

**EAST BETHEL CITY COUNCIL MEETING**  
JANUARY 6, 2016

The East Bethel City Council met on January 6, 2016, at 7:30 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

**1.0**                      The January 6, 2016, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

**Call to Order**

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

**Pledge of Allegiance**

**3.0**                      **Harrington stated I'd like to make a motion to adopt tonight's agenda. Koller stated I'll second.** Voss asked any discussion? All in favor? **All in favor.** Voss asked opposed? That motion passes. **Motion passes unanimously.**

**Adopt Agenda**

**4.0**                      Davis presented the staff report, noting it relates to an Administrative Hearing, Chapter 2, Article X, Section 2-590 for Mr. Thomas Middleton, 20026 Naples Court NE.

**Presentation**

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Mr. Thomas Middleton has requested an Administrative Hearing on the matter of the issuance of a notice of a non-compliant septic system by the City. City Code Chapter 2, Article X, Section 2-590, provides that 'any person 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 therefore upon the City Administrator or his designee at least 15 days prior to any regular Council Meeting.'

Mr. Thomas Middleton placed his house for sale and, as required by City Ordinance, a septic compliance inspection was required. Mr. Middleton's septic system failed compliance due to insufficient soil separation between the bottom of the drainfield and the depth to mottled soils. The standard for this separation is three feet with a 15% allowance for settling. Mr. Middleton built his home in 2003 and at that time, the City of East Bethel Building Department signed off on the design of the septic system with notations on the plan relating to the maximum depth of the drainfield.

Prior to 2009, there were no requirements on the part of the City to establish elevations of the trench depths and inspections were to ensure compliance with the play layout. Through what appeared to be an error by the installer, the system was put in without the proper soil separation depth.

Mr. Middleton maintains that the City failed to properly inspect the system in 2003 and allowed for the installation of a non-compliant system and that the City should be responsible for his compliance costs due to the lack of oversight. As far as this issue is concerned, the City Attorney's opinion on the matter is that septic permits, like building permits, normally do not create an individual liability for any city as the permit and inspection process is deemed in law to be a service to the public and to secure compliance

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with public standards and not an individual service.

The options at this time that exist for bringing Mr. Middleton's septic system to be brought into compliance include, but may not be limited, to the following:

1. Installation of a new drainfield that complies with soil separation requirements.
2. Installation of an additional 1,000-gallon tank with a pretreatment unit, which would allow the use of the existing drainfield.
3. Or, other options as may be recommended by the City Attorney or City Council.

Staff recommends that the City Council conduct the Administrative Hearing for Mr. Thomas Middleton of 20026 Naples Court NE.

Voss asked is Mr. Middleton here tonight? Mr. Middleton replied yes. Voss stated if you can come up to the microphone please and state your name and address please.

Thomas Middleton stated my name is Thomas Middleton. I live at 20026 Naples Court NE. Voss stated thank you. Voss asked so you're appealing?

Middleton replied yes, I would like to say first of all, good evening Mayor, Councilmembers and gentlemen. I mean, I don't, I wouldn't have known what I was looking at if I did see it myself. I guess, you know, right now, I have estimates and bills in my hands, which the work has to be done before I can sell my house. Can I tell you the total of it? Voss replied, yes.

Middleton stated \$11,500 will be the total for the design and the work to put that extra tank in to have it, you know, I guess have it certified so I could sell. Voss stated to be compliant. Middleton stated to be compliant. And, right now, the house isn't selling for that much and with that type of money coming out of my pocket, I'm kind of against, on the fence about the permits and the inspections and everything that was done, you know, before. And, like I said, I would have never knew it if I seen it anyway if it was wrong. You know? Because, but I guess my main thing is that I did pay the contractor to draw the permits and I would expect that the City would have inspected it and signed off on it. And, here we are, 2015 and 2016, and the septic system is noncompliant. You know, what the lady was trying to tell me was that at first, I thought, 'Well, it just didn't disappear.' You know, the gravel didn't just disappear. So, it all boils down to it wasn't done right and it wasn't inspected. That's what it basically boils down to. Well, let's say it was inspected but we wouldn't be here now if it had been done proper in the first place.

Voss asked have you talked to the contractor or the installer that actually did this originally? Have you talked to them? Middleton replied no, I have no way of knowing who that is. Shade Tree Construction, I guess is no longer in business. I can't find a phone number for them anywhere.

Mundle asked what about the installer? Voss asked Dirt Works? Is that the same company? Davis answered Dirt Works was the installer for this. Voss asked they were the septic installer? Davis answered that's correct. Voss stated okay. Mundle asked it's two different companies? Davis replied yes.

Middleton stated no, what I was saying was I couldn't get in touch with Shade Tree to try and find out who done the work. You know, or what would be my... Voss stated well, according to your application that we're looking at here, it says Dirt Works is the actual

licensed installer. But the question is, is Dirt Works still around? Davis stated as far as I know, they're still here. Voss stated okay. Mundle stated yes, the last I checked.

Voss stated okay, so you're, the installer that did the work is still around still. Davis stated and they're located just across the County line in Athens Township. Voss stated they're still around. Mundle stated they're just north of here.

Voss stated obviously, the firm that installed your septic was hired by your builder. Middleton stated right. Voss stated okay, okay, so that's potentially one avenue that you may have is to talk to the actual installer. And, I don't know whether legally you'd have a claim or not but, you know, that may be one option for you.

Middleton stated but you know when, I mean I would think, well, why was, you know, I guess it boils down to the inspection didn't happen. Or, you know, somebody 'dropped the ball' because right now we're here and, you know, we wouldn't be here today if it hadn't been for the inspector who, whatever, didn't inspect it or was a 'wink in the eye,' whatever. You know, I'm not trying to hold nobody responsible but, like I said, me being a, just a buyer of a home, I wouldn't have known what I was looking at in the first place. I wouldn't have known if you had ten inches of dirt or gravel in there what it would have been for, you know.

Mundle stated it certainly isn't your fault. Middleton stated right, but it's my fault now. I'm out of \$11,500. So, you know, that's why I'm here. I mean you guys could go after them. You know, I don't have the resources to go after them.

Vierling advised we don't have a relationship with them sir. That's one of the issues that you have aside from the whole issue with the City and the inspection. The practical matter is we don't have a contract with them. You as the homeowner or your general contractor had a contract with Dirt Works. We don't have any legal relationship with them that would allow us to pursue them even if we wanted to.

Middleton stated so being licensed and bonded doesn't mean anything? Vierling advised we can deal with the license of a bond but we cannot pursue a claim on behalf of a property owner that engaged them.

Voss stated it's basically a civil matter between you and that contractor to get that part of it resolved. I just brought it up from the aspect of there's one avenue that, I mean you haven't even talked to them. You know, they may own up to it too. You just don't know that. So there's one route that hasn't been pursued yet.

Middleton stated I would think that you guys could get a lot further with them than I could. Voss stated as the Attorney said, there is no leverage for us. They weren't contracted through the City.

Middleton asked does the City hold any blame? Because, it should have been inspected and it wasn't. Voss stated well, I think that's one of the things we're going to discuss tonight on this. Middleton asked right now, has anybody been out to re-check what, you know, what Northside has come up with as far as, you know, the results? Has anybody else checked it? Voss asked well, Northside, is that somebody that you hired to do this? Middleton replied yes.

Davis explained Northside is the company that did the compliance inspection. Voss asked

on behalf of the City? Mundle stated Northside Septic Services. Davis stated on behalf of Mr. Middleton. Voss stated the landowner.

Davis explained the City Ordinance states that any time that a home is placed for sale, a compliance inspection has to be done on the septic system. So, Mr. Middleton got Northside Septic to do the compliance inspection and they did a few borings and went back on the applications and got some of the old elevations and compared them with that. That's where they made their determination that the septic system was noncompliant because of insufficient soil separation distances.

Middleton stated right, they said it was too low. Voss asked was their determination based on actual borings that they did? Or, was it based on? Review of the file? Davis stated they actually did some borings. And, if you'll look in your packet, it's Attachment 3. It's their Compliance Inspection Form and on Page 3, they list elevations that were on file with the City from the designer showing mottled soils on borings B2, B3, and B6, in the drainfield. And, they give the elevations. Then they did check the elevations of the rock bed and then compared them back to that.

Voss stated well, and that's, well they say they conducted soil borings. The reason why I asked is in that section under Comments, they talk about the borings on file. It makes it sound like they're using the original borings. Middleton stated they are, of the original design. Ronning stated they're using June something. Voss stated June 2003.

Mundle stated if you'll look on that Page 3, under Verification Methods, there's five check boxes and checked is: 'conducted soil observations, attach boring logs.' So, there should be boring logs attached. Voss stated but there isn't and that's why I'm questioning whether or not they actually did borings.

