waiver Form |
| | | New Business |
| 7:32 PM | 7.0 | Commission, Association and Task Force Reports |
| | | A. Planning Commission |
| | Pg. 49-68 | 1. October Report and Resolution 2015-59 |
| | | B. Economic Development Authority |
| | Pg. 69 | 1. October Report |
| | | C. Park Commission |
| | | D. Road Commission |
| 7:40 PM | 8.0 | Department Reports |
| | | A. Community Development |
| | | B. Engineer |
| | | C. City Attorney |
| | | D. Finance |
| | | E. Public Works |
| | | F. Fire Department |
| | | G. City Administrator |

Pg. 70-79
Pg. 80

1. Rental Ordinance Amendment
2. Upcoming Agenda Items

8:15 PM

9.0 Other

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

8:30 PM

10.0 Adjourn



City of East Bethel City Council Agenda Information

Date:

November 4, 2015

Agenda Item Number:

Item 4.0 A

Agenda Item:

Public Hearing – Delinquent Charges

Requested Action:

Conduct a Public Hearing for Delinquent Charges

Background Information:

East Bethel Code of Ordinances, Chapter 74, Sec. 74-126 (b) provides for the collection of delinquent accounts through the property tax system. This ordinance provides the opportunity for property owners that are delinquent in payments to the City for utility services to come before the City Council to state their objections. This Public Hearing meets the requirements of the Ordinance.

This Public Hearing must be conducted before the final certification of delinquent amounts is forwarded to the County for collection with property taxes.

At the October 7th, 2015 meeting, Council set November 4, 2015 as the Public Hearing date for individuals wishing to object to the delinquent charges being collected through the property tax system. All affected property owners have been notified via U.S. Mail of the opportunity to appear before the City Council on Wednesday evening.

The final list of properties with delinquent charges must be provided to the County Auditor no later than November 30, 2015 (Minnesota Statute 429.061, Subd. 3).

Attachments:

Attachment 1- Summary of Delinquent Accounts

Attachment 2- Resolution 2015-58

Attachment 3- East Bethel Code of Ordinances, Chapter 74, Sec. 74-126 (b)

Fiscal Impact:

Certification of delinquent charges will improve the City’s means to collect on these accounts.

Recommendation(s):

Staff recommends that the public hearing be conducted on Wednesday, November 4, 2015 to provide an opportunity for citizens to be heard on their delinquent amounts. At the conclusion of the Public Hearing, Staff recommends Council consider approval of Resolution 2015-58, Final Certification of Delinquent Charges for Collection with 2016 Property Taxes.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

City of East Bethel - Utility Past Due Amounts at 10/21/15

Utility Billing Delinquencies

Name	Address	Zip	PIN	Utility Due	Certification Charge	Interest 18% from 1/1/16 12/31/16	Total Certified	Annual Interest Rate	Term
HAUGE, MARTIN	24323 FILLMORE CIRCLE NE	55005	29-34-23-22-0127	498.45	70.00	89.72	658.17	N/A	1 year
TOURCO BUS CO	18530 ULYSSES ST NE	55011	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	55011	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	55005	29-34-23-22-0108	874.61	70.00	157.43	1,102.04	N/A	1 year
FLEMING, KRISTIN	1074 243RD CIRCLE NE	55005	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	55005	29-34-23-23-0170	1,448.70	70.00	260.77	1,779.47	N/A	1 year
				5,163.34	420.00	929.40	6,512.74		

SAC/WAC Loan Payment Delinquencies

Name	Address	Zip	PIN	Due	Certification Charge	Interest 4% from 1/1/15 12/31/15	Total Certified	Annual Interest Rate	Term
Ricky Properties	18689 Buchanan St	55011	32-33-23-21-0003	16,640.00	70.00	665.60	17,375.60	4%	5 years
Truck Body Specialists	18581 Buchanan St	55011	32-33-23-24-0005	16,640.00	70.00	665.60	17,375.60	4%	5 years
				33,280.00	140.00	1,331.20	34,751.20		

SAC/WAC Delinquencies

Name	Address	Zip	PIN	Due	Certification Charge	Interest 4% from 1/1/15 12/31/15	Total Certified	Annual Interest Rate	Term
Tourco	18530 Ulysses St	55011	32-33-23-24-0007	25,350.00	70.00	1,014.00	26,434.00	4%	5 years
				25,350.00	70.00	1,014.00	26,434.00		

**City of East Bethel
SAC / WAC Loan Program**

Property Owner Rogers Rod and Customs Inc
PIN # 32-33-23-21-0003
Address 18689 Buchanan St
 East Bethel, MN 55011

Loan Summary
 Payment Type Annual
 Loan Amount 16,640.00
 Interest 1/1/15 to 12/31/15 665.60
 Certification Charge 70.00
 Certification Amount 17,375.60
 Interest Rate 4.00%
 Term 5
 Annual Payment \$3,903.03

#	Date	Loan Balance	Principal	Interest	Payment	Balance @ 12/31
1	1/1/16	17,375.60	3,208.01	695.02	3,903.03	14,167.59
2	1/1/17	14,167.59	3,336.33	566.70	3,903.03	10,831.27
3	1/1/18	10,831.27	3,469.78	433.25	3,903.03	7,361.49
4	1/1/19	7,361.49	3,608.57	294.46	3,903.03	3,752.91
5	1/1/20	3,752.91	3,752.91	150.12	3,903.03	(0.00)
			<u>17,375.60</u>	<u>2,139.55</u>		

**City of East Bethel
SAC / WAC Loan Program**

Property Owner Truck Body Specialists
PIN # 32-33-23-24-0005
Address 18581 Buchanan St
 East Bethel, MN 55011

Loan Summary
 Payment Type Annual
 Loan Amount 16,640.00
 Interest 1/1/15 to 12/31/15 665.60
 Certification Charge 70.00
 Certification Amount 17,375.60
 Interest Rate 4.00%
 Term 5
 Annual Payment \$3,903.03

#	Date	Loan Balance	Principal	Interest	Payment	Balance @ 12/31
1	1/1/16	17,375.60	3,208.01	695.02	3,903.03	14,167.59
2	1/1/17	14,167.59	3,336.33	566.70	3,903.03	10,831.27
3	1/1/18	10,831.27	3,469.78	433.25	3,903.03	7,361.49
4	1/1/19	7,361.49	3,608.57	294.46	3,903.03	3,752.91
5	1/1/20	3,752.91	3,752.91	150.12	3,903.03	(0.00)
			<u>17,375.60</u>	<u>2,139.55</u>		

[back](#)

**City of East Bethel
SAC / WAC**

Property Owner Tourco Bus
PIN # 32-33-23-24-0007
Address 18530 Ulysses St
East Bethel, MN 55011

Loan Summary
Payment Type Annual
Loan Amount 25,350.00
Interest 1/1/15 to 12/31/15 1,014.00
Certification Charge 70.00
Certification Amount 26,434.00
Interest Rate 4.00%
Term 5
Annual Payment \$5,937.79

#	Date	Loan Balance	Principal	Interest	Payment	Balance @ 12/31
1	1/1/16	26,434.00	4,880.43	1,057.36	5,937.79	21,553.57
2	1/1/17	21,553.57	5,075.65	862.14	5,937.79	16,477.92
3	1/1/18	16,477.92	5,278.68	659.12	5,937.79	11,199.24
4	1/1/19	11,199.24	5,489.82	447.97	5,937.79	5,709.42
5	1/1/20	5,709.42	5,709.42	228.38	5,937.79	(0.00)
			<hr/>	<hr/>		
			26,434.00	3,254.97		

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

RESOLUTION NO. 2015-58

**FINAL CERTIFICATION OF DELINQUENT CHARGES FOR COLLECTION WITH 2016
PROPERTY TAXES**

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

WHEREAS, the attached list shows the delinquent amounts greater than \$70.00 owed assuming a certification cutoff date of September 30, 2015:

WHEREAS, the listing was and will be adjusted to reflect payments received through November 15, 2015, which is the statutory deadline to prepay special assessments:

WHEREAS, the City has conducted a public hearing that offered each delinquent account holder the opportunity to state their objections;

WHEREAS, certification will greatly improve the City's chances of collecting the unpaid charges;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT THE COUNCIL approves the attached certification list.

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

CITY OF EAST BETHEL

Steven R. Voss, Mayor

ATTEST:

Jack Davis, City Administrator

Attachment 3

Sec. 74-126. - Delinquent accounts.

(a)

Shutoff for nonpayment. Water and/or sanitary sewer service will not be shut off until notice and an opportunity for a hearing before the city council or an official designated by the city council have been provided to the occupant and owner of the premises involved.

(1)

If any bill is not paid by the due date listed on the bill, a second bill will be mailed by first class mail and will state that if payment is not made within 20 days of the mailing of the second bill, water and/or sanitary sewer service to the premises will be shut off for nonpayment.

(2)

The second bill and shutoff notice will contain the title, address and telephone number of the city official in charge of utility billing. The title, address and telephone number must be clearly visible and easily readable.

(3)

The notice also will state that any customer has the right to a hearing before the city council prior to the water and/or sanitary sewer service being shut off; that the customer may be represented in person and by counsel or any other person of his choosing; and that the customer may present orally or in writing his objection to the city official in charge of utility billing before the service is shut off. The city official will be authorized to order continuation of the customer's service and will have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.

(4)

The shutoff notice also will state that a hearing before the city council will be provided if requested by written request delivered to the city official in charge of utility billing within the 20-day period. If a customer requests a hearing, the water will not be shut off until the hearing process is complete.

(5)

If a customer fails to pay and fails to request a hearing under this section, service will be shut off at the time specified in the notice but in no event until the charges have been due and unpaid for at least 30 days.

(b)

Certification for collection with taxes. Unpaid charges on sewer and water accounts will not be certified to the county auditor for collection with taxes until notice and an opportunity for a hearing before the city council have been provided to the customer of the premises involved. The notice must be sent by first class mail, at least 30 days before the certification date, and must state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice also must state that the customer may, no later than 20 days before the certification date, request a hearing on the matter to object to certification of unpaid utility charges.

(1)

The customer will have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.

(2)

A hearing will be held on the matter by the city council prior to the county certification date. A customer with unpaid utility charges will have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the city council finds that the amount claimed as delinquent is actually due and unpaid and that there is no legal reason why

the unpaid charge should not be certified for collection with taxes in accordance with this article, the city may certify the unpaid charges to the county auditor for collection as other taxes are collected.

(3)

For each certification sustained, the customer will have the following options after the hearing:

a.

To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date or before the county certification date, whichever is first.

b.

To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on the 11th day following the hearing date through the date of payment.

c.

To pay the certified charges as billed by the county on the customer's property tax statement with a collection term of one year.

(c)

Delivery of certified roll. Twelve days after the hearing, the certified roll, minus any payments, will be delivered to the county.

(Ord. No. 45, Second Series, 7-3-2013)



City of East Bethel City Council Agenda Information

Date:

November 4, 2015

Agenda Item Number:

Item 4.0 B

Agenda Item:

Administrative Appeal

Requested Action:

Conduct an Administrative Appeal- 19715 Tri Oak Circle, Large Animals

Background Information:

Ms. Jerolyn Williams is requesting an appeal of a City Staff decision to not allow a miniature horse on her property at 19715 Tri Oak Circle. This decision was based on requirements of City Code, Chapter 10, Article IV, Section 10-116, no animal regulated by this article can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three acres provided, however that if all the lots within a platted subdivision are larger than four acres, then interim use permits for horses may be issued for those lots. The four acre exception does not apply in this situation.

19715 Tri Oak Circle is a platted lot of 2 acres in size and is located in the Viking Knoll Subdivision. The other platted lot in this subdivision is 2.28 acres.

There are no distinctions between horse breeds or size included in the City Code. Section 10-115 of City Code provides definition for animals, parcels and platted subdivisions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Equine means horses, zebras, mules, burros and donkeys.

Other large animals means llamas, goats, sheep and bovines.

Parcel of land means a whole parcel of land as charged in the county auditor's tax list.

Platted subdivision means an area of land separated into two or more parcels, tracts or lots by a drawing or map filed of record pursuant to Minn. Stats. ch. 505.

Chapter 2, Article X of the East Bethel City Code provides a process for appeal of an administrative decision. The process is outlined in Section 2-590 and is as follows:

(a) If any person shall be aggrieved by any administrative decision of the city administrator, any other elected or appointed city official or employee, or any committee or commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the council upon serving a written request therefor upon the city administrator or his designee at least 15 days prior to any regular council meeting. Such request shall contain a statement setting forth the administrative decision to be challenged by the appellant, including specific ordinance, policy, procedure or law allegedly violated.

(b) At such hearing the appellant may present any evidence deemed pertinent to the appeal. However, the city shall not be required to keep a verbatim record of the proceedings.

(c) The mayor or other officer presiding at the hearing may in the interest of justice or to comply with time requirements and on his own motion or a member of the city council, adjourn the hearing to a more convenient time or place. Such time and place shall be determined prior to adjournment of the hearing pursuant to this article.

Attachments:

Attachment 1- Location Map

Fiscal Impact:

None at this time

Recommendation(s):

Staff recommends that the Administrative Appeal be conducted by City Council, as requested by Ms. Jerolyn Williams, and upon conclusion of the Hearing direction be provided to Staff in this matter.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



<Title> 19715 TRI OAK CIRCLE



Aerial Photo: Flown Spring of 2014





City of East Bethel City Council Agenda Information

Date: November 4, 2015

Agenda Item Number: Item 6.0 A-C

Agenda Item: Consent Agenda

Requested Action:

Consider approval of the Consent Agenda

Background Information:

Item A

Approve Bills

Item B

October 21, 2015 City Council Minutes

Meeting minutes from the October 21, 2015 City Council Meeting are attached for your review and approval.

Item C

Liability Coverage Waiver Form

The City purchases its insurance from the League of Minnesota Cities Insurance Trust (LMCIT). A requirement of that insurance coverage is that each participating municipality must annually either affirm or waive its statutory limits of liability.

The statutory limits of liability for Minnesota cities are \$500,000 for an individual claimant and \$1,500,000 per occurrence. Cities can waive these limits by allowing an individual claimant to recover more than \$500,000, up to the \$1,500,000 occurrence limit or more if limits are waived and excess liability insurance is purchased. They may also waive the “per occurrence” limit and purchase excess liability insurance. Historically, East Bethel has not waived its liability limits and has chosen to purchase excess coverage.

Staff and the City Attorney recommend that the City does not waive the liability limits.

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 November 4, 2015

Bills to be approved for payment	\$124,471.38
Electronic Payroll Payments	\$26,468.70
Payroll - City Staff October 22, 2015	\$33,995.85
Total to be Approved for Payment	\$184,935.93

City of East Bethel

November 4, 2015

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
	SAC Fee Remittance	102915	Metropolitan Council	101		\$2,821.50
Anoka County CDBG	Professional Services Fees	1548	Lashinski Septic Service	233	23300	\$14,763.00
Arena Operations	Bldg/Facility Repair Supplies	1-870254	Able Hose & Rubber, Inc.	615	49851	\$434.38
Arena Operations	Bldg/Facility Repair Supplies	4124	Menards - Forest Lake	615	49851	\$55.27
Arena Operations	Electric Utilities	102015	Connexus Energy	615	49851	\$3,411.86
Arena Operations	Gas Utilities	476201325	Xcel Energy	615	49851	\$99.85
Arena Operations	General Operating Supplies	181871	Class C Components	615	49851	\$140.48
Arena Operations	General Operating Supplies	181871-01	Class C Components	615	49851	\$329.50
Arena Operations	General Operating Supplies	181871-02	Class C Components	615	49851	\$28.39
Arena Operations	Professional Services Fees	100015	Gibson Management	615	49851	\$8,000.00
Arena Operations	Repairs/Maint Machinery/Equip	3062193	Viking Industrial Center	615	49851	\$99.00
Arena Operations	Small Tools and Minor Equip	548020	Ham Lake Hardware	615	49851	\$9.48
Arena Operations	Telephone	332373310-167	Sprint Nextel Communications	615	49851	\$24.09
Building Inspection	Telephone	332373310-167	Sprint Nextel Communications	101	42410	\$3.18
Central Services/Supplies	Information Systems	220775	City of Roseville	101	48150	\$2,388.67
Central Services/Supplies	Office Equipment Rental	289683740	US Bank Equipment Finance	101	48150	\$269.50
Central Services/Supplies	Software Licensing	153423	Banyon Data Systems, Inc.	101	48150	\$295.00
Central Services/Supplies	Telephone	13372620	Integra Business	101	48150	\$220.80
City Administration	Professional Services Fees	M21663	TimeSaver Off Site Secretarial	101	41320	\$465.13
City Administration	Telephone	332373310-167	Sprint Nextel Communications	101	41320	\$82.92
City Administration	Travel Expenses	102815	Jack Davis	101	41320	\$207.00
Engineering	Architect/Engineering Fees	35211	Hakanson Anderson Assoc. Inc.	101	43110	\$165.00
Engineering	Architect/Engineering Fees	35217	Hakanson Anderson Assoc. Inc.	101	43110	\$231.76
Engineering	Architect/Engineering Fees	35217	Hakanson Anderson Assoc. Inc.	101	43110	\$1,037.50
Engineering	Architect/Engineering Fees	35217	Hakanson Anderson Assoc. Inc.	101	43110	\$1,170.15
Engineering	Architect/Engineering Fees	35217	Hakanson Anderson Assoc. Inc.	101	43110	\$482.64
Finance	Conferences/Meetings	790	MN State Auditor	101	41520	\$140.00
Fire Department	Clothing & Personal Equipment	83170	Fire Safety USA, Inc.	101	42210	\$620.60
Fire Department	Conferences/Meetings	596239	Century College	101	42210	\$550.00
Fire Department	Electric Utilities	102015	Connexus Energy	101	42210	\$9.81
Fire Department	Electric Utilities	102015	Connexus Energy	101	42210	\$445.66
Fire Department	Electric Utilities	102015	Connexus Energy	101	42210	\$97.03
Fire Department	Electric Utilities	102015	Connexus Energy	101	42210	\$60.18
Fire Department	Gas Utilities	476201325	Xcel Energy	101	42210	\$79.94
Fire Department	General Operating Supplies	177186	Northern Sanitary Supply Co	101	42210	\$243.70
Fire Department	Motor Vehicle Services (Lic d)	92994	Hayford Ford	101	42210	\$209.00
Fire Department	Printing and Duplicating	1326A	Print Plus, Inc.	101	42210	\$170.00
Fire Department	Repairs/Maint Machinery/Equip	33793	Emedded Systems, Inc.	101	42210	\$2,497.50
Fire Department	Repairs/Maint Machinery/Equip	71640579	Uline	101	42210	\$1,349.84
Fire Department	Small Tools and Minor Equip	13084	Sowada and Barna	101	42210	\$380.00
Fire Department	Telephone	13372620	Integra Business	101	42210	\$138.00
Fire Department	Telephone	332373310-167	Sprint Nextel Communications	101	42210	\$6.36
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	11776	Betz Mechanical, Inc.	101	41940	\$678.06
General Govt Buildings/Plant	Electric Utilities	102015	Connexus Energy	101	41940	\$145.47
General Govt Buildings/Plant	Electric Utilities	102015	Connexus Energy	101	41940	\$14.66

