

EAST BETHEL CITY COUNCIL MEETING

DECEMBER 16, 2015

The East Bethel City Council met on December 16, 2015, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Ron Koller Tim Harrington
 Brian Mundle Tom Ronning

MEMBER ABSENT: Steve Voss

ALSO PRESENT: Jack Davis, City Administrator
 Mark Vierling, City Attorney
 Mark DuCharme, Fire Chief

1.0 The December 16, 2015, City Council meeting was called to order by Acting Mayor
Call to Order Ronning at 7:00 p.m.

2.0 The Pledge of Allegiance was recited.

Pledge of Allegiance

3.0 **Harrington stated I'd like to make a motion to adopt tonight's agenda. Under the
Adopt** **Consent Agenda, I'd like to add Line L., Supplemental Payment Summary. Koller
Agenda** **stated I'll second.** Ronning stated any discussion? All in favor? **All in favor.** Ronning
 stated any opposed? **Motion passes unanimously.**

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

4.0A

Sheriff's **DWI's** – There were four DWI arrests in November. Three of the arrests were associated
Department with crashes. One arrest was a personal injury crash where the driver of a motorcycle had
Report lost his balance while stopped at a red light, causing the motorcycle to tip over and fall,
 breaking his leg. The driver smelled of alcohol and admitted to drinking two beers. The
 driver agreed to a blood test while being treated for his injury. Another arrest involved a
 driver crashing at Highway 65 and Viking Boulevard. The driver showed signs of
 impairment and tested at a .15 blood alcohol content. The third arrest involved a male who
 left the scene of a property damage accident. The male was located at his residence in a
 state of intoxication. He admitted to being involved in a crash but then became
 uncooperative when asked to perform field sobriety tests. He was placed under arrest and
 transported to jail.

4.0A The last incident involved an intoxicated driver who felt he had been cut off by another
 vehicle and followed that vehicle. The female driver in the vehicle advised she had not
 passed the intoxicated driver, but he had pulled into a driveway and she continued on her
 way. He then came out and was behind her. At her house, he parked in the driveway and
 began arguing with her about her cutting him off. She told him that could not have
 happened but he would not listen. Her son and grandfather came out of the house. Her son
 stepped in front of the truck to look at the license plate, at which time the truck began
 moving. Her son was reportedly hit by the truck but sustained no injuries. The suspect was
 located at his residence and was found to be impaired. The suspect denied hitting anyone
 with his truck, but stated he may have 'nuded' him while leaving. The male was standing

in front of his truck and had struck the hood with some sort of object. The Deputy did note that there was some damage to the hood of the truck. The male was arrested and taken to jail. He did submit to a urine test.

Personal Injury Crash / Recovered Stolen Vehicle – On November 9, 2015, Deputies were called to a personal injury crash at Highway 65 and 221 Avenue NE. One vehicle that had been traveling westbound on 221st entered the intersection to turn left onto southbound Highway 65. This vehicle entered the intersection while the light was green for north and south traffic on Highway 65. The second vehicle, which was traveling north on Highway 65, struck the first vehicle and the rolled over. A female in the second vehicle was airlifted for medical treatment. Both drivers did sustain injuries and were transported for medical treatment. The second vehicle did turn out to be a stolen vehicle from Ham Lake that had occurred a few days prior to the crash. The incident is still under investigation.

5th Degree Controlled Substance / Warrants – On November 14, 2015, Deputy Nelson observed a van parked in a parking lot where the registered owner had multiple warrants for his arrest. Deputy Nelson went up to the van and made contact with the male driver, who was the registered owner. He was taken into custody. While speaking with the passenger, he noted a strong smell of marijuana coming from the van. The passenger advised she didn't have any drugs but had shot methamphetamine up earlier in the day. Deputy Nelson did locate 1.6 grams of methamphetamine under the driver's seat. The male was taken to jail.

Driving After Revocation / Public Nuisance / Unsafe Equipment / Possess Marijuana in a Motor Vehicle – On November 19, 2015, Deputy Duren saw a vehicle with a dim headlight that he recognized as being driven by a male whose license is revoked. The vehicle also had very loud exhaust that was dragging on the ground and sparking as it hit the road surface. Deputy Duren stopped the vehicle and could smell a strong odor of marijuana. Deputy Duren while searching the vehicle did locate 26.2 grams of marijuana. Deputy Duren did take the suspect to jail on the above charges. This was the third time that Deputy Duren had arrested this male for driving after revocation in five months.

3rd Degree Burglary / 5th Degree Possession of a Controlled Substance - On November 23, 2015, Deputies were called to a residence on a report of a suspicious vehicle. Upon arrival, the vehicle was leaving and Deputies were able to stop it. Two males were in the vehicle and claimed to have been doing work on the home. Deputies checked the residence and found an unsecured door with fresh pry marks. The owner of the property was contacted and responded. He observed his property in the suspect's vehicle. During an inventory search of the vehicle, an unmarked pill bottle was located that contained 13 oxycodone pills. Both males were transported to jail. And, the owner had not given the males permission to be in his house doing any kind of work.

Ronning asked any questions? Mundle stated so overall, how do you think this last year went as far as law enforcement? Orlando asked how do I think it went? Mundle stated yeah. Orlando stated well, it depends. In East Bethel? Mundle stated yeah, yeah. Orlando stated I think it went fairly well. Unfortunately, with our new public safety data system, we don't have some numbers that we would normally have for this meeting tonight. But I think, you know, East Bethel, the nation-wide, the crime statistics have been going down over a number of years and I think East Bethel does follow that trend. I think, you know, it's good that people are so aware of things like the suspicious vehicle being at a house where it shouldn't be and are calling the, you know, we can't encourage enough people to

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do that. To take that kind of action and call this in, even if it turns out to be, 'Oh, yeah, he was supposed to be there.' You know, we would rather go there and it's nothing than not have the neighbor call and say, 'Oh, yeah, I saw something going on there, you know, three hours ago. But, I didn't think anything of it.' So, we always encourage everybody to err on the side of caution and give us a call.