Voss asked, your consultant that you hired, and they did do boring logs? Middleton replied yes. Voss stated because there's no, we don't have the documentation here. Davis stated the boring logs that are in this are on the last page of the attachment and there's four, five, six different boring locations. Voss stated it's dated 2003. Davis stated that's what they're referencing. Voss asked what's that? Davis replied that's what Northside is referencing. Voss stated referencing but I'm asking if Northside did borings recently.

Middleton stated yes. Voss asked they did go out and do soil borings? Middleton stated yeah, that's why the drainfield didn't comply because they did the borings. And, that's why the septic system itself is passing, it's just the drainfield is in wrong.

Ronning asked have you physically seen them do the borings? Middleton answered no and that's one of my questions to you. If you're going to not let me sell my house and you didn't check it, you know. Ronning noted the way the report is written, if they did current soil borings, they elected to use 12-year-old ones rather than current ones. Right? Voss stated yes, that's my question. They said they attached the boring logs and they're not here.

Ronning stated there's some other conditions. They allow for settling, 15%. 15% of three feet is 2, or 85% is 2.55 feet. What, where is it? I mean, what, is he within the 2.55 feet? Is it an inch or two? Middleton stated that's basically what I'm saying too because if it's close, I don't think it should make that much difference.

Voss stated let's backtrack a little bit. Jack, did Northside submit bore logs to the City?

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Davis answered the bore logs that we are on the back of Page 4 with the diagram. There's two little insets where they put their borings, which is B1 and B2.

Ronning stated I wonder why they didn't use all of them. Mundle stated the other ones could have been in other areas. Voss stated this is dated 2003. Ronning stated right. What they did is pick the ones they wanted. Voss stated no, no, no. This form is signed and dated 2003. Ronning stated yes, the current Report of Noncompliance, they decided to pick two or three, whatever, out of six plus two additional ones.

Mundle stated the other borings are probably in other locations. When they did the borings, they probably bored the whole lot to find the right spot for the septic. But that is going back to, Steve is trying to say that Northside did not, Northside is going off the old borings. They did not conduct their own. Voss stated no, what I'm asking is where's Northside's documentation. Mundle stated yes.

Davis stated from what I was told, this is Northside's documentation. They did P1 and P2 on the drainfield and there they establish what the grade is, top of rock, bottom of rock, and then these other elevational information are used to establish the depth of mottled soils and what that separation distance is. And, we spoke to the gentleman from Northside and his explanation was the elevations don't change. Now whether the existing ones were accurate or not, I don't know. I can't speak to that.

Voss stated it's still not clear to me. Are you saying that Northside put their data on top of this 2003 report? Davis stated that's what was told to me, yes. Ronning stated they're using the 2003. Voss stated no, not using, they're... Ronning stated they're referencing.

Davis stated the information that's contained here that's what was told us is P1 and P2 were their borings. Voss asked that's not off our original file? Davis answered that's correct. Voss stated that's a very odd way of doing reporting. And, I'm going to question that because that looks like the same, I'd like to see the original report that the City file has. Davis stated let me go pull the property files. Voss stated because I don't know of any professional that would write a report like that and put it, use someone else's. Harrington stated right, 2003. Voss stated no, use someone else's documentation. Harrington and Ronning replied right. Voss stated let's get this point cleared up first and then we can...

Ronning stated what they're doing is issue a noncompliance without any documentation evidence to back it up. Voss noted what Jack is saying is they wrote their data on this report, which very well may be. Ronning stated it would have been nice if they had put a date on there. But, we'll see what the originals. Voss stated they should have used a new report. Mundle stated they could have used the same map just to say, 'Here's where I put mine.' But, there should have been a separate log of their findings. That's what I would think.

Middleton stated I know it had to be around the 9<sup>th</sup> when they done it because, okay, I have a Mac's Sewer Service, I had them to clean it. You know, and they came out and they cleaned it. And then the inspection would have to have happened after that. So, I would guess around the 15<sup>th</sup> or something like that of... Voss stated I just want to make sure we're looking at the correct data. Middleton stated yeah, I have some stuff right here if you want to look at it. You know I don't, like I said, I don't even know what I'm looking at when I look at this stuff. All I know is I'm paying bills.

Ronning stated this B1, look at it, they're referring to the mottles at 55 inches or an elevation of 911.7. 55 inches certainly was in...if that's what they're using. Voss stated no, I'm questioning whether this was what Jack was saying. This looks like the same report. Ronning stated yeah, but there's a note there. Voss asked which note? Ronning stated if B1 is what they're using, these proper. Voss stated no but not when, what I'm asking is, where's their data from what they would have done most recently? I don't see it.

Voss asked do you see it in here? Davis stated no, it's not in there. Voss stated oh, it's not in there at all. Davis stated P1, P2, did not. Voss stated this report, the hardcopy of this? It's right here. Davis stated that's an attachment. Voss asked so all these notes? Davis stated all those notes are supposedly from Northside. Voss stated okay. Just so, for everyone's sake, the B1, B2, P1, P2, that's all of Northside's data. Davis stated and here are the original borings. Voss stated so, okay, I just wanted to make sure. That's the oddest way of reporting. Davis stated it compares everything, that's the boring log. Ronning stated B1, 2, 3.

Voss stated from what Jack, what staff's highlighted in here and the information the City is presenting, I understand that it's not meeting the three feet. That I understand. I was just confused over their report, which is odd. To your question about whether we should talk to Northside, that's your contractor and if you question their work, you certainly have the option of having someone else look at it. Ronning stated yes.

Voss stated chances are they would come up with the same results because the design document, if I read this right, the design document had it at two feet, not three feet. Is that correct Jack? Davis answered no, the design document had it at three feet and if you'll notice on there, where the City, it says, 'accepted by the City of East Bethel' and there's a signature of the Building Official at that time. There's a notation though from that, 'maximum depth, 18 inches at B6.' B6, according to those boring logs, the depth to mottled soils was 4 feet 6 inches. So with the maximum depth there, that gives the 3-foot soil separation. So, either there was some sort of an error by the installer with this or the installer read something wrong. But, it was noted by the City that the maximum depth at the lowest location was to be 1 foot 6 inches as the maximum depth at that boring.

Voss stated so Jack, according, back in 2003 when the City inspected this, which was a design document at that point, the design document met the required separation. Davis answered right. Voss stated okay, and the City doesn't inspect, what does the City inspect during construction? Davis stated actually, even at that time, it was less than it is now. The City inspects essentially the plan layout. Are the number of trenches correct? Are there four trenches? Are the cleanouts there? Are the property line setbacks met? The City did not verify elevations on these at that time.

Davis explained only in 2009 was that a requirement and that's done by test pits. So, the contractor's required to do a test pit at the time the tank is installed. The Building Official or Inspector goes out and they actually measure the depth to the mottled soils. They provide this information to the installer and if there's any discrepancy between the design and what's actually in the field as revealed by the test pit then a modification has to be made but, that became effective only in 2009.

Voss stated okay, so in 2003, when this work was originally done, the installer created the design document, went to the Building Official, the City approved the design document, and then the contractor went and installed it. From there, there's no checking what the

actual field conditions are. That's the way things were done back then. Davis stated that's correct.

Voss stated so to me, it's on the installer's responsibility to make sure it's done right. If something was different in the field when they got out there, something should have been done different.

Ronning asked, referring to the B1, B2, the latest one, what's the elevation of the drainfield in those areas? Because, the mottles are down 55 inches on one and 62 on another. So, that's 5 foot 2 inches. Davis stated yes, the mottled soil level is not a flat plain. It's definitely not uniform. It can go up and down. One is 66 inches, B2 is 66 inches. B3 is 60 inches. You go over here to B4 and it's just 48 inches. B6 is 54 inches. So, it varies through there so whatever the depth of the mottled soil was will determine what the height of the drainfield, the bottom of the trench, would be.

Ronning stated when looking at the original, the mottle on B1 is 3 foot 3 inches. That doesn't seem to pass. The mottle of B2 is 5 foot, whatever the note says. The mottle of B3 says 5 feet. Mottle on B4 says 4 feet. Using the same information they were. Mottle on B5 is 4 feet. So where, if that's where the mottle, that's what you're looking for, right? The separation between your drainfield and the mottled soil? Davis stated yes, the bottom of the trench and the mottled soil level. Ronning asked the bottom of the trench or the bottom, or the pipe? Davis replied the bottom of the trench.

Ronning stated if you dug the trench four feet too deep, you've got to go an extra three feet? Davis stated yes, then from the bottom of the trench, it has to be the three-foot separation. So from the bottom of the trench to the mottled soils, you have to have three feet. Now in 2013, I believe, that 15% allowance was put in there. That's to adjust for any settling that occurs because there is settlement because of water in the system, the weight of the backfill material, perhaps the bottom of the trench is not compacted. So, they did put that allowance for settlement in this consideration.

Ronning stated in my opinion, I don't think we have enough information to aye or nay. He asked, did you pay for this last inspection? Middleton replied yes.