City of East Bethel

November 4, 2015

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
General Govt Buildings/Plant	Electric Utilities	102015	Connexus Energy	101	41940	\$846.50
General Govt Buildings/Plant	Gas Utilities	476201325	Xcel Energy	101	41940	\$45.52
Mayor/City Council	Dues and Subscriptions	102715	Alexandra House, Inc.	101	41110	\$4,500.00
Mayor/City Council	Dues and Subscriptions	220718	League of MN Cities	101	41110	\$10,480.00
Mayor/City Council	Dues and Subscriptions	090115	MN Mayors Association	101	41110	\$30.00
MSA Street Construction	Architect/Engineering Fees	35212	Hakanson Anderson Assoc. Inc.	402	40200	\$2,523.40
MSA Street Construction	Architect/Engineering Fees	35213	Hakanson Anderson Assoc. Inc.	402	40200	\$27,034.43
Park Capital Projects	Bldg/Facility Repair Supplies	98022	Menards Cambridge	407	40700	\$114.60
Park Capital Projects	Bldg/Facility Repair Supplies	98023	Menards Cambridge	407	40700	\$44.60
Park Capital Projects	Bldg/Facility Repair Supplies	98679	Menards Cambridge	407	40700	\$62.40
Park Capital Projects	Bldg/Facility Repair Supplies	99018	Menards Cambridge	407	40700	\$103.96
Park Maintenance	Clothing & Personal Equipment	1182345089	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1182356477	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Electric Utilities	102015	Connexus Energy	101	43201	\$31.80
Park Maintenance	Electric Utilities	102015	Connexus Energy	101	43201	\$29.53
Park Maintenance	Electric Utilities	102015	Connexus Energy	101	43201	\$32.57
Park Maintenance	Electric Utilities	102015	Connexus Energy	101	43201	\$37.90
Park Maintenance	Electric Utilities	102015	Connexus Energy	101	43201	\$95.15
Park Maintenance	Electric Utilities	102015	Connexus Energy	101	43201	\$19.08
Park Maintenance	Electric Utilities	102015	Connexus Energy	101	43201	\$109.00
Park Maintenance	Equipment Parts	548198	Ham Lake Hardware	101	43201	\$2.84
Park Maintenance	Lubricants and Additives	P40698	MN Equipment	101	43201	\$18.18
Park Maintenance	Motor Vehicle Services (Lic d)	IEB-1020-24411	North Metro Auto Glass	101	43201	\$215.00
Park Maintenance	Motor Vehicles Parts	1927695602	Rigid Hitch Inc.	101	43201	\$53.73
Park Maintenance	Other Equipment Rentals	96117	Jimmy's Johnnys, Inc.	101	43201	\$304.65
Park Maintenance	Park & Landscape Services	10990	Great Northern Landscapes, Inc	101	43201	\$323.00
Park Maintenance	Small Tools and Minor Equip	98276	Menards Cambridge	101	43201	\$7.99
Park Maintenance	Telephone	13372620	Integra Business	101	43201	\$50.60
Park Maintenance	Tires	1-57003	Steve's Tire Inc.	101	43201	\$553.79
Payroll	Insurance Premiums	11 2015	Dearborn National Life Ins Co.	101		\$1,266.94
Payroll	Insurance Premiums	11 2015	NCPERS Minnesota	101		\$144.00
Planning and Zoning	Escrow Reimbursement	102315	Amanda Pikala	101		\$300.00
Planning and Zoning	Escrow Reimbursement	102215	Robert and Stacy Nicholls	101		\$4,083.75
Planning and Zoning	Legal Notices	267134	ECM Publishers, Inc.	101	41910	\$48.38
Police	General Operating Supplies	363741	J.P. Cooke Company	101	42110	\$99.50
Recycling Operations	Bldgs/Facilities Repair/Maint	62243	Aker Doors, Inc.	226	43235	\$3,825.00
Recycling Operations	Bldgs/Facilities Repair/Maint	B041345	Braun Intertec Corporation	226	43235	\$1,386.00
Recycling Operations	Bldgs/Facilities Repair/Maint	9864376844	Grainger	226	43235	\$234.18
Recycling Operations	Bldgs/Facilities Repair/Maint	TRS14736	Mastell Brothers Trailer Svc	226	43235	\$5,520.00
Recycling Operations	Electric Utilities	102015	Connexus Energy	226	43235	\$113.31
Recycling Operations	Gas Utilities	476201325	Xcel Energy	226	43235	\$25.00
Recycling Operations	Other Equipment Rentals	96117	Jimmy's Johnnys, Inc.	226	43235	\$70.00
Sewer Operations	Electric Utilities	102015	Connexus Energy	602	49451	\$122.52
Sewer Operations	Electric Utilities	102015	Connexus Energy	602	49451	\$46.51
Sewer Operations	Electric Utilities	102015	Connexus Energy	602	49451	\$34.86

City of East Bethel

November 4, 2015

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Street Capital Projects	Architect/Engineering Fees	35214	Hakanson Anderson Assoc. Inc.	406	40600	\$561.30
Street Maintenance	Bldgs/Facilities Repair/Maint	1182345089	G&K Services - St. Paul	101	43220	\$9.17
Street Maintenance	Bldgs/Facilities Repair/Maint	1182356477	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Clothing & Personal Equipment	1182345089	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Clothing & Personal Equipment	1182356477	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Conferences/Meetings	10 2015	MN Fall Expo	101	43220	\$200.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$16.26
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$156.28
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$78.95
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$118.27
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$163.88
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$388.11
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$287.60
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$123.97
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	102015	Connexus Energy	101	43220	\$5.00
Street Maintenance	Equipment Parts	10351	Smith Iron Works	101	43220	\$50.00
Street Maintenance	Gas Utilities	476201325	Xcel Energy	101	43220	\$20.00
Street Maintenance	General Operating Supplies	1539-406307	O'Reilly Auto Stores Inc.	101	43220	\$19.99
Street Maintenance	General Operating Supplies	1539-407881	O'Reilly Auto Stores Inc.	101	43220	\$13.96
Street Maintenance	General Operating Supplies	1921-301440	O'Reilly Auto Stores Inc.	101	43220	(\$20.44)
Street Maintenance	General Operating Supplies	279873	S & S Industrial Supply	101	43220	\$65.84
Street Maintenance	Motor Vehicle Services (Lic d)	93029	Hayford Ford	101	43220	\$747.64
Street Maintenance	Motor Vehicle Services (Lic d)	93241	Hayford Ford	101	43220	\$313.54
Street Maintenance	Motor Vehicles Parts	F-252940066	Allstate Peterbilt North	101	43220	\$26.76
Street Maintenance	Motor Vehicles Parts	9313	The Graphics Guys	101	43220	\$30.00
Street Maintenance	Refuse Removal	3889	P & C Tree Service	101	43220	\$300.00
Street Maintenance	Snowplow Cutting Edges	MNHAM43256	Fastenal Company	101	43220	\$113.38
Street Maintenance	Snowplow Cutting Edges	H94153	H&L Mesabi	101	43220	\$5,612.62
Street Maintenance	Snowplow Cutting Edges	H94154	H&L Mesabi	101	43220	\$581.32
Street Maintenance	Street Maint Materials	IN00012055	City of St. Paul	101	43220	\$65.51
Street Maintenance	Street Maint Materials	28792	Commercial Asphalt Co.	101	43220	\$58.80
Street Maintenance	Telephone	13372620	Integra Business	101	43220	\$50.60

City of East Bethel

November 4, 2015

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Street Maintenance	Telephone	332373310-167	Sprint Nextel Communications	101	43220	\$70.13
Street Maintenance	Worker s Comp Insurance Prem	200011833	Berkley Risk Administrators Co	101	43220	\$41.32
Water Utility Capital Projects	Architect/Engineering Fees	35215	Hakanson Anderson Assoc. Inc.	433	49405	\$643.75
Water Utility Capital Projects	Architect/Engineering Fees	35216	Hakanson Anderson Assoc. Inc.	433	49405	\$315.00
Water Utility Operations	Electric Utilities	102015	Connexus Energy	601	49401	\$218.83
Water Utility Operations	Electric Utilities	102015	Connexus Energy	601	49401	\$840.69
Water Utility Operations	Electric Utilities	102015	Connexus Energy	601	49401	\$100.50
Water Utility Operations	Gas Utilities	101615	CenterPoint Energy	601	49401	\$29.31
Water Utility Operations	Gas Utilities	101615	CenterPoint Energy	601	49401	\$15.85
Water Utility Operations	Repairs/Maint Machinery/Equip	949180	Indelco Plastics Corporation	601	49401	\$1,831.41
						\$124,471.38
Electronic Payroll Payments						
Payroll	PERA					\$6,289.94
Payroll	Federal Withholding					\$5,690.01
Payroll	Medicare Withholding					\$1,565.30
Payroll	FICA Tax Withholding					\$6,692.94
Payroll	State Withholding					\$2,274.67
Payroll	MSRS/HCSP					\$3,955.84
						\$26,468.70

EAST BETHEL CITY COUNCIL MEETING

OCTOBER 21, 2015

The East Bethel City Council met on October 21, 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

1.0 Call to Order The October 21, 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'll make a motion to adopt tonight's agenda. Under the Consent Agenda, I'd like to add Item E., Supplement Payment Summary. Mundle stated I'll second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

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

4.0.A Sheriff's Department Report **DWIs** – There were six DWI arrests in September. Four of the traffic stops began with passersby calling in the suspected drunken driving activities. One male was stopped after he was seen at a local gas station and appeared to try and get into the wrong vehicle. The clerk called in a possible drunk driver. The male had left the scene and was located nearby, driving. The male suspect fit the clerk's description. The male was stopped and showed signs of intoxication. The male did test and showed a .34 blood alcohol content. This arrest occurred at 2:22 p.m.

So, once again, real high blood alcohol, middle of the day. So, if you do see that erratic driving, that kind of thing in the middle of the day and you think it can't be a DWI, it certainly can.

DWIs - One incident involved passerby's who noticed the vehicle weaving and almost running into the ditch. The passerby had called in the report but decided to try and keep the driver from leaving after almost going into the ditch. Deputies arrived and met with the female suspect who was the lone occupant of the vehicle. The female refused to do field sobriety tests and refused to take a breath test. While at the jail, she became uncooperative and struck a Detention Deputy in the face with her head. The female was further charged with a 4th degree assault.

3rd Degree Assault – On September 7, 2015, Deputy Fahey received a delayed assault report. The victim reported he had been at a house party the night before and a male that he knows, that he had an issue with about six months ago was there. The male came up to him and wanted to fight him, but the victim told the suspect he didn't want to fight. The victim reported the suspect then struck him in the jaw. The victim reported falling to the ground

4.0.A
Sheriff's
Department
Report

and the suspect left. The victim thought he just had a sore jaw but when he woke up the next day, he was still in a lot of pain, so he went to the emergency room. The victim learned that his jaw had been fractured. CID was contacted and the investigation was turned over to a Detective. During the investigation, the Detective learned that the victim had actually run at the suspect, in an aggressive manner and was calling the suspect racially biased names. The suspect reported he felt he was going to be attacked by the victim and that is why he struck him first. Others at the party corroborated the suspect's rendition of the incident. The victim decided he did not want to pursue any charges after being told of the investigation results and the fact that he could be charged with a racially motivated crime.

5th Degree Controlled Substance – On September 14, 2015, deputies were called to a suspicious occupied vehicle at a business that was closed. Deputy Kvam and Deputy Aker made contact with the occupants of the vehicle. Both the driver and passenger were very nervous and jittery. The female passenger had open sores on her face, which is an indication of methamphetamine use. The male driver advised that he does use methamphetamine but advised he had not used recently. Deputy Aker asked the male to exit the vehicle, at which time an uncapped syringe fell from his lap. Deputy Aker does have a narcotics certified K9, who they had run around the vehicle. The K9, Sherman, did alert to narcotics in the vehicle. Deputy Kvam performed a search of the vehicle and located a small crystal like substance rock on the driver's side floor mat. Located inside a backpack belonging to the female was a baggie containing a white crystal like substance that tested positive for methamphetamine. There were several needles located inside the vehicle as well. Both the male and female were arrested and taken to jail.

Disorderly Conduct – On September 20, 2015, Deputies were called to a residence regarding a driving complaint on a neighbor. The victim reported she was walking on the road and a neighbor, whom she has had issues with in the past, drove by her extremely close. The Deputy went over and made contact with the neighbor, who appeared to be intoxicated. The Deputy was told by the suspect that he had been home all day and had not been driving. This was confirmed by the suspect's teenaged son. The Deputy felt the hood of the vehicle, and it was cold to the touch. The Deputy could not determine that the male had in fact been driving recently. The suspect then began yelling and swearing at the victim neighbor. The Deputy advised the suspect to quit making a scene and mind his own business. The Deputy left, but parked down the street. The Deputy could see the suspect standing in his yard, continuing to yell and swear at the neighbor. The Deputy came down, told him to stop the behavior, and if it continued, he would be charged. The suspect then went back into his garage. Ten minutes after clearing, Deputies were called back by the victim stating that the yelling and swearing was continuing. Upon arriving back in the area, the suspect was standing in the street. He claimed he wasn't doing anything. The suspect was arrested and taken to jail for disorderly conduct.

Burglary / Damage to Property – On September 25, 2015, Deputy Nelson was contacted on a report of an ATV and trailer found abandoned at a business. The business owner reported the ATV had been found rolled over in front of his business. Deputy Nelson was able to identify the owner of the trailer who advised he had his trailer at a local sporting goods business. Deputy Nelson went to that business and found that the surrounding fence had been cut and rolled back and the ATV and trailer had been taken. There was surveillance video, which showed two suspects accessing the area. The males were not wearing any type of gloves. ACSO Crime Scene did respond to the business and processed the scene. This case is under investigation.

4.0.A
Sheriff's
Department
Report

Arrest Breakdowns: Felony – 3: 2 for 5th Degree Possession of Controlled Substance, which were the same incident; and, 1 for a 2nd Degree Assault, which was a juvenile incident. Gross Misdemeanor – 1: Driving After Cancellation – Inimical to Public Safety. Misdemeanor – 7: 1 for Obstruct Legal Process; 1 for Trespass; 1 for Give False Name to Officer; 1 for Disorderly Conduct; 1 for Possess Small Amount of Marijuana; 1 for Theft; and, 1 for Juvenile Alcohol Offender

4.0B
Fire
Department
Report

Voss stated okay, any questions for Shelly? Anyone in the audience? Questions for our Sheriff's Department? Orlando stated thank you. Voss stated thanks Shelly.

DuCharme stated thank you Mr. Mayor and Council. First of all, I'd like to report on our open house that we had October 10th. Actually, we had a pretty good crowd. Went through a lot of hot dogs and there's several groups I'd like to thank. First of all, the Lions Club. They actually did the cooking of the chili that we gave out and also the hot dogs and they've done that for a number of years. We thank them. They are great partners to have

DuCharme stated we also had the Royalty there and the Royalty was there to help serve and help clean up and kind of assist us. And, also, to do some face painting and they gave me some pretty good tattoos, but they washed off.

DuCharme stated and of course the fire fighters. You've got to remember these fire fighters gave up a Saturday to put on this open house and to show exactly what they do and talk to the residents. They love to do that.

DuCharme stated during the open house, we did have a Chili Cook Off Contest and the Lion's Club took 1st, 2nd, and 3rd. Congratulations to them. They worked hard on that. Also, we had two Council people who consented to be judges, Councilmember Harrington and Councilmember Mundle were part of the judging team. They didn't really volunteer though.

DuCharme stated in the month of September, we had 44 fire calls that we answered. Of those 44, 27 were EMS related. We did have one business fire and that was an electric sign that actually caught fire. We made sure that after putting the fire out, made sure that the electricians were called and the sign was not used until properly inspected.

DuCharme stated we did also have a couple storm calls and that was early morning on September 7th. We had a couple power lines that came down and that was up by Fawn Lake and Sunset Road, right up around there, from high winds.

DuCharme stated some of the calls that we are starting to see is some unauthorized burning. In other words, illegal burning. I just want to remind everybody that if you're going to burn, you've got to have a permit. If you're going to have a recreational fire, please talk to your neighbors and let them know you're going to do some burning as a recreational fire. A recreational fire, once again, is three feet wide, three feet high. It's meant for just what it says, recreation, not to burn up yard waste or anything like that. If you're going to burn anything else, you need a permit and during the permit process, we'll give you information on what you can burn and can't burn with that.

Voss stated Mark, we've been pretty dry. Where's the fire danger set right now? DuCharme stated the DNR, which sets the burn, no burn, variances in permits has kind of changed a little bit. So, although we have open burning allowed right now, that could change. They change on a daily basis. I think it was last week that we were actually shut

4.0B

Fire

Department

Report

down on burning permits for about two days when we had the high winds come through. High winds and dry conditions are not good for the burning. I do know that at some point in time, it will probably be the first part of November, the DNR will shut the burning permits down until the snow falls. They usually, when they put that in, they'll wait until there's two to three inches of snow on the ground. Then they'll allow burning again. We're getting close to that. We do anticipate maybe an inch of rain on Friday, three-quarters of an inch of rain, inch of rain, right in there, and that will definitely help some of the conditions. Once again, the grasses and the brush are what we call one- to three-hour fuels. In other words, they can be saturated and in an hour to three hours they'll be dry enough to burn, just like before the rain. That's where we are right now. It's been a beautiful fall, just haven't had a lot of precipitation.

DuCharme stated on my report that I furnished you, on the EMS calls, as you can see there was 27 medical calls that we ran. We assisted Allina in transporting 23 of those. In other words, actually what we call packaging the patients for them. Several of those were repeat calls to people who are chronically ill and wishing them the best.

DuCharme stated we've got one more activity going on I'd like to report to the Council and to our citizens. Starting today, this afternoon in fact, we were at the St. Francis Middle School doing our HeartSafe Program. We actually trained 58 of the staff members, which were all teachers, and put them through the HeartSafe Program and actually they got hands-on experience doing CPR. We also did a short classroom session with the staff letting them know why it's important to know CPR and talked about some of the life stories of some of the people.

DuCharme stated next week we'll actually be back at St. Francis Middle School and we're going to be training the entire 7th grade class. We're going to do it in two days. The fire fighters are going to be there from 7:30 until 2:30. You've got to remember, when these fire fighters go and do this, it's just like when we go into the schools, and many of them are taking time off work, their regular jobs, to go do this. It's an amazing commitment by the fire fighters. So, we're going to put 300 kids in those two days through the HeartSafe Program. Certainly, the fire fighters that are involved in the Program think it's really, really well worth it. We hope then within a month or so we'll be in the St. Francis High School and also bring the program to that school.

Voss stated I think on behalf of the Council, our thanks to those fire fighters for giving their personal time to do that. DuCharme stated yes, absolutely. Voss asked please pass that on. DuCharme stated I certainly will and we're all proud of them. Any questions at all?

Mundle asked how was the call volume been? DuCharme stated we're up about, depending on what part of the month it is, but it's been consistently 12%, sometimes 15% higher than a year ago. I have talked to a couple other fire departments, specifically Isanti, it's following the same trends we are. Isanti and East Bethel seem to kind of mirror each other on calls and type of calls and things like that. So, the trend for this year has not been localized to East Bethel. It seems like it's more of a general increase in calls. And, as with East Bethel, Isanti is reporting the main increase being on the medical side.

