

City of East Bethel City Council Agenda

Regular Council Meeting – 7:00 p.m.

Date: February 3, 2016



	<u>Item</u>	
7:00 PM	1.0	Call to Order
7:01 PM	2.0	Pledge of Allegiance
7:02 PM	3.0	Adopt Agenda
7:03 PM	4.0	Presentations
	Pg. 3-10	A. Ice Arena Report – Gibson Management
7:48 PM	5.0	Public Forum
8:00 PM	6.0	Consent Agenda

Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration

Pg. 12-15	A.	Approve Bills
Pg. 16-50	B.	Meeting Minutes, January 20, 2016 City Council Meeting
Pg. 51	C.	Resolution 2016-10, Acceptance of Donation of Jim Fink to the East Bethel Fire Department
Pg. 52	D.	Resolution 2016-11, Acceptance of Donation of East Bethel Fire Relief Association to the East Bethel Fire Department
Pg. 53	E.	Accept Resignation of EDA Member John Landwehr

New Business

8:05 PM	7.0	Commission, Association and Task Force Reports
	A.	Planning Commission
Pg. 54	1.	January Report
	B.	Economic Development Authority
Pg. 55	1.	January Report
	C.	Park Commission
	D.	Road Commission

8:20 PM	8.0	Department Reports
	A.	Community Development
	B.	City Engineer
	C.	City Attorney
	D.	Finance
	E.	Public Works
	F.	Fire Department
	G.	City Administrator
Pg. 56-77	1.	SRWMO JPA Amendment

8:45 PM	9.0	Other
	A.	Staff Report

- B. Council Reports
- C. Other
- D. Closed Session, Minn. Stat. § 13D.03, subd. 1 (b), Union Negotiations and Minn. Stat. § 13D.05, subd. 3 (b), Attorney – Client Privilege

9:15 PM

10.0 Adjourn



City of East Bethel City Council Agenda Information

Date:

February 3, 2016

Agenda Item Number:

Item 4.0

Agenda Item:

Ice Arena Report

Requested Action

Information Item

Background Information:

Gibson Management Corporation will present a report of Arena activities and take questions from Council relating to the operation and management of the facility for the 2015-2016 season.

Attachments:

- 1) Arena Financial Report
- 2) Arena Usage Reports

Fiscal Impact:

Recommendation(s):

No Action Required

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

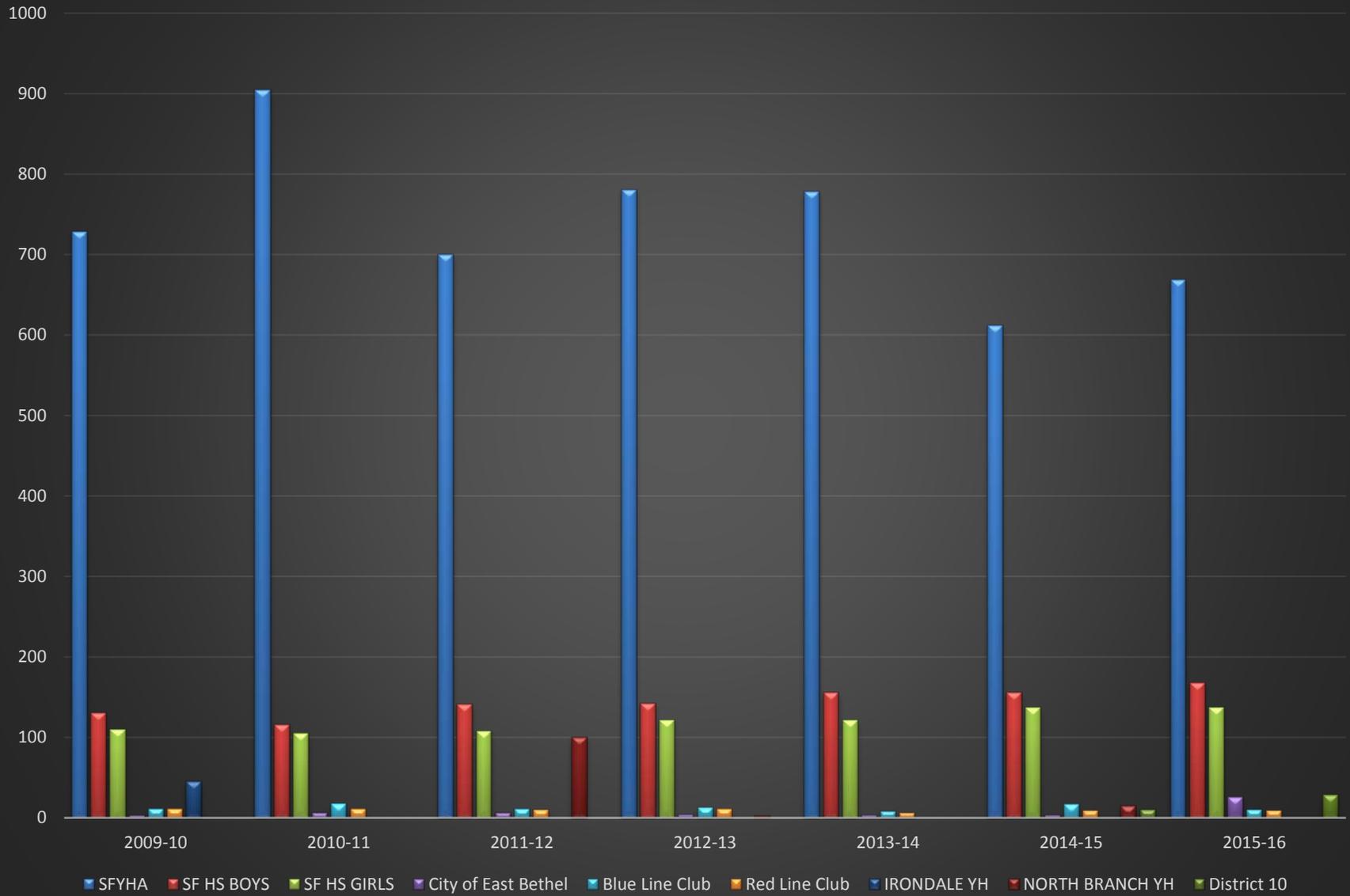
City of East Bethel
Revenue / Expense Statement
Fiscal Year 2015
1/1/15 to 12/31/15