Voss stated well, if we assume that your contractor's information's correct, and there's no reason to assume it's not, it's not meeting the minimum standard. Middleton stated right. From what I'm understanding, the design was done right. Voss stated it was just the installation wasn't done. Middleton stated the installation was done wrong. Voss stated okay.

Voss stated I think you need to go to Dirt Works. I mean if that was the installer, I think before we go any further with this discussion is you need to talk to that contractor and have them try to explain it. And explain why it is this way. My opinion is exhaust that avenue first because I don't, right now without you having that discussion with that contractor, Dirt Works, I don't know how we can consider anything other than what the administrative decision's been. Because it sounds like we've kind of narrowed down the mistake to the installation. Middleton stated yeah. Voss stated which is not the City's responsibility. It's technically yours because it was your contractor that did the work.

Middleton stated yeah, but technically the City is supposed to inspect it. Aren't they? Voss replied no. That's what we cleared up. The City doesn't inspect the installation. Mundle

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stated at the time they reviewed the design and they approve of the design, or disapprove of the design. And, in this case, they approved of the design with the max depth being 18 inches. Then at that time, they did not go out and inspect it, from what Jack was saying. Correct? Davis stated they didn't inspect it at that time to verify the correct elevations of the contractor. Voss stated nor was there a requirement. Davis agreed and stated nor was there a requirement to do so.

Middleton stated okay, so that's what I'm saying. That's why I appealed. I guess basically, that's why I'm here. That was the standard then, it should be at least something that's grandfathered in for someone who, in my situation, because what about other homeowners who might run into this same situation. Voss stated it could happen. I mean, the analogy, what if there's something that was constructed incorrectly with your house? That inspector brings out? That's not the City's responsibility to make sure it's built right.

Davis stated to address your concern there, Mr. Middleton, we've had issues with this on other septic systems. One of the most recent, and one that you may remember is Dan Kuehn who lives on 226<sup>th</sup>. He remodeled a kitchen, which is another requirement for a compliance inspection and as a result his system, which was put in the late 90s, did not meet the separation requirements. And for him, the option was to go ahead and install the extra tank with the aerator in it. He could still use his same drainfield but the discharge was a cleaner effluent than would normally be from a tank.

Middleton stated so that's something that the City couldn't, you know, as far as grandfathering my system in or something like that? That's something the City couldn't do? Davis stated this really isn't as much of a City issue as it is that we're charged with enforcing pollution control issues. Voss stated it's State law. Davis stated the MPCA, they're the ones that issue the regulations and, unfortunately, we're the ones that wind up on the enforcement side.

Middleton stated so what if Dirt Works don't want to comply, or whatever. What are my options at that point? Vierling stated I think you'll probably want to consult with an attorney at that point.

Ronning stated another consideration that you probably don't have the money or interest in shopping around, get a second opinion. This guy used a 12-year-old opinion. Mundle stated no. Voss stated no, no, they did borings. That's what we established. They did four borings. Ronning stated well they didn't where they're referencing the B1, B2 stuff. Voss stated that's not reference, that's their data.

Mundle stated once you actually look at it, this is the original and they took this and they wrote on it. Voss stated they just added their data onto it. Mundle stated yes, it is confusing. Ronning agreed and stated yes, it is confusing. Middleton stated yes, I understand a little bit more than you are. Ronning stated I hope not. See, B1, B2, that's their 2003, this one.

Mundle stated if you look, you're asking about these other borings. This is the lot here, the house, this lists the other borings. This is B1 right there. Ronning stated 1 and 2 are right at the corner of the tank. Mundle stated B1 is right there. 2 is right there. Ronning stated there's an arrow that goes down to the corner of the tank. Mundle stated no, not B1. Ronning stated well, B1's right here on this one. Mundle stated yes, it's still right there. That's right at the house. Ronning stated there's different things on different pages.

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Davis stated, keep in mind too, that the data on the Compliance Inspection Form for their reference numbers for borings are different than the ones on these boring logs. Mundle stated yes. Davis stated that's where the confusion comes in.

Voss stated so as Council Member Ronning's suggested, you can go get a second opinion. Middleton stated I don't have that kind of money. Voss stated yes, but I guess my suggestion is to get hold of the installer, present this to them. They work with our Building Inspector so they know each other too. So if they need to talk to the City staff, then they can do that. But, I would suggest you talk to them and see if you can get any relief there from them. Because it sounds like the short of it is something has to be corrected.

Middleton stated well, it does. It does before I sell the house and like I said, it's \$11,500 and that's coming out of a little bit of money. You know, so basically, I'm losing.

Voss asked is that just for the tank or is that for a whole new drainfield? Middleton answered it's for the work, the tank, everything. Mundle asked are you saying that's for a complete new septic system? Middleton stated no, this is just for the tank. Supposedly just for the tank. Voss stated I would ask them again because you can get an entire septic system installed for less than that. It's not a mound system, is it? Davis replied no. Middleton stated no. Voss stated then it shouldn't be that much so I would make sure you understand what their costs are and what they're actually doing.

Mundle stated in our packet here it lists two options that you could either do a new drainfield that complies with the soil separation or install an additional 1,000-gallon tank. Middleton stated right. Mundle stated so you shouldn't have to do both. Middleton stated okay. Voss stated if you do talk to Dirt Works, which seems to be your installer, present the options the City's presented to you to them because they're an installer.

Davis stated and if they have any questions, tell them to give us a call. We'll attempt to answer and provide them the information that the compliance report gives. Middleton stated well, this work is probably going to start tomorrow because I have a closing date for the 25<sup>th</sup>. So, you're saying my options are?

Voss stated well, we have options right now. We need to act on this? Or, can it be tabled? Vierling asked Jack, when was the application for the review? Davis replied I think December the 23<sup>rd</sup> was when Mr. Middleton presented his request for appeal. Vierling advised you have until February 21<sup>st</sup>. Voss asked to act on it? Vierling confirmed to act on it. Voss stated okay, which is our timetable. We have 60 days to act on it.

Voss stated how you want to proceed is entirely your decision. Middleton asked as far as? Voss stated whether you, what you're saying is you're ready to install a new system tomorrow. Is that what you're saying? Middleton stated they'll probably be there tomorrow. They've had those heat blankets out today and they came in and put them yesterday so I would imagine they'll probably try to come in tomorrow and try to install that tank.

Voss stated I think, again, that's your decision. I don't know what, well if we would have said, if we would have approved your appeal you would have just canceled the contract, right? Middleton asked as far as? Voss asked what were you looking for tonight...for the

City to pay for it? Middleton stated well, I would have thought that the City would pay for it seeing as though the Inspector didn't do his job. Like I said, I'm just an average guy. I don't know, you know, about this type of stuff.

Mundle stated according to Jack, the Inspector did do his job under those Codes and conditions. Middleton stated and I understood what he said too. But if it was good then, it should be good now. Mundle stated but according to these borings, something went wrong probably assuming, something happened where the elevations do not comply. So that would say that the installer maybe installed it wrong.

Davis stated here's the basic thing that's changed. Prior to 2013, when a home went up for sale, some cities had the requirements for a compliance check. A lot of them didn't. It was a recommendation of PCA that they have that. Generally it was only required of those homes within the Shoreland Management District, which Mr. Middleton does not live in. We had this issue come up a year and a half ago because we recently adopted, in 2014, the requirements that all homes that come up for sale have to have the compliance report. But, generally when a home comes up for sale, most lenders require that anyway and the PCA has recommended that. So, we just fell in line with what they recommended. So that's one of the changes that has occurred.

Voss stated that's kind of, the framework has changed. Davis replied yes. Voss stated but the facts what Brian's getting at is the physical aspects of this probably didn't change. It's that it was a changed condition when they went to put the system in. Or, their borings hit the wrong spots, which happens. Because mottling can be all over.

Mundle stated I'm not going to say that the installer installed it wrong. I'm not saying that. Voss stated yeah, but something changed back in 2003. Mundle stated either it was installed wrong or something's funning with the borings, or there could be other choices. But at the time that it was installed, the City fulfilled its full obligations and responsibilities of their inspections.

Middleton stated on, I understand that. You know, I understand what you're saying but I'm the one out of \$11,000 or don't know what to do right now because of this. Voss stated, and it's not Council advice I'm giving you, but I would go back and talk to the contractor who installed your system. If it was me, I'd do that before I did anything, before I spent the money. Once you spend the money, the money's spent and there's nothing you can do anyway. Middleton stated right. Voss stated but that's what I would do. Middleton stated okay.

Voss stated and we're willing to hold off on making a ruling on the appeal. We can do that for another month yet. Middleton asked but if you did rule, what would it be? I mean to let me have my drainfield the way it is? Voss stated well, that's what your appeal basically is. Middleton stated yeah. Davis stated and that would be determined if there's any change in the information that we have now. Especially based on the soil borings. Or if you were able to work something out with the installer if there was an error on his part.