Ronning stated one of the things that 'stood out like a sore thumb' since Sheriff Stuart brought it up was the, um, sex trafficking from this part of the country. The last time he was here, I think he commented that it was improving. They are making headway with it. Are you able to comment? Orlando stated well, the problem with sex trafficking cases are a lot of times you're not going to have victims who are willing to cooperate with law enforcement. And, it's very wide spread. The resources that are available to do investigations are very limited. We have two Detectives who work sex trafficking cases but they still carry their regular caseload. So, they've had a couple really good arrests and I know they've had a couple actually federal prosecutions on them. But, it's, you know, ten months working on one case and it's difficult to get results from that. But, the emphasis that our office is doing now, as well, is getting Patrol Deputies to be cognizant of what to look for when they are doing a traffic stop. And if they do see young girls and that kind of thing, just kind of what to look for and questions to ask.

Ronning stated it kind of sounded like it's teenagers. Orlando agreed and stated a lot of it is runaways and they, unfortunately, you know, things might not be going well at home and they decide to run. And then they end up meeting up with some pretty 'shady' characters who use threats or coercion or buy them lots of things to begin with and then say, 'Well, I did this for you. Now you need to start doing things for me.' Unfortunately, it's just a really sad, sad situation. Ronning stated yeah.

Davis asked Shelly, do you have any knowledge of how burglaries and break ins of commercial establishments or business in East Bethel relate to the rest of the County? Orlando stated I can do some research on that for you. Off hand, I can't tell you. Davis stated if you could, I think that's been a concern of a few places here. We just want to make sure it's something that's not unique to East Bethel and if it is a trend. Orlando stated I can certainly do some research for you but I would say that there's not an astronomically high number going on in East Bethel and nowhere else. Davis stated thank you.

Mundle asked if there's nothing else, if there's anything that the City Council can help with, just bring it to us. Orlando stated okay. And then I just wanted to wish everyone a Happy Holiday season and to all of our viewing or listening audience, make sure that you do not drink and drive. Get a designated driver. And, to all of our youngsters out there, do not text and drive. Thank you.

Ronning stated yeah, Merry Christmas and Happy New Years to you and everybody. And, be safe. Orlando stated thank you.

4.0B
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DuCharme stated thank you Council Members. Before I get into the numbers from November, I'd like to report on a couple things. First was the Joint Powers Agreement (JPA) meeting of the Anoka County Fire Protection Council. Council Member Mundle and I attended the meeting. It was a special meeting that was called to finalize the 2016 budget for the JPA. In addition to that, there was another item that was put on the agenda, rather rapidly without us knowing and that was using a position, a full-time position, which was budgeted in the public safety data system 2016 budget for an assistant manager. That

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assistant manager, on the fire side, we thought they were going to work on fire records. But because the law enforcement is having problem with their law records, as Commander Orlando mentioned, that position is going to be used for that. To help us out with our fire records, the overall manager has said that he'll be able to use some of his time.

DuCharme stated both Council Mundle and myself are a little bit concerned on the process on how that came on the agenda and also the process of kind of changing the plans mid-stream as far as what that position was really for. So, we're currently in a research-type mode to take a look at how we can better firm up our procedures for establishing our agendas and also a little bit more information up front and ahead of time of the meetings. So the next couple weeks we'll be talking to some neighboring cities and probably drafting a letter that we'll be sending out.

DuCharme stated this past month, in December, the Fire Department Relief Association hosted the 2015 Holiday Dinner and Awards. I'd like to mention some of the awards that were given out. We run a Duty Officer. The Duty Officer every year is honored because the calls that they go to, especially at night, that means other firefighters don't have to wake up and go to the calls, so we actually call it the Sandman Award. But, the Duty Officer of the Year was Adam Arneson who was a Lieutenant. And, he went on more calls than anybody as far as a Duty Officer goes.

DuCharme stated we also have a Rookie of the Year Award and we define a rookie as the first five years. So yes, we have had firefighters who have won multiple Rookie of the Years. But this year, one of our new people, Kyle Howard, was awarded that.

DuCharme stated our Officer of the Year was Deputy Chief Ardie Anderson and of course, he's a long-term member of the Fire Department and gives a lot of time and knowledge. Our Firefighter of the Year for Station 1 was Todd Bennett and our Firefighter of the Year for Station 2 was Tammy Gimpl. We actually have a formula that, and it's a real formula, where we plug in calls and training sessions and extra calls and extra things that they've done and that's how we determine that.

DuCharme stated we also had a couple other things that we honored. Steve Voss and Mike Jeziorski were at the Dinner. Of course, they're trustees of the Relief Association and they were honored. Fire Department Liaison Brian Mundle was there and we appreciate him being this past year our liaison.

DuCharme stated we also had our years of service and some of these are real interesting so if I could take a couple minutes here. For five years of service, we had Ryan Henry, Wade Hoffman, Chad Fish, and Bill Folwarski. So, they completed their first five years. Our Ten Years of Service Wards went to Matt Herzog, Adam Arneson, and Troy Lachinski. Fifteen Years is Rod Sanow. We didn't have a Twenty Year winner but we did have a Thirty Years of Service and that was Ron Stanley. So, we'd like to thank all the firefighters for the time that is given to the City and to the Fire Department and to the citizens.

DuCharme stated Heart Safe, real quick here, we will be at Cedar Creek Elementary January 7th and will be training the staff there. They're pretty excited to have us. And, we have booked St. Francis High School where we'll be doing the 10th and 11th grade, the entire 10th and 11th grade. That will be April 19th. So, you might want to see how I'm doing about April 20th.

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DuCharme stated with that, I'll get into the report for November. In November, we had 42 calls. Of those calls, 22 were medicals, as you can see. But what's even more interesting is we went on 10 car accidents in the month of November. I don't know why there was a spike. Might be, you know, darkness or weather related. But, we did respond to the ten car accidents. We had one animal rescue, which was a deer on the ice in front of the Village Bank. And, we did go out and rescue the deer. And if you read the report, they named the deer 'Jane Doe.'

DuCharme stated we also had a sizeable fire loss where one of our businesses, their independent contractors, had four semi-tractors that were burned. And, all four of those were actually, from what I hear from the insurance companies, we're estimating a loss on that fire of about \$325,000.

DuCharme stated we also got out and did our inspections. We did 13 inspections. As you can see, we were out at the same trucking company following up from the fire. And, we were out also at Hunter's Inn making sure the building was secured.