Account Description	1/1/15 to 12/31/15 Actual	FY 2015 Budget	YTD as a % of Budget
<u>Arena Operations</u>			
Revenues			
R 615-36210 Interest Earnings	161.15	-	N/A
R 615-36240 Refunds/reimbursements	32,500.00	-	N/A
R 615-37920 Vending Machine Sales	228.86	500.00	46%
R 615-38060 Ice Rental Revenues	183,386.72	220,500.00	83%
R 615-38062 Dry Floor Events	5,430.00	1,500.00	362%
R 615-38064 Concession Rental	2,000.00	2,000.00	100%
R 615-38065 Locker Room Rental	7,500.00	7,500.00	100%
R 615-38066 Advertising Revenue	675.00	2,000.00	34%
Total Revenues - Arena	231,881.73	234,000.00	99%
Expenditures			
E 615-49851-211 Cleaning Supplies	550.74	-	N/A
E 615-49851-212 Motor Fuels	2,588.09	2,000.00	129%
E 615-49851-219 General Operating Supplies	5,280.03	500.00	1056%
E 615-49851-223 Bldg/Facility Repair Supplies	5,697.57	4,000.00	142%
E 615-49851-231 Small Tools and Minor Equip	924.03	1,000.00	92%
E 615-49851-307 Professional Services Fees	80,200.00	79,000.00	102%
E 615-49851-321 Telephone	243.22	1,500.00	16%
E 615-49851-342 Legal Notices	32.25	-	N/A
E 615-49851-381 Electric Utilities	29,973.28	33,000.00	91%
E 615-49851-382 Gas Utilities	14,336.07	20,000.00	72%
E 615-49851-385 Refuse Removal	1,890.72	2,000.00	95%
E 615-49851-402 Repairs/Maint Machinery/Equip	2,339.30	3,000.00	78%
E 615-49851-403 Bldgs/Facilities Repair/Maint	8,961.75	15,000.00	60%
E 615-49851-422 Auto/Misc Licensing Fees/Taxes	190.53	1,000.00	19%
E 615-49851-481 Depreciation Expense	75,189.76	72,000.00	104%
Total Expenditures - Arena	228,397.34	234,000.00	98%
Net Income - Arena	3,484.39	-	

EAST BETHEL ICE ARENA USAGE REPORT - 2009-2015 HOCKEY SEASONS

GROUP	2009-10	2009-10	2010-11	2010-11	2011-12	2011-12	2012-13	2012-13	2013-14	2013-14
	Weekday	Weekend								
SFYHA	318.5	410	402	503	324.5	376	319	461	309.17	469.08
SF HS BOYS	111.83	19	94.75	20.83	119	21.83	122.17	20.67	132.67	22.83
SF HS GIRLS	101.83	8.33	92.42	12.5	102	6.33	105.5	16.5	111	10.5
City of East Bethel	3	0	3.5	3	0	6.5	3	1	3.5	0
Blue Line Club	11	0	18	0	11	0	13	0	8	0
Red Line Club	11	0	11	0	6	4	11	0	6	0
IRONDALE YH	23	22	0	0	0	0	0	0	0	0
NORTH BRANCH YH	0	0	0	0	39.5	61	2	0	0	0
GROUP	2014-15	2014-15	2015-16	2015-16						
	Weekday	Weekend	Weekday	Weekend						
SFYHA	255.5	356	307	364.17						
SF HS BOYS	128	27.83	127	40.34						
SF HS GIRLS	116.17	20.83	127.83	9.84						
City of East Bethel	3.5	0	26	0						
Blue Line Club	17	0	10	0						
Red Line Club	9	0	9	0						
IRONDALE YH	0	0	0	0						
NORTH BRANCH YH	5	10	0	0						
District 10	0	10	4	25						
GROUP	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16			
	TOTAL									
SFYHA	728.5	905	700.5	780	778.25	611.5	669.17			
SF HS BOYS	130.83	115.58	140.83	142.84	155.5	155.83	167.33			
SF HS GIRLS	110.16	104.92	108.33	122	121.5	137	137.67			
City of East Bethel	3	6.5	6.5	4	3.5	3.5	26			
Blue Line Club	11	18	11	13	8	17	10			
Red Line Club	11	11	10	11	6	9	9			
IRONDALE YH	45	0	0	0	0	0	0			
NORTH BRANCH YH	0	0	100.5	2	0	15	0			
District 10	0	0	0	0	0	10	29			

East Bethel Usage Chart



City of East Bethel Ice Arena

Usage Statistics - By Customer Group

10/5/2015 - 2/29/2016 / Mon, Tues, Wed, Thurs, Fri / 7:00 AM - 11:00 PM / Facility Events, Activity Events, League Events

All Facilities

Customer Group / Account/Activity	Hours	% Total	Facility Rev.	Other Charges	Tax	Total	% Total
	293.83	47.41%	\$49,072.00	\$0.00	\$54.72	\$49,126.72	43.97%
City Of East Bethel	26.00	4.19%	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
District 10	4.00	0.65%	\$768.00	\$0.00	\$54.72	\$822.72	0.74%
Open Weekday	9.00	1.45%	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
St.Francis HS Boys	127.00	20.49%	\$24,280.00	\$0.00	\$0.00	\$24,280.00	21.73%
St.Francis/North Branch Girls HS	127.83	20.62%	\$24,024.00	\$0.00	\$0.00	\$24,024.00	21.50%
High School	19.00	3.07%	\$3,648.00	\$0.00	\$0.00	\$3,648.00	3.27%
St Francis Boys Blue Line Club	10.00	1.61%	\$1,920.00	\$0.00	\$0.00	\$1,920.00	1.72%
St.Franics/NB Girls Center Line Club	9.00	1.45%	\$1,728.00	\$0.00	\$0.00	\$1,728.00	1.55%
Youth Hockey	307.00	49.53%	\$58,944.00	\$0.00	\$0.00	\$58,944.00	52.76%
St Francis Youth Hockey	307.00	49.53%	\$58,944.00	\$0.00	\$0.00	\$58,944.00	52.76%
	619.83		\$111,664.00	\$0.00	\$54.72	\$111,718.72	