Voss asked anything else for Mark? All right, thank you. DuCharme stated thank you for all your support. Councilor Mundle was at the HeartSafe Program and he wasn't just watching, he was actually training people so thank you so much.

**5.0
Public
Forum**

Davis stated no one has signed up. Voss asked is anyone here tonight that wishes to before Council at Public Forum? If not, we will move on.

**6.0
Consent
Agenda**

Item A Approve Bills

Item B October 7, 2015 City Council Minutes

Meeting minutes from the October 7, 2015 City Council Meeting are attached for your review and approval.

Item C Pay Estimate #2 for the 185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project

This item includes Pay Estimate #2 to Peterson Companies for the 185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project. This pay estimate includes payment for earthwork, storm sewer and curb and gutter construction and bituminous paving. Staff recommends partial payment of \$554,598.54. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 808,801.53
Less 5% Retainage	\$ 40,440.08
Less Previous Payments	<u>\$ 213,762.91</u>
Total Payment	\$ 554,598.54

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 #2 is attached.

Item D Pay Estimate #1 for the 2015 Street Overlay Projects

This item includes Pay Estimate #1 to Peterson Companies for the 2015 Street Overlay Projects. This pay estimate includes payment for concrete driveway construction and storm sewer casting adjustments. Staff recommends partial payment of \$8,822.93. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 9,287.30
Less 5% Retainage	<u>\$ 464.37</u>
Total payment	\$ 8,822.93

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

Item E Supplemental Payment Summary

Ronning stated move to adopt the Consent Agenda as presented. Harrington stated second. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated any opposed? That motion passes. Motion passes unanimously.

**7.0
New Business**

Commission Association and Task Force Reports

7.0A
Planning
Commission

None.

7.0B

None.

Economic
Development
Authority

7.0C

Park

Commission

7.0C.1

October

Report

Davis presented the staff report indicating the Parks Commission began the review of the City's 2008 Parks, Trails and Open Space Plan at their October 14, 2015, meeting. Follow up meetings will be devoted to modifications and updates to this plan that reflect current needs. The revision of this document will provide a guide for future park projects and will be incorporated in the City's 2018 Comprehensive Plan.

Harrington stated I just have one comment on this Comprehensive Plan. We're going to go down to like, we're looking at maybe three, possibly four trails. This map they drew up on 2006-2007, so it can be completely redone. Voss asked Tim, you say they are going to focus on a future trail? Harrington stated they're looking at three different areas. They'd like to do something from Booster to Cedar Creek, some kind of trail when the money's available. Then Northland Manor to the Industrial Park, I think it is. Booster to Fish Lake and then they were looking at maybe John Anderson, some kind of trail around there. The 2006-2007, they got trails everywhere here in the City and they're going to get rid of. Voss stated so it's going to get narrowed down. Harrington agreed and stated yeah, narrowed down.

Davis stated the emphasis on that is to develop realistic goals that meet our financial capabilities to actually achieve those. There will be some long-range considerations but it will also probably focus on short-term, intermediate, and longer-range goals.

Voss stated one thing, if you want to pass it on, it's kind of been my emphasis over the years on the trails has been to look for smaller investments that have bigger impact. The one that's a great example is the one we did off Booster East over to 24th. That's a couple hundred feet, that trail, and that trail, every time I drive by it, there's someone on that little trail. It's just crazy and that kind of connector trail is enough to connect neighborhoods. We've got so many neighborhoods that the only way they're connected are by County roads. Most people, it's usually people going for walks, they don't go across the City but they stay in the area, in their own little neighborhood. It's a small area but if they can expand without having to go out on our shoulder-less County highways, or State highways, I think we can make some big impact with smaller investments too.

Davis agreed and stated one of those projects that Tim mentioned is a connector-type trail that does connect park to a neighborhood to a street, which accesses a City street with a widened shoulder to access another park. Voss stated there you go, that's just my suggestion to throw out.

7.0D

Road

Commission

7.0D.1

October Rd.

Report

Davis presented the staff report indicating the Roads Commission reviewed and approved, by a 4-1 vote, the proposal to advance fund the Phase I Service Road Project at their October 13, 2015, meeting. There was an in-depth discussion of the project and some concern that there would be no safety improvements at the intersection of 187th Avenue and Highway 65. It was pointed out that this project, while providing no improvements at this intersection at this time, would provide an alternative ingress and egress route to a controlled intersection.

It was also noted and discussed that improvements to the 187th Avenue intersection would more than likely occur as part of the remaining phases of the project or as part of

7.0D.1

intersection improvements at Highway 65 and Viking Boulevard.

October Rd.

Report

There were also concerns that advance funding this project would prevent the City from pursuing additional projects between 2017 and 2020. Staff explained that this funding proposal would still leave approximately \$1.5 million available for future advance funding requests should priorities or needs change.

8.0

None.

Department Reports

8.0A

Community Development

8.0B

Engineer

8.0A.1

Res. 2015-57

Advance

Funding for

Service Road

Project

Davis presented the staff report indicating as discussed at the October 7, 2015, City Council meeting, the funding gap to construct the Phase 1 service road from 187th Lane to Viking Boulevard is \$1.5 million. The total estimated cost of the 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 Highway 65 and enhance economic development opportunities along the alignment of the proposed road.

Also as previously discussed, 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 is recommended to approve Resolution 2015-57, Municipal State Aid Street Funds Advance and authorize the City Engineer to execute the Municipal Request to Reserve Advance Funding.

Attachments in your package show the MSA funding analysis that was previously approved by City Council and the revised funding analysis with the proposed advancement, respectively. In general, the advancement of MSA funds will move the Phase 2 service road project from the year 2018 to the year 2019.

Davis stated it will put us only one year behind on our Phase 3 plans for a service road. Again, these subsequent phases of the Service Road Plan can be changed to meet whatever needs arise at the time. Also, too, if you'll notice in those attachments that show the proposed projects, even if we got the Cooperative Agreement Grant, we would still have had to advance funded some of this and still advance funded some of the other projects. In 2020, while we'd be one project ahead, we would still be \$1.2 million in the 'hole' on our MSA account. Under the present proposal, we'll be approximately \$350,000 in the 'red' on this account on 2020 and still be able to advance fund with those dollars up to \$2.5 million for an additional phase in the next project of service roads.

Davis stated staff recommends Council consider approval of Resolution 2015-57, Municipal State Aid Street Funds Advance and authorize the City Engineer to execute the Municipal Request to Reserve Advance Funding and move forward with the appropriate documents to the State Aid office for consideration.

Ronning stated move to adopt Resolution 2015-57, Municipal State Aid Street Funds Advance and authorize the City Engineer to execute the Municipal Request to Reserve Advance Funding. Koller stated I'll second. Voss stated any discussion?

October 21,2015
8.0A.1
Res. 2015-57
Advance
Funding for
Service Road
Project

Mundle asked so if this passes, essentially the only thing that changes from our current plan to the new plan is the delay of a couple projects by a year? Davis stated it would actually delay what we have done here as Phase 3 under the original proposal. Prior to being notified that we didn't receive the Cooperative Agreement Grant, we had that project to be scheduled in 2020. Now it would be scheduled in 2021.

Mundle asked so that's the only thing that's effected by doing this? Davis answered that's correct. We do have two other reconstruction projects on existing streets, Davenport Street and 181st Avenue. Those are still included in here too so those won't be affected. One of those streets, 181st Avenue, is going to be dependent also on Ham Lake's cooperation in cost sharing with that project cost. So, they don't look at that as the same priority that we do. In fact, they look at that as really East Bethel's street because probably the majority of the traffic on that street is generated from the City. So, we're still working with Ham Lake to see if there's going to be any interest with them in adding that to their project list.

Voss asked so this is essentially our 'Plan B' for Mn/DOT not coming through with the Cooperative Grant? Davis responded that's correct. Voss stated so we found a way. Good. Any other discussion? Hearing none, to the motion, all in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

8.0C
City Attorney
8.0C.1
Verizon
Contact

Davis presented the staff report indicating the City has yet to receive executed contracts from the law firm of Davis/Keultha, representing Verizon, in the matter of the cell tower lease, for the site at 2345 221st Avenue. Verizon's attorneys have been less than responsive through this process, which began in April 2014 and the implementation of this project has been delayed.

Davis stated the City Attorney will relate the attempts to connect with Verizon's attorneys and propose subsequent actions for Council to consider.

Vierling stated Mayor and Council, as we've indicated, the contract actually has been authorized and signed for quite some time. We've had difficulty getting good communication back with Verizon in terms of when they are going to proceed on this matter. I did get an e-mail today from the counsel indicating that his department probably has been disconnected somehow in this project from the construction crew that normally schedules these events for Verizon. So, he promised he'd check on that and get me a date or see what their construction date is or see what is going on.

Vierling stated actually the contract that was signed by the City in May and Verizon was also signed in May, but we've been for whatever reason and I don't want to point fingers, but fundamentally we haven't heard from Verizon for several months.

Vierling stated now we have had contact and I intend to follow up. If we don't have at least a commitment to a construction schedule to put that tower in place that we can relate to you, we may have to come back to you with a request, or at least a recommendation, that you take action to terminate the lease.

Voss stated so this is obviously, Verizon's the provider that is going to be using this tower primarily. Vierling answered correct. It's their tower. They'd construct it, they'd put it on the placement. Voss stated and they wanted a tower, they came to us with the tower proposal because their customers are probably complaining about coverage. Vierling stated presumably they had a technological and business need to locate it. So, on the other hand,

8.0C.1
Verizon
Contact

it's unfortunate you get some companies that get big and the right hand doesn't know what the left is doing. I could see where you get a situation where the real estate department doesn't notify the construction department that all the rights have been secured and the construction department doesn't know they're supposed to 'T' it up and get moving on it. I think Jack and his staff have had some contact with the regional broker that Verizon uses to negotiate these leases or at least get them out and get things moving and those people you can't blame either because they're independent contractors trying to work for Verizon and Sprint and the rest of them trying to locate authority for it. But at the home office, for whatever reason, between the real estate department and the construction department, I think, there's been a disconnect.

Vierling stated I think we have their attention at this point in time but if we don't have at least some commitment and statement as far as when they're going to build that out, then we're going to have to take a real serious look at terminating.

Voss stated it's probably safe to say to our residents who are Verizon customers, it's not the City holding this up. Vierling stated oh, absolutely not, absolutely not. Matter of fact, the last notification we had with Verizon was on August 26 because they sent out what they call a 'memorandum of the lease,' which is really a short form lease that they want to record. They had the County wrong in it. So, we sent it back to them saying, 'You have the County wrong. Please make the correction and get the County back to us and we'll even record it for you. We'll record it, send you a bill, and get it done.' That was on August 26th. I received those back from Verizon on October 15th. So, not exactly, it's seven, eight weeks, that type of thing.

Vierling stated I do have them here to re-sign tonight. We sent our own over there two weeks ago and we'll sign theirs and now that I have their corporate signatures on their pages, they have ours, I'm going to have Mayor and Jack re-sign tonight. We'll record that tomorrow and confirm back to their offices the recording data and follow up again to see where we are on that construction schedule for that monopole.

Mundle asked is there any timeline in the contract that states why we should be canceling it? Or, what's the motive behind it? Vierling explained the problem that you have is that the lease, in terms of the payment feature, doesn't begin until they've constructed the pole.

Mundle stated so if they hold the lease for five years, the land is tied up and the City doesn't make any money. Vierling stated they do have due diligence tasks to make sure that they get all of the permits in place and things of that nature. If they haven't engaged what I think we know we're at right now, I assume they haven't engaged any of that either. If it's been since May that they've had a signed contract and they've not put any of that in place, I think if we had to, we could go back in and do a cancelation for abandonment. But, again, monetarily it's a good lease for the City, it has a nice rent to it. We'd like to get it in. I'm just going to follow up to make sure they haven't lost it or whatever isn't happening, isn't happening as a result of their inadvertence or that kind of a thing.

Ronning asked the agreement that exists between us and Verizon, is there end date? Vierling answered you've got a five-year term and then there's options to renew. They have to be current, not in default, of the agreement in order to exercise an option. But, they've got three five-year options on top of a five-year term. So, theoretically, that could go out about 20 years. Now, there's escalators in there annually for the rent so those are nice too.

8.0C.1
Verizon
Contact

Voss stated okay, any other questions? So, there’s no action other than signing those?
Vierling stated that’s correct. Voss stated okay, thanks Mark.

8.0D
Finance

None.

8.0E
Public Works

None.

8.0F
Fire
Department

None.

8.0G
City
Administrator
8.0G.1
Social Media
Policy

Davis presented the staff report indicating on a daily basis there are numerous items in the news 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 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 the unintended consequences of communications through social media, the City may want to consider the adoption guidelines that relate to use of this form of electronic interaction. The approval of this Policy would outline the expectations of social media conduct for employees and provide a standard that could be applied to address issues that may arise relating to inappropriate use of this form of communication.

At the October 7, 2015, City Council meeting, staff was directed to solicit employee comment on the proposed policy. The draft policy was provided to all City Hall, Public Works and Fire Department staff and no negative comments were received. If the Policy is approved, it would be incorporated in the City Personnel Policy.

Davis stated staff requests the Council to consider approval of the proposed Social Media Policy as provided in Attachment 1. In review of Attachment 1, and I want to say this from the beginning, that I’m sensitive to the issue of free speech and we don’t want to get into a position of attempting to regulate that. What this Policy does, and it was prepared by the City Attorney and I think it was specifically crafted and directed toward our own needs and I think they did a very good job in addressing our concerns. But, essentially, what the Policy says, it just requires employees to act in a prudent manner. It also expects employees to comply with the City’s Employment Conduct Policy, Sexual Harassment Policy, Workplace Violence Policy, Technology Use Policy, and all other relevant Policies found in the City Handbook.

Davis stated it also expects employees to be personally responsible for the content they publish. It expects employees not to disclose private information. It expects employees to respect their audience and expects employees to be mindful not to engage in any unlawful conduct. And, it also explicitly authorizes that the conduct of City business must be approved by the City Administrator. So, I don’t think that we are infringing on any real free speech issues here. We’re just setting some basic guidelines and policies that we expect all employees to meet. We expect them to meet them when they’re on the job and as they represent the City. I don’t think these are asking too much to do outside the workplace.

8.0G.1
Social Media
Policy

Mundle stated I'll make a motion to approve the Social Media Policy as proposed. Koller stated I'll second. Voss stated any discussion?

Ronning stated yes. I've voiced objection to this in the past and I will again. As it reads and has been discussed, this pertains primarily to somebody's conduct and activity away from the workplace. Is that correct? Davis answered that's correct.

Ronning stated and in the first sentence, for instance, '*Use Policy, as well as all other workplace rules for all conduct that may be directly or indirectly attributed to the City.*' I recall, if I recall correctly, a hypothetical discussion about some members of whatever portion of the City that one's offended by something that's said so would that be a City concern? And, to the hypothetical, it sure sounded like it would be. If you have a situation happening where there's no mention of the City, there's no City identification, there's no reference to the City whatsoever that falls under indirectly, according to this, which is wide open. Directly and anything else. Number 3... Voss stated Tom. Ronning stated I'm still talking. Voss stated I know but I wanted to make sure, attributed to the City though, right? Ronning stated I see that. Voss stated okay. Ronning stated this hypothetical I was discussing wasn't attributed to the City. Voss stated I guess I don't remember the hypothetical you had.

Ronning stated in Number 3, and with all due respect, I should say also, with all due respect to everybody that's put the work into this sort of thing and with the intents and desires to resolve anything and everything, there's one. Number 3, '*Respect: Employees should respect their audiences and void 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.*' That's the 'eye of the beholder' pretty much. So, who will defend or penalize, punish, whoever's being...who's the judge, lawyer.

Davis explained this Policy is not intended for the City to go out and monitor people's responses and interactions on social media. It's also here for our protection in case an incident arises that can implicate the City or we could be part of a harassment, hostile work environment-type claim or suit. At least we've been proactive to try to address this. But, you know, if somebody uses this and wants to exercise this type of free speech, then they perfectly have the right to do that. However, just like everything else with free speech, there can be consequences to what you say. But, we're not going to go monitor their Facebook or Twitter or any accounts like that.

Ronning stated all right. We've done pretty well for 56 years as a City but times are changing. Social media's become a money maker. And, I've said before and I say it again, I don't believe we have the authority to direct employee conduct away from the workplace. I'm opposed to it. If there's a problem, address the problem. And if there isn't a problem, then there isn't a problem. I'll shut up now. I'm opposed but I'm going to ask for a roll vote on this too.

Davis stated Tom, I agree with your sentiments and one thing we want to do is kind of be proactive in this. The best recent example locally that we can give is a comment that a Columbia Heights school board member made on one of his social media accounts. As a result of that comment, he has now been more or less forced and he has resigned his position. These are just a number of incidents that come up. I think for the City's protection, and it also gives good guidelines for people to follow. If I were writing a policy,

I'd say, 'Be smart. Don't write anything that your mother would be ashamed of seeing. And, think twice before you send.' Essentially, I think that's what this addresses.

Ronning stated the Columbia Heights guy, I said I was going to be quiet, I'm not. The Columbia Heights guy, did he address city issues? Columbia Heights issues? Voss stated no. Davis stated no, he did not. Voss stated it was a racial comment he made. He did not represent himself as a Columbia Heights school member. In fact, I think it was someone on news media that found it and brought it to someone's attention. It was the fact that the position that he was in as a school board member, people, staff, a lot of folks, didn't care for hearing that opinion publically. I think it was clear his intent wasn't to cause a furor at all, he was just commenting on some post. Ronning stated that's also a legal matter, I think.

Voss stated I don't think what he said was illegal at all, and it wasn't, I didn't view it as attacking anyone, he was just making an opinion. Mundle stated he could have worded it better. Voss stated he could have worded it a lot better, yeah, or not said it. Particularly, his name was fully posted there. It wasn't like some anonymous post. It was his name. Again, with the position he was in. Now, I think it was an extreme example for the things we're talking about. I mean, if I was to blast Blaine for the way they develop, a lot of people would be happy about that but a few people would not be happy about it. To me, this gives at least staff and the City some mechanism to follow if something like this happens. It's policy.

Mundle stated it's not restricting and we're not saying you can't do it. But if you do and it affects the City, there could be some consequences.

Harrington stated I've had a hard time too with this one but I still don't think it effects your first right amendments. It's just something for the City to help them get through things if something comes up.

Voss asked Mark, with this Policy as a policy, is it a condition of employment they have to follow this? Vierling advised all policies do basically become part of the 'fabric' of the employee/employer contract. And, employees are expected to follow the employer's policies relative to their conduct.

Ronning stated this particular one states, '*discipline up to and including discharge.*' Vierling stated that's correct. Understand, if you have no policy on social media, no matter what your employees go out and say on the media, whether or not, it's about you or the City or the staff or anything else, from an employment sanction standpoint you're going to be hard pressed to take any disciplinary action. Because, without a policy to enforce, you don't have an enforcement mechanism.

Vierling stated I appreciate the first amendment comments. You're absolutely right. Take the gentleman from the school board, he was within his first amendment right to say what he wanted to say about that ethnic group. It was a poor comment none the less and reflected poorly upon his colleagues and his position and that's what got him into trouble from their perspective. So, just because you can say it under first amendment doesn't mean you should. And, I guess the Policy goes into the position of, to the extent that, it reflects back upon your colleagues, your employer, or your workplace, the City reserves the right to say, as part of the employment contract, 'You shouldn't have done that. And, sanctions may be imposed.'