Middleton stated okay, is there any way I can have that information about Dirt Works? Or, do you know where they're located or phone numbers or anything. Davis stated I can meet up with you first thing in the morning and provide you with that information. Middleton stated okay, because yeah, I'd like to stop this guy from digging if they're going to come out and check their work. Voss stated Jack is here bright and early every morning.

Ronning stated we question if he goes home at nights. Voss stated that's a given.

Davis stated if you wait just one minute, I may be able to get it right here for you. Koller stated I have their address and phone number. It's 24656 Ulysses Court NE. Middleton repeated the address. Voss stated that's the address. Koller repeated Ulysses Court NE in Isanti. And the phone number is (763) 434-4771. Middleton stated okay.

Mundle stated essentially if you just go straight north on 65, just over the County line, there will be, on your west side, it's a large brown building with an orange sign on the front saying, 'Dirt Works.' Middleton stated uh huh. Well, I guess that would be it then. So I'll talk to them and see what they're going to do.

Voss stated and then just, you can let Jack know how you want to proceed. If you still want to continue with the appeal or not. I mean we can certainly consider it at the next Council meeting.

Middleton stated well, I don't see what good it's going to do if I'm selling the house on the 25<sup>th</sup> of this month. What would the appeal do for me? Voss stated again, that's, all those dates and what you do is really your decision. What we don't have is complete information. Ronning stated those are the parameters that we have to work within. We're confined to that. Middleton stated all right. I was kind of hoping for a better results than this but I guess it is what it is. Ronning stated no offense, right?

Voss stated after you make that call, you might get much better results. Ronning stated no offense or any ill will intended. I get the feeling if you go and see these guys it might make sense now, somewhat, but by the time you get there, try to explain to them you're confused.

Voss stated and like we're suggesting too, whoever you talk to at Dirt Works, they can certainly call Jack or our Building Official and they'll speak the same 'language' kind of thing and staff can explain to them what the issue is. Davis stated ask them to call me and that way I can bring in anybody that we need to.

Mundle asked could you also provide him with a copy of the information in our packet to bring to Dirt Works? Voss stated well if Dirt Works needs it, yeah. Davis stated yeah, we can just e-mail it to them real quick. Ronning asked do we have an e-mail?

Voss stated we'll do this as fast as, address this as fast as we can staff-wise. We understand your timeframe. Ronning stated before you can get there. Davis stated if they do need to call, we'll make this a priority first thing in the morning. Middleton stated okay, all right. Can I have your phone number? Davis responded it's the 7850, it's the number you, that's my direct dial. 367-7850. Middleton asked and that would 367? Davis replied correct.

Middleton stated okay, well thanks gentlemen. Mayor, I appreciate all your help and I'll try to get on this first thing in the morning then. All right, well, thank you. Voss stated yes, have a good night.

Voss asked Mark, do we need to address anything on this? Do we need to table it? Vierling advised I think you table it but just so it doesn't get lost somewhere, and I'm sure it wouldn't anyway, you might want to table it to the next meeting so you have it on the agenda.

**Mundle stated I'll make a motion to table Item 4.0, Administrative Hearing for Thomas Middleton until the next meeting. Harrington stated I'll second.** Voss asked any discussion? All in favor say aye? **All in favor.** Voss asked any opposed? Okay, that motion passes. **Motion passes unanimously.**

**5.0  
Public  
Forum**

Voss asked is anyone here tonight to speak at Public Forum? Davis advised there's no one that's signed the form. We do have two newspapers present. Voss stated okay, I'm sorry, did I miss something there? Davis stated I said there's two representatives from each newspaper that are present and if they wish to speak, this would be the time for them to do that.

Voss asked are either of you wishing to speak to the City Council tonight? Clock's ticking so hurry up. Your name and address please.

Official  
Newspaper

John Kysylyczyn stated I guess I'll give you my home address. I'm at 3083 Victoria Street in Roseville. So, luckily I beat the snow and freezing rain up here. Thank you Mayor and Councilmembers. My name is John Kysylyczyn and I'm the owner and publisher of the newspaper *Anoka County Record*. Mayor, I was here at the last meeting in December here and spoke briefly about the newspaper stuff. Um, what I wanted to touch upon here was, and what got me thinking about this, is that at the County Board Meeting yesterday, our paper was approved as the official legal newspaper for Anoka County again for 2016. And, we were also approved in Ham Lake on Monday.

Kysylyczyn stated one of the discussion points that did come up at Anoka County was the issue of circulation and publication. And, the comment that Commissioner Scott Schulte said is he ran the statistics and in Anoka County, our newspaper was .81% circulation. The *Quad City Press* was 5.18%, the *Union Herald* was 3.36%, and then he used the term 'a mammoth' 13.12% was the *Blaine Spring Lake Park Life*. And, Commissioner Schulte's comment was, is that there wasn't a single newspaper that bid for Anoka County's business that even remotely covered the County. And he said that to argue about circulation and to argue about publication, in his opinion, was disingenuous at best. That was his quote.

Kysylyczyn stated I took a look and did the analysis here for the City of East Bethel because there are similarities with Anoka County as a whole. And in the City of East Bethel, our coverage would be .1%. The coverage of the *Union Herald* would be 1%. So there's not a single newspaper that even remotely covers the City that has submitted an offer to publish your notices this year. I think an argument could be made that probably the *Star Tribune* has the greatest market penetration or is better read in this community than any other newspaper. But, they have not submitted an offer and if they did, it would probably be very high priced, more than likely. So when we talk about familiarity, we're talking about a .9% difference between the two particular options.

Kysylyczyn stated now, the Council has a couple of options before them. If you want to look at it from a fiscal responsibility issue, the proposal that we've provided to the City would eliminate the fees that are currently charged with building permit actions, appearances before the Council, publications for public hearings, that are passed on to your residents when they come here with projects. Those costs would be eliminated to those residents. And then for the other portion of the publication costs, like for ordinances let's say, that have to be borne by the taxpayers as a whole through your general budget process, that money would then be freed up and could be put to other uses.

Official  
Newspaper

Kysylyczyn stated now I can tell you that in Ham Lake, Oak Grove, and Anoka County, the number of people that were concerned about the changing of the newspapers are probably, you can count on one or maybe two hands. And, as one of the Commissioners pointed out yesterday, is that the couple people who did complain about this, and I guess you could talk to Mayor Van Kirk in Ham Lake too, is it had to do with politics. 99.9% of the people get their information about your public notices, probably by going to your website. Your website is going to be near the top.

Kysylyczyn stated the other thing too, is this newsletter here reaches probably close to 100% of the residents of your community. And, that gets to my second point. Where do you choose to spend your communication dollars? In Coon Rapids, their citizen survey said that 90% of their residents looked to the City newsletter for information about the City. In Andover last night, the Mayor said less than 10% of the residents, according to their citizen survey, look to a newspaper. Take the cost savings that you would have with our proposal and produce two more of these (*Kysylyczyn was holding a newsletter*), and you will reach your citizens far greater than spending that money on publishing notices in newspapers that have a .1% or a 1% market penetration.

Kysylyczyn stated so that's the questions that I put forward to the Council. I guess the last thing I would leave you with is Mr. Harrington had asked the questions to me after the last meeting if we have our newspaper available at any spots other than here at City Hall. And, we are certainly open and interested in putting our newspaper at other locations within the City. For example, we have an arrangement worked out with Bill's over in Nowthen. So if there's a place that you know of that would have an interest in accepting our papers so that they could be distributed to residents at no charge, we certainly are interested in that. And that's the arrangement that we have at Bill's.

Kysylyczyn stated we don't really want to get into a relationship with a business, through, where we're depositing papers with them and then they are charging other people for it. Because we have a philosophy at our business that people should be able to receive these public notices at no cost. To charge people for the paper kind of defeats that. So, we're looking at providing residents a zero cost option in order for them to receive this information in print.

Kysylyczyn stated also, our newspaper is available on-line and we also distribute our newspaper on-line, in its entirety, at no cost. We have an e-mail list. People sign up and we send them a notice every Friday telling them that the newspaper's available. And, we have all of our notices alphabetized by city so we just start out at the top, A, B, C, D, and E. Thank you very much. If there are any questions?

Voss stated no, I think we're good. Kysylyczyn stated okay, thank you very much.

Voss asked anyone else want to speak at Public Forum? If not, we'll move on to the Consent Agenda.

**6.0**  
**Consent**  
**Agenda**  
6.0  
Consent  
Agenda

Item A        Approve Bills

Item B        December 16, 2015 Council Meeting Minutes  
Meeting minutes from the December 16, 2015 City Council Meeting are attached for your review.

**Item C            Resolution 2016-01 Designation of Official Newspaper**

The *Anoka County Union* and the *Anoka Record* have requested designation as the official newspaper for the City for 2016. The *Anoka County Union* is a locally owned, weekly community news source. Total paid circulation for the *Anoka County Union* is 4,430. This does not include counter sales at local businesses. Public notices are also available free online at their website, which averages over 54,000 visitors each month. The *Anoka County Union* is published every Friday. The rate for public notices per column inch is \$10.75, and has remained unchanged for many years.