City of East Bethel Ice Arena

Usage Statistics - By Customer Group

10/5/2015 - 2/29/2016 / Sun, Sat / 7:00 AM - 11:00 PM / Facility Events, Activity Events, League Events

All Facilities

Customer Group / Account/Activity	Hours	% Total	Facility Rev.	Other Charges	Tax	Total	% Total
	174.67	32.42%	\$14,432.00	\$0.00	\$342.00	\$14,774.00	17.44%
District 10	25.00	4.64%	\$4,800.00	\$0.00	\$342.00	\$5,142.00	6.07%
Open Weekend Hours	99.50	18.47%	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
St.Francis HS Boys	40.33	7.49%	\$7,744.00	\$0.00	\$0.00	\$7,744.00	9.14%
St.Francis/North Branch Girls HS	9.83	1.82%	\$1,888.00	\$0.00	\$0.00	\$1,888.00	2.23%
Youth Hockey	364.17	67.58%	\$69,920.00	\$0.00	\$0.00	\$69,920.00	82.56%
St Francis Youth Hockey	364.17	67.58%	\$69,920.00	\$0.00	\$0.00	\$69,920.00	82.56%
	538.83		\$84,352.00	\$0.00	\$342.00	\$84,694.00	

EAST BETHEL ICE ARENA

2015-2016 ICE USAGE REPORT

Ice Sales

St. Francis Youth Hockey	671.17 hrs
St. Francis H.S. Boys	167.33 hrs
St. Francis H.S. Girls	137.67 hrs
Blue Line Club	11 hrs
Red Line Club	9 hrs
District 10	29 hrs
<hr/>	
Total Hours Sold	1024.17 hrs
Total Revenue	\$196,412.72

Misc

Open Weekdays	9 hrs
Open Weekends	99.5 hrs
<hr/>	
Total Hours	108.5 hrs

<u>Free Open Skating Hours</u>	<u>26 hrs</u>
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City of East Bethel Ice Arena

Usage Statistics - By Customer Group

10/5/2015 - 2/29/2016 / Sun, Mon, Tues, Wed, Thurs, Fri, Sat / 7:00 AM - 11:00 PM / Facility Events, Activity Events, League Events

All Facilities

Customer Group / Account/Activity	Hours	% Total	Facility Rev.	Other Charges	Tax	Total	% Total
	468.50	40.43%	\$63,504.00	\$0.00	\$396.72	\$63,900.72	32.53%
City Of East Bethel	26.00	2.24%	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
District 10	29.00	2.50%	\$5,568.00	\$0.00	\$396.72	\$5,964.72	3.04%
Open Weekday	9.00	0.78%	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Open Weekend Hours	99.50	8.59%	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
St.Francis HS Boys	167.33	14.44%	\$32,024.00	\$0.00	\$0.00	\$32,024.00	16.30%
St.Francis/North Branch Girls HS	137.67	11.88%	\$25,912.00	\$0.00	\$0.00	\$25,912.00	13.19%
High School	19.00	1.64%	\$3,648.00	\$0.00	\$0.00	\$3,648.00	1.86%
St Francis Boys Blue Line Club	10.00	0.86%	\$1,920.00	\$0.00	\$0.00	\$1,920.00	0.98%
St.Franics/NB Girls Center Line Club	9.00	0.78%	\$1,728.00	\$0.00	\$0.00	\$1,728.00	0.88%
Youth Hockey	671.17	57.93%	\$128,864.00	\$0.00	\$0.00	\$128,864.00	65.61%
St Francis Youth Hockey	671.17	57.93%	\$128,864.00	\$0.00	\$0.00	\$128,864.00	65.61%
	1,158.67		\$196,016.00	\$0.00	\$396.72	\$196,412.72	



City of East Bethel City Council Agenda Information

Date:

February 3, 2016

Agenda Item Number:

Item 6.0 A- E

Agenda Item:

Consent Agenda

Requested Action:

Consider approval of the Consent Agenda

Background Information:

Item A

Approve Bills

Item B

January 6, 2016 Council Meeting Minutes

Meeting minutes from the January 6, 2016 City Council Meeting are attached for your review.

Item C

Resolution 2016-10

Acknowledge donation of Jim Fink to the East Bethel Fire Department.

Item D

Resolution 2016-11

Acknowledge the donation of the East Bethel Fire relief Association of four Water Rescue Suits to the East Bethel Fire Department.

Item E

Accept Resignation of EDA Member John Landwehr

John Landwehr, a member of the East Bethel EDA since February 2013, has submitted a letter of resignation due to his employment and residence relocation. Mr. Landwehr has been a valuable member of the Authority and has been involved in many civic and community events.

Fiscal Impact:

As noted above.

Recommendation(s):

Staff recommends approval of the Consent Agenda as presented.



City of East Bethel

February 3, 2016

Payment Summary

Payments for Council Approval	
Bills to be approved for payment	\$145,456.10
Electronic Payroll Payments	\$27,049.76
Payroll - City Staff, January 28, 2016	\$34,958.54
Total to be Approved for Payment	\$207,464.40