Voss stated I think somebody brought this up in one of the discussions. Do we not have a Policy that City staff can't be in uniform or with 'East Bethel' clothing on, drinking alcohol? Davis responded that's correct. Voss asked is that current policy? Davis answered that's currently in our Personnel Policy. Voss asked so why do we have that policy? Drinking alcohol within reason is perfectly legal. Davis explained it's the image and the perception policy. We don't want City employees off duty in a bar. If they have City emblems on, they're essentially representing the City. And, you see that and you say, 'Well, what if he goes to a fire call? Or, what if he's called out on-call for Public Works?' We don't want City employees to be perceived as responding to those types of incidents under the influence of alcohol or having been drinking.

Voss stated to me, if we take that analogy, well, in a sort of way, we're restricting their free speech. Right? If wearing clothing? Davis stated City clothing. If they want to put their own shirt on in their car, we just say you can't go in there with City emblems. Anything that may give someone the impression that you're there representing the City or on the City's behalf. So, that is a restriction on what they can do wearing City clothing off duty.

Davis stated again, I think we all respect first amendment rights and we can say anything we want to but there's always consequences to what we say. If we make slanderous or liable statements, we can be held accountable or sued for that. If somebody jumps up in a crowded theater and screams, 'FIRE' and there's a stampede and three or four people are killed, somebody's going to be accountable for that. We can still say whatever we want to but no matter what we say, even with a first amendment right, there's still accountability for what you say.

Voss stated to Tom's point, if we don't have the Policy and we have an issue, there's nothing saying we can't follow up on it. Vierling advised you can follow up and perhaps have a talk with the employee. But, you're not in a position to invoke discipline.

Voss stated part of what I see in this is presentation of an expectation to the employees of what we expect as a City of the employees. It's not so much, just like most of our laws are, they're not there to punish, they are there to say what's acceptable and what's not. Davis stated I think that's one thing that this does. It does set a general expectation of what we expect your behavior to be on social media. Even if you're on your own time, you're still an employee of the City and if you're recognized as that, people make associations. Whether that's fair or not, that's the way it is.

Voss stated the important distinction is, you just said 'if they're recognized as an employee.' Now go back to the analogy of our employees being at the bar. We're not that big of a City, people know who works for the City and they see them in the bar, they're going to have the same mindset whether or not they're wearing a uniform or not. This person's been drinking and should they be going, you know, driving City vehicles or, you know, it's not any different. So, I think where I share some of the concerns are, is if it's clearly the policies towards comments and posts that are directly attributable to the City. I mean if the City's named somehow in the document and not just, 'Well, I know that person, I know Voss is the Mayor so I know what he's saying.' But, if I'm saying something but I'm not the Mayor, I'm not saying it as Mayor, I'm saying, to me that's a distinction.

Ronning stated for the heck of it, I guess, this Uniform and Alcohol Policy, nobody loses their identity if they take their shirt off. Nobody. If you drink with somebody more than three, four times, they know where you work. They know where we work. They know if

we're on and I was surprised to hear that myself. That's the first time I've ever heard of it in any environment. But the final thing, one regards the Constitution and the other regards alcohol use.

Davis stated I think the analogy or the issue with wearing a City logoized or emblemized uniform into a bar and drinking is that people perceive or may perceive that you're on duty. If you go in there in civilian clothes, I don't think you have that connotation usually. That's just my opinion.

Ronning stated if they're in there at 9 o'clock in the morning, there's something wrong. But if they're in there 5-6 o'clock in the evening on the way home. That's surprising to hear.

Voss stated gain, isn't this Policy about communications that explicitly state the City or ties them directly to the City? Ronning stated it releases from that when it says '*directly or indirectly.*' Indirectly is a purely subjective. Voss asked 'indirectly' identifies the City? Ronning stated well the hypothetical was attributable to the City or could be. It wasn't that it was. It could be and there was no reference in any way, shape, regard to the City of East Bethel.

Voss stated you keep referencing a hypothetical. I don't know what you're talking about. We haven't said, is it previous discussion we had? Ronning answered uh huh. Voss asked what the hypothetical was because I honestly don't remember what it was. Ronning stated hypothetical or some number of people are communicating in social media and one is offended by whatever means. If they come forward and say they're offended, that's part of what the background on this is. Voss asked did they implicate the City in that? Ronning answered no. My recollection of the conversation is there was no mention of the City, no reference, no logos, no anything.

Voss asked if that's the case, would this apply to them? This policy? Vierling stated no. Voss stated it wouldn't apply to them then, right? Vierling advised the conduct has to be attributed back to the City in some format. Mundle stated if it affects the workplace in some format.

Ronning asked could you give an example of what 'indirectly' would be? That one puzzles me. Mundle stated would it be, say somebody else commenting, say Person A made a bad comment and Person B says, 'I can't believe you made that comment. Because you work for the City of East Bethel, you should know better.' Would that be?

Vierling stated that's possible. I'd say the indirect. I think the wearing of the uniform, the logo, the display, I think everybody kind of gets that. You don't do that. The harder one is where you have the verbal exchange. You've got the communication and maybe it relates to a co-worker in some fashion. And, to the extent that it does and it invites that discussion back into a workplace discussion, there's an indirect attributing of that conduct back into the workplace. That's what we want to keep out.

Ronning asked was that a hearsay example? Vierling explained any type of commentary on a co-worker or something, 'I saw so and so do this.' And the implication was it was during a course of employment, and that type of thing. Even though the commentary was directed out to some third party that's not related to the City, still the subject matter of it relates back to the City. So, the bottom line is you don't want to expose either the City directly or the

City through its co-workers or employees to any type of conduct that we'd prefer not to have out there.

Ronning stated I've heard, this isn't to social media, but I've heard some people complain that there's a City vehicle goes south on 65 at 9 o'clock every morning. I don't believe it, but that's what gets said. I've heard people complain that there's always three City vehicles at the Ice Arena at some such time. I don't believe that either. But, it's the thing that gets said and people listen to.

Voss asked what's the issue with that? Ronning stated there shouldn't be but somebody complaining about somebody that works for the City is what was just described. Vierling stated no, my content was with regard to two employees or an employee comment on another co-worker in their social media. Those outside of the City reading that know that person works at the City and within the context of what is being said, it's very obvious they are talking about a workplace environment. That's the type of thing you don't want on the social media. It's very poor for morale, it's poor for co-workers to be able to get along, and that type of thing. It just doesn't do anybody any good. That's perhaps a difficult example of what is 'indirect' but that's indirect.

Mundle asked so would an appropriate example be somebody makes a posting that says, 'At my job (doesn't list where he works) I have this co-worker who does blank and blank and blank and that's so disgusting and blah, blah, blah, my opinion.' Would that be an indirect? They don't name the City, they don't name the co-worker but it's obvious. Vierling stated it's obvious from the content of the material what they're talking about and who they're talking about, yes, and it reflects back on the community.

Voss stated and related to that is, you know, at least the little bit of Facebook I've seen, people will, they have their comments but they also have their personal profiles and a lot of people say where they work. So if it says on the same page they work at the City of East Bethel and they're making comments.

Mundle stated all a person has to do is click on their name, look at their profile, and depending on their privacy settings, if they list that information to the public, yeah.

Voss asked so how would that fit into this policy? Vierling stated theoretically it could be part of that. You know, part of the insidious nature of the social media is, a person posts that and then all of a sudden out there in the digital world 1,000 people pick it up, know that the person works where they work because they've seen the material behind, and the discussion evolves back on an entire array of discussion about 'the employer' and 'the employment.'

Ronning stated but with Facebook, it can generate, you might have 1,000 views, you could end up with 10 comments and depending on what people think about the original thing and the comment, you can generate 10 or 20 comments of every comment, which generates more comments. Where along the way does it, where does it end for what the City person did or didn't do? You could have thousands of comments. Vierling stated you could and that's why the employer typically doesn't want the employee to initiate those types of discussions. There's plenty of other things they can be discussing about their personal life and something else. They don't have to be discussing their co-workers or something of those magnitudes.

Ronning stated if it has nothing to do with the City, it shouldn't be included with anything. I don't believe that's the way it reads but if that's an understanding, the people who are here aren't going to be here all the time. Vierling stated I understand. Ronning stated somebody else will read policies and they'll make their own judgment of why there's a Policy. They'll make their own judgment of what the Policy says, and go accordingly.

Mundle asked would there be a possibility to add a little bit more language to make it clearer? Vierling answered sure, absolutely. Mundle asked would that satisfy you Tom? Or, help at least? Ronning stated huh? Mundle asked would it help you at least? Ronning stated I'm not sure, honestly.

Voss stated I think, big picture on this, trying to lay out expectations for staff, everyone involved in the City, what the expectations are. A framework if something happens. You know, what do we do. That's why you have policy. I think like anything else, it's going to be a dynamic. You know, ten, even five years ago this wasn't this big of an issue. You know? And, every major employer is going through this right now. They really are. We have too, you know. And we are an employer so we do have a duty.

Voss stated I guess the other thing, just to throw it out for consideration too and we talked about this two weeks ago, the reason we didn't act on it two weeks ago is we wanted the staff, the people who this effects directly, to read this and see if they had any issues with it. I think we sincerely wanted to see what their reaction was because they're the ones who are affected the most. And, he said it went to everyone, right? All 50 employees that we have? Davis answered it went to the Fire Department, City Hall, and Public Works. And Mark reviewed it with the Fire Department people and I personally went over to Public Works one morning and reviewed it and asked if they had any questions or objections. And, nobody had any real comments about it. Same way with City Hall staff.

Voss stated again, it comes back to the employer part of it. As the employer, we're laying out the expectations for employees. I agree we have to worry about whether rights are impacted or stepped on but we haven't heard any one other than this discussion.

Ronning stated the simplest thing was I don't believe we have the authority to direct people what their conduct will be away from the workplace. When the workplace isn't mentioned, isn't involved, isn't said, isn't anything, and that potential is certainly in here.

Mundle stated if the workplace isn't mentioned or anything, then this policy wouldn't, doesn't apply. Voss agreed it doesn't apply. Mundle stated if it doesn't affect the workplace, then this policy cannot apply.

Voss stated to that direct point, Mark, I don't know if it's any different for us as a public entity, but any employer can put on any policy and expectation of their employees within the workplace or not. I know that's the case even for drug policies.

Vierling stated within certain confines. There's certain things employers cannot do. Certainly this, I would agree, that the language says, you know, rules for conduct that may be directly or indirectly attributed to the City. I mean the key language is '*attributed to the City.*' If there is no attribution to the City in the communication, I don't see where this Policy is going to be invoked.

Voss stated for the company I work for, we have several corporate policies that basically say the same thing. Anything that reflects poorly upon them is something they have influence on and there's expectations.

Ronning stated here's a hypothetical. Somebody offers some strict criticism of a high elected official in the federal government. Somebody else picks up on it and it ends up generating, that sort of thing goes fast. That'll generate a thousand comments in a day, easily. Is that proper conduct?

Vierling stated I don't know if it's proper or not but it has nothing to do with the employment. Ronning stated it shouldn't have. Vierling stated I mean in terms of you want to criticize the President of the United States or Supreme Court Justice, something of that nature, that person making that criticism, right, wrong, or indifferent, it really is no different than any other non-employees making that comment. Ronning stated and that's the way it should be treated. Vierling stated as I read this policy, that would not be grounds for discipline.

Vierling stated on the other hand, quite frankly, a year ago, back in the election season, we had any number of communities in the metro where the employees, even though they may have been living outside of the city in which they were employed in, were running for office within their home communities and using their web pages to be depicted in their police officer uniforms, their fire department uniforms, next to the fire trucks, next to the ambulance, next to everything. Their employee city's communities came back and said, 'You're running for office but we really don't want you out there with the city's uniform running for office in whatever position you are. Because that's not what we're about.' Quite frankly, had a lot of the other candidates that were posting that said that was really an unfair advantage for a lot of people to be taking advantage of that. But, you'll find this is a very common policy that has been adopted, really certainly throughout much of the major metropolitan communities.

Ronning stated that example, that's interesting. If somebody shouldn't do that on social media and they do it alongside the highway, what would happen? Or, if they have posters in Joe's Bar? Vierling asked you mean pictorial displays in terms of posters? Ronning indicated in the affirmative. Vierling stated I think it's the same type of issue. I think. Ronning stated it's a social thing and open for interpretation, I would think. Whether it's improper I don't know. I don't get to judge those things.

Voss asked so Tom, to Brian's question, is there anything you'd suggest be added or changed for Council to consider? Ronning stated 'indirectly' really throws a lot of ambiguity in there, at a minimum. If you find a different word for that, I really don't like anything that regulates someone's first amendment rights. They can say anything they want about us and they're more than welcome to. *'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.'* Once again, what they do in their off time, I don't agree with anybody doing this stuff but I don't think we have the right to regulate if they do or not. If it's within the first constitution, first amendment, and it's not illegal.

Voss stated but this is as a representative of the City though. Ronning stated no, it isn't. Where does it say, *'as represented by the City?'* Voss asked where is? Ronning stated #3. Voss stated okay. Harrington stated it says 'employees.' Voss stated you've got to go to the

paragraph before where it says this is meant for... Ronning stated, the '*principles apply to external communications*' with the following examples. Voss stated no, the paragraph before where it says it's attributed to the City. You're missing the point now. I mean, this is all about... Ronning stated this paragraph identifies specifics. The other one is... Voss stated the whole policy is written this way though. I mean, if this was...

Ronning stated question on the motion, call the question. Voss stated no Tom, I'm trying to find. Ronning stated I called the question. Discussion's done. Am I right or wrong? Vierling stated you have the right to call the question and the next procedural issue is if it doesn't proceed to vote or if someone wants to make a motion to continue debate, you can have that carried by two-thirds. Ronning stated yes. Voss stated so if you don't want to continue to discuss it, we'll go to vote on it then. Any further discussion?

Harrington stated say Mark, can I ask you on that Policy, they can always be changed? Vierling stated this isn't 'etched in stone.' Any future, you as this Council or any future Council, can change it any time they want to. Harrington stated okay.

Voss stated you requested a roll call. Mark can you call roll please? Vierling stated very good, **Councilperson Harrington? Yes; Councilperson Ronning? Nay; Councilperson Koller? Yes; Councilperson Mundle? Yes; Mayor Voss? Yes. Voss stated motion passes 4 to 1.** Ronning stated now it's done.

8.0G.2
Town Hall
Meeting
Format

Davis presented the staff report indicating Town Hall Meetings have previously used the following format:

- 6-7 p.m.~ Informal Session in the Senior Center with Council and Staff
- 7-8 p.m. ~ Question and Answer Session with City Council in Council Chambers
- 8-9 p.m. ~ Reconvene Informal Session in the Senior Center with Council and Staff.

Scheduled to appear at the November 19, 2015, Town Hall Meeting are Congressman Tom Emmer, State Senator Michelle Benson, and State Representative Tom Hackbarth. This presents a need to consider changing the format of the meeting to accommodate our guest presentations.

One possible change to the format could be as follows:

- 6-7 p.m. ~ Informal Session in the Senior Center with Council, Guests, and Staff
- 7-8 p.m. ~ Legislative Reports and Question and Answer Session with Federal and State Representatives
- 8-9 p.m. ~ Question and Answer Session with City Council and Staff

This proposal would eliminate the informal session that is normally scheduled after the Question and Answer segment of the meeting.

In addition to our Congressman and State Representatives, officials from the University of Minnesota's Cedar Creek Ecosystem and Scientific Reserve will be present to answer questions and review the programs that are being conducted at their East Bethel facility.

Staff is requesting Council approve a format for the November 19, 2015, Town Hall Meeting that would provide ample time for presentations and citizen questions.

Voss asked is the Congressman, Senator, and State Rep invited to the 6 o'clock? They're aware we have the Open House at 6 o'clock? Davis answered that's correct. Voss stated

okay, I just wanted to be sure they were aware of that.

Mundle asked have they requested an allotted time to speak? Davis answered no, they were asking for what the format would be and what the agenda would be. So, I wanted to make sure that we had that set before I responded back to them. We could make that determination as to what allotments we want to give them and how we want to proceed with their segment of the presentation.

Mundle asked as it would be, they'd each get about 20 minutes a piece? Davis stated under the illustrations given in the write up, that's correct. Voss stated be careful. I'm excited of the fact they're all three going to be here. I think once or twice we've had Tom Emmer here. And, a particular Congressman, people don't usually get to meet any Congress person. We invited Congressman Bachman many times and a few times she sent a representative, which people really didn't want to talk to them. They want to talk to the person.

Voss stated I guess my view on it is sort of in the order we'll present these three elected officials first and welcome them to the meeting. And, to me I think the format would be beneficial to everyone to have them make a short presentation/talk of what's going on and then answer questions of anything they bring up. I think each of them have kind of their own areas that they focus on. Give them the opportunity. I don't know if all of them would want to speak for 20 minutes. Some don't speak that much anyway.

Davis stated I'm not familiar with the Congressman but our State Representatives are fairly eloquent speakers and they do utilize their allotted time. I was even thinking about giving them, say, 10 to 12 minutes and then follow up and leave a session there for questions and answers. Voss stated that's what I was thinking too. Give them 10 minutes and then just see what happens. If we've got 40 people in the audience and they're very interested and don't care what we want to talk about, then great.

Davis stated and hopefully this will generate more attendance at our meeting. We'll be able to get this out in the newsletter informing everyone that they'll be present at the meeting. I guess my basic request is that we just eliminate that little informal session we generally have at the end because it's usually poorly attended anyway. And just devote all the time to them for an hour and then citizen questions for Council for, essentially, an hour.

Voss stated we can obviously discuss it, but one thing I'd rather see the three talk about are issues that have more impact on our community and not such, I don't want the Congressman talking about ISIS or Iraq. We don't need to do this in this form. It's local.

Ronning stated move for adoption of the recommendation. Koller stated I'll second. Voss asked which recommendation? That one? Ronning stated yeah. Voss stated okay so we want to communicate to them roughly 10 minutes of questions and just ask them to try to keep their talk to local issues.

Ronning asked would the Council be willing to forfeit a portion of that 8 to 9 o'clock if people are interested? Voss stated oh, yeah. Ronning stated I think it goes without saying. Harrington stated I don't think we get any questions anyway. It's 15-20 minutes and we're done.

Ronning asked is there a way to generate questions from the audience to specific Congress people? Davis stated we can even ask over in the informal session, prior to them coming in here, if you have some questions you'd like the Congressman or your State Representative to ask, we could have them write them down on a sheet of paper.

Voss stated get one of those big posters and write them on. Davis stated yeah and then we could address it here. Then the Council can ask the questions but they would be coming from members of the audience. Voss stated if people are skittish about asking us questions, they may be more skittish about asking a Congressman a question. Ronning stated it would. And, you can weck through this, dump the dummy questions. Voss stated I'll just pass them to you, how's that. I'll just pass that question to you. Ronning stated I've had those many times.