Mundle asked did they ever figure out or determine what started those truck fires? DuCharme stated well, we know where it was started. I've talked to several insurance investigators, I shouldn't say 'several,' because three of the trucks were insured by the same insurance company so there's two investigators that were involved. I haven't gotten back, we are suspicious of batteries and, you know, I'll take this opportunity. Especially this time of year, we'll use battery chargers. You know especially in the cold and things like that. You've got to be careful because if those batteries heat up, they're going to short out. And, we had a firefighter incident that had a remote control drone and he was charging it up and the same that's happened in the past, the batteries burned up. You know, he didn't burn down any property or anything, but you really got to be careful.

Mundle asked so how did this year end up as compared to previous years for fire calls? DuCharme stated we're at 525 fire calls right now. Last year, for the entire year, we were at 499. So, we got 2 more weeks to go. You know, project 20 calls so we'll finish somewhere around 540 would be my guess. Probably be the second or third busiest year we've had. Our fire calls are ahead of last year but I believe our fire loss dollars will be less. And, coming in January, I'll have the first 'sneak look' at the 2015 year.

DuCharme stated now I'll warn you because we, you never know how many fire calls you're going to have. Okay? So, when we sit down and do budgets, we try to predict how many fire calls we're going to have and those fire calls then drive the pay to the firefighters. So, we should be pretty close but we'll see what happens. We had figured all along, we were at about 8% to 12% increase on fire calls. Don't really know why but it seems to be system-wide. Even Isanti has reported about the same increase.

Ronning asked on the fire calls, have any of our volunteers been injured? DuCharme stated I don't believe this year we had any injuries. Nobody dropped anything on their fingers. Ronning stated nobody you know. DuCharme yeah, right. So this year was, 'knock on wood,' a relatively safe year. Ronning stated it's a pretty dangerous. DuCharme stated right. Ronning stated it isn't really a hobby. DuCharme stated right.

DuCharme stated you know, one of the biggest reasons for firefighter fatalities and injuries is actually cardiac problems and things like that, which relates to trying to help the guys and gals stay healthy. That's one of the reasons every year we do the agility testing. But, you

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know, that's something that we'll have to talk about at some time whether or not we're ever going to put up a health program and/or fitness program in.

Ronning stated that Joint Powers, that position they... DuCharme yes. Ronning stated ...stole. What was that position entitled, I mean, what was that budgeted for. DuCharme stated I believe, you know, like a title of Assistant Manager. And, we know that there's significant issues with the law enforcement records. So, their hope is they can attract somebody from the law enforcement side to fill that position to get the law records going so when councils ask questions, our liaisons can give the up-to-date information.

Ronning asked is that the original position? Or, is that what they... DuCharme stated no, they originally, we had thought that position would be more of a fire records. Okay, and that fire records would be helping the Fire Departments out on issues and training and things like that with our new record management system. Because, we are partners with law enforcement.

DuCharme explained what we didn't like last Thursday was that that topic wasn't on the agenda. So, there wasn't a lot of discussion. And East Bethel was the only city to bring up, you know, and question what the position was going to be for. We had a lot of interesting ears pointed our way, you know, from other cities. And, it's not that we increased the budget that amount. That was in the budget. But, it's a matter of how you use those resources.

Mundle stated yeah, it wasn't on the agenda. The agenda wasn't voted on. It wasn't amended to the agenda. We voted on the 2016 budget and then the announcer said, 'Oh, and we have an addition to the agenda and this is what it is.' And then we had a speaker and they wanted to vote right away on it.

DuCharme stated so the purpose of the Thursday meeting was a continuation from an October meeting where we didn't have a quorum of elected officials. So, the budget part, you know the 2016 budget part, which did not affect our 2016 budget, we had the proper numbers plugged in. But, that was to approve the 2016 budget, the last Thursday meeting. So, I, you know, those are the processes that we've decided we'll be a Joint Powers Agreement, those are the processes that we have to iron out. And, we can't operate like that. We have to operate in a correct manner.

Ronning agreed and stated yeah, it seems like quite a surprise to, 'Oh, by the way, it's not an agenda item.' Mundle agreed and stated yeah. DuCharme stated I think it caught us by, yeah... Ronning stated no vote, there's no discussion, no anything. Mundle stated yeah, it was not, I agree. DuCharme stated it caught us by surprise. It's kind of like, 'What!'

Ronning asked is there any provision for the original purpose that you're aware of? DuCharme stated there was. The provision is to use the overall manager that they hired to do that part of the fire records. Now, I don't know how long that's, I don't know if we're going to get the amount of time dedicated to the Fire Service that we thought we were going to get. At least that I thought we were going to get. So, yeah, that's one thing that I want to be sure of. And, I want to be sure that we follow the processes, you know. So, we'll be looking into that.

4.0B

Ronning asked were the costs per diem? Or, were they, oh not per diem, per capita? Based

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on population? Or was there... DuCharme answered there's a whole formula. They're paid, they're based, what they call the super formula. And, the formula is based on population, market value, number of calls, you know number of fire calls, average number of fire calls in five years. I think there's one other provision and I can't think of it right off hand. That's how, actually East Bethel, you know I think at one time we were, I don't want to say 3% was our responsibility. And, now it's like 2.8%, I think it is.

Harrington asked Mark, how are we sitting for 'bodies?' I see we have another fireman leaving. DuCharme stated we'll be coming forward. We've got another Academy class starting in March. And, I like to put several more in. And, we're holding some applications. So after the first of the year, we'll be there. We've got retirements coming up. Harrington stated correct.

DuCharme stated you know, at least one of them has significant time and he's indicated that he's going to retire right after the first of the year. So, I'm sure in January we'll be honoring him. And, we've got a couple others with 10-15 years that I think are, they're going to retire also. So my anticipation is we'll probably have three to four retirees. So that would mean you'd probably need six to eight to fill because even though you bring on six, you know, like now we bring on six but of those six we've got five left. So not very often do you bring a new class on and retain 100%. So, the answer as far as manpower, you know, we're doing pretty good. Our numbers per call are really between the eight and nine both day and night. What's more important than your average is when they get to the Fire Station. If they're crossing Highway 65, for example, that's going to take some time.