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Arena Operations	Bldg/Facility Repair Supplies	11991	Menards - Forest Lake	615	49851	\$285.46
Arena Operations	Bldg/Facility Repair Supplies	12838	Menards - Forest Lake	615	49851	(\$119.85)
Arena Operations	Bldg/Facility Repair Supplies	7211	Menards Cambridge	615	49851	\$70.62
Arena Operations	Cleaning Supplies	18903	Class C Components	615	49851	\$515.43
Arena Operations	Cleaning Supplies	7337	Menards Cambridge	615	49851	\$78.28
Arena Operations	Electric Utilities	012116	Connexus Energy	615	49851	\$3,943.90
Arena Operations	Gas Utilities	486828732	Xcel Energy	615	49851	\$2,618.84
Arena Operations	General Operating Supplies	557332	Ham Lake Hardware	615	49851	\$7.17
Arena Operations	Motor Fuels	1090269362	Ferrellgas	615	49851	\$266.66
Arena Operations	Professional Services Fees	100017	Gibson Management	615	49851	\$9,000.00
Arena Operations	Repairs/Maint Machinery/Equip	432595	Jorson & Carlson Co., Inc	615	49851	\$185.43
Arena Operations	Repairs/Maint Machinery/Equip	011116	Tim Olson	615	49851	\$225.00
Arena Operations	Telephone	332373310-170	Sprint Nextel Communications	615	49851	\$24.31
Building Inspection	Permit Fee Reimbursement	011416	Northside Septic Svc, LLC	101		\$301.00
Building Inspection	Telephone	332373310-170	Sprint Nextel Communications	101	42410	\$3.62
Central Services/Supplies	Office Equipment Rental	296074115	US Bank Equipment Finance	101	48150	\$269.50
Central Services/Supplies	Office Supplies	IN1055215	Innovative Office Solutions	101	48150	\$58.67
Central Services/Supplies	Telephone	13589261	Integra Business	101	48150	\$209.51
City Administration	Professional Services Fees	M21851	TimeSaver Off Site Secretarial	101	41320	\$430.50
City Administration	Telephone	332373310-170	Sprint Nextel Communications	101	41320	\$83.32
City Administration	Travel Expenses	012816	Jack Davis	101	41320	\$147.42
Finance	Conferences/Meetings	225646	League of MN Cities	101	41520	\$20.00
Fire Department	Bldgs/Facilities Repair/Maint	11846	Betz Mechanical, Inc.	101	42210	\$591.47
Fire Department	Bldgs/Facilities Repair/Maint	11847	Betz Mechanical, Inc.	101	42210	\$827.71
Fire Department	Conferences/Meetings	1110020301	Allina Health System	101	42210	\$2,874.00
Fire Department	Conferences/Meetings	3820	MN Fire Serv Cert Board	101	42210	\$80.00
Fire Department	Electric Utilities	012116	Connexus Energy	101	42210	\$478.79
Fire Department	Electric Utilities	012116	Connexus Energy	101	42210	\$9.92
Fire Department	Electric Utilities	012116	Connexus Energy	101	42210	\$220.63
Fire Department	Electric Utilities	012116	Connexus Energy	101	42210	\$105.26
Fire Department	Gas Utilities	486828732	Xcel Energy	101	42210	\$1,397.42
Fire Department	Safety Supplies	159703	Clarey's Safety Equipment Inc.	101	42210	\$10,598.28
Fire Department	Small Tools and Minor Equip	116-572	Advanced First Aid	101	42210	\$399.15
Fire Department	Small Tools and Minor Equip	321673	OSI Batteries	101	42210	\$460.50
Fire Department	Small Tools and Minor Equip	17222504	W.S. Darley & Co.	101	42210	\$206.80
Fire Department	Software Licensing	16-008	Anoka County Fire	101	42210	\$298.00



City of East Bethel
February 3, 2016
Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Fire Department	Telephone	13589261	Integra Business	101	42210	\$130.96
Fire Department	Telephone	332373310-170	Sprint Nextel Communications	101	42210	\$7.24
Fire Department	Tires	3002683	Custom Cap and Tire	101	42210	\$2,112.48
General Govt Buildings/Plant	Electric Utilities	012116	Connexus Energy	101	41940	\$752.51
General Govt Buildings/Plant	Electric Utilities	012116	Connexus Energy	101	41940	\$16.16
General Govt Buildings/Plant	Electric Utilities	012116	Connexus Energy	101	41940	\$115.91
General Govt Buildings/Plant	Gas Utilities	486828732	Xcel Energy	101	41940	\$616.07
Mayor/City Council	Commissions and Boards	2nd 2015	Upper Rum River Watershed	101	41110	\$1,407.36
Park Maintenance	Auto/Misc Licensing Fees/Taxes	2012-0088	MN DNR Eco-Water-Res	101	43201	\$165.22
Park Maintenance	Auto/Misc Licensing Fees/Taxes	2012-0089	MN DNR Eco-Water-Res	101	43201	\$157.60
Park Maintenance	Bldg/Facility Repair Supplies	560255	Ham Lake Hardware	101	43201	\$37.96
Park Maintenance	Bldg/Facility Repair Supplies	560986	Ham Lake Hardware	101	43201	\$18.16
Park Maintenance	Bldg/Facility Repair Supplies	561416	Ham Lake Hardware	101	43201	\$10.44
Park Maintenance	Bldg/Facility Repair Supplies	12847	Menards - Forest Lake	101	43201	\$253.69
Park Maintenance	Bldgs/Facilities Repair/Maint	102307	Rogers Electric	101	43201	\$449.08
Park Maintenance	Bldgs/Facilities Repair/Maint	102312	Rogers Electric	101	43201	\$1,188.38
Park Maintenance	Clothing & Personal Equipment	1182459573	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1182482539	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1182494034	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1182505487	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Conferences/Meetings	012716	Nate Ayshford	101	43201	\$50.00
Park Maintenance	Conferences/Meetings	012716	University of Minnesota	101	43201	\$195.00
Park Maintenance	Electric Utilities	012116	Connexus Energy	101	43201	\$13.50
Park Maintenance	Electric Utilities	012116	Connexus Energy	101	43201	\$31.96
Park Maintenance	Electric Utilities	012116	Connexus Energy	101	43201	\$37.47
Park Maintenance	Electric Utilities	012116	Connexus Energy	101	43201	\$16.16
Park Maintenance	Electric Utilities	012116	Connexus Energy	101	43201	\$13.50
Park Maintenance	Electric Utilities	012116	Connexus Energy	101	43201	\$13.50
Park Maintenance	Electric Utilities	012116	Connexus Energy	101	43201	\$37.82
Park Maintenance	Equipment Parts	02-322140	Lano Equipment, Inc.	101	43201	(\$149.66)
Park Maintenance	General Operating Supplies	561093	Ham Lake Hardware	101	43201	\$7.56
Park Maintenance	Other Equipment Rentals	98616	Jimmy's Johnnys, Inc.	101	43201	\$70.00
Park Maintenance	Other Equipment Rentals	151079371	Mobile Mini	101	43201	\$358.87
Park Maintenance	Repairs/Maint Machinery/Equip	02-349558	Lano Equipment, Inc.	101	43201	\$1,264.55
Park Maintenance	Telephone	13589261	Integra Business	101	43201	\$48.01
Payroll	Insurance Premiums	02 2016	Dearborn National Life Ins Co.	101		\$1,289.26
Payroll	Insurance Premiums	02 2016	NCPERS Minnesota	101		\$144.00
Payroll	Union Dues	01 2016	MN Public Employees Assn	101		\$429.00
Planning and Zoning	Legal Notices	294071	ECM Publishers, Inc.	101	41910	\$53.75
Planning and Zoning	Legal Notices	294072	ECM Publishers, Inc.	101	41910	\$75.25
Planning and Zoning	Legal Notices	294073	ECM Publishers, Inc.	101	41910	\$48.38
Recycling Operations	Electric Utilities	012116	Connexus Energy	226	43235	\$136.18
Recycling Operations	Gas Utilities	486828732	Xcel Energy	226	43235	\$131.67
Recycling Operations	General Operating Supplies	507041	Ver-Tech Inc.	226	43235	\$811.87
Recycling Operations	Other Equipment Rentals	98616	Jimmy's Johnnys, Inc.	226	43235	\$70.00