Voss stated okay, yeah, get them to focus on it. So, we're all in agreement? Ronning stated and try to generate communication between the constituents and the Congress people, would be my. Voss stated that's the part. The fact it's not an election year, I think it's good we're doing it when it's not an election year. If it's an election year, of course it would be after the election anyway. But it would be tougher to do. Because, each of these folks have their Town Hall Meetings occasionally. I think Tom Hackbarth's had a Town Hall Meeting here years ago.

Davis stated we had Michelle Benson and Tom Hackbarth were here, it wasn't a Town Hall Meeting, we called it a Representative's Presentation, probably two years ago. I know that several of them have scheduled Town Hall Meetings. One of them they had, I believe, in St. Francis. Senator Benson had one about a month ago. It was a Town Hall Meeting for, she was the presenter and it was just her as the featured speaker.

Voss stated so this is still our Town Hall Meeting. Davis stated that's correct. Voss stated it's an opportunity for them to present themselves in front of our residents so I think it's great. Ronning stated yeah, communication for them.

Mundle stated we need to make a vote. Vierling advised there was a motion and a second. Voss stated I'm sorry. Ronning stated requesting to adopt, I'm assuming that's a motion. Voss stated any other discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

Davis presented the staff report indicating should Council provide direction to hold the October 28, 2015, Work Meeting, an agenda will need to be set.

The following items are proposed for discussion:

1. Financing Tools
2. Rental Ordinance
3. Donation Policy

Davis stated another one that I've just added today that we don't have to do it at this meeting but at some meeting, I'd like to make a presentation on video indexing of Council DVDs.

Staff is seeking direction as to scheduling the Work Meeting and items to place on the agenda should the meeting be necessary.

8.0G.3
October Work Meeting

Voss asked, just out of curiosity Jack, the Rental Ordinance? Davis stated the thing I'd like to discuss on the Rental Ordinance is we're running into things where we've had some comments, 'Well, I don't mind applying for the rental license but I'm afraid that the septic issue could be a problem for me.' Voss stated I've heard that too.

Davis stated and, therefore, I'm trying to make a decision. The issue is if they don't apply for the license, they're probably going to rent the property out anyway and use a septic system. Part of the issue is, there may be noncompliant systems out there with some of the older properties. It doesn't mean the system isn't working, it just doesn't meet the current regulations. So, I'd like to engage in a discussion to see if there are some alternatives or how we want to approach that. Actually encourage more people to apply for the rental license.

Voss asked thoughts? Mundle stated this works for me. Voss stated it works for me. **Voss stated I'll make a motion to schedule a Work Meeting for October 28, 2015. Mundle stated I'll second.** Voss stated discussion? The three items that Jack suggested as an agenda for those? Mundle stated if that's what needs to be talked about, sure. Jack usually doesn't bring issues to us unless it's something we should be discussing. Voss stated any other discussion?

Mundle asked is there anything else anybody would like to add? What time would we want that also? Voss stated we usually have it **at 7 o'clock**, right? Davis stated we've had them anywhere from 6 to 7. Depends on what your schedules are. Voss stated I'd prefer 7 unless someone else. Koller stated 7 sounds fine. Voss stated all in favor say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.** Voss stated see you next week.

8.0G.4
Position Description Updates

Davis presented the staff report indicating the City evaluates position descriptions as needed to ensure that the duties described match the current job responsibilities. When the Deputy City Clerk position was vacated in 2014, the position was reviewed and designated as that of Administrative Coordinator. Some of the duties previously held by the Deputy City Clerk were assigned to the Finance Director and Accounting Technician. As a result of these changes and the assignment of additional responsibilities, it is recommended that these two position descriptions be updated.

Within each position description a salary grade is assigned. Staff is proposing that the Finance Director's current 11 to 13 Grade range be consolidated to the completion of steps of Grade 13, as currently reflected in the employment agreement for this position. This change will have no effect on the salary of this position or the 2016 budget and step increases would proceed as scheduled on the employee's anniversary date pending completion of a satisfactory performance review.

Due to additional IT, Video, Utility Billing, and TIF accounting responsibilities that have been added to the Accounting Technicians Position, staff is recommending the reclassification of this position to Finance Coordinator and the current pay grade of Step 7G be updated to Grade 8 Step E, beginning January 1, 2016. This promotion would represent a salary increase of \$1.02 per hour.

Jackie Campbell, our Accounting Technician, has performed the additional duties assigned to her in an exemplary manner, exhibits the professionalism expected of the position and assumed and would be eligible for additional step increases with this position through Step

8.0G.4

8G on January 1, 2017, and January 1, 2018, pending a satisfactory performance review.

Position

Description

Voss asked is there a motion to the recommendation from staff? **Ronning stated motion to approve the recommendation by staff. Koller stated I'll second.** Voss stated discussion?

Updates

Ronning asked do you use entry level and a mid-point? And, what do you call the increment? Step? How many Steps are there? Davis answered there are six Steps in a pay grade and it's been past practice to even hire in the middle of a pay grade, depending on what position it is and what the responsibilities are. Once you reach the end of that pay grade, then your Step increases are ended. In other words, if you had someone that you hired in at the next to the last Step of the pay grade, when they have one Step increase, their salary would be, the Step increases would be eliminated at that point. It just depends on the person and what you work out with them as an employee agreement.

Davis stated in this case, I do want to put in another plug for Ms. Campbell. She's had just an exemplary attitude too in all this. She's assumed a lot of duties. She's actually been doing many of these for several years and I think it's time that she received not only some recognition but some compensation. So, she's done an excellent job in these and she's actually put together for me a, that's why I brought this DVD indexing for Council meetings up. She's put together a pretty good presentation on that that's really good and I'll present that sometime in the future. Again, I think she's done an excellent job and we're getting good value from her services.

Ronning stated the 11 to 13, and the ones I'm familiar with, you can have a high 11 get more than an entry level 13. Is there anything in Policy or how we run the business sort of thing about jumping two increments like that? Davis stated well in this one, this individual was hired in almost at the top of Grade 11. As part of the employment agreement and based on the qualifications and experience this person had, we wanted to make sure they were able to advance as long as their abilities matched their performance and this one does. So, that's why we did cap it at 13. But, it would only proceed like 2 Steps in 11 then when it jumps to 12 it would be two Steps and 13 and jump two Steps.

Ronning asked other than number, is there promotion? Davis answered no, we already have this in the Employment Agreement which he was hired upon. It's just making everything 'cleaner.'

Voss stated okay, any other discussion? Jack, the only suggestion I'd make, because we changed the position description right? Davis answered correct. Voss stated is when it's presented to the Council if you can't redline it just to see, so we can specifically see the changes that are made. Davis stated okay. I did include the previous position description in the attachments too so there is the previous position and the proposed position. Voss stated it makes it easier to see red lines though. I'm just, to make it easier for all of us. Okay. Hearing no further discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? None opposed. That motion passes. **Motion passes unanimously.**

9.0 Other

9.0A

Staff Report

Truck Sale

Davis stated the City purchased a new truck for Public Works a month or so ago. In the process of negotiating the price for obtaining the State contract price, we received an offer of \$1,500 for the trade-in of that vehicle. We refused a trade-in and did put this on minnbid and we got \$9,300 for the vehicle at auction sale.

Future
Agenda
Items

Davis stated the only other thing that I have to mention is, if there are any future agenda items that anybody wants to consider or have placed on the agenda, just let me know at any time and we'll work those in. Voss stated before you create the agenda. Davis stated yeah, before we create the agenda. In fact, and I'll just start now, are there any agenda items that you'd like to see on the next City Council agenda? If you think of anything, let me know.

9.0B
Council
Report –
Member
Ronning

Ronning stated the Road Commission met on Tuesday. Among the things they did, they reviewed the budget that's included in here and they discussed advances. I think it was two year's advances on the MSA and was discussed that it's an interest free. Davis stated actually it would be three years but in that third year, we wouldn't actually have to require all the use of those funds so we'd come out of that third year with a little bit of excess on the advancement. Ronning stated and there's discussion, there's concern about getting into 'tomorrow's money,' which is reasonable.

MSA
Advance

Service Road
Project

Ronning stated there was discussion about the service road. Of the options that we've had, regardless of which one was taken, the whole start of this thing was one way in, one way out and the safety aspect of it. Regardless of which option that has been presented, whether it goes straight west, two parts north, for somebody that, and another thing that's happening someday, is allegedly the J-turns on 65, northbound, southbound at 22. Voss asked turn lanes? Ronning stated a J turn, you go past the intersection. Voss asked (*inaudible*) at 169th there? Ronning stated these 'Michigan left turns' they call them. It's just 'food for thought.' We got to deal with it.

Ronning stated if somebody intends to go north from that intersection and they go roughly a mile, mile and a half out, of the way, turn east on 22, go south on 65 to the J turn to go north, that could be a problem.

Davis stated that whole concept could be a problem and I've invited Mn/DOT representatives to come to the December Roads Commission meeting and if they elect to accept the offer, we'll make City Council an invitation to come to the same meeting so they can explain and give a better simulation model of what they're proposing. What we've seen so far raises as many questions as it produces answers.

Ronning stated one of the discussions is at 187th, 185th, go straight out a couple hundred feet to the highway, have an acceleration lane going south, have a deceleration from the north, people that are going north will take the north exit. People that are going down to work would probably go out the 185th. Otherwise, it's random choice whether it happens the way we want it or not. That's my good news for the day. And, the State's left us with no out, is the problem, the real problem. The Road Commission is frustrated with that. I share their frustration. It's not their plan so it's no good and that's really about what it amounts to.

Harrington stated they spent an hour and a half on that subject alone on Tuesday. I also attended the meeting. It was, you know, there was a lot of pros and cons. Ronning stated they pretty much asked me to relay that their frustrated with, and they know they're an advisory group. It's not as though they're a legislative group or anything. They made the point known that, 'We understand we're an advisory group.' But it's, they just work on it.

Voss asked when you say they're frustrated, they're frustrated at Council? Ronning stated no, no, no. The Road Commissions, the way I understand it, is frustrated with the procedure and the dead ends you can run into.

Harrington stated and the money thing too Steve. They're not crazy about that \$2.4 million and there's nothing really there. The safety aspect is not there because you're still not going to do anything with that intersection at 187th. Voss stated well, that's partly our choice what we do with 187th. Harrington stated right but I mean they're not going to do anything with it right now. It might be something in the future.

Davis stated that's a concern but it's also a 'chip' that we have in our pocket too for future projects. It's something that as a staff we've gone out and talked to the businesses that we think would be severely impacted with the changes at 187th. We've had indifferent feedback from 50% of them and another 50% say they would have very severe effects on their business. So, you know, no matter what you propose for that intersection, it's going to be controversial. But, again, we still have that intersection as one of our bargaining 'chips' for future projects. And I think everyone agrees that something's going to have to be done. However, what this service road does, it does give people a choice to avoid using that intersection to get out and go north. It does provide them an alternative option to come to a controlled intersection to exit that area.

Voss asked do you think that the Roads Commission would want or have a Joint Meeting with Council to talk about these issues and roads in general? I mean, we've done that in the past with P&Z and other Commissions. I'm open to it. If their concern is there's not enough communication between this body and the Commission. Ronning answered no, no, not at all. I don't think that's a concern at all. It's the same frustration we have when we run into a 'dead end' and think something should be done and somebody opposed it. Not a member of us, we have that right. But if the Department of Transportation or somebody comes in and 'pooh poohs' what you'd like to do because they, whatever reason they have, whether it makes any sense or not.

Voss stated as long as we're on the subject, one thing I was going to ask was do we have any news from Mn/DOT on where they're at with their traffic study? Davis asked on the Trunk Highway 65 Study? Voss answered yeah. Davis stated no. We had a meeting with them last month and went over some questions they had about trying to eliminate as many entrances as possible on 65 in East Bethel and Ham Lake. Generally, these entrances would be, and they're more or less private driveway entrances. The real plan is to eliminate them by use of service roads at some point in the future. There is another meeting scheduled for December here at East Bethel. I'll let everyone know when that is if you wish to attend it.

Voss stated I recall when they, I thought before they even released the plan they were going to have public listening sessions. Not just for the elected body but for the public. I remember when we had the discussion with Sheila last year, or earlier this year, I thought she said they were going to do that. I thought one of them was going to start this fall. Davis stated I haven't heard anything on that. We can ask them when we convene in December too. Again, hopefully Mn/DOT will accept our invitation to attend the December Roads Commission meeting and go over this.

Davis stated one thing we have to keep in mind with Mn/DOT, I think Mn/DOT wants to get buy-in on some of this stuff so they don't look like the 'bad guys.' And, keep in mind too though that no matter what we want, Mn/DOT can do as they please at some of these intersections. If there were two or three major accidents at 187th, they may choose just to come in there and make it right-in/right-out only on both sides. I mean that would be their option and I think that would be extreme.

Davis stated the same way with these super streets intersections, I think they would prefer to get buy-in from the local community. And on this one they are looking for a project. Voss asked do they truly have the right to close City access to the highway? Because I know the City of Blaine sued them, what 15 years ago when they tried to close 109th, or I forget which street it was they were trying to close. Vierling advised their engineers will tell you that they do. There are some open issues with it. They do have some discretion but they still have to provide reasonable access to the property owners that are served off that area. Voss stated I would think they'd need buy-in from the City if not approval.

Davis stated and they are definitely looking for that. You know, one of the things that I think would have to be in place for them to be able to at least make an attempt to justify it would be if we had, especially let's take the area between 181st and Viking Boulevard. If we had service road completed all along one side, that would give another form of access to those properties. So, some of the stuff we may want to do is reexamine some of our strategies too. But it's going to be an ongoing process of trying to negotiate something with Mn/DOT. And, depending on what they propose, we may be in a position too to maybe get some extra funding for service road development.

Ronning stated the, I'll call it frustrating, every alternative right now, except this 185th access, just moves the problem. It doesn't solve the problem. If you move it down to 181st that's a busy corner right now. If you add to that, that's a mess.

Ronning stated I'm not always negative. You've heard about these J-turns? Are you aware of the timeframe with an, of that thing? Davis stated it's just a concept that they're studying but I think they think it's a workable solution. The issue there is just one intersection and you hit on that. You just move the problem. That one intersection's not going to solve the problem. Ultimately if this is a solution, there'll have to be all up and down Highway 65. Ronning stated it makes an alternative to the problem but the alternative isn't required.

Davis stated from my standpoint, what I want Mn/DOT to be able to do is to be able to present us additional information to show what they're proposing is time savings as far as moving additional traffic through those intersections. How it's going to work. And, also to come up with what the alternatives are. You know we've discussed, particularly at 22 and 65, why not look into double stacking the left turns and having opposing left turn lanes that would essentially, at a minimum, double the traffic that you can move through that intersection coming off 22. And, you know, we need to see all those comparisons side-by-side before I think the City can even consider taking a position on it.

Ronning asked would there be any interest to develop pros and cons to, there's three, well Project 1, whatever it's called, Alternative 1 and 2, Project 2 goes south to 181st. Is that 2? Davis stated that's the second phase. Voss asked are you talking about the phases? Ronning stated so those are the three things available and none of them solve the problem. All they do is move it. Would it be of any use to identify some of these things? Pros and cons?

Davis stated we have already made some of those statements to Mn/DOT too, like if you have the service road completed on the west side of 65 from essentially going by the church, Jackson, through the swamp. Whichever route is finally selected down behind Aggressive Hydraulics, next to the trailer court. Then you have a problem with the intersection of 181st because it's an uncontrolled intersection. The only thing there that's a bargaining 'chip' is then you have additional traffic there that might meet their warrants for a light. They're probably more receptive for a light there than they are at 187th. Then if

Service Road Project

Ham Lake buys into it too, then you have two cities that are actually petitioning Mn/DOT for an improvement there rather than one. So, a lot of these things have been brought up and I think they continually need to be pointed out as they develop their alternatives too. We have to express what our concerns are.

Council Member Harrington
CLB Meeting

Harrington stated Jack and I attended an informational meeting over at the Coon Lake Beach Community Center on Monday. We discussed the impact of the renegotiated Met Council along with the City water and sewer project and the 2016 budget. It was well attended. A lot of good questions and I think Jack answered them all. I think he got stumped on one but it was a good turnout.

Forest Lake School Referendum

Harrington stated I'd like to remind the East Bethel residents whose kids attend the Forest Lake School District that there'll be a school levy vote November 3rd. So, please get out and vote.

Council Member Koller

Koller stated I have nothing.

Council Member Mundle

Mundle stated as the Fire Chief brought up, I was over at the St. Francis Middle School today, this afternoon, for the Heart Safe Program training. All the staff was trained that was there and it went pretty slick. They had several stations set up where they would demonstrate compression CPR and then after everybody did that, was instructed on it, they would show the AED, how to use the AED device. Anyone that wanted hands on training had that opportunity. All that training took 15 minutes, 20 minutes tops. So, it went pretty slick for the number of people that were there. Then there's a group of ten volunteers there with the Fire Department. An individual from St. Francis, I believe he was on the St. Francis Fire and Rescue, that helped. So, I'd like to thank all those individual.

HeartSafe Training

Mundle stated then we've got the EDA. At the last meeting, discussions began on SWOT analysis. That's for Strength, Weaknesses, Opportunities, and Threats for the City. Where the BR&E Program focus on retention of businesses, this would work on recruiting of businesses. So, this is just the first steps to gain a recruitment program put together.

Mundle stated speaking of BR&E, Business Retention and Expansion Program, it is looking pretty good. It sounds that they're about 40 packets in, give or take, packets being interviews that were conducted. And, there are more interviews and packets that will be coming in. So, it's looking like we will at least, at the very minimum, if not a very decent amount of packets and information that we can turn in. So, we have met the requirements for the University. Next up with that is all of that should be sent down, possibly by the end of October depending on the decision that the BR&E leaders make on how much time we want to take for interviews because there are some businesses that they want to do an interview, they just don't have time right now.

Mundle stated on November 19th Town Hall Meeting.

Mayor Voss
Mid-Continent Map

Voss stated a part of the discussion at EDA on Monday night made me think about the meetings we had with Mid-Continent Cable many months ago. I think one of our requests was to get a map of coverage and more directly what areas of the City are not covered. Did we ever get anything from Mid-Continent on that?

Mid-
Continent
Map

Davis stated I've had several conversations with them. Not one within the past two months and their explanation to me was they're still working on the map. So I will contact them tomorrow to see where they are.

Voss stated see where they're asked, that we asked about it again. Voss stated and I will specifically request they have that to us by no later than the end of the year. Voss stated wow, that's two more months.

Ronning stated they have it now. Voss agreed and stated they have to have it now. Ronning stated there's, somebody was trying to get Comcast. Comcast said, 'We don't serve your area.' He says, 'Your box is right in front of my house.' 'We don't serve your area.' And he managed to flag down some kind of supervisory-type guy that's with him for an hour or more going through the computer stuff and gave him an address, a designated address, for that thing. And when he was able to provide an address for them, 'Oh yeah, we do service that area. We'll send someone out.' But, he went round and round for over a year. They know where they have service.

Voss stated sure, utilities know where their utilities are. They better. And the thing came up at EDA that sparked this question for me tonight. Seems like hearsay from some of the comments we got is there's concern by some of the businesses on broadband. The actual strength or serviceability, reliability, of broadband at some of the businesses. So, I assume that's related to Mid-Continent. Davis stated it would be.

Voss stated I think it will probably be flushed out in the next month or so in the process. And, I don't want to short circuit the process but it just made me remember that, where's that map. I know we've asked about it twice now.