The editor of the *Anoka County Record* has stated that all legally required notices will be published free of charge, regardless of length. Duplications of these notices (e.g. – having a notice run for two weeks, when it is only required once) would also be published for free. Other items, such as display ads for community events, would be offered at their lowest rate. This newspaper is currently being published weekly on Fridays, with plans to move to a Tuesday publication, beginning in February 2016. The primary distribution of this newspaper is online (available in its entirety at no cost), with printed distribution throughout Anoka County. U.S. Mail subscriptions are available at \$100 per year, or per copy at \$2 each.

Staff recommends that Council consider Resolution 2016-01, designating the *Anoka County Union* as the official newspaper for 2016. While there would be a savings with the designation of the *Anoka County Record*, the *Anoka County Union* is known to our residents, associates East Bethel with the other cities in the coverage area, has a larger circulation than the *Anoka County Record* and may be more readily accessible due to its print availability at retail outlets.

**Item D            Resolution 2016-02 Setting Meeting Dates for 2016**

City Council adopts a resolution annually setting the meeting dates for City Council, EDA, Planning, Road and Park Commission meetings. Resolution 2016-02 establishes those dates.

**Item E            Resolution 2016-03 Establishing Bank Depositories**

Resolution 2016-03 identifies official depositories for City funds. These agencies or institutions are the approved depositories for City funds to include checking, money market or investments.

**Item F            Resolution 2016-04 Establishing Check Signatory Authority**

Resolution 2016-04 provides for the City Administrator, Mayor, and one Council Member to be the official check signers for the City. The City Administrator and Mayor will primarily sign checks with the one Council Member acting as a backup in case of an absence.

**Item G            Resolution 2016-05 Setting Local Board of Appeals and Equalization Meeting Date**

Anoka County has advised the City that the Local Board of Appeals and Equalization (Board of Review) must meet between April 13, 2016, and May 10, 2016, to consider property valuation for taxes payable in 2017. Staff proposes that the Board of Review be scheduled on April 20, 2016, at 6:00 p.m. Resolution 2016-05 establishes this date. The County requires an alternate date be submitted and Staff proposes that the alternate date be April 27, 2016, at 6:00 p.m.

**Item H Appointment of Planning Commission Members**

Lorraine Bonin, Randy Plaisance, and Lou Cornicelli, current Planning Commission members whose terms expire on January 31, 2016, have requested to be reappointed to another three-year term on the Commission. Approval of these reappointments is requested of City Council.

**Item I Appointment of Road Commission Member**

Daniel Nowack is a current Roads Commission member whose term expires on January 31, 2016. He has requested to be reappointed to another three-year term on the Commission. Approval of the reappointment is requested of City Council.

Commission members Roger Virta and Jeff Jensen have chosen not to be reappointed, resulting in two new vacancies on the Roads Commission. Currently there are no applications for these two vacancies.

**Item J Appointment of Parks Commission Member**

Ken Langmade, Bill Zimmerman, and Bonnie Harvey are current Parks Commission Members whose terms expires on January 31, 2016. Each individual has requested to be reappointed to another three-year term on the Commission. Approval of the reappointment is requested of City Council.

**Item K Appointment of EDA Members**

Julie Lux, current EDA member whose terms expire on January 31, 2016, has requested to be reappointed to another term on the Authority. Approval of the reappointment is requested of City Council.

**Item L Animal Control Contract Renewal**

Gratitude Farms proposes to continue their agreement for animal control services for the City in 2016. Their service includes patrol services, pickup and impound of dogs and other agreed upon domestic animals other duties as may be assigned by the City related to the animal control activity.

Services under this agreement will be billed at \$50.00 per hour in one-quarter hour increments for call out services and monthly retainer of \$250.00. By contracting for this service, the city has realized a savings by not having to board animals at city facilities, paying city staff on weekends to stand by until the animal was retrieved and any humane liability issues.

Emergency veterinary services will be provided to injured animals only to the extent necessary to keep them from suffering and to provide humane conditions while boarding the animal. These charges are the responsibility of the owner. Should the owner fail to claim the animal within six days, the animal becomes the property of Gratitude Farms.

Gratitude Farms has provided exceptional service to the City and has performed our animal control since 2010. There is no increase in the proposed fees for this service for 2016. Staff recommends approval of the attached contract for 2016.

**Item M Pay Estimate #4 for the 185<sup>th</sup> Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project**

This item includes Pay Estimate #4 to Peterson Companies for the 185<sup>th</sup> Avenue, Laurel

Road, and Lincoln Drive Street Reconstruction Project. This pay estimate includes payment for restoration, erosion control and a reduction in the retainage from 5% to 3%. As required by the contract, all work for this project has been completed except the final wear course and striping. These items will be completed in 2016. All punchlist items have been completed for all current work items. Staff recommends partial payment of \$30,380.01. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 915,776.87
Less 3% Retainage	\$ 27,473.31
Less Previous Payments	<u>\$ 857,923.55</u>
Total Payment	\$ 30,380.01

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 #4 is attached

Item N Pay Estimate #3 for the 2015 Street Overlay Projects

This item includes Pay Estimate #3 to Peterson Companies for the 2015 Street Overlay Projects. This pay estimate includes payment for a reduction in the retainage from 5% to 3%. All work and all punchlist items have been completed for this project. Staff recommends partial payment of \$4,201.06. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 210,052.90
Less 3% Retainage	\$ 6,301.59
Less Previous Payment	<u>\$ 199,550.25</u>
Total payment	\$ 4,201.06

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 #3 is attached.

**Harrington stated I'll make a motion to adopt tonight's Consent Agenda. Mundle stated I'll second.** Voss asked any discussion? All in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Roads  
Commission  
Vacancies

Mundle stated I do have a quick question on the openings for the Roads Commissions. If residents have an interest, can they apply for those open positions at any time? Davis responded at any time. Those positions are open and anyone that you can think of that you wish to encourage to apply for those, please do so.

Davis stated before we leave the Consent Agenda though, there is, two of our returning members here. Mr. Randy Plaisance is on the Planning Commission and in attendance tonight and Mr. Ken Langmade, the Parks Commission Chairman, are here should if you have any questions for them.

Voss asked do you have any questions for us? That's what I'm more interested in. Mr. Langmade stated we need more money. Voss stated well, you just broadcast to the right people.

Harrington stated I just want to say thanks to Randy and Ken for coming back again. Thanks for your time. Voss stated yeah, and commitment, that's good.

Roads  
Commission

Voss asked so, besides Roads, do we have other openings? Davis answered no, just two vacancies on the Roads Commissions. Voss stated two on the Roads Commission so those

that are watching and listening, as Brian said, if you have an interest, attend a meeting first. So, you don't even have to apply. Attend a meeting.

Davis stated those are open and we encourage anyone that's interested in that to take a look at it and what Steve said is the best way to do it. Come to a meeting and see. There's a lot of interesting things that are happening as far as roads and transportation now and it should be a very interesting year to discuss some of those possibilities. Mundle stated you'll learn all you ever wanted to about a super intersection.

**7.0 Commission, Association and Task Force Reports**  
**New Business**

7.0A None.  
Planning  
Commission

7.0B None.  
Economic  
Development  
Authority

7.0C None.  
Park  
Commission

7.0D Davis presented the staff report, noting representatives from Mn/DOT and the Federal  
Road Highway Administration gave a presentation and discussed possible improvements to the  
Commission Viking Boulevard/Highway 65 intersection at the December 8, 2015, Roads Commission  
7.0D.1 meeting. This intersection is one of the worst on the Highway 65 Corridor in terms of its  
December capability to efficiently move both in-line and cross traffic during peak hours. Future  
Report development around and growth north of this intersection will generate additional traffic  
and require upgrades to improve and enhance the movement of the vehicle load at this  
location and along Highway 65.

Current traffic counts at this intersection average 25,000 to 35,000 vehicles per day and the cross traffic count on Viking Boulevard is 6,100 vehicles per day on the east side and 6,500 vehicles per day on the west side. While these are substantial numbers, there are four at-grade intersections on Highway 65 in Blaine that have traffic counts exceeding 55,000 vehicles per day and two that exceed 45,000 vehicles per day. In Ham Lake, there is one intersection that exceeds 55,000 vehicles per day and two that exceed 45,000 vehicles per day. Based on these volumes and higher volumes on cross streets, a separated grade intersection at Viking Boulevard and Highway 65 is not on Mn/DOT's priority ranking at this time.

In order to address the problems at this intersection, interim solutions are being considered that would improve the functionality until such time that warrants are met to justify a separated grade interchange. One plan that was discussed was the 'Superstreet' or 'Reduced Conflict Intersection' design. This design has been used in other areas of the country and is an alternative under consideration for the Viking Boulevard intersection.