City of East Bethel
February 3, 2016
Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Recycling Operations	Professional Services Fees	02 2016	Cedar East Bethel Lions	226	43235	\$416.96
Recycling Operations	Professional Services Fees	02 2016	Cedar East Bethel Lions	226	43235	\$1,200.00
Risk Management	Automotive Ins	51744	League of MN Cities Ins Trust	101	48140	\$9,750.00
Risk Management	Bonding Insurance	51744	League of MN Cities Ins Trust	101	48140	\$499.00
Risk Management	General Liability Ins	51744	League of MN Cities Ins Trust	101	48140	\$19,935.00
Risk Management	Machinery Breakdown	51744	League of MN Cities Ins Trust	101	48140	\$2,132.00
Risk Management	Property Ins	51744	League of MN Cities Ins Trust	101	48140	\$29,475.00
Risk Management	Property Ins	51744	League of MN Cities Ins Trust	101	48140	\$4,205.00
Sewer Operations	Electric Utilities	012116	Connexus Energy	602	49451	\$40.82
Sewer Operations	Electric Utilities	012116	Connexus Energy	602	49451	\$382.37
Sewer Operations	Electric Utilities	012116	Connexus Energy	602	49451	\$54.73
Sewer Operations	Professional Services Fees	1051194	Metropolitan Council Env Svcs	602	49451	\$20,735.00
Street Maintenance	Bldgs/Facilities Repair/Maint	1182459573	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	1182482539	G&K Services - St. Paul	101	43220	\$9.17
Street Maintenance	Bldgs/Facilities Repair/Maint	1182494034	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	1182505487	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Clothing & Personal Equipment	1182459573	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Clothing & Personal Equipment	1182482539	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Clothing & Personal Equipment	1182494034	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Clothing & Personal Equipment	1182505487	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Conferences/Meetings	012016	Jeremiah Haller	101	43220	\$63.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$16.50
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$118.07
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$160.33
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$349.93
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$125.56
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$5.00
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$77.80
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$167.27
Street Maintenance	Electric Utilities	012116	Connexus Energy	101	43220	\$421.02
Street Maintenance	Gas Utilities	486828732	Xcel Energy	101	43220	\$695.79
Street Maintenance	Motor Fuels	729504	Lubricant Technologies, Inc.	101	43220	\$97.50



City of East Bethel
February 3, 2016
Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Street Maintenance	Motor Vehicles Parts	1026213	Boyer Truck Parts	101	43220	\$17.89
Street Maintenance	Professional Services Fees	6000324	Gopher State One-Call	101	43220	\$100.00
Street Maintenance	Repairs/Maint Machinery/Equip	SW200052243	Ziegler Inc.	101	43220	\$1,014.62
Street Maintenance	Sign/Striping Repair Materials	TI-0294373	Newman Traffic Signs	101	43220	\$640.28
Street Maintenance	Telephone	13589261	Integra Business	101	43220	\$48.01
Street Maintenance	Telephone	332373310-170	Sprint Nextel Communications	101	43220	\$70.43
Water Utility Operations	Auto/Misc Licensing Fees/Taxes	2014-1049	MN DNR Eco-Water-Res	601	49401	\$173.52
Water Utility Operations	Conferences/Meetings	012716	MN Dept of Health	601	49401	\$64.00
Water Utility Operations	Conferences/Meetings	012716	MN Rural Water Assoc	601	49401	\$275.00
Water Utility Operations	Conferences/Meetings	012716	MN Rural Water Assoc	601	49401	\$275.00
Water Utility Operations	Conferences/Meetings	012716	MN Rural Water Assoc	601	49401	\$275.00
Water Utility Operations	Electric Utilities	012116	Connexus Energy	601	49401	\$229.66
Water Utility Operations	Electric Utilities	012116	Connexus Energy	601	49401	\$66.65
Water Utility Operations	Electric Utilities	012116	Connexus Energy	601	49401	\$780.21
Water Utility Operations	Gas Utilities	011816	CenterPoint Energy	601	49401	\$107.03
Water Utility Operations	Gas Utilities	011816	CenterPoint Energy	601	49401	\$147.61
						\$145,456.10
Electronic Payroll Payments						
Payroll	PERA					\$6,427.99
Payroll	Federal Withholding					\$5,811.76
Payroll	Medicare Withholding					\$1,595.06
Payroll	FICA Tax Withholding					\$6,820.28
Payroll	State Withholding					\$2,317.69
Payroll	MSRS/HCSP					\$4,076.98
						\$27,049.76

EAST BETHEL CITY COUNCIL MEETING

January 20, 2016

The East Bethel City Council met on January 20, 2016, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Steve Voss Ron Koller Tim Harrington
Brian Mundle Tom Ronning

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

1.0 Call to Order The January 20, 2016, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

2.0 Pledge of Allegiance The Pledge of Allegiance was recited.

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

4.0 Presentation Davis presented the staff report that relates to the Roads Commission Reduced Conflict/Superstreet Intersection recommendation.

4.0A Road Commission Reduced Conflict Intersection Recommend The Roads Commission has focused their previous two meetings on gathering information on Reduced Conflict/Superstreet Intersections as an option to address issues on Highway 65 locations at Viking Boulevard, 187th Lane, and 181st Avenue.