DuCharme asked anything else? Wish you all a Happy Holidays and be safe. Don't fry your turkeys inside the garage, please. So, thank you. The Council thanked DuCharme.

5.0
Public
Forum
5.01
Anoka
County
Record

Ronning stated John? You can say the last name.

John Kysylyczyn, owner and publisher of the newspaper *Anoka County Record*, stated Council Members, thank you for the time here. We're coming around to that time of the year again, the first meeting in January, where all cities in the State of Minnesota and counties and many school districts have to select the newspaper for publishing the public notices. What I have here is a letter for the Council. What I want to let the Council members be aware of is that we are going to be publishing all of the East Bethel public notices. We've actually already started doing that. And, we're going to be doing that through the calendar year 2016. And, there will be no cost to the City, the tax payers, your Planning Commission applicants, or whoever. We're just going to be publishing those. And we also anticipate we're going to be continuing to publish the notices for Anoka County and the City of Ham Lake and the City of Oak Grove.

Kysylyczyn stated what I'm here for is that I would like the Council to consider, in January, to actually officially appoint us as the official newspaper for the City of East Bethel. And, again, there is no charge to the City for that. We are not charging. It's zero dollars per column inch. And as your official newspaper, what we would be doing is taking those notices and then we create something called an Affidavit of Publication, which is the document that's signed and notarized. And then we take those and place that on our website so it's available to the City staff, to the public immediately or soon after they're published in the newspaper. And then that's the official document that you use that certifies you've complied with the law in order to publish those notices. Now other competitors are charging \$10, \$11, \$12 per column inch. And again, our price would be \$0. So that's

something you could zero out in your budget for next year.

Kysylyczyn stated now I also remind all cities that while the law requires you to select a newspaper every January, the Attorney General, in an opinion from many years ago, has said that you have to make the selection in January but if you change your mind later on in the year, you're perfectly welcome to do that. So if, for whatever reason, our newspaper was to be selected and the Council here were to decide several months later that you decide you want to go in a different direction, that's perfectly acceptable. There is no contractual obligation or relationship that exists with our newspaper that mandates if we are selected that you have to remain with us for an entire year. In fact, I don't think in general that any newspaper can make that requirement. So once you've made a choice, I guess the law essentially requires you to address the issue once a year at the first meeting. And, you're free to address the issue beyond that if you so choose.

Kysylyczyn stated so I wanted to bring this offer here to the Council early so that way Members could discuss it. If there's any phone calls. I certainly could answer any questions or anything that people may have at a public meeting or on the phone, whatever may work.

Kysylyczyn stated the last thing I'll leave you with is in a couple of other cities, there is the head of a political party unit for a major political party, that's been sending out letters that have been making false statements about our publication. And I'm certainly willing to answer any questions. I'm not sure if this Council has seen those letters. But, Ham Lake and Oak Grove, I know Ham Lake has received them because I got a call from one of the council members that said he pretty much promptly threw it away after he received it. But, he let me know anyways. I know County Commissioners have seen copies and many of them have told me the same thing.

Kysylyczyn stated but, I'm certainly willing to answer any questions about the industry, the business of newspapers, and newspaper publication, and laws. And, as I tell people, when it comes to the 'rumor mill,' what I can tell you is this week, this Friday here, the County Attorney, Mr. Palumbo, has sent us a public notice to publish. So, if the elected County Attorney believes we can publish notices, I guess I would take him at his word that we can probably publish public notices. So, I will stand for any questions or feel free to contact me any time.

Ronning asked questions? Kysylyczyn stated no? Okay, thank you very much. Also, one thing I should add. I wanted to think this Council here. You guys are kind of leaders in transparency. I can go on-line, I can get your agendas, I can get your meeting packets, I can watch Council meetings. You'd be surprised. There are many cities much larger than this City with larger staffs, larger budgets, that don't meet the threshold that this City meets. And so I think that's a testament to transparency to the Council here and I appreciate that.

Mundle stated we like our residents to be informed of what's going on and if they need to speak up, then that allows them to do it. Kysylyczyn stated yeah, I know they say that most people in the Anoka County area have access to the internet either at work or at home and so it's an excellent tool in order to get that information out to people. Definitely. Thank you. The Council thanked Kysylyczyn.

before we proceed, there is. The previous reporter for the *Anoka Union* has resigned so we have another gentleman here. Could you come up here and introduce yourself please?

Brian Siddon stated I'm with *ABC Newspapers*. I'm an independent freelance reporter and so they've asked me to start attending the meetings so here I am. So I hope to see you twice a month. Ronning asked what's your name please? Siddon responded Brian Siddon. Davis stated thank you Brian. The Council thanked Siddon. Ronning stated we never have winter meetings when it snows. Sidens made a comment from the audience.

No one else wished to speak at the Public Forum.

**6.0
Consent
Agenda**

Item A Approve Bills

~~Item B December 2, 2015 City Council Meeting Minutes~~

This item was removed from the Consent Agenda.

Item C Approve 2016 Garbage Haulers

The licensees on the attached list have submitted applications for garbage/rubbish hauler license renewal effective January 1, 2016. All current license holders were mailed notice of the renewal on November 6, 2015. All but one of the listed license holders (Walter's Recycling & Refuse) have completed the application form, paid the fees, and submitted the proof of insurance. An updated list will be provided at the City Council meeting on Wednesday, December 16th.

Item D Approve 2016 Tobacco Licenses

The licensees on the attached list have submitted applications for tobacco license renewal effective January 1, 2016. All current license holders were mailed notice of the renewal on November 6, 2015. All listed license holders have completed the application form, paid the required fees (\$200), and submitted proof of insurance as required by statute.

Item E Final Payment for Whispering Aspen Overlay Project

Final Payment for the Whispering Aspen Street Surface Improvement Project North Metro Asphalt & Contracting received the contract for the Whispering Aspen Street Surface Improvement Project. The Contractor failed to complete the punch list work in accordance with the contract and the management of this project has been assumed by the bonding company Granite RE, Inc. Granite RE, Inc. has submitted the required information to consider this project for final payment.