Ronning stated in the big sense, they've had legislation they had to deal with, the courts have dealt with it, and Comcast and another big one are appealing again. That's about the speed of the broadband and how much you pay for what you get.

Voss stated I think there's people in the City who'd just be happy to get something. I think that's sour first thing to try to address. That's all I had.

9.0C
Other

None.

**10.0
Adjourn**

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

Meeting adjourned at 8:48 p.m.

Submitted by:
Carla Wirth
TimeSaver Off Site Secretarial Inc.



LIABILITY COVERAGE – WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to pstech@lmc.org

This decision must be made by the member’s governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- o *If the member does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.
- o *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member’s liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- o *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

City of East Bethel _____
LMCIT Member Name

Check one:

The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting November 4, 2015

Signature _____

Position _____



City of East Bethel City Council Agenda Information

Date:

November 4, 2015

Agenda Item Number:

Item 7.0 A.1

Agenda Item:

Planning Commission October Report

Requested Action:

Information Item

Background Information:

At the October 27, 2015 Planning Commission Meeting, The Commission considered an IUP for a home occupation for Erryn Magnusen, 22050 Quincy St. NE. The IUP was submitted for a loading dock repair business at this location which is zoned Rural Residential. After discussion of the request, the Planning Commission, by a 4-3 vote, approved the IUP for one year. This recommendation will be submitted to City Council for consideration at the November 18, 2015 meeting.

Staff briefed the Planning Commission on the National Flood Insurance Program and the updated Flood Plain Maps for the City. The Federal Emergency Management Agency has recently published new floodplain maps and requires every community that participates in the Flood Insurance Management Program to adopt the new maps and adopt their Model Floodplain Ordinance By December 16, 2015. The Planning Commission will conduct a Public Hearing on this matter at the November 17, 2015 Planning Commission Meeting.

Staff updated the Planning Commission on the status of the 2018 Comprehensive Plan. The priority at this time is to revise and correct MET Council’s land use designation of the City as Diversified Rural for those areas outside the Utilities Corridor. In August, Staff informed City Council that the density issue of 4 in 40 for areas outside the Utilities Corridor would be addressed in the Comprehensive Plan update and that 1-2.5 acre lot could proceed.

The City was provided a System Statement, the framework for the MET Council Thrive MSP 2014 Plan, and this document did not correct the density designation of the diversified rural area within the City. The City can request a hearing before the MET Council’s Land Use Advisory Committee/State Office of Administrative Hearings if they disagree or there is a dispute as to the Statement. Staff is requesting Council appeal of this oversight by approval of Resolution 2015-59. The Planning Commission did not formally vote on this matter but did provide direction to proceed with the request for an appeal.

Attachments:

Attachment 1- Resolution 2015-59

Attachment 2- October 21, 2015 Draft Planning Commission Meeting Minutes

Fiscal Impact:

To be determined

Recommendation:

Staff requests Council approve Resolution 2015-59.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

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

RESOLUTION NO. 2015-59

**RESOLUTION REQUESTING A HEARING BEFORE THE MET COUNCIL
LAND USE ADVISORY COMMITTEE/STATE OFFICE OF ADMINISTRATIVE
HEARINGS FOR THE PURPOSE OF CONSIDERING AMENDMENTS TO THE
2015 SYSTEM STATEMENT FOR THE CITY OF EAST BETHEL**

WHEREAS, the City of East Bethel was issued a 2015 System Statement by the Metropolitan Council for the purpose of updating the City of East Bethel Comprehensive Plan to be consistent with the Thrive MSP 2040 plan; and

WHEREAS, the 2015 System Statement includes information specific to:

- Community designation
- Forecasted population, households, and employment through the year 2040;
- Guidance on appropriate densities to ensure that regional services and costly regional infrastructure can be provided as efficiently as possible
- Affordable housing needs allocation
- Water and natural resources; and

WHEREAS, the designation of group jurisdictions of Communities with similar characteristics for the application of regional policies that guide growth and development should be uniform and consistent; and

WHEREAS, the contiguous Cities of Oak Grove and Ham Lake have been designated as Rural Residential; and

WHEREAS, the City of East Bethel has two community designations - Rural Center and Diversified Rural; and

WHEREAS, the City of East Bethel is essentially identical in all aspects to the Cities of Oak Grove and Ham Lake and the City of East Bethel has requested Rural Residential designation for those areas outside the Utilities Corridor; and

WHEREAS, the Diversified Rural designation was not requested nor approved by the City and will inhibit the City's growth potential:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT: The City of East Bethel by adoption of this Resolution is formally requesting a hearing before the MET Council's Land Use Advisory Committee/State Office of Administrative Hearings for purpose of considering amendments to the system statement and to dispute the Diversified Rural designation assigned to City.

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

CITY OF EAST BETHEL:

Steven R. Voss, Mayor

ATTEST:

Jack Davis, City Administrator

EAST BETHEL PLANNING COMMISSION MEETING

October 27, 2015

The East Bethel Planning Commission met on October 27, 2015 at 7:00 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Glenn Terry* Randy Plaisance Lorraine Bonin
* Chairperson Sherry Allenspach Eldon Holmes Tanner Balfany
Lou Cornicelli

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

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

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

3.0 Approval of August 25, 2015 Meeting Minutes Ms. Winter requested a correction to the meeting minutes, noting it says Brian Mundle is the City Council Liaison and it should say Ron Koller. Mr. Terry asked we have no recording secretary tonight? All right, any other corrections.

Mr. Holmes motioned to approve the minutes with corrections. Mr. Plaisance seconded the motion; all others in favor. Motion carried.

4.0 Loading Dock Specialist Home Occupation IUP

Background Information:

Owner/Property Location:

Erryn Magnusen, (dba Loading Dock Specialists)
22050 Quincy Street NE
East Bethel, MN 55092
PIN: 07-33-23-12-0002
Zoning: Rural Residential (RR)

Ms. Winter presented the staff report, indicating Mr. Magnusen, dba Loading Dock Specialists (LDS), has been in business for over twenty years and employs three full time employees and one part time/seasonal employee. LDS installs dock equipment for truck terminals throughout Minnesota and the five State area. All of the installation and service work takes place on the construction site and most of the equipment is sent directly to that site, with the exception of fragile electronic controls and miscellaneous installation hardware.

The day-to-day operations are as follows:

The employees leave their vehicles and pick up their work trucks and any miscellaneous parts in the morning, usually at 7:30 a.m., and leave for the job site and work for the day and then in the afternoon return to pick up their vehicles usually between 2-4:30 p.m. The operation is Monday to Friday.

Recommendation(s):

If the Planning Commission were to choose to recommend approval of the IUP, it should be subject to the 13 conditions detailed in the staff report.

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Ms. Winter stated attached in your packet you will find a site plan drawing that indicates where this is located. She reported she had the opportunity to go to Mr. Magnusen's today and I did observe a number of vehicles parked outside as well as a large dumpster. She talked with Mr. Magnusen a little bit about that. So, that is a concern with the number of vehicles that are actually parked outside.

The Public Hearing was opened at 7:03 pm.

Bruce Roles, 21853 Quincy Street NE, stated he's got several comments about this business. First and foremost, it's a residential area and he doesn't need a heavy equipment storage yard at the corner of his street as all know how that can degrade property values. Based on Colleen's comments, he assumed none of the Commissioners personally visited the site. Mr. Holmes stated he drove by it today and took a look.

Mr. Roles stated his disappointment, noting he had served on the Planning Commission and would go to every site and 'lay his eyes' on it as pictures usually don't do justice. He stated this business has been existing for well over two years, maybe three years, and he doesn't know what prompted it to finally get to the point where it's getting a permit to operate. Mr. Roles stated if we haven't followed the rules up to this point and the City grants the permit for the business to exist, he doesn't know why anyone would expect the rules to be followed from this point forward. He noted Colleen has already addressed the equipment and if you look at the satellite picture in the packet, it does not come close to representing the equipment on the site. He suggested there are one and maybe more that he's never seen move and wonders if they are even operational. In addition, there is a large commercial dumpster outside the building and everything can be seen from the road, especially now that the leaves have dropped. Mr. Roles noted they have been operating in violation of City ordinances for a couple years and strongly recommended, as a resident on that street, to not allow this business and require it to move to an appropriate business location due to the impact it has on the residential area.

Mr. Holms asked Mr. Roles, since he used to be on the Planning Commission, why he didn't call City Hall before. Mr. Roles stated he has talked with the City Administrator a number of times over the last couple of years and was told there wasn't enough there to move it on to the next step. Mr. Roles stated there are no company logos on the trucks. He stated he's lived on Quincy Street since 1986 and is a long-time resident.

Mr. Plaisance asked about the level of traffic he's noticed that this business has generated. Mr. Roles stated it comes and goes but the traffic was most notable, maybe when there were more employees. Now because of his recent work schedule, he is gone before and returns after any of the traffic flow. He stated his bigger concern is the visual impact of this mature business that should be properly relocated and impact to property valuations. Mr. Roles described the comments he receives from visitors to his property asking what is going on with this business that looks like a heavy equipment storage yard. He suggested there are more than enough appropriate locations to which this business can relocate.

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Mr. Terry noted with the Planning Commission's consideration, property values are somewhat immaterial as it is conditions that are detrimental to residential. Mr. Roles suggested that storage of heavy equipment is detrimental. Mr. Terry stated it still comes down to the basis of whether this business belongs there, not how it affects property values. Mr. Roles suggested it doesn't look like a business but looks like a residence and big parking lot storing functioning and nonfunctioning equipment and a big commercial dumpster container. He noted if all those things are removed and it looks like a residential property and a business can still function, he doesn't understand what the harm would be. Mr. Roles stated another concern is the industrial trucks stored, whether they are leaking, what is being thrown in the dumpster, and those types of details. Mr. Roles pointed out that City ordinances provide places for business to be and this is a mature 20+ year business that has been operating 'under the radar,' not a business trying to get off the ground. He suggested this business has had its opportunity to get situated and should now relocate.

No other members of the public were present to speak. The Public Hearing was closed at 7:11 pm.

Mr. Terry stated if this is a 20-year business but has been operating here only two years, he would ask where they operated the other 18 years.

Aaron Magnusen, applicant, stated Loading Dock has been working at this site since 1998 and there has not been a big expansion because three brothers own the business and are not interested in making it a huge production. He stated they don't have heavy equipment but do have a dumpster and after talking with Colleen, will relocate or cover it to meet Code. Mr. Magnusen stated they have five company vehicles and one will be removed but the others are day-to-day vehicles and located behind the tree line so they are not visible.

Mr. Plaisance referenced the Home Occupation Ordinance indicating, 'no more than three persons at least one of whom shall reside within the principle dwelling shall work at the home occupation's site.' He noted that Mr. Magnusen exceeds this condition. Ms. Winter stated yes, in addition to himself he has three other full-time employees and one part-time employee. But, again, that is if they work directly at that site and according to what Mr. Magnusen indicated, they park their vehicles there and then to go off site to work. She explained this is similar to the Pavement Resources consideration of a couple years ago.

Ms. Winter presented what would be required as far as in-home occupations and those conditions. (*Note: Ms. Winter's comments are identified in bold italics.*)

1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall work at the home occupation site. ***Again, employees are parking their vehicles there so there is not anyone working at the home occupation site itself except for Mr. Magnusen.***
2. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
3. Any sign associated with the home occupation shall be in compliance with the East Bethel Sign Ordinance.

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4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved. Documentation from MPCA or Anoka County Environmental Services regarding hazardous waste generation is required. *So, as part of the conditions, that would be one of the things that I would work with them on, is making sure that they got the proper documentation from Anoka County regarding any sort of hazardous waste.*
5. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste.
6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation. *Again, having a conversation with Mr. Magnusen. I expressed my concerns about the outside storage. He does have a pole barn there so there may be potential that he can put the vehicles inside that building.*
8. Parking needs generated by the home occupation shall be provided on-site. *That part we do want provided on site. We do not want them parking on the road.*
9. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure. *That does not apply in this case because they're operating out of a detached accessory structure.*
10. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
11. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
12. The area set aside in the attached or detached accessory structures shall not exceed whatever that accessory structure space is.
13. Applicant is required to follow all local building and fire codes.

Mr. Terry stated to the earlier question of why grant the permit, you can see with the conditions they need to follow them or they get revoked. There's more control than were they not going through this process.

Mr. Roles refuted some of the statements made, noting on the south side of the building there is the truck with a huge mounted boom crane that has never moved but is not shown in this picture. There is a manlift, industrial equipment, that is routinely sitting out next to the dumpster. Mr. Roles stated he understands it may be stored inside and if it doesn't look like a business, then he does not necessarily have a problem with it. With regard to being required to follow all local Codes, Mr. Roles asked whether the Fire Marshal will inspect the building for proper sprinkling and the plumbing facilities for off-site employees, or if they are using residential facilities within the house. He also asked what is needed for infrastructure to operate this business and who is monitoring that actually exists. To the point of the hazardous waste, Mr. Roles stated you can get a mitigation plan and he hopes that is followed because this business uses lubricants. He explained that as a mechanical engineer with a technical background, he hired guys like this to work on buildings

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that he managed so he understands some of the equipment and products they use so he questions whether it is free of industrial wastes.

Mr. Roles stated they've admitted to being here the whole time and at the beginning it probably wasn't as obvious it was a business as it has been the last few years. He asked why it was not until now that we are following the rules and what suggests the rules will be followed going forward.

Mr. Terry stated to the last question, he would say if they were 'under the radar' before, that is no longer the case so that would be the difference.

Mr. Holmes asked what prompted this to be on the agenda. Ms. Winter answered Mr. Magnusen came forward and applied for an IUP through a complaint or Code violation with the Code Enforcement Officer going out and observing the business. She stated there were two properties in this neighborhood that had issues and then Mr. Magnusen came forward and applied for the IUP for his business.

Mr. Terry asked Ms. Winter if she saw the manlift and the boom truck while visiting the site. Ms. Winter stated she did not but did see three F-150 trucks and two commercial vans.

At the inquiry of a Commissioner, Mr. Magnusen described the dumpster location, noting it is next to the pole barn. Ms. Winter stated the dumpster was visible from the road when she was out there.

Mr. Terry asked if the pole barn is sufficient to store the equipment that is in question as far as being an eyesore. Mr. Magnusen stated there's no equipment that actually sits out, it's the vehicles and that's what they refer to as equipment, plus the dumpster. Everything else is usually in the pole shed or on a job site, besides his travel trailer, which he thinks he is allowed to have.

Ms. Allenspach asked if he had any concerns about the conditions of the permit. Mr. Magnusen stated he does not as he and Ms. Winter have gone through them and are willing to assure from this point forward it's taken care of. Ms. Allenspach asked if they can get the issues addressed. Mr. Magnusen answered in the affirmative.

Ms. Bonin stated one thing not being addressed is why the City is allowing this kind of business in a residential area. She felt when people move into a residential area, they have some right to expect it to be residential rather than commercial but has not heard anyone being concerned about that issue.

Mr. Terry stated in this case, the fact that their work is off site means to him that as long as they do things to maintain the residential character, it's not like they're operating a factory on the site. They're actually doing the labor off site and parking their personal vehicles.

Ms. Bonin stated that's the point, their equipment and vehicles are being parked there so that it doesn't look like a residential use. Mr. Terry stated they park three pick-up trucks that anyone might have. Ms. Bonin stated most don't have three

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pick-up trucks in one family. Several Commissioners described their neighbors that have three or more trucks on their property.

Mr. Holmes stated when he visited the site he just glanced at the equipment and along the south side of the property he could see a lot of vehicles but did not know if they were for the business or family cars. Ms. Winter stated when she visited the site there were five parked down below and three in the driveway. Mr. Magnusen stated the three vehicles that were at the top are his personal vehicles and registered to him.

Mr. Holmes stated this business has been in operation for a while and should be growing. He asked if they've ever looked into finding a commercial spot. Mr. Magnusen stated they have not as it is a family-run business, not a large company, and when they moved to East Bethel it's not like they're on a quarter acre lot with houses on top of each other.

Mr. Terry asked what are the buildings located to the south. Mr. Magnusen stated the people who live to the south run a nursery. Mr. Balfany noted this is then not the only business on the street.

Mr. Balfany displayed a Google map on his cellular phone and asked Mr. Magnusen if that is what it looks like when vehicles are parked on site. Mr. Magnusen answered in the affirmative, noting the work vehicles are down below and parked in front of the sheds and those by the road are personal vehicles. Mr. Balfany described what was depicted on the Google map and stated it looks like there are a lot of trees. He asked if the only view is along the driveway. Mr. Magnusen stated it's hard to say because now the leaves are coming off but you can see it if you are looking for it. Otherwise, you have to be looking coming off Highway 74 and down the driveway. Ms. Winter confirmed it is observable from the road.

Mr. Balfany stated what's coming up a lot is visibility so at this point he starts to think about a privacy fence or some sort of obstructed fence to block the view of the vehicles. Mr. Plaisance felt that would almost make it a commercial site, to fence the front yard for equipment that nobody can see. Mr. Balfany concurred.

Mr. Plaisance stated this has been operating without a permit for 17 years and now all of a sudden the Commission is asked to approve a permit on faith that they'll follow the conditions. He stated he would much prefer to see conditions followed before entertaining a permit. Ms. Winter explained that usually after an IUP is approved, they have about one month to meet the conditions and then there is a final inspection and sign off. At that point, normally an IUP is for three years but if there is a level of concern, the Planning Commission can make that time period shorter. She stated additional appropriate conditions can also be recommended

Ms. Allenspach stated that is why she is inclined to approve, because even though it has been operating 'under the radar,' now it is not and now they must comply. She noted Mr. Magnusen is okay with complying and the City now has some leverage to assure the site will comply and things are done the way they should be for the neighborhood. She added that Mr. Magnusen will want to comply so he can continue the business from where he lives.

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Mr. Terry asked if at the end of the IUP period, it is reviewed by staff or the Planning Commission. Ms. Winter explained if there are no problems with the IUP, it is typically renewed at the internal level. Mr. Terry stated if granted for one year instead of three, and if all went well for that one year, it could then be extended for three years. Ms. Winter stated the term is however the IUP is set up and it could be written into the IUP that it is for one year and then it has to come back before the Planning Commission or Council and set for a different time period. Or, if everything is fine it could be set up for an automatic renewal of three years. Ms. Winter stated as long as the conditions are not arbitrary, timeframes can be set and conditions placed to address any issues in the Home Occupation Ordinance or set additional conditions to address other concerns (i.e., noise, dust).

Mr. Terry stated his inclination, because this is not a start-up business with unknowns but rather a business that needs to meet conditions, to consider a one-year trial period to assure the conditions are met. Then thereafter, to put it back to a regular three-year cycle. Ms. Winter stated that is an option as a recommendation to forward to the Council.

Mr. Plaisance asked what kind of materials are being put into the waste disposal container, how often it is removed or replaced, and whether they could consider concealing it or removing it from the site. Mr. Magnusen stated it's for construction equipment, cardboard from boxes, and a company comes in once per month or when it is full. As to its location, if they have to put a net over it, or go with a smaller size in the pole shed, they are at the mercy of what they have to do to make it right.