During these meetings, the Commission has received presentations from Mn/DOT, the Federal Highway Administration, and the Anoka County Highway Department that have outlined how this type of design has performed in Minnesota, Texas, and North Carolina. The discussions reviewed the advantages and disadvantages of this type of design and how it would apply at our particular locations.

Previous information presented to the Roads Commission, traffic counts on Highway 65 and Viking Boulevard, and crash data do not support the justification of a separated grade interchange at this location for the foreseeable future. While the priority for consideration of a separated grade interchange is low relative to criteria used for evaluation, this intersection is still one of the worst on the Highway 65 corridor in terms of its efficiency to move both in-line and cross traffic during peak hours. Future development around and growth north of this intersection will generate additional traffic and require up-grades to improve and enhance the movement of vehicle load at this location and along Highway 65.

In order to address the problems with 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. As an option, Mn/DOT has presented a Reduced Conflict Intersection Design as a potential solution for the concerns at this intersection

4.0A
Road
Commission
Reduced
Conflict
Intersection
Recommend

The East Bethel City Council and local businesses have attended the Roads Commission meetings that have addressed this proposal. While in the final analysis the Reduced Conflict Intersection Design may be the most practical solution to correcting the problems at Viking Boulevard and Highway 65, the City is still seeking additional information on this type of design as to accessibility to businesses, impact on total traffic flow, and highway safety.

The Roads Commission has discussed this concept at length at their December 8, 2015, and January 12, 2016, meetings. After an involved discussion of the matter at the January 12, 2016, meeting and by motion of Dan Nowack, second by Kathy Paavola, and the unanimous vote of the members, the Roads Commission recommends that City Council consider moving forward with the Mn/DOT proposal to further investigate upgrading the intersection at Viking Boulevard to a Super Street Design and to include the Highway 65 segment from 181st Avenue to Sims Road for possible reduced conflict intersections as part of the project

The Roads Commission is requesting Council consider supporting the recommendation of the Commission that Mn/DOT proceed with evaluations and studies of the Super Street Design for the Viking Boulevard and Highway 65 intersection and incorporate the Highway 65 segment from 181st Avenue to Sims Road as part of the study area.

Davis stated I have a few slides here that will visually demonstrate what the proposal is. This is essentially a signalized J-Turn intersection. *(Davis displayed and described several slides during this staff presentation.)* A good example is the project in Ham Lake at Flamingo and Highway 65. The slide currently shown is an intersection that's in Cologne, Minnesota. If you're looking at this and north is the top of the screen, the four-lane highway, if this would be Highway 65, what it would do is restrict cross traffic movements so you wouldn't have any cross traffic conflicts with 22 traffic and 65 traffic. 22 traffic would have to go north and then go south or go south and then go north to turn around. The premise behind this proposal is that this reduces the wait time between peak traffic flows. Currently, at Highway 65 and Viking Boulevard, in the mornings, and some occasions in the evenings, there has to be three traffic cycles for traffic to move through. So this would definitely improve traffic flow and safety at these times.

Davis stated during non-peak times, the time to get through may be just a little bit longer. That would be one of the disadvantages. However, the safety factor would be greatly improved. Most of the traffic on 65, 87% of it, is either going north/south or making turns off 65. There's only, approximately, 13% of the traffic that's going across 65.

Davis presented the next graph that shows the wait times or at least a percentage of times. The graph on the far right, where it says, 'signal timing four phase' shows what currently exists now. The green is the through traffic time north/south on 65. So, with all four phases that allow the movements through the intersection, you can see that less than half the time is devoted to through traffic. If this intersection were put in as proposed and signalized, it would be the graph on the far left where it says, 'signal timing two phases,' which greatly improves the flow of traffic north and south and it also allows for more continuous movement of Highway 22 traffic that's going north and south also.

Davis stated again, you can see some of the movements here. If you're going on Highway 65, if you're traveling north, there would be opposing left turn lanes to go west on 65. You can still go left on 22, turn right on 22. These movements would not be restricted. The basic movement restricted would be the cross traffic, 22, going across 65.

4.0A

Road
Commission
Reduced
Conflict
Intersection
Recommend

Davis stated one point that is illustrated in this slide is, where the actual J-Turns or the U-Turns occur, there can't be any entrances within 100 feet of either direction. In this case, that would not interfere with the entrance to any businesses along this portion on the 22 section for East Bethel.

Davis stated at Cannon Falls, they constructed a separated grade interchange, and found out that this was actually a deterrent to business. There have been reports that these J-Turn intersections do actually improve access. That's one thing that we want to make sure that we get some further documentation on.

Davis stated this next slide is a photograph that I think generated some concern initially in how are big trucks going to turn at these types of J-Turns or U-Turn intersections. The photograph that you see here shows that there's a large truck with a trailer that's making the turn. In this case, they had to put what's called a 'bulb,' which is an extra width of pavement to make this turn. But remember, in our situation, our median width is 100 feet wide. Here there is essentially no median. So, if you look at the lane on the right side and you see where there's a turn arrow, right here, this would be like the left turn. If you start at this edge, you go over another 100 feet before you even hit the other edge of our pavement. So our south travel lane would be over here. The turning of large trucks is not going to be the type of problem you have where you have restricted median widths.

Davis stated these are just a few of the things that the Roads Commission looked at. Again, there are several examples in the State of Minnesota where these have been installed. However, all the ones in the State to date have been un-signalized. This would be the first one, if it were installed, that would be a signalized intersection.

Davis stated the proposal that's under consideration for this intersection would be one that's signalized. Part of the proposal, the Roads Commission, is that this whole corridor be looked at as a component of the plan and not just the intersection at 22 and 65. It's felt that if you just do 22 and 65, you're introducing more traffic south, which reduces gaps for traffic to enter. If this isn't done as an integrated plan, it's not going to have much impact. The Roads Commission is recommending that City Council endorse their recommendation and request that Mn/DOT proceed with the evaluations and the study of this type of intersection to address our issues from 181st Avenue to Sims Road.