The final payment for this project is \$17,863.50. A copy of the final payment is attached. Payment for this project was financed from the City's Street Capital Fund and through funds that are collected from the developer for street improvements in accordance with the Developers Agreement. Funds, as noted, are available and appropriate for this project.

All previous payments for this project were made to Northern Escrow, Inc. as directed by the bonding company and as approved by the contractor. On June 2, 2015, the City received a letter from Gray, Plant, Mooty requesting that all amounts owed to North Metro Asphalt be paid to them on behalf of their client Sentry Bank. The City attorney has advised that a letter of concurrence should be provided from Granite RE, Gray, Plant, Mooty, and Northern Escrow, Inc. indicating where the final payment should be made. Further, if a concurrence letter is not received the money shall be filed with the State.

Staff has sent Granite RE, Gray, Plant, Mooty, and Northern Escrow, Inc. a letter requesting concurrence on the final payment. If a concurrence letter is not received by December 30,

2015, the final payment will be filed with the State or as advised by the City Attorney.

Item F Accept Probationary Firefighter Resignation

Harley Lott has submitted his resignation as Fire Fighter with the City of East Bethel. Mr. Lott has served the City as a Probationary Fire Fighter for the past year. Mr. Lott plans on working with the Minnesota DNR as a part-time wildland firefighter.

Item G 2016 TimeSaver Contract

TimeSaver Off Site Secretarial, Inc. (TOSS) has been providing recording secretarial services for City Council Meetings since May 2014. Costs for their service to date for 2015 are \$12,853. Their proposed contract is attached and reflects a 2.25% increase for this service. The cost of the meeting minutes is based on the length of the meeting and the number of pages prepared.

Prior to contracting with TOSS, City Staff costs for minute recording averaged approximately \$15,000 per year. Funds for this service are included in the 2016 Budget.

Item H Oak Grove Building Official and Inspection Proposed 2015 Contract

The City has provided Building Official and Inspection Services to the City of Oak Grove since 2013. The proposed contract for 2016 is identical to the 2015 contract for both fees and service. The City charges 80% of the fee schedule and 100% of the plan review costs to fund this service. The income for each year of this agreement have exceeded our costs for these services. A copy of the proposed Contract is attached. Revenue for this contract has been included in the 2016 Budget.

Item I Recording Secretary Contract

The City has advertised and interviewed candidates for the part-time position of Recording Secretary. Gail Gessner has been selected for and exceeds all the qualifications we are seeking for this position. The duties of this position are to prepare the minutes for the Parks, Roads and Planning Commissions and the EDA. A copy of the contract is included in an attachment to the Consent Agenda. Funds for this position are included in the 2016 Budget.

Item J Resolution 2015-66, Release of Development Contract

At the request of the new buyer (Classic Construction) and to clear title for 18530 Ulysses St NE, PID # 32-33-23-24-0007 (Tourco Bus), the buyer would like to have the Development Contract that was entered into between the City of East Bethel and Shade Tree Construction in 1997 released. The items as outlined in the contract were met in 1998 and therefore the conditions of this document have been satisfied.

Item K Resolution 2015-67, Amendment to the 2016 Fee Schedule

When the 2016 Fee Schedule was adopted by City Council on December 2, 2015, it did not include fees for Brewery/Taproom On-Sale licensing, Off-Sale Growler licensing, or Microdistillery Off-Sale licensing. An amendment to the City's Liquor Ordinances to allow for these types of licenses was adopted on July 1, 2015. License fees were not set at that time. This amendment would establish the following fees:

- Brewery/Taproom On-Sale License, \$250 per year
- Off-Sale Growler License, \$150 per year
- Microdistillery Off-Sale License, \$380 per year

The Brewery/Taproom On-Sale license fee is proposed at the same amount that we charge an On-Sale 3.2% Malt Liquor license. The licensee would also have to pay the \$300 investigation fee for their license.

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Consent
Agenda

The Off-Sale Growler license is proposed at the same amount that we charge an Off-Sale 3.2% Malt Liquor license. An investigation fee would not be included on this license, since the licensee would have already paid an investigation fee with their Brewery/Taproom license.

The Microdistillery Off-Sale license fee is proposed at the same amount that we charge an Off-Sale Intoxicating Liquor license. The licensee would also have to pay the \$300 investigation fee for this license.

Item L. Supplemental Payment Summary

Harrington stated I'll make a motion to adopt tonight's Consent Agenda. Mundle stated I'd like to pull Item B, Meeting Minutes. **Koller stated I'll second.** Ronning stated B and you added L. Harrington stated L, yeah Supplemental Bill Payment. Ronning stated been moved and seconded. Any discussion? Those in favor? **All in favor.** Ronning stated opposed? That motion passes. **Motion passes unanimously.**

December 2,
2015 City
Council
Meeting
Minutes

Mundle stated Item B, Meeting Minutes from December 2nd, on Page 13 of 13, Move to Closed Session. It's about half way down the page. I double checked with Ron just to make sure. This, the minutes state: 'Koller stated make a motion to go into Closed Session...' It should state: 'Mundle stated make a motion to go into Closed Session...'

Mundle stated and, unless there are any other changes, I'll make a motion to approve Meeting Minutes from December 2, 2015. Koller stated I'll second. Ronning asked any discussion? All in favor? **All in favor.** Ronning stated opposed? None. That motion passes. **Motion passes unanimously.**

**7.0
New Business**

Commission Association and Task Force Reports

7.0A
Planning
Commission
7.0A.1
IUP
Application
18817
Greenbrook
Drive NE

Davis presented the staff report indicating Mr. and Mrs. Quale own and operate a small tree trimming business, doing business as Steve's Quality Tree Service. The Quales have built a home in East Bethel and would house their equipment for the tree service in a detached accessory structure that is currently under construction. There would be no outside storage of equipment associated with the business permitted on the site.

The site is located at 18817 Greenbrook Drive and is zoned Rural Residential. Two seasonal part-time employees are utilized from March through October in the business. All equipment would be housed inside the detached accessory structure.

At their November 17, 2015, meeting, the Planning Commission discussed this matter and recommended that City Council consider approval of the IUP for Steve and Tricia Quale doing business as Steve's Quality Tree Service at 18817 Greenbrook Drive NE, East Bethel, Minnesota, Property Identification #33-33-23-12-0007, subject to conditions in City Code and listed in your attachment.