Mr. Plaisance stated in trying to minimize the requirements and impact upon the applicant as well as conforming with concerns of the neighbors, if it is going to be a permanent thing, he would like to have a fenced enclosure around that particular piece so it can be accessed but not obviously a business or seen from the road. He stated he is also in favor of requiring a one-year review on this home occupation to make sure it conforms to the ordinance requirements.

Mr. Plaisance made a motion to recommend approval to the City Council of the Interim Use Permit for a one year term with the stated conditions for Erryn Magnusen/ dba as Loading Dock Specialist at 22050 Quincy St NE, East Bethel MN 55011, PIN 07-33-23-12-0002, plus additional conditions to place a fence enclosure around the waste disposal container or have it removed, to remove from visibility the equipment that has been stored there without a building a fence around the entire property. Ms. Allenspach seconded the motion.

Mr. Balfany described a minimal impact to the applicant to put in a six-foot or taller gated fence on the south side of the shed where the employee's vehicles can be parked. He asked whether the intent is to enclose or screen view of these vehicles. Mr. Plaisance stated his preference is to enclose so it is not visible from other sides of the property. He stated if there is only something in front, it could probably be seen from the nursery next door.

Mr. Plaisance stated his second concern would be if picked up once a month, if enclosed there would be no one who could get into it without serious concerns about

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jumping into it, where somebody like a kid might get into it and get pulled away. He stated that is what he was thinking. Not only to remove visibility but to enclose it for safety reasons.

Mr. Cornicelli stated he has two points and may need a legal opinion. He felt that fencing a residential area constitutes a residential nuisance. He stated what he sees in his mind is where you pick up parts on Highway 65 that has a big giant fence in a commercial area. He does not view it any differently than that, a big fence that opens up so equipment can come and go, as being a commercial area. Mr. Cornicelli referenced the condition indicating, 'No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation site.' He stated it does not say, 'shall work at the home occupancy.' So if five people are employed by the home occupant, it doesn't really matter where they're working. It's more than three. Ms. Winter explained the City changed that language in the Code to say that no more than three persons can actually physically work at that site.

Mr. Terry stated with the fence, if it is a chain link fence with slats he would agree but if it is a fence that looks like a residential fence then he does not see how that's any different than someone who puts a fence around their yard.

Mr. Holmes asked if there are City regulations on how high that fence can be. Ms. Winter answered six feet. Mr. Holmes stated he has a problem with this and agrees with Mr. Cornicelli. He stated there could be a business in a residential area that could have 80 employees that drop their car off and leave. He asked if the City wants that and stated he does not think so. Mr. Holmes stated he is not in favor of this at all. He stated with soil contamination, we don't know what the employees' cars are doing and the only way he would be in favor of anything would be to grant one year at the property and after that they have to move to a commercial property. Mr. Holmes stated he thinks that's another option but this is too big a business for a residential property. He noted East Bethel has had a lot of problems with outdoor storage, outside buildings, outside vehicles sitting around, some that don't even have wheels, and it's against the rules yet we do nothing about it. Mr. Holmes stated it is now causing some problems.

Ms. Allenspach asked how many bedrooms are in the home. Mr. Magnusen answered three. Ms. Allenspach stated that house is built for six people, which means six vehicles at least. She stated every bedroom is built for two people and if every person that lives in the house has a vehicle, there could be six vehicles on that property and the City can't tell them if it's a car or pick-up truck.

Ms. Winter explained the ordinance says you can have no more than five personal vehicles on your property parked outside at any given time and they have to be licensed. What they count as part of that is not only cars and trucks but trailers are in that as well.

Mr. Terry stated the scenario then of having 80 employees parked there cannot be allowed. Ms. Winter concurred. Mr. Terry stated five vehicles is the limit of what can be parked outside and visible on a property. Mr. Holmes asked how do you rate when somebody has a party at their house for 20 people. Ms. Winter stated they are

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not staying on the property. Mr. Terry stated this deals with a specific situation, not a wild scenario.

Discussion occurred relating to different scenarios on the number of cars that could be parked on a residential property. Mr. Holmes repeated his position and stated why he is against the request unless it is for one year and then they have to move to a commercial property.

By a show of hands, 4 voted in favor and 3 against (Bonin, Cornicelli, Holmes); motion carried. This item will go to the City Council on November 17, 2015, for consideration.

**5.0 Met Council
Thrive MSP
2014 Plan**

Ms. Winter presented the staff report, indicating on September 17, 2015, the City of East Bethel was given the 2015 System Statement, which is the framework for the Metropolitan Council Thrive MSP 2040 long-range plan. The City of East Bethel is required to complete a Comprehensive Plan by 2018. As part of the process if a community disagrees with elements of the System Statement, they have 60 days (until November 17th) to request a hearing before the Met Council's Land Use Advisory Committee.

Areas of concern in the System statement are specifically with our Land Use designation. Staff, Planning Commission and City Council have all had numerous discussions regarding development within the Corridor, which is the area from 181st Avenue NE on the south and 245th Avenue NE on the north, that stretch from south to north along Highway 65 and three-quarters mile on either side of Highway 65. This area is designated for sewer and water district and for densities of 3-5 units per acre. In addition there is a second area around Coon Lake designated for 3-5 units per acre. These are both shown in attachments that you have in your packet and I'll put them up on the screen shortly.

The other land use designation is Diversified Rural, which is outside of the corridor. In that, the System Statement that we received is that it is 4 units per 40 acres. This is something that we feel, as staff, is incorrect. We've met with Met Council staff back in August to specifically discuss the area outside the corridor and all parties agreed that it should have an overall density of 1 unit per 10 acres with the ability to develop 2.5 acre lots. The Diversified Rural does not appear to have that same flexibility.

Ms. Winter stated so, in other words, if the Comp Plan is approved under this scenario, you are 4 in 40. So, you are not able to subtract out your wetlands or any of those other designations and be able to give people the ability to build rural developments in this area.

Ms. Winter explained population projections, households, and required affordable housing are also part of the System Statement and warrant more discussion. The 4 in 40 designation is in contrast to really what they've proposed to be our population density. By 4 in 40, if we were to go with that, we've already exceeded what we can have for households so there's some real inconsistencies with that.

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Ms. Winter pointed out that the City's neighbors, Ham Lake, Oak Grove, and Andover, have the community designation called Rural Residential. Rural Residential communities have residential patterns characterized by large lots and do not have plans to provide urban infrastructure such as centralized wastewater treatment.

Ms. Winter stated these communities have topographic development limitations and a development pattern with lot sizes that generally range from 1 to 2.5 acres. That is very, very consistent with what East Bethel has as well. They are expected to discourage growth in those Rural Residential patterns and encouraged to look at a 1 unit per 10 acre density. But, again, the big distinction is, in the 4 in 40, their basically saying that's where any development stops and you are tied to that. Whereas in the Rural Residential designation, you have the ability to do those rural developments, you just have to make sure that you're not exceeding the 1 per 10.

Ms. Winter stated for example, if we had a 40 acre piece and you subtract out the wetlands, and you're able to get maybe 20 lots on that, or less, overall if you take that along with everything else that's in that Rural Residential area, we're still going to be over 1 per 10. Right now, The City is at 1 per just over 11 acres. Anything outside of the corridor, if you subtract out the wetlands and the other places where you're not able to develop, we already exceed the 1 per 10 density. Ms. Winter asked does that make sense?

Ms. Bonin asked, when you're saying 1 per 10, you're talking about over all. You're not talking about one area. Ms. Winter stated that is correct, overall in that area. Ms. Bonin stated if less than that, then you have to have an area that's more open to balance it. Ms. Winter answered in the affirmative.

Ms. Winter displayed the map, noting it is a little hard to read and distinguish the colors. She pointed out that clearly Ham Lake, Andover, and Oak Grove has a little section that's Diversified Rural, as well as Nowthen, Ramsey, etc. are all in that Rural Residential. Where they simply have East Bethel as more of that Diversified Rural, which is essentially agriculture.

Ms. Winter stated in the Met Council area they have it differently. It looks like Linwood Township and Columbus follow that same designation. But, staff has had many conversations at the Planning Commission level that they don't feel it's correct. She stated she talked to Met Council staff and they said East Bethel still has the ability within its own local zoning control to be able to do the Rural Residential and develop at 2.5 acre lots. Ms. Winter stated she said that's all well and good but the problem is if we're not following our Comprehensive Plan, we can't do that legally. The whole land use development within a community is dictated by what the Comprehensive Plan says. So, we need to get this clarified. Ms. Winter stated she believes it needs to have that Rural Residential designation versus Diversified Rural.

Ms. Winter stated you may say there's no difference if you take 4 in 40 versus 1 in 10 but the distinction, again, is if we go with Rural Residential we still have the ability to have some development out in those areas that's non-sewered

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development. So, we're not holding the remaining part of the community that's outside of our corridor for however long because someday there might be sewer and water there. We recognize that outside of the corridor there's not going to be sewer and water.

Ms. Winter stated she'd like discussion and confirmation from the Planning Commission that staff is looking at this correctly and also to forward a recommendation to the Council but she doesn't know if it will get to that simply because on a staff level, they will be able to work with Met Council and get this figured out. She noted the City has until the 16th so if the City has to appeal it, it would have to go before the Council at their next meeting.

Mr. Plaisance stated staff has had a conversation with Met Council and from his understanding, this was originally set up as being Diversified. It was supposed to be Rural Residential but it was not that way according to them. He asked what kind of response staff got from the Met Council when told that the City wants this to be Rural Residential instead of Diversified. Ms. Winter stated there are two things to be careful about. Zoning is our development tool so she wants to leave zoning out of it. Ms. Winter stated the City needs to look at land use and from a Met Council perspective, land use is all about density. In the case of the 4 in 40, they're basically saying you don't have the ability to develop beyond 4 houses in 40 acres. Where with a Rural designation, it's 1 per 10 and we've already exceed that with what's in the community now if we subtract out the wetlands. So, their point back to the City was they are really not changing it. It can stay Diversified Rural and the City can still do what they want to do. Ms. Winter explained that's not something she believes staff can do because what they're saying is you can then guide that locally. But no, if it's part of your Plan and you're requesting us to get a Plan approved, we can't guide it locally because then our Comprehensive Plan, zoning, or one of the tools will be contrary to what we have to get approved. She stated it would be much cleaner and much easier to go through this process now and to get the designation correct to begin with.

Mr. Plaisance stated his question still stands, they're saying they will not bother changing it, you can just ignore the rules at the City level if that's what you want to do. And, staff is saying no, we can't do that. He asked what we can do that convinces them the City needs the other designation rather than ignoring the rule and coming up with our own plan. Ms. Winter stated she does not want to ignore the rule because not only is that somewhat reckless but it's also the idea that it's contrary to what the demographics are telling us right now.

Ms. Winter stated if the Planning Commission can make a recommendation and forward it to the Council saying that based on the System Statement, we don't agree with the land use designation that they have here and they need to look at changing it. She stated that is the biggest thing. There are other things they have in the Plan but quite frankly the rest of it she didn't have so much of an issue with.

Ms. Winter stated they have a regional park trail, for example, going through East Bethel; they talk about transportation but in our area, from a transportation perspective, they basically delineated the highways. She explained housing is another issue as the Met Council tells us we need to have so many affordable

Met Council
Thrive MSP
2014 Plan

housing units and our number is a lot lower than other communities in the Metro. Ms. Winter explained there is a bit of inconsistency there because in one part it says 290 and in another it says 369 or 368 so we need to look at the affordable housing component as well. Those are manageable but the biggest one is this land use issue that needs to be resolved at this point.

Mr. Cornicelli asked about northern Washington County (Columbus, Sandia, Grant Township) that fall into the same category. Ms. Winter stated her conversations have largely been with Anoka County and she hasn't talked to anybody in Columbus or Hugo or Scandia, but could do so. Her conversations have been with Oak Grove, St. Francis, and Ham Lake. Mr. Cornicelli stated he was just curious and surmised they would have the same concerns. Ms. Winter stated they may have but Washington County is a bit different than Anoka County.

Mr. Plaisance stated when talking about passing this along to the City Council and encouraging them to make a recommendation back to Met Council, is the intent to get it done before the Comprehensive Plan by 2018. Ms. Winter stated she'd like it done before November 17, 2015, because it's a System Statement and the City has 60 days to appeal anything in the System Statement. She found this to be a critical piece that needs to be resolved. Ms. Winter stated she is somewhat confident it can get done at a staff level but if not, then it has to go before the Met Council's Land Use Advisory Committee. She stated it would be good for the City Council to know that the Planning Commission had this discussion.

Mr. Terry stated he's stuck on a much earlier concern, which is why the City is in this position with the Met Council dictating land use policies when it's our City. He felt it should be generated from within and asked why the City is trying to see if the Met Council will conform to what we're looking at. Ms. Allenspach stated that's what the Met Council does. Ms. Winter explained the City is within their jurisdiction. Mr. Terry stated it's not in their charter, which deals with water use and one other thing, not this but suddenly that's what they're doing.

Ms. Winter stated they've been doing it for a long time. Met Council has had land use plans and comprehensive plans and before Thrive MSP, was the 2030 Plan. If the City is part of Metropolitan Council it is required to update its Comprehensive Plan and go by what they are guiding. This is because they are the regional organization that is responsible for wastewater, water, resources, as well as for transportation. As part of that, they need to look at the long-term future of the region and decide where their resources are going and how to best plan the region.

Mr. Terry stated they're not just doing that but wanting to dictate how much affordable housing and densities. He stated they might want to know where the City is at or planning for but he would ask why they are dictating those conditions.

Ms. Bonin stated she is concerned about the affordable housing thing and asked why you would want to put people with few resources so far from the city. She found this made no sense and while there needs to be some, it would be difficult. She felt it encourages people to live beyond their means when they can't afford the things they have to have in order to live out here. They have to have good cars because most will live where they can't use public transportation.

Met Council
Thrive MSP
2014 Plan

Ms. Allenspach stated they don't supply public transportation, which is part of what you're saying, it makes it ridiculous. But as Colleen has said, it's what Met Council does and they've been telling communities for many, many years what they expect them to have for affordable housing and for many years, communities have fought it.

Ms. Bonin asked about push back and say that's not reasonable. Mr. Terry stated that should be market driven, not some person planning who's 100 miles away and wants to move 'chess pieces' around. Ms. Winter explained affordable housing is a much more political issue as you get the Legislature involved and they're saying we need to have much more affordable housing because all of people are telling them there's a huge lack of affordable housing. So, a lot of what Met Council is going to dictate on some of the policies is a direct reflection of what they're being told from a political standpoint.

Ms. Allenspach stated there's no doubt we need affordable housing in East Bethel as we need places for our seniors to live when they can't afford to live in their houses and for the young people so they don't move away from East Bethel. But, for the Met Council to dictate it this way, is a little difficult for the community.

Ms. Winter stated I didn't include the whole System Statement because I didn't want to print it all out but I did provide you with the ability in your packet to look at that. If we want to continue this discussion, we certainly can and if you want, I could bring back more information. Ms. Winter stated if it would be helpful to have a representative from Met Council staff to come to talk about it, it's certainly something we could ask them.

Ms. Allenspach asked who is our rep? Ms. Winter replied we have a new person now. Edward Reynoso is on the Board and he's out of Ham Lake. Our new sector rep is Eric and he just started. She explained we've been dealing with the manager of the planning department who has been very receptive to working with staff.

Mr. Balfany stated staff is looking for direction from us and I'm pretty sure, without speaking for everybody, but looking at the head nods and the way the conversation is going, without having a motion, I'd say you have our blessing, unless somebody wants to contradict that statement.

Mr. Terry stated I think we need to decide what's best for East Bethel and let them know that's where we're going.

Mr. Plaisance stated when you take into consideration all of the requirements that are coming down from Met Council as to what we're doing with the City, we certainly would want to encourage to have a designation that we're talking about. Since we're talking about how many people per acre we can have, we have sewer and water that they were involved with, and also the affordable housing. In order to get the affordable housing, you have to have property cheap enough to do that and to get that property down, you have to split those properties. Mr. Plaisance stated when you take in all of those considerations and the fact of how do we pay for all that, it also requires development to go along with it. He stated from his

Met Council
Thrive MSP
2014 Plan

standpoint, he would highly encourage putting that recommendation to the Metropolitan Council to have this to be the way we recommend to have it.

Mr. Terry stated in order to come anywhere close to meeting their ideas about affordable housing, the City needs to have established infrastructure that would justify that so let's not 'put the cart before the horse,' to use another metaphor.

6.0 Floodplain Ordinance

Ms. Winter displayed the a floodplain map and presented the staff report, indicating Federal Emergency Management Agency has recently published new floodplain maps and is requiring every community that participates in the Flood Insurance Management Program to adopt new maps and is recommending that guidelines be adopted as well.

Under the guidance of the Minnesota Department of Natural Resources (MnDNR), they are strongly encouraging communities adopt a Model Floodplain Ordinance.

Ms. Winter noted in the packet was the new floodplain map and it's displayed on the screen as well. She would like to bring a map to the next Planning Commission meeting and to call for a Public Hearing this evening for the next meeting. She noted, as a reminder, that both in November and December, our meetings are one week ahead of when they normally are. So, please note that the Planning Commission meeting will be on November 17th. At that time, I'll bring back what the differences are. Ms. Winter explained this is really nice, they've streamlined the language so it makes it a lot easier to deal with any floodplain that comes into the City.

Mr. Plaisance stated I don't see any difference between the current floodplain and the data for the 500 year. Is that correct? Ms. Winter explained the biggest difference, and what's really nice about the new floodplain maps, those areas that are not 'hatched' are actually areas that are in our existing Floodplain Ordinance. With the new maps, all of those areas will be taken out and no longer part of the floodplain.

Mr. Plaisance stated I realize we're going to cover this and assume we're going to have the Public Hearing. He stated he assumes it would be a benefit insurance-wise to current residents in these locations that would be removed from that 100-year floodplain. Ms. Winter indicated that is correct.

Mr. Holmes stated he used to live in an area where his house was in both a 50-year and 100-year floodplain and it made a big difference on your house insurance. He stated he didn't know there was a 500 year and asked who lives that long. Mr. Holmes explained if you are in a floodplain and it does flood for some reason and you don't have insurance, because it is designated as a floodplain, you get 'the big goose egg.' He stated this is important to some of the people.

Mr. Terry asked what is expected to be done at the Public Hearing? Ms. Winter explained it is required to hold a Public Hearing because the City is saying that the Ordinance currently in place regarding the floodplain will be revoked and staff will recommend a new ordinance be put in place to conform with FEMA and MnDNR

Floodplain
Ordinance

recommendations.

Mr. Holmes stated some of these involve the same body of water with some being 100 and some being 500. He asked what constitutes the difference when it's the same body of water. Ms. Winter agreed it is strange in some cases and explained their technology has changed as far as the maps they are using and maybe the elevations. Mr. Holmes stated with his old property, a blind man can say where the 100 year and the 50 year are because of the difference in height but when it's already standing water, two different floodplain years doesn't make sense. Ms. Winter stated by the next meeting she can have additional clarification on that issue.

Mr. Terry asked if there is significant change to language or just the map. Ms. Winter indicated there are some significant changes to the language.

Mr. Plaisance made a motion to have a Public Hearing at the Planning Commission Meeting of November 17, 2015, to cover the revised FEMA floodplain map and to update our ordinances for said ordinances. Mr. Holmes seconded the motion. All members were in favor; motion carried.