7.0D.1 While Mn/DOT seems to prefer the Reduced Conflict Intersection design as the  
Road intermediate-term solution to the problem at this intersection, the City is still seeking more

information on this type of design on accessibility to businesses and its impact on total traffic flow. In addition, the City is of the opinion that any improvements to the Highway 65/Viking Boulevard intersection must be coordinated with and accompanied by complimentary improvements at 187<sup>th</sup> Lane and 181<sup>st</sup> Avenue to address the total problem in this segment of Highway 65.

The East Bethel City Council and local business and property owners attended this Roads Commission meeting. There were several questions and some skepticism relating to the proposal, but there was no opposition expressed during the meeting. However, no opposition does not constitute endorsement of the proposal. The Roads Commission will discuss this proposal in further detail at their January 12, 2016, meeting and we encourage any interested persons to attend the meeting to receive their input and be updated on these potential projects.

Voss asked and what time is that meeting? Davis replied 6:30. Voss stated 6:30, okay, so the short version of what Jack just said is we're looking at a potential, substantial change to the way the intersection at Viking and Highway 65 operates. And it's, I don't know if I want to say 'unorthodox' but it's going to be, it's a different type of design. And, if anyone's interested I imagine there's a lot of residents that would be and should be. The meeting on the 12<sup>th</sup>, the Roads meeting, which is here in these Chambers, is a good time to start learning what they're talking about and what the City's considering. And, another opportunity if anyone's interested in the Roads Commission, that's a good meeting to be at. So, we'll 'plug' that again.

Davis stated and again, this is just one of the alternatives that's being considered. There may be other options. But, the point is that there will not be a separated grade interchange at Viking Boulevard for a long time. And there will have to be some intermediate solutions done to correct that traffic problem there, which is really severe during peak periods, during the morning and evening rush hours, primarily for people on 22 trying to get on 65. It's a real issue. Voss stated and there's a lot of folks out there at that light every day.

Ronning stated and hearing, 22 and 65, I believe it is fair to say that we haven't requested anything. They have brought some ideas for consideration to the Roads Commission. Voss stated no, we had the discussions a year or so ago with them, globally. And, we've had discussions with the County over the years about that intersection. And then, I think what's happening is there's a lot of discussion coming from different ways, different directions. And it's this concept that's been coming up for the past six months. So it's all kind of coming, I don't want to call it 'coming to a head,' but everything's lining up to this serious discussion starting now. Davis stated there have been several discussions on intersection improvements but the Superstreet/Reduced Conflict Intersection/Michigan J-Turn, whatever the terminology is, has just surfaced recently as a potential solution here. And, this was brought up by Mn/DOT and the Federal Highway Administration.

Voss stated for all those that think a cloverleaf intersection's going to happen there, it's not. And, probably not in our lifetime. But this is, we're looking at other alternatives to ease the problems at that intersection. And the 12<sup>th</sup> will be another discussion of that.

Informational item with no action required at this time.

**8.0**  
**Department**  
**Reports**  
8.0A  
Community  
Development  
8.0A.1  
Met Council  
Letter of  
Agreement

Davis presented the staff report, indicating the City was provided a 2015 System Statement, the framework for the Thrive MSP 2014 Plan, by the Met Council and this document did not correct the density designation of the Diversified Rural area within the City. The density designation of this area of the City was previously presented as a maximum of 4 units per 40 acres but this is inconsistent with our Comprehensive Plan, which permits densities of 1 unit per 2.5 acres in areas zoned Rural Residential.

The City met with the Met Council planning staff on November 4, 2015, to address this error. Their planning staff provided a statement that attempted to address this matter but it did not satisfy our concerns. As a result, the City requested a hearing before the Met Council's Land Use Advisory Committee to dispute the density designations assigned to the City.

In an effort to settle this matter without the formal hearing, a subsequent meeting was held on December 14, 2015, with the Met Council planning staff to continue discussion to resolve the disagreement of density requirements. The meeting produced a proposed agreement by the Met Council to amend the System Statement to reflect our concerns provided the City withdraws its request for a formal hearing on this matter.

The Statement of Stipulation Resolving Disagreements over System Statement Contents, which is Attachment 1 in your packets, addresses our issues and resolves the matter to our satisfaction.

Staff recommends Council consider approval of the Stipulation Resolving Disagreement over System Statement Contents as presented in Attachment 1.

**Ronning stated I'll move to accept the Staff's recommendation with regard to the Met Council's documents. Harrington stated I'll second. Voss asked discussion?**

Ronning asked Jack, could you give kind of a brief outlook on what that includes? Davis stated I could. In 2008, the City adopted a new Comprehensive Plan. In that, it set density designations in areas zoned Rural Residential at 2.5 units per acre standards. We're not sure how it developed. There was never any discussion at the Council level, Planning Commission level, staff level, any level of the City that proposed to amend this density designation to 4 units per 40. This came out in a Met Council System Statement for the Thrive 2014 Plan.

Davis explained once we saw this, we contacted Met Council to attempt to correct this matter. It had actually been around for a while but since the City had received no requests for plat filings for several years, it wasn't any matter that was even brought to our attention until we started looking into it when one gentleman came and started discussing a subdivision plat in the Rural Residential area. We met with Met Council and what their proposal was, or what was listed in their plan was that in the Rural Residential zone, if you had a 40-acre tract, you could only subdivide it into four lots. You could keep the four lots, you could have four lots in four acres, but you couldn't have anything in excess of four units per 40 acres. So, for those people living in the Rural Residential area, this really inhibited their ability to develop their property and inhibited the City to grow in a responsible and a low-density manner in these areas zoned Rural Residential and, it's an area we felt needed correction. So, after two meetings with the Met Council then they agreed that our interpretation and the way we were doing things was acceptable to them. And, that's provided for in these terms in this Letter of Stipulation.

8.0A.1 Met Council Letter of Agreement

Voss stated and that's also, really, where it's documented in the drawing is in our Comp Plan. Davis stated correct. Voss stated and we're being allowed to amend just that drawing, take off the 1 per 10 and to me that's real clear change right there.

Davis stated even though there was some different interpretation, this will eliminate any of the confusion that may exist with any of this also. Ronning asked is there anything in here that harms us? Davis answered no.

Voss asked any further discussion? Okay, hearing none, to the motion, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

8.0B Engineer

None.

8.0C City Attorney

None.

8.0D Finance

None.

8.0E Public Works

None.

8.0F Fire Department

None.

8.0G City Administrator

8.0G.1 Commission/ Committee Assignment for 2016

Davis presented the staff report, indicating appointments to Commissions, Committees, Authorities and WMO's are recommended by the Mayor and approved by the City Council. The following are the Commission, Authority, Committee, and appointed positions for consideration: Acting Mayor, Commission Assignments for Planning, Parks and Roads Commissions, Fire Department Liaison, Police Department Liaison, Economic Development Authority Members, Water Management Organizations, and various Committee Assignments.

Attached is a worksheet that shows the proposed recommendations for the assignments. For the majority of these positions and several Committee items are still left blank and open for discussion for appointment to serve in these capacities.

Voss explained I left a few of these open for discussion rather than assign us to these, namely the Police Department, Booster Day Committee, Sandhill Crane Committee, which I don't think met last year, right? Davis replied no. Voss stated and then the Finance Committee, which I think we can discuss last.

Voss stated so, I'm fine with staying on as the Liaison with the Sheriff's Department. Is there anyone else that would? I'll certainly yield if anyone else wants to be the Liaison. I'll tell you that was not a, wasn't a lot of duties with that this past year. Not anymore; I usually talk to the Sheriff's Department. So, no one else interested? Ronning stated that works for me. Voss stated then I'll, I'll, you want it? Or, do you want me on it? Ronning stated no, no, I'll say what you're suggesting works for me. Voss stated okay, I'll hold on, I'll stay on as the Sheriff's Liaison then.

8.0G.1  
Commission/  
Committee  
Assignment  
for 2016

Voss stated Booster Day Committee. Last year it was Brian and Tim. Anyone want to be on the Booster Day Committee? Ronning asked do you want to do it again? I'll work with you. Harrington asked you want to work with me? Ronning asked you won't be sick, will you? Harrington stated I'll try not to. Ronning asked Brian or Ron? Mundle stated if you guys want to. Koller stated yeah, if you guys want it. Ronning stated it's not always a matter of want to, it's a matter of need to be filled. Voss stated I'm not going to appoint somebody that doesn't want to do it. That's my point of leaving it open. Ronning stated yep, and that's good, very good. Voss stated so Brian, or I'm sorry Tim and Ron. Harrington stated Tim and Tom.

Voss stated Sandhill Crane Committee. Harrington stated I could take that if nobody else wants it because I think they're going to try to get some kind of meeting together. Davis stated in 2014 that Committee met, probably, four or five times in regard to a potential grant from the PCA to do some work in the Sandhill Crane Natural Area. The grant was denied. The County is still working on re-submission of that. I anticipate there will be a couple meetings this year. I'm still working with Jeff Perry to try to get something done. As soon as he receives word from the PCA, when that grant can be resubmitted, so it's kind of an interesting little project. The meetings are held, generally, at the park headquarters at, on Bunker. There'll probably be two or three meetings and those meetings are during the day. Voss asked so Tim, you're still up to it? Harrington stated yeah, that's fine.