7.0A.1

Davis stated two other attachments were placed on here and recommended by staff and they're 17 and 18, that the IUP would expire on December 17, 2018, if approved, at which time the applicant would be required to reapply for an IUP to continue the activity. And Item 18, the IUP Agreement will not be considered as approved until the detached accessory structure is completed and is approved by the City Building Department and all

IUP
Application
18817
Greenbrook
Drive NE

documents relating to this matter are executed. The IUP must be signed no later than 15 days from the Building Officials approval of the detached accessory structure. Failure to execute this Agreement by May 17, 2016, or within 15 days of approval of the detached accessory structure will null and void the IUP.

Koller stated I'll make a motion to approve the IUP for Steve's Quality Tree Service at 18817 Greenbrook Drive NE, PIN #33-33-23-12-0007, subject to conditions laid out. Ronning asked second? **Harrington stated I'll second.** Ronning stated any discussion?

Harrington asked Jack, was there anybody at the Planning Commission at all? No complaints? Davis stated no, none at all. No objections to this one. Ronning asked any more discussion? Mundle stated I don't believe so. Ronning stated all in favor? **All in favor.** Ronning stated opposed? None. **Motion passes unanimously.**

Ronning stated congratulations on your business. Hope it works well.

7.0B
Economic
Development
Authority

None.

7.0C
Park
Commission

None.

7.0D
Road
Commission
7.0D.1
Private Road
Application
Al Bonde

Davis presented the staff report indicating at the December 8, 2015, Roads Commission Meeting, Evon Brownlee and Allan Bonde requested that the Commission consider for recommendation to City Council, acceptance of the private street that accesses their property east of 212th Avenue as a minimal maintenance road for the purpose of addressing a 20-acre parcel. They are in the process of selling this parcel but it currently does not meet the requirements of access to a public street, which would prohibit the issuance of a building permit as per City Code Section 62-73. The same unimproved street also provides access to the Bonde residence and Ms. Jacqueline Mayer at the end of the existing unimproved private road. Ms. Mayer has an address attached to her property with this address having been assigned by the City in 1975.

As shown on the Certificate of Survey in your packet, only the 3091 212th Avenue address and the existing 20-acre parcel are proposed for sale. Subdivision of any of the properties would require the unimproved road to meet City standards and specifications. Currently, only the right-of-way delineation meets City requirements.

As this private road has provided access to the two residences for 41 years and this has set a form of precedence for accessing and addressing properties along this road, staff has no issues with this access being considered as a minimal maintenance road for the purposes of allowing two lots Property Identification #15-33-23-12-0002 and Property Identification #15-33-23-13-0003 to be sold for single-family homes subject to the following conditions. Those conditions being that:

1. The owners provide the City with the names and addresses of all of the respective property owners and lien holders, including the DNR along with consent forms for the private drive establishment and location.

7.0D.1

Private Road
Application
Al Bonde

2. Provide a legal description that describes the entire road and right-of-way proposed as a private drive.
3. Execute a Maintenance Agreement addressing all road maintenance and snow removal responsibilities, payments, and organizational framework for collection.
4. Road requirements must meet minimum standards as approved by the City Fire Chief to meet emergency vehicle requirements, including additional Class 5 or other acceptable material to improve the road surface and condition as needed.

The Fire Chief has done this inspection and finds no issues with the road at this time. The Roads Commission and staff recommend that City Council consider approval of Resolution 2015-68.

Harrington stated I'll make a motion for approval of Resolution 2015-68. Mundle stated I'll second. Ronning stated discussion?

Mundle asked Jack, essentially, what we would be doing here is changing the definition of the road from a private road to a minimal maintenance street? Davis explained they are essentially one in the same. It's still a private road. Minimal maintenance means that this would be taken care of by the property owners. Mundle stated okay.

Harrington stated I guess that's my one concern. I've driven down there a couple days this last week. I know it's been wet but that sugar sand, you kind of sink down into it a little bit. I'm sure when it dries out it will get better but that's the only concern I really have down there.

Davis stated and again, Mark went down there again today and said, 'You know, it's somewhat of an issue.' But, they've been down there before on previous emergency response calls and they've had no issue accessing either of those properties. So, at some point there may have to be some material put on the road. I think that we've been told and I think that Mr. Bonde does maintenance on the road at regular intervals throughout the year and does an annual grading of the road so Mark has said there's no real issues from his standpoint except maybe there may be some times they may need to treat a few soft spots on the road.

Mundle asked what are the City's responsibilities and liabilities with this road? Vierling answered none. But we are requiring the Maintenance Agreement so that the responsibilities can be known and defined of record title for all those adjacent property owners. So that everybody that's living out there knows what their responsibility is.

Mundle stated okay and asked is there any maximum amount of houses that can exist on a road like this? Davis stated the only ones that can exist on this road, now there's currently three residents that are served. There's one other tract that would be for sale. Once that's sold, there could be no others unless the property is further subdivided. If it's further subdivided, then it would have to meet City street specifications and brought up to our specs. Mundle stated okay.

Ronning stated any further discussion? Those in favor? **All in favor.** Ronning stated opposed? That motion passes. **Motion passes unanimously.** Ronning stated my apologies. I assumed you were here for that other thing. I forgot about the last meeting.

8.0 None.

Department Reports

8.0A

Community Development

8.0B None.

Engineer

8.0C None.

City Attorney

8.0D None.

Finance

8.0E None.

Public Works

8.0F None.

Fire

Department

8.0G

City Administrator

8.0G.1

Resolution

2015-69

Highway 65

JPA

Davis presented the staff report indicating the City of East Bethel approved joining a Coalition of cities, counties and townships along Trunk Highway 65 from Blaine to and including Kanabec County in September 2006 for the purpose of collaboratively planning and lobbying for transportation improvements within this corridor.

In order for the Coalition to continue its function as an effective entity to represent its members, changes in the JPA were necessary to provide the means to maintain a process for meetings.

At their November 19, 2015, meeting, the North Trunk Highway 65 Coalition voted to amend the organization's JPA to accommodate these needs. These changes are included in the attachments in your packet.