Voss asked is there a motion based on the Roads Commission recommendation? **Ronning stated I'll move to adopt the Roads Commission recommendation supporting proceeding with Mn/DOT for evaluations and studies of the Superstreet Design for Viking Boulevard, Highway 65. Koller stated I'll second.** Voss asked any discussion?

Ronning asked Mark, this is a State and County highway, correct? What's our authority in this? Vierling advised both Statute and usually Mn/DOT Rule require some local input with regard to the process whereby these improvements are made on the surface of the roadway. But the improvement cost and the directive to do that is largely at their level. But you do have input in terms of their decision on the matter.

Ronning stated input's one of those things that you can tell somebody something and they can turn their head and look the other way. But that's something that people should know that we're not in control of this thing. That big truck with the excavator, if you see where his problem was, it's the apex of the corner. The corner might go around like this but then

if they've got to make like a sharp at the end of the corner, that's where the problem is.

4.0A

Road Commission Reduced Conflict Intersection Recommend

Voss stated well, and that one though, the median was only 25 feet wide. Ronning stated go back to that thing please. The other back. (*Davis displayed the photograph of a semi-truck and trailer making a turning movement*). Ronning stated right there, see the point he's got to make to finish the turn, that apex, that's a 90 degree, which would be the same here because there's room for an arch, for a radius instead. Voss stated right. Highway 65 is as wide as all those lanes of traffic. Ronning stated right. Voss stated both the broader part. Ronning stated what won't change, though, if the apex is, the point where he's trying to get around, if that's anything, he's got to make a 90 degree turn there no matter how the rest of it's constructed.

Davis stated in this case, the turn radius, if these lanes were 12 feet, there's about a 30-foot radius. And, in our situation, he's going to have probably a 50- to 60-foot radius. His turn radius is going to be doubled. Again, where the cursor is would be about where the inside pavement of the southbound lane would be with our 100-foot divided median. And, it would go to the left another 36 feet.

Davis stated one of the advantages to the location here for this type of design is the wide median width, which is going to accommodate the turning of larger vehicles much easier than the situations that are shown on this photograph.

Ronning stated during these two meetings that are referred, referenced, there's a number of concerns have been raised. If they're looking at five of them, four for pretty sure, and if that volume of traffic increases, you can't get on some of these roads without a light. We've explained that, we've expressed that, emergency vehicles getting across, what they're going to do about that. It's been discussed and I think they're on-board.

Davis stated the other attractive feature to this is in terms of costs and the value added to address the situation. This is a very low cost project for Mn/DOT because there's no right-of-way acquisition. There's no obstructions that they really have to deal with. It's just essentially adding signals, turn lanes and some lighting. The estimated cost is about \$1 million. But to do a conventional double stacked turn lane with opposing lefts, traffic lights, and the four-lane approaches on both sides of 22, they would estimate costs maybe three to four times that. One of the problems, if you do the opposing turn lanes, is that you have to have four lane transitions on 22. Four lane transitions on 22 may actually inhibit some of the access to some of the commercial property that we hope will be developed in the future. And, I think from that standpoint, the reduced conflict intersection improvement may actually enhance that northwest corner of 22 and 65.

Davis stated as with anything, nothing is perfect. Again, the disadvantages of this are at non-peak hours. If you're at 22 and you have to go north to go south, it may take you just a little bit longer. I've had reports from some people that travel 22 in the mornings that they actually go north and drive up to Central Wood Products and do a U-Turn at that crossover and come south. Then when they come through the traffic light, they look and cars that have been queued up in front of them are still there. I think that's kind of a good example of how this would work. And, in this case, the turn around would be approximately 700 feet from the intersection, which is quite a bit shorter than that distance.

Davis stated from what's been presented, this does appear to have some value. I think the first time that everybody looked at this, they said, 'No way this will work.' But I think

4.0A

Road

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Reduced

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Recommend

upon examination, I think it's looking more like a more realistic solution as we proceed further.

Ronning stated from this example, there's no slow downs, no real anything. The other one has, I'd say, is there something that shows the stoplight deal? Davis stated I have the simulation model if you want to see that. Voss stated yes. (*Davis displayed the simulation.*) Ronning stated so it kind of looks like a 'free for all' without some controls in there.

Davis stated this is just a graphic simulation of how this intersection would function There would be synchronized lights at all these J-Turns and the main intersection itself. As you can see from this, if you're in this lane and you want to cross over and go north, you're going to have to come down, turn around, and come back in this direction. Mn/DOT states that the time to do this would be greatly reduced, especially during peak hours. There would be lights at all three of these little intersections and they would be synchronized and this would enhance movement and the flow of traffic through this intersection.

Davis stated and again, this is probably some of the same concepts that may be looked at 187th and 181st. Whether those would be signalized at this time remains to be seen. And, also, once this is done it may be identified that 187th has more priority than 22 and 65. Again, that's yet to be determined and would be borne out in the study.

Voss stated so what we've been asked by Roads Commission is to ask Mn/DOT to proceed with evaluation. What I remember from the last Roads meeting discussion was they were looking at doing more evaluation, more study, to answer some of the questions we had about increased traffic, what the effects would be, about including the other intersections north and south. Davis stated that's correct and, hopefully, we would be able to get more information too as to how the synchronization of the lights would work, the timing of those, maybe some more information on what the wait time would be at the intersection so you could do a comparison of what this would do as compared to what we have now. I think it will produce more data so that a decision can actually be made as to how you wish to proceed with this.

Davis stated in relation to your question a moment ago, Tom, this is a Mn/DOT/County project. I think that from the standpoint of implementing this if it's to proceed, that Mn/DOT would really prefer to have everyone on board. The Federal Highway Administration would be the major funding source for this. They fund the project through Mn/DOT. I think they're anxious to do this project. That would be the other advantage of it. This project would be essentially ready to go as soon as they completed their engineering and environmental studies.

Davis stated again, there's no right-of-way acquisition and they would keep everything within the current right-of-way. So, if this is something that does prove to be of value, this is something that could probably be implemented and done within, hopefully, within two years. That would be probably the fast track on it.

Davis stated one of the things that we would want to do, especially at 187th Avenue, is we have to be very careful and we would probably have to discuss with Mn/DOT that we don't want to give away our rights of doing a restricted movement in that intersection and not being able to get anything back in terms of a Cooperative Agreement Grant for part of our service roads.