Mr. Holmes asked if everybody on this map will be notified. Ms. Winter stated the City is not required to notify them but sometimes their mortgage companies will notify them. The only time the City has to notify them is if they are now in a floodplain where they weren't before. She noted that as you can see from the map, everyone in an existing floodplain is still there and some folks that were in a floodplain will be removed, which is good news for them. So, it's probably going to be that their mortgage companies or title companies will probably notify them. Ms. Winter stated she expects East Bethel will be getting some phone calls after this is adopted.

Mr. Holmes asked if the City will have to have a display of this on our front window. Mr. Cornicelli stated that might be a good idea. Ms. Winter agreed it is a good idea and staff will also post it to the front page of the website to let people know. Ms. Allenspach stated that's nice, especially if a few of the major roads can be identified so people can determine where they are.

Mr. Holmes stated some of this could be very important and if you don't have it documented that it is being displayed or something at least in the City Hall window, it could cost somebody their house, their livelihood, if it did flood and they know nothing about it or have a chance to see it. At least they have a chance to see it through the window or come in during business hours. I would suggest that we do that.

Mr. Terry asked if he is correct to assume it would also include changes in the language of the ordinance. Ms. Winter answered in the affirmative.

7.0 City Council Report

Service Road Funding

Council Member Koller reported the Council had a fairly short meeting and worked on the advanced funding for the service road, which will go from our business area (around Aggressive Hydraulics) north to Viking (behind Our Saviors Church). Apparently, the State turned down our request so we're finding funding elsewhere and hopefully will start next spring.

Social Media Policy

Council Member Koller stated the Council is working on a Social Media Policy as there have been a couple problems on the internet with City employees making inappropriate postings.

Town Hall Meeting

Council Member Koller stated they hope to get the State Senator and Representative to the Town Hall Meeting so the format may be changed. Ms. Allenspach asked when is the next Town Hall Meeting. Ms. Winter responded November 19th.

8.0 Other Business
BR&E Program

Ms. Winter reported on the Business Retention & Expansion Program with the University of Minnesota. To date, they have interviewed 43 businesses and think that's a nice turn out and excellent response. The end results and culmination of everything will be the first quarter of 2016. Everyone will be invited to view the results, next steps, and two or three big projects the City will be working on.

9.0 Adjournment

Mr. Balfany moved to adjourn the meeting at 8:21 p.m. Mr. Terry seconded the motion; all members were in favor, motion carried.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial Inc.



City of East Bethel City Council Agenda Information

Date:

November 4, 2015

Agenda Item Number:

Item 7.0 B.1

Agenda Item:

EDA October Report

Requested Action:

Information Item

Background Information:

At the October 19, 2015 EDA meeting, the Authority, as directed by City Council, considered a donation request by the East Bethel Royalty for float renovations. After discussion of the matter and a briefing on the restrictions of public expenditures, the EDA tabled the request and recommended that that East Bethel Royalty consider other means to achieve their financial goals prior to seeking City assistance:

The EDA also discussed the assets, liabilities and opportunities of the City as they relate to attracting and retaining new business. These issues will be addressed as part of the business recruitment and retention strategy the EDA is currently developing.

Attachments:

Fiscal Impact:

To be determined

Recommendation:

No Action Required

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Work Meeting Agenda Information

Date:

November 4, 2015

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

Rental Ordinance Revision

Requested Action:

Consider amending the City Rental Ordinance

Background Information:

City Council approved a Rental Ordinance at their May 20, 2015 meeting. One license has been issued and seven applications are pending upon completion of inspection. The license fee is \$25 and the inspection fee is \$50.

Several of the applicants that have applied for a rental license have informed us that the septic system inspection as required in the ordinance is/could be a deterrent to voluntary compliance with the ordinance. Several owners of rental property have been hesitant to comply with the ordinance for fear that their septic systems, while functioning properly, may fail inspection due to changes in state standards for soil separation.

Staff feels that this concern will discourage many rental property owners from obtaining licensure from the City but at the same time may not prevent these owners from continuing to rent their property. If the primary goal of the ordinance is to ensure that rental properties meet life/safety Codes, the septic system issue may be a disincentive to this purpose.

Per City Ordinance , Section 74-48, compliance inspections are only required upon sale of the property, addition of a bedroom, replacement of an SSTS , when a building permit is required in the Shoreland Management District or when a parcel having an existing system undergoes development, subdivision or a split

Staff proposes that Section 8 (1) of the Ordinance, Compliance Inspection, be removed and changed to read, “the septic system must pose no eminent threat to public health and have the capacity to serve the number of occupants of the rental unit” and that “a copy of the pumping report shall be provided with the application” be added to 8 (2).

Attachments:

1. Rental Ordinance- Clean Revision
2. Red-line Ordinance Change
3. Section 74-47,48,49 & 50 City Code

Fiscal Impact:

To be determined

Recommendation(s):

Staff recommends Council consider revision of the Rental Ordinance and the proposals for changes to Section 8 (1) and 8 (2) as provided in the attachment.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

AN ORDINANCE REGULATING RENTAL PROPERTIES IN THE CITY OF EAST BETHEL

The City Council of the City of East Bethel, Minnesota ordains as follows:

INTENT: The Rental Housing Ordinance is intended to protect the public welfare and improve the City's housing stock. The purpose of this Ordinance is to address health and safety issues and insure that renters have a safe dwelling for occupancy. This Ordinance is further designed to ensure that rental housing in the City is sanitary and operated and maintained so as not to become a nuisance to neighboring properties.

Section 1. - License required; definitions.

- (a) License. No person shall allow to be occupied or let to another for occupancy a unit or units in a rental dwelling for which a license has not been granted by the city.
- (b) Definitions. Unless otherwise expressly stated, the following terms shall, for the purposes of this article, have the following meanings:
 - a) Rental dwelling means any structure or portion thereof which is designated or used for residential occupancy by one or more persons who are not the owner or a member of the owner's family. For the purpose of this ordinance, family is defined as follows: Family means those persons legally related to each other in a linear relationship such as spouses, grandparents, parents, children, grandchildren and siblings. Family does not include branching relationships such as aunts, uncles or cousins.
 - b) Rental dwelling includes commercial living facilities, not governed by state licensing requirements.
 - c) A permanent rental is never used as living quarters for the owner or any dependents he/she claims on his/her federal tax return. A permanent rental is a house, duplex or apartment complex that serves full time as a rental and is not used by a nonprofit organization. (IRS definition)

Section 2. - Application.

- (a) Before any license shall be issued or renewed, the owner of the rental dwelling shall complete an application. The following persons shall be authorized to sign and submit the application:
 - (1) If the owner is a natural person, by the owner thereof.
 - (2) If the owner is a corporation, by an officer thereof.
 - (3) If the owner is a partnership, by a partner thereof.
 - (b) The application shall be made on a form prescribed by the city and shall include:
 - (1) The name and address of the owner of the rental dwelling.
 - (2) The name and address of any operator or agent actively managing the rental dwelling.
 - (3) If the operator or agent is a business entity, the application shall include the names, telephone numbers and addresses of individuals who will be involved in such management, together with a description of the scope of services and manner of delivering these services by the manager.
 - (4) If the applicant is a corporation, the name and address of all officers.
 - (5) If the applicant is a partnership, the name and address of all partners.
 - (6) The legal address of the rental dwelling.
 - (7) Owner, agent or manager that notices or violations should be directed to pursuant to this article.

Section 3. - License issuance.

- (a) The city may issue a license if the building and the application are found to be in compliance with the provisions of this article, applicable State and City Building Codes and with the Property

Maintenance Code, Article VI set forth in the East Bethel City Ordinances and provided that all real estate taxes and municipal utility bills for the premises have been paid. Real estate taxes will not be considered to be unpaid for purposes of this section while a proper and timely appeal of such taxes is pending.

Section 4. - Term of license.

Licenses will be issued for a two year period, and the license term shall commence on January 1, XXX or the date issued and expired on December 31, XXX

Section 5. - License fees.

- (a) The license fees shall be established by resolution. The license fee shall be collected for each building and unit in a rental dwelling.
- (b) Except in the first year of the program, if an application for a license is made after January 1, XXX a late fee as established by resolution, will be added to the initial license fee. For each subsequent 30-day period an additional late fee will be imposed.

Section 6. - Posting of license.

The licensee shall post a copy of the license in the dwelling in the kitchen or garage or other place that can be viewed at the time of inspection.

Section 7. - Transfer of license.

A license is transferable for a fee to any person who has actually acquired legal ownership of the rental dwelling. The transfer shall be effective for the unexpired portion of the license period, provided that a transfer application is filed with the city prior to the actual change of legal ownership and that the transferee is not disqualified from holding the license. A license shall terminate upon an owners failure to apply for a transfer prior to change of legal ownership. The fee for the license transfer shall be established by resolution.

Section 8 – Prior to Issuance of Residential Rental License

1. The septic system must pose no eminent threat to public health and have the capacity to serve the number of occupants of the rental unit.
2. The septic tank must have been pumped in the past three years and a copy of the pumping report shall be provided with the application.
3. A permit application must be completed by the owner or owner’s agent.
4. The permit fee must be paid.
5. The house, accessory buildings and the property must pass the residential rental inspection that is conducted by the City of East Bethel Building Department and meet all applicable State and City codes.

Section 9 – Inspections on Rental Units

The City will conduct rental inspections every two years prior to the renewal of a license. Fees for re-inspection and violations will be set by City Council an annual basis and be listed in the City’s Fee Schedule. Inspections will be scheduled within 60 days of the expiration of the license.

Section 10. - Suspension, revocation, denial, nonrenewal.

- (a) Hearing Suspension, revocation, denial and/or non-renewal are the last step for any enforcement matters. All reasonable efforts will be made to resolve any enforcement or violation issues within a progressive system of notifications and provisions of reasonable times allowed for corrections. Should the process to achieve compliance be unsuccessful, action to deny, revoke, suspend, or not

renew a license under this article shall be initiated by the city by giving written notice to the licensee of a hearing before the city council to consider such denial, revocation, suspension or nonrenewal. A written notice shall specify all violations and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than ten days and no more than 30 days after giving the notice. In such hearing the city council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply with city requirements. Following the hearing, the city council in its sole discretion may deny, revoke, suspend, or decline to renew the license for all or any part or parts of the rental dwelling, or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this article. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this article may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use. The city council shall issue its decision upon written findings.

- (b) Reason for action. The city council may revoke, suspend, deny or decline to renew any license issued under this article upon appropriate grounds including, but not limited to, the following:
 - (1) False statements on any application or other information or report required by this article to be given by the applicant or licensee.
 - (2) Failure to pay any application fee, penalty, re-inspection, or reinstatement fee required by this article and resolutions.
 - (3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
 - (4) Any other violation of this article.
- (c) Reinstatement of license. Upon a decision to revoke, deny, or for non-renewal of a license, no new application for the same rental dwelling will be accepted for a period of time specified in the written decision of the city council, not to exceed one year. Any such new application must be accompanied by a reinstatement fee, as specified by resolution, in addition to all other fees required by this article.
- (d) No new rentals. A written decision to revoke, suspend, deny, or not renew a license shall specify the part or parts of the rental dwelling to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the rental dwelling may be re-let or occupied. Revocation, suspension or nonrenewal of a license shall not excuse the owner of a rental dwelling from compliance with the terms of this article for any other unit or units in the rental dwelling which remain occupied.
- (e) Failure to comply. Failure to comply with any term of this article during a period of revocation, suspension, or nonrenewal is a misdemeanor and is also grounds for extension of the term of such revocation or suspension or continuation of nonrenewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or nonrenewal specified in the city council's written decision.

Section 11. - No retaliation.

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations or lease terms other than a prohibition against contacting law enforcement agencies.

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 - (3) If the owner is a partnership, by a partner thereof.
 - (b) The application shall be made on a form prescribed by the city and shall include:
 - (1) The name and address of the owner of the rental dwelling.
 - (2) The name and address of any operator or agent actively managing the rental dwelling.
 - (3) If the operator or agent is a business entity, the application shall include the names, telephone numbers and addresses of individuals who will be involved in such management, together with a description of the scope of services and manner of delivering these services by the manager.
 - (4) If the applicant is a corporation, the name and address of all officers.
 - (5) If the applicant is a partnership, the name and address of all partners.
 - (6) The legal address of the rental dwelling.
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Maintenance Code, Article VI set forth in the East Bethel City Ordinances and provided that all real estate taxes and municipal utility bills for the premises have been paid. Real estate taxes will not be considered to be unpaid for purposes of this section while a proper and timely appeal of such taxes is pending.

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1. ~~The septic system must pass a compliance inspection.~~—The septic system must pose no eminent threat to public health and have the capacity to serve the number of occupants of the rental unit”.
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The City will conduct rental inspections every two years prior to the renewal of a license. Fees for re-inspection and violations will be set by City Council an annual basis and be listed in the City’s Fee Schedule. Inspections will be scheduled within 60 days of the expiration of the license.

Section 10. - Suspension, revocation, denial, nonrenewal.

- (a) Hearing Suspension, revocation, denial and/or non-renewal are the last step for any enforcement matters. All reasonable efforts will be made to resolve any enforcement or violation issues within a progressive system of notifications and provisions of reasonable times allowed for corrections. Should the process to achieve compliance be unsuccessful, action to deny, revoke, suspend, or not

renew a license under this article shall be initiated by the city by giving written notice to the licensee of a hearing before the city council to consider such denial, revocation, suspension or nonrenewal. A written notice shall specify all violations and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than ten days and no more than 30 days after giving the notice. In such hearing the city council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply with city requirements. Following the hearing, the city council in its sole discretion may deny, revoke, suspend, or decline to renew the license for all or any part or parts of the rental dwelling, or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this article. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this article may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use. The city council shall issue its decision upon written findings.

- (b) Reason for action. The city council may revoke, suspend, deny or decline to renew any license issued under this article upon appropriate grounds including, but not limited to, the following:
 - (1) False statements on any application or other information or report required by this article to be given by the applicant or licensee.
 - (2) Failure to pay any application fee, penalty, re-inspection, or reinstatement fee required by this article and resolutions.
 - (3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
 - (4) Any other violation of this article.
- (c) Reinstatement of license. Upon a decision to revoke, deny, or for non-renewal of a license, no new application for the same rental dwelling will be accepted for a period of time specified in the written decision of the city council, not to exceed one year. Any such new application must be accompanied by a reinstatement fee, as specified by resolution, in addition to all other fees required by this article.
- (d) No new rentals. A written decision to revoke, suspend, deny, or not renew a license shall specify the part or parts of the rental dwelling to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the rental dwelling may be re-let or occupied. Revocation, suspension or nonrenewal of a license shall not excuse the owner of a rental dwelling from compliance with the terms of this article for any other unit or units in the rental dwelling which remain occupied.
- (e) Failure to comply. Failure to comply with any term of this article during a period of revocation, suspension, or nonrenewal is a misdemeanor and is also grounds for extension of the term of such revocation or suspension or continuation of nonrenewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or nonrenewal specified in the city council's written decision.

Section 11. - No retaliation.

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations or lease terms other than a prohibition against contacting law enforcement agencies.

Attachment 3

Section 74-47. Septic tank maintenance.

(1) The owner of an individual sewage treatment system or the owner's agent shall regularly, but in no case less frequently than every three years measure or remove the accumulations of floating materials at the top of each septic tank, along with the sludge, which includes the solids denser than water. Whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle, or the bottom of the scum layer is less than 3 inches above the bottom of the bottom of the outlet baffle, the owner or the owner's agent shall have the tank pumped. Pumping of the tank must be completed by a MPCA certified pumper.

(2) Failure to have the septic tanks cleaned when the system is found to require cleaning shall be cause for the city to provide for the cleaning service, and provide the property owner with an advance notification of the date the system will be cleaned. The cost of this service shall be assessed to the property owner.

Section 74-48. Compliance inspection.

An SSTS compliance inspection is required:

(1) For a new or replacement SSTS.

(2) Before the sale or property transfer within the city.

(3) When adding a bedroom.

(4) When a parcel having an existing system undergoes development, subdivision, or split.

(5) In Shoreland Management Areas: When a building permit is required for building, remodeling, alterations, additions or a variance is received in a Shoreland Management Area (any part of the property within the Shoreland Management Area) between December 1st and May 1st the city may issue a permit or variance immediately with the requirement that a compliance inspection be completed by June 1st and the applicant submits a certificate of compliance within 15 days. If a system is deemed noncompliant and is not an imminent public health threat, a property owner has ten (10) months to bring the system into compliance. If the owner fails to get a compliance inspection on the septic system or to bring the system into compliance after the required ten (10) months after receiving notice of a failing system, the owner is in violation of city ordinance and is guilty of a misdemeanor and must bring the septic system into compliance. If the owner does not bring the septic system into compliance within the time required by code, a stop work order will be posted and no work or inspections for the building will be permitted until the septic system is brought into compliance.

(6) If an existing system (constructed prior to April 1, 1996) is not an immediate public health threat, the tank is watertight and provides at least two (2) feet of soil separation, the system does not need to be upgraded, repaired or replaced or its use discontinued, as long as the system is not located in the shoreland area, wellhead protection areas (200 feet from any public water supply well, that is any well serving

25 persons or more for 60 days of the year) or serving as a food, beverage, or lodging establishment. The three (3) foot rule applies in those circumstances with the 15 percent reduction in separation permitted by this ordinance.

(7) Certificates of compliance or notices of noncompliance shall be issued on the state pollution control agency's (MPCA) inspection form for existing septic systems. Copies shall be provided to the property owner and city within 15 days.

Section 74-49. Allowable reduction for existing systems.

Compliance Inspection; 15 Percent Vertical Separation Reduction. Minnesota Administrative Rules 7080.1500, subp. 4D is amended to allow 15 percent reduction of vertical separation (separation distance no less than 30.6 inches) may be determined to be compliant for existing systems to account for settling and variable interpretations. The 15 percent reduction is permitted on all septic system constructed after April 1, 1996.

Section 74-50. Failing septic systems and septic systems which pose an imminent public health threat.

(1) A failing SSTS that is failing to protect groundwater shall be upgraded, replaced or its use discontinued within ten (10) months. The building department will give consideration to weather conditions as it applies to compliance dates. If the system is not upgraded or replaced within ten (10) months and can't be installed due to weather conditions, then money shall be placed in escrow until a new system can be installed or repairs can be made. A septic design by a certified septic professional must be submitted to the building department for review, and a permit issued prior to any repair, except for restriction of discharge.

(2) Any SSTS which poses an imminent threat to public health and safety shall be brought into compliance with this article within a period of 90 days. Discharge from the tank must be restricted immediately and regular pumping of the tanks by a MPCA licensed septic professional must be done to prevent the discharge of effluent until the repairs are made. If the system is not upgraded or replaced within 90 days and can't be installed due to weather conditions, then money shall be placed in escrow until a new system can be installed or repairs can be made. A septic design by a certified septic professional must be submitted to the building department for review.



City of East Bethel City Council Agenda Information

Date:

November 4, 2015

Agenda Item Number:

Item 8.0 G.2

Agenda Item:

Future Council Agenda Items

Requested Action:

Background Information:

Staff is seeking recommendations for agenda items for upcoming Council Meetings

Attachments:

Fiscal Impact:

To be determined

Recommendation:

Staff is seeking recommendations for agenda items for upcoming Council Meetings

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____