The basic change is the requirement of 40% attendance for the definition of a quorum. Staff recommends Council consider approval of Resolution 2015-69 amending the Joint Powers Agreement for the North Trunk Highway 65 Highway Corridor Coalition.

Mundle stated I'll make a motion to approve Resolution 2015-69 amending the Joint Powers Agreement for the North Trunk Highway 65 Corridor Coalition. Harrington stated I'll second. Ronning stated discussion?

Mundle asked can you provide us on a little bit more background on what this is Jack? Davis stated the Coalition was formed as a group to lobby Mn/DOT for highway improvement projects on Highway 65 and to jointly plan the projects so it would benefit all three counties. In the past, currently what East Bethel has benefited from was the Coalition's endorsement of the advancement of the traffic signal here at 221st and 65 for installation three years earlier than anticipated.

Davis explained the Coalition has also worked in Isanti and Kanabec Counties for improvements and overlay projects. They coordinate both with the Mn/DOT Metro District and District 3, which represents Isanti and Kanabec County and recently the City of Blaine has expressed interest in joining this. They see the Coalition as another means of advocating some of the transportation improvements they are seeking to do between

8.0G.1

Resolution

2015-69

Highway 65

JPA

Highway 10 and 117th Avenue to relieve congestion in that part of the corridor. So, it's essentially a group that lobbies and plans for highway improvements on Highway 65.

Mundle stated okay, and East Bethel is a member of it. Correct? Davis replied that's correct. We've been a member since 2006. The annual dues are \$250 for cities. The cities that belong to it are the City of East Bethel, the City of Isanti, the City of Cambridge, the City of Mora, and the counties that belong are Anoka, Isanti, and Kanabec Counties. There are several townships that belong. Some of them come and go. The more active townships have been Athens Township, Cambridge Township, and Isanti Township in Isanti County.

Mundle asked and do we have a City liaison for this? Or, do we attend the meetings? Davis replied I was designated as the City's appointee in 2006. I've been attending the meetings. And, at the January meeting, we'll consider the appointment of a representative and a second to that Coalition at our January meeting.

Mundle stated okay and then I had a couple questions in the changes. If you go to Page 6, it would be under Article 7, Section 7, states: 'Take action between meetings to further the goals of the organization consistent with direction identified by the members.' This would be the Board of Directors that would be doing that. Would that be similar to what you do in your role Jack as advancing the intentions of the City? Not necessarily being led by City Council but you're furthering the goals of the City? Davis answered yes, somewhat. One of the problems with this Coalition was that there were approximately over two dozen members. A lot of the townships that joined initially, after a few projects were completed, more or less had their goals satisfied and they essentially became non-participants. So, it became almost impossible to have a quorum. Mundle stated okay.

Davis stated the major cities along the route and some of those townships that actually are within the Highway 65 corridor in the three counties still recognize the importance of having this Coalition as a lobbying and a basic planning group. So, they just want to institute these changes so it's possible to have meetings and be able to conduct business in between meetings.

Mundle stated okay and second question was under the same Article, Article 7, Section 9, where it states: 'Notice of a special meeting must be sent to all members of the Board of Directors, to all representatives, no fewer than five days prior to the special meeting.' Is that five days? Or, five business days? Ronning stated if it isn't clarified, it's days. Davis stated yes, if it doesn't state it, it would be five days. Vierling confirmed it would be five calendar days.

Mundle asked would five business days be better for notice? Because if notice is given out on a Saturday, it's not going to be received, passed on, until Monday probably? Vierling advised that's certainly a judgment call. I can tell you that Statutorily, a city can do notice for a special meeting within three days. Mundle stated okay. Vierling stated this is actually two more than a city is required to give on a special meeting. Mundle stated okay, okay, I was just wondering.

Davis stated in the past, notification has been done also by e-mail so it's essentially instantaneous. It's just another way of kind of expediting and facilitating these meetings in a timely manner. Mundle stated okay.

8.0G.1

Resolution

2015-69

Highway 65

JPA

Ronning stated we did this last year, didn't we? Is this an annual thing? Davis stated no, actually we haven't made a new appointment but now with the change in the by laws, it does specify that the City's appointment would be an elected official unless the City chose to designate someone else. When this was done in 2006, I was appointed as the City's representative and a City Councilperson was appointed as the back up mainly because I don't think there was as much of a desire for them to attend the meetings.

Ronning stated there's some changes, amendments, etc., but the process itself isn't, we approved the \$250. We did last year, the year before, the year before. Davis stated that's correct. That's just been a normal part of our budgeting process. Ronning asked and the names, or titles, for the most part are the same? Davis responded correct. Ronning stated any further discussion? All in favor? **All in favor.** Ronning all opposed? That passes. **Motion passes unanimously.**

9.0 Other

9.0A

Staff Reports

Davis stated December 23rd is our regularly scheduled Work Meeting for the month. Staff has no issues that need to be addressed at this meeting so I'm requesting that we cancel the meeting of December the 23rd if that's your pleasure. Koller stated that's fine by me. Mundle asked you need a motion or anything? Davis stated please.

Cancel

Dec. 23

Work

Meeting

Mundle stated make a motion to cancel the December Work Meeting. Koller stated second. Ronning stated discussion? All in favor? **All in favor.** Ronning stated opposed? **Motion passes unanimously.**

Verizon Cell

Tower Lease

Site

Davis stated one other item is that we saw some activity out on the Verizon cell tower lease site today and went over and discussed the presence, or why some people were present there. They're contractors. Verizon is now in the process of bidding that project out. We had no notification on it. We just happened to see some people over there and went and struck up a conversation. So, they said that the bids would probably be opened in five to six weeks and that they anticipated the award of the contract may be by March. So, we'll try to follow up with Verizon and see if we can get some further confirmation on that. But maybe it does look like that this project is finally starting to commence. Mundle stated good.

Ronning asked did you give them another push? Davis stated that's all I have Mr. Mayor. Ronning asked when they're bidding that, when does the permit process? Davis stated they already submitted their plans for the permit and those have been reviewed and returned to them.

Ronning asked what's left for them to start? Just pay the permit? Bring the machines in? Davis replied send us the fee for the permit, us issue the permit, and then award the contract for the bid. Everything with the lease agreement has been taken care of and all the recordings have been made, as I understand. So, that end is clear and ready to go. Ronning stated fine job. Davis replied it wasn't anything I did. We're just glad that it's seeing some action now.