Voss stated Finance Committee, historically we've had two Councilmembers, the Mayor and one Council Member actually, on that Committee. But, we certainly can have more on there. Koller asked when do they meet? Voss asked when do we meet, April? Davis replied we generally meet in April to give direction for the subsequent budget. Daytime, it depends on when you want to meet. Ronning replied afternoon. Koller stated afternoon is fine. Voss stated we can tell staff whenever we want to meet. Davis stated yeah. Koller stated I can try that. Voss stated okay, Ron is interested. Anyone else interested. Ronning stated I'm interested as well. Voss asked you are? Ronning replied yes. Voss stated okay. Brian? Tim? Mundle stated no, I'll let the honors to go those guys. Voss stated okay so it will be myself, Ron, and Tom.

Davis stated if we have three, do you want to just have the whole City Council because it will legally be a meeting of the Council since a quorum would be present. It will have to be advertised as a full Council meeting. Voss stated that's true, okay, because we'll have to call that meeting. Ronning stated why don't you go ahead Ron. It would be easier that way? Davis stated it makes no difference to me. Ronning stated okay. Voss stated well, I think, functionally it's probably easier and if there's any issues, we're going to bring it back to Council. No one makes decisions at the Finance Committee anyway. Voss stated it just kind of sets the path for budgets. Ronning stated listen to recommendations and make suggestions, if there are any. Voss stated yup. You okay with that Tom? Ronning stated sure. Voss stated okay, so it will just be myself and Ron then on the Finance Committee.

Voss stated one that's not on here is we still haven't made the appointment to Airports, is that right? Davis replied that's correct. Voss stated Ed Fiore, who's a citizen that lives on the Beach has been that liaison for a few years now. And, if Ed's willing, I'd like to appoint him again to that. Davis stated he is. He's expressed an interest to continue on that.

Voss stated okay, so that fills out the 2016 appointee list. Davis stated there is one more potential one. That's the Trunk Highway 65 Coalition, which we just approved an

amendment to their bylaws two meetings ago. In that it does specify that we need to appoint an elected official or a designated official. Now, I had been appointed in the past, since its inception in 2006. We did have a Council Member that was appointed but I'm the only person that's ever attended the meeting. I'll be more than willing to continue.

Voss stated I'll appoint Jack again. Ronning stated I don't know what you do at those meetings but I know you're doing a heck of a good job. We're all the support you can handle. Davis stated the only other thing, we would probably need to appoint a second. Voss asked an alternate? Davis replied an alternate. Mundle stated I'll take that. Voss stated Brian as the alternate, okay. Koller stated you never take a day off of work Jack. Voss stated he just doesn't tell us.

Voss stated okay, anything else for me to fill on that? Jack? Are we good there? So, that's the appointee list for this year and do we need to have that approved by Council?

**Voss stated I'll move the 2016 Appointee List as discussed.**

Anoka County Sheriff's Department Liaison ~ Mayor Voss

Booster Day Committee ~ Council Members Harrington and Ronning

Sandhill Crane Committee ~ Council Member Harrington

Finance Committee ~ Mayor Voss and Council Member Koller

Anoka County-Blaine Airport Advisory Commission Liaison ~ Resident Ed Fiore;  
Jack Davis as the Alternate

North TH 65 Highway Coalition ~ City Administrator Davis; Council Member  
Mundle as the Alternate

**Mundle stated I'll second.** Voss asked any discussion? All in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Davis presented the staff report, indicating the City Council previously reviewed choices for video agenda indexing of City Council meetings. Currently, the City uses the Civic Plus Media Center for video playback; however, there are no options to search for specific agenda topics within the recording. The video indexing feature on playbacks is a useful option for DVD review and enables the user to seamlessly scroll between different agenda items. City Council meetings from December through June 2015 have averaged 161 viewers and Planning Commission meetings for this same period have averaged 103 views.

Staff presented the available options and costs for this service to the Council at the October 28, 2015, Work Meeting. Of the three proposals that were presented, the Council preferred the program offered by Leightronix due to the larger screen display and an agenda link contained on the same page with the video screen. The service would cost \$2,365 for 2016 and would include 600 hours of HD or 1,200 Hours of SD Video storage. Local vendors have been contacted for installation and support for this option. We have received two quotes for this system with EPA Audio Visual providing the low bid of \$2,365. The City of Fridley uses this system and reported that they've had no issues and have been satisfied with this service.

We discussed contracting this service with the North Suburban Access Corporation. The North Suburban Access Corporation, CTV, is a nonprofit organization that provides community media and is located in Roseville. We have used their services in the past and they have proven to be very reliable. However, their product, while less slightly expensive, does not offer the functionality of the Leightronix service. We requested that CTV submit a proposal that would match the Leightronix product but they informed us they were not able

8.0G.2

to replicate the service.

Video

Indexing for  
Council and  
Commission  
Meetings

A service from Granicus was considered but their system requires the purchase of equipment at a cost of \$2,500 to \$4,900 depending on compatibility with our system. The monthly fees for the service would be in the range of \$300 -\$600. Due to costs, this system was eliminated as an option.

Costs are noted and included Attachment 2 in your package. If we elect to use this service, we would no longer need to continue the Media Center with Civic Plus on our web page and would save \$1,000 annually by discontinuing this feature. The balance of the cost for the video indexing is proposed to be paid from the annual PEG fees we receive from Mid-Continent.

Staff recommends Council consider approval of the EPA audiovisual proposal for the Leightronix system the video indexing at a cost of \$2,365.

**Ronning stated move to adopt this staff recommendation suggesting that Leightronix system for video indexing at a cost of \$2,365. Koller stated I'll second. Voss asked discussion?**

Mundle asked what kind of storage? It states that we'd have 600 hours or 1,200 hours depending on which format. How much of that would we be able to leave on our website? Davis stated all of it would be accessible on our website. Mundle asked all of it would be accessible? Davis responded yes. Voss stated it's just a link from the website. Davis stated yes, this is just software. Mundle stated okay.

Ronning stated the document says we get an additional 500 gigabytes a month. Unless I'm, read it to make sure I'm not mistaken. Mundle stated okay because with the current website, I think it was, we could only have so much content on the site. So, this would be... Davis stated yes, this would be off site and would be accessed by a link.

Mundle stated okay and so potentially how will, that could go back, we could archive a lot of these videos then? Davis stated yes and we could free up more space on our website. Mundle stated okay, so with the \$1,000 savings the cost of this is essentially \$1,365.

Davis stated we currently receive part of our franchise agreement with Mid-Continent, on the cable franchise, approximately \$5,000 per year for PEG fees. That's an acronym for Public Education and Government. And, this is what they pay to us so that we can use this money to enhance our system in which we record Council meetings and do broadcast media for Channel 10. So we would take that and it wouldn't have to come out of anything on the budget.

Mundle yeah but we'd be saving \$1,000. Davis stated correct. We'd be saving \$1,000. We currently discontinue the Media Center we have with Civic Plus. They'd take that off of our bill and we'd save \$1,000 per year.

Voss stated so the net increase is \$1,365. Davis stated correct. Voss stated so that's what you're getting at. Mundle stated yes, and our previous meetings are still currently on the website? Davis stated we keep up to six on the website now and then after that we roll them off. If there's any interest, we can always download one and put it in our Dropbox for someone.

8.0G.2  
Video  
Indexing for  
Council and  
Commission  
Meetings

Mundle stated okay but if and when we take on this new service, the last six meetings that we'd be hosting would no longer be available on our website. Davis stated no but they would be, you could link it to this service. You'd go to the link and click it. Mundle stated okay so we could upload those videos to the new service. Davis responded correct. Mundle stated okay.

Ronning stated I think I misspoke on that 500. It says, 'video on demand service with 500 gigabytes monthly download bandwidth.' That means what? What people can download from the...Jack is that correct? Davis stated I'm going to refer that question to Brian. Mundle asked to me? Ronning stated it reads that people can download 500 gigabytes of information per month. And, one other question, was it clear how people would access this? Davis stated it would be linked on our website. Ronning stated okay. Voss asked so was that answered? I didn't hear Brian. Mundle stated I couldn't tell you yes or no on this. Voss stated I don't think it changes anything. Ronning stated Ron's the computer guru. Koller stated not on that. Mundle stated I know a thing or two but, I don't know the answer to that question.

Voss asked is it a concern or just a question? Tom? Do we need an answer before we? Ronning answered no. Voss asked any other discussion? Hearing none, all in favor say aye? **All in favor.** Voss asked any opposed? Hearing none, that motion passes. **Motion passes unanimously.**

8.0G.3  
Future  
Council  
Agenda  
Items

Davis asked is there any specific thing that Council would like to see for the January 20<sup>th</sup> Council agenda? If you think of anything, let me know. Voss stated give Jack a call.

**9.0 Other**  
9.0A  
Staff Reports  
2015  
Year End  
Report

Davis stated I really don't have anything specific to report. We sent out kind of a little year-end report of things that we'd accomplished as a City in an e-mail. Which, when you sit back and think about it, sometimes you think, 'Gee, did we get anything done?' And then you look at the list and you think, 'Well, yeah more so than we thought.' So, there were several significant items on there. Some of them were started a long time ago but we finished them this year.

Davis stated the most important things, I think, were the modification to the Met Council contract for the Reserve Capacity Loan, the refinancing of a bond issue which saved approximately \$1.2 million, the Rental Ordinance was passed, and those were in the, the budget was passed too with the third lowest levy increase of any City in Anoka County. So, thank you Tim.

Davis stated we were able to reduce the park dedication fee by approximately two-thirds to make us comparable with other cities. We just approved the change in these density regulations, which clears up a lot of confusion. And, hopefully, open up a way for some development for these rural subdivisions. We also committed to a Service Road Plan and Utilities District, which I think is important and which, hopefully, we'll be able to get started on the first phase of that.

Davis stated we were able to work with Anoka County to advance this 221<sup>st</sup> Overlay Project by almost two years. Special thanks, tough, to our Commissioner Julie Braastad who was

really instrumental to helping us get that done. We substantially completed a major road improvement project on the entrance to Coon Lake Beach. We participated with Anoka County and got a reflective highway striping project done on Viking Boulevard with the installation of new street lights.

Davis stated we've initiated the decommissioning of the Castle Towers Treatment Plant. We updated the City's GIS system and now it's available on the website. It's an extremely useful tool. People can get zoning, all kinds of land use information. And, there's some very, very basic CAD tools that can do some measuring, labeling, and printing.

Davis stated we completed the Community Development Block Grant Program for the Coon Lake Beach septic system, put in 13 new septic systems and 8 new wells to improve some water quality issues and sanitary issues down there. We passed a Rental Ordinance as I previously stated.

Davis stated we also made some major improvements to the Ice Arena, replaced the dashboards, did some painting inside which was needed, have a new sound system, there's better communication facilities in the lobby. I spoke with the Youth Hockey Association last week and they've been well pleased with improvements that have been made. They've also made improvements to the outside rink. Unfortunately, we haven't had any weather to make the ice yet. I will probably give that one attempt next week, which looks like we may have some really good weather to do that. It will be a shorter season but the outside rink, hopefully, will be open for four, five, six weeks this year.

Davis stated we received several awards this year. We received the Fluoridation Award from the State. More importantly, we received the Heart Safe designation, which was a major accomplishment by members of the Fire Department with the endorsement of City Council. We also received a Tree City Designation Award. And, we're continuing to work very diligently on economic development efforts. Some things may not show but we're laying the groundwork for a lot of things that we hope will happen in the very near future.

Voss stated yes, I think Jack there's two things you said there. One, at the beginning is, as we look back you don't realize the accomplishments the City's made over the year. So, thanks for pulling that together. It really shows that there is a lot of things done. But then tied into one of your last statements, there's so many things the City does that are small, behind the scenes, that you don't necessarily see. You know, striping on Viking, repaving roads, those things you see but there's a lot of groundwork between staff, between Council, between Commissions, and there's a lot of work that gets done. I mean, it all kind of adds up and it's hard for residents to see all that sometimes. But, there is a lot of effort that's put in.

Davis stated and the most important thing is this is a joint effort. This is like spokes in a wheel. You take one of the spokes out and it doesn't function. So, my thanks to all the members of the Council and the Commissions and the Authorities for really helping us work to achieve these things.

Ronning stated and this is over a, how many year period of time would you say? Davis stated you know a couple of these things started, like the modification to the Met Council contract, started in 2014. We've always been trying to refinance this 2010 RZED bond for the past two years but this was the year that it came up where the numbers were in our favor. So some of them started before 2015.

9.0A

Staff Reports  
2015  
Year End  
Report

Ronning stated what I'm trying to get at, I guess, excuse me for interrupting but it isn't just one Council that does things, it's a number of Councils that get things done. And, working together, that's the way it ought to be. Davis stated amen.

9.0B

Council  
Report –  
Member  
Harrington

Harrington stated Mr. Mayor I just have a couple of them. East Bethel Fire Auxiliary is having a waffle breakfast Saturday, January 30<sup>th</sup>, from 8 to 11, at Fire Station #1. Our Saviors Lutheran Church is having a blood drive January 12<sup>th</sup>, 1 to 7. You can call Carolyn, (763) 434-3660 to make an appointment. That's all I have.

Council  
Member  
Ronning

Ronning stated nothing.

Council  
Member  
Mundle

Mundle stated not an official update but from what I've heard, on the Fire JPA where we discussed it at the last meeting, the Fire Chief brought it up that there was some 'hic-ups' with the agenda items and how they're presented, etc. Some of the rumblings I've heard is that thanks to our Fire Chief, that things may be changing and at the next meeting it may be an entirely different type of meeting. So, that's not official, it's just kind of rumor that I heard and we'll see when Tim gets back from his first Joint Powers meeting how it went.

Mundle stated so, ah, that's it. I just look forward to another great year and, hopefully, we can have a full list as long as that one if not bigger by the end of this year. I look forward to it.

Council  
Member  
Koller

Koller stated I don't have much of anything.

Mayor Voss

Voss stated two things and it's more weather related. We've had a couple chimney fires in the City over the past few weeks. And, it's the time of year when people use their fireplaces more often. So, folks should be cognizant of what they're doing when they're using their fireplaces.

Voss stated then also with this time of year, and especially with the cold coming up, is pay attention to your neighbors. You know, particularly the elderly and just check on them if you think we need to. This next week is going to be a cold. We're not used to this year at least but it's going to be a cold one. So, that's all I have.

9.0C

Other

None.

9.0D

Closed  
Session  
PIN #29-33-  
23-32-0003 &  
#08-33-23-11-  
0005

Vierling stated thank you Mr. Mayor and members of the Council. For the benefit of the public and for the record, we'd note that the Council's is about to go into Closed Session to review matters of purchase or sale of real estate authorized under Minnesota Statute 13D.05. The Council's Closed Session will be tape recorded, as is required by law with that tape recording being maintained for a period of two years. The properties identified to be discussed during the Closed Session are identified as Anoka County Property Identification #29-33-23-32-0003 and #08-33-23-11-0005.

9.0D

Closed  
Session

Vierling stated with that being said, Mr. Mayor and Council, I'd recommend a motion be made to go into Closed Session for the purposes I've indicated.

Move to  
Closed  
Session

**Mundle stated make a motion to go into Closed Session at 8:33 p.m. for the purposes that City Attorney has indicated. Harrington stated I'll second.** Voss stated a motion has been made and seconded. Any discussion? All in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Reconvene  
Open Session

Voss stated all right, Mr. Vierling. Vierling stated I need just a minute to catch up here. Thank you. The Council's back into Open Session. We note the time is approximately 9:02 p.m. The Council reviewed matters with regard to land acquisition affecting Parcel Identification #29-33-23-32-0003 and #08-33-23-11-0005. The Closed Session was attended by all members of the City Council and the Mayor. It was also attended by staff members the City Administrator Mr. Jack Davis and myself as City Attorney. The Council reviewed issues presented by the land acquisition and real estate interests as outlined by the City Administrator, discussed issues of strategy, and consensus desired but took no formal motions on either matter that was before them at that time. That being said, the Council is now free to go ahead and take action on any matters you wish to do so.

Resolution  
2016-06,  
Waiving  
Assessment in  
Lieu of  
Easement  
Dedication for  
Our Saviors  
Lutheran  
Church

Voss stated staff has presented a Resolution to Council to consider. It's Resolution 2016-06, Resolution Waiving Assessments Service Road and Associated Utility Construction Costs as part of a Permanent Easement Dedication for and by Our Saviors Lutheran Church. And that Resolution's before us now. Is there a motion?

**Harrington stated I'll make a motion for approving Resolution 2016-06, Waiving Assessment in Lieu of Easement Dedication for Our Saviors Lutheran Church. Mundle stated I'll second.** Voss asked any discussion? Hearing none, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Voss stated with that I think we've completed our agenda for tonight. Harrington asked do you need Item Number 2? Voss stated I'm sorry. Harrington asked do you need Item Number 2? Voss stated Item 2, I'm missing something. Davis stated no. Harrington stated oh, you don't need that? You don't need this one? Voss stated sorry, am I missing something Jack? Davis stated no. Voss asked we're good? Okay.

**10.0**  
**Adjourn**

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

Meeting adjourned at 9:10 p.m.

Submitted by:  
Carla Wirth

*TimeSaver Off Site Secretarial, Inc.*