Ronning asked how long has that been going? It's a year and a half? Davis replied April of 2014 was when they first brought this up and investigated the site. Ronning stated a long way for a lot of pushes to get someplace. Thank you.

9.0B

Council

Report –

Member

Harrington

Council

Member

Koller

Harrington stated I've got a couple things. There's free open skating at the Ice Arena now every Wednesday from noon to 2. New Year's there'll be free skating from 9 p.m. to 12 a.m. in the Ice Arena. And, I just want to wish everybody a Merry Christmas and a Happy Prosperous New Year, and be safe.

Koller stated well I attended the Upper Rum River Watershed. We listened to three presentations from three different companies to create a new Ten-Year Plan since ours expires in about a year. And, it was rather interesting.

Koller stated I have this NUC Rising Stars, National Championship Tournament, this is Team Minnesota, it's compiled of 28 8th grade men from around the metro area including Centennial, Minneapolis, Wayzata, Brooklyn Park, St. Francis, Maple Grove, Big Lake, and Mahtomedi. These students were scouted and they've been training together as a football team. And, I believe right now they are in Nevada. They are going to play against teams from other states and I would like to thank Aggressive Hydraulics for a huge donation to buy the uniforms for them. That's about it.

Council

Member

Mundle

Mundle stated speaking of the Fire Joint Powers Agreement meeting, it was already brought up. Just at the end of that meeting, I did make a little speech, essentially, I would like the agendas delivered to the fire chiefs a month to a month and a half in advance of any JPA meeting so that those fire chiefs have a chance to bring it in front of the entire Council at a Council meeting and for the Council to have time to discuss these items so that the Fire JPA representative has direction on how to vote exactly on these issues. That really hasn't been done thus far. So, it's, well like Mark said, it's a new organization. There's going to be 'hic-ups' and we're trying to 'iron' them out nicely.

Mundle stated at the firefighter's award dinner, I would like to bring up one citizen, and only one citizen, got an award from the Fire Department. It was a Citizen Fund Raiser of the Year recognition award and Ken Langmade received that for selling Booster Day tickets for the fireman's dance. And he sold more tickets than half the Fire Department did. And he volunteered to do that. So, I just want to bring that point up.

Mundle stated Business Retention and Expansion, we had, I attended the Research and Review meeting at the U of M today. And that was pretty much our first look at the raw, raw data from all of the interviews that we did. And, I attended that along with Colleen Winter and Doug Welter and a small handful of other people in the community. Other notable people that did attend were people that work in the economic industries and attend these functions, volunteer at these functions, to help analyze the data. And this, essentially, was called a small brainstorming session where we analyzed the data, come up with questions, come up with possible programs and projects that can be done. And, did some brainstorming and so then all of the paperwork that we did today will be analyzed again and then that will be presented at the task force retreat. That has been moved from February into March. And if anyone is curious, I do have a copy of the raw data. I'm sure Colleen would have a copy of that raw data if you'd like to see it. Mundle stated a couple things that did pop up were workforce issues and a big one was broadband availability and reliability. So, I'm thinking that one project will probably, somehow, involve broadband. With that, I want to thank this Council and City staff for this past year. It's been absolutely a great year working with everybody and I think we have accomplished a lot of things, a lot of good things. And, we've done it professionally and peacefully while still debating it all. So, thank you for that. And, Merry Christmas, Happy Holidays, Happy New Year.

Council Member Mundle Ronning stated a question on that JPA. Did you say you made a motion? Mundle stated I did not make a motion. Ronning stated oh, okay. Was there discussion on it? Very much? Mundle stated there was limited on the point that Mark brought up with that added agenda item. Mark is the only person that spoke up about that. Ronning stated oh, they didn't get a big message that it wasn't appreciated. Mundle stated Mark spoke up and, no, and I was the only one to speak up after all of this and say anything about the agenda.

Acting Mayor Ronning Ronning stated excuse me, the Road Commission met last Tuesday, yeah, a week ago. Most of the Council attended the Road Commission so this is more for the, anybody interested. It was attended also by one person from Mn/DOT that spoke. It think there was a resource person in the audience. There were two people from the Federal Highway Department. What's the last party of the acronym? Davis replied the Federal Highway Administration. Ronning stated Highway Administration.

Ronning stated and they were here to talk about the intersection at 65 and 22. I've been asked about it some so people should be aware. There has been some discussion. There's nothing whatsoever in motion. The discussion pretty much entailed, they call them 'J-turns, Michigan left turns,' a way to move traffic through that intersection more efficiently. And, they explained there's four cycles, I think he called it. You're left turns, right turns, or left turns and straight throughs from two directions. And they had some ideas about how to get around that.

Ronning stated but as the Administrator brought up, there's, there will be a lot of, there will be some concerns. One was emergency vehicles being almost omitted from using the intersection if they have to get some place. I don't know if they have any more, it would be similar to what's down in Ham Lake in front of that trailer court, which ever one. Davis stated Flamingo. Ronning stated Flamingo. I heard one guy that lives in that area say that he hasn't seen any idiots out trying to commit suicide for a while. That's the way he expresses himself. But anyway, this guy's a pretty negative sort of person so it, for him to be positive about it, that says a lot. But, it's not the same as 22 and 65. So, if or when it's out, there's nothing in motion. Any meetings regarding that are posted within the Road Commission or the Council and anybody interested is more than welcome to attend. Otherwise, have a Merry Christmas, Happy New Year, and everybody be safe please.

Davis stated Tom, speaking of that, the Roads Commission will continue the discussion of that intersection issue again at their January meeting. So, anyone that's interested, please come. You can find out a little bit more detail about this proposal and other concepts to correct some of the traffic issues there. Ronning stated I hope everybody heard that.

Mayor Voss Mayor Voss was absent.

9.0C None.

Other

10.0
Adjourn **Harrington stated I'll make a motion to adjourn. Mundle stated I'll second. Ronning stated in favor? All in favor. Ronning opposed? Any discussion? Motion passes unanimously.**

Meeting adjourned at 8:07 p.m.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial Inc.