4.0A
Road
Commission
Reduced
Conflict
Intersection
Recommend

Harrington stated as far as costs, I think Mn/DOT said it would cost nothing or hardly anything for the City but I've heard, and when they did 221st, that the City did have to spend some money on that for the transformer and the lights. Would that pertain down here? Davis stated it very well could but that wasn't a Mn/DOT cost. That was related to the County's cost. We have a Joint Powers Agreement with the County on signalizations so every intersection that's been signalized in East Bethel, we've had to pay a portion. That's because of our obligation to the County in our JPA that we have with them that requires us to do certain minimal things. I think on 221st, when that light was put in, that was a little over \$1 million project and we paid about \$35,000. Plus, we're also obligated to pay for any electrical bills for operating the lights at the intersection.

Davis stated one other thing that was pointed out at the Roads Commission that I thought was a good point is that this intersection also would be a great visual improvement over what we have now. There would be lights at the 22/65 that would be upgraded plus this thing would be lighted up to the J-Turns on both the north and the south sides. I think it's a project that's definitely worth further investigation and it may be something that we can get done sooner rather than later, would address a lot of things about our traffic flow even our access to businesses and just as important, the safety aspects. As we all know, there's a couple of these intersections that we've been very lucky that we haven't had major accidents. And, the sooner we can implement improvements, hopefully, we'll be able to avoid those.

Voss stated I think for those in the audience, I know there are a few here for this discussion, it's still fairly preliminary. You know, we've talked about having a lot of Roads meetings and meetings with Mn/DOT and with the feds but meetings up to now have been kind of more introductory and to make sure we understand the concept. Where Mn/DOT wants to go with this is to evaluate it further. Again, this is the first, they've done these in the State but this is the first one that's signalized so it's a little more sophisticated.

Voss stated in the meetings we've had, we've made it very clear to Mn/DOT and everyone that we want to make sure that there's a very strong and visible public input function of this whole process. Meaning that there's enough presentation, enough information out, and it's presented to the public. And, more importantly, that the public input gets back into the Mn/DOT process. So, this is one of the just real early steps, that's the way I would look at it. I think come, I thought they said like April or May, is when they'll start to make a little bit more decisions and maybe get together again.

Davis stated we're also very fortunate too that one of the people that works for Mn/DOT at the Roseville office, she's the manager for this district, Ms. Sheila Kaupe, is also an East Bethel resident and she was here at our last Roads Commission meeting. She was going to attend tonight. She sent me an e-mail that something came up. She couldn't make it tonight. But when she's here, she's worn 'both hats.' A 'Mn/DOT hat' and a 'resident hat' so she's been very beneficial in this whole process of evaluating this proposal.

Ronning stated those J's, they're estimating about 700 feet away from the intersection. Just general information. But another thing I don't think hurts to say, anyhow, I believe the Council was at one or both of the Roads Commission meetings to familiarize ourselves with it. And, the Roads Commission, I believe, understands that this impacts tens of thousands of vehicles a day. And, we won't forget that either. I can't speak for anybody else I guess but that kind of goes without saying that there's tens of thousands of vehicles a day that, trying to help get through someplace safely.

4.0A

Road
Commission
Reduced
Conflict
Intersection
Recommend

Harrington stated I'd like to ask the opinion of Mark, the Fire Chief. What's your opinion of the Fire Department on this? You know, for emergency vehicles getting from the east side to the west side?

DuCharme stated thank you Council Member. The biggest concern that the emergency services, in general, will have is access as far as crossing 65 and 22 whether it be eastbound or westbound. And, I think through the design phase and what I've heard, that is going to be remedied. You know, we won't be able to go 65 miles and hour, through the intersection, which we don't anyway as far as the fire goes. But we will be able to make that, cross that, without having to go up to the J's and come back.

DuCharme explained the biggest concern about that would be, as far as fire goes, is people who live on the west side of 65 getting to the Fire Station if there's an incident. And, interesting enough, is that right now when they sit at the signal, especially in the afternoon or morning, they sit there for a long time. A couple of the responders have said that they actually think this will be a faster response for them, you know, taking the right hand turn, going up on the J, and coming back and taking another right turn. But, I'm sure law enforcement and EMS has the same concern, being able to make that travel through on 22 across 65. And, it sounds like there will be some remedy there as far as design goes.

Davis stated as far as design goes in the intersection, what we've been told, is the curbing here that actually prevents, or restricts the median cross traffic will be designed as what's called a 'surmountable curb,' which means emergency vehicles can actually drive over it. You have to slow down just a little bit. And also, there would be opti-cams at the intersection too that would control the lights and stop the traffic. So, just like any other intersection where we have these installations, it would stop traffic for emergency vehicles automatically and they would be allowed to cross the intersection as they currently can.

Davis stated they have a fairly good track record or history of showing what they've done in other places that allows emergency vehicles to pass through the intersection relatively unobstructed without having to go up and do the J-Turns. And, as Mark said, for those fire fighters especially that live on the west side of 65, if they get queued up early in the morning for a fire and get called out and have to sit through two or three traffic lights or weave their way around, it's probably quicker for them to go south 700 feet, do a U-Turn, go north, and then head on to the Fire Station.

Voss stated what wasn't shown on the simulation was, and we talked to Mn/DOT about it, is the ability to turn on a red. They're going to look at that as well because the simulation basically held all the traffic. But just like we can now, you know, right turn on red should be allowed. Which, for someone trying to get across, they can still keep moving at least. Davis stated right on red would be an allowable movement in these intersections.

Voss stated okay, thanks Mark. Any other discussion? Hearing none, to the motion, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Voss stated the discussion will continue, thanks for being here.

4.0A
Road Comm.
Reduced
Conflict
Intersection
Recommend
4.0B
Admin.
Hearing

Davis presented the staff report indicating it relates to an Administrative Hearing, Chapter 2, Article 10, Section 2-590, Thomas Middleton, 20026 Naples Court NE. Mr. Thomas Middleton, 20026 Naples Court NE, requested an Administrative Hearing on the matter of the issuance of a notice of a non-compliant septic system by the City. The Hearing was held on January 6, 2016.

After Mr. Middleton's presentation at the January 6 Hearing, Council informed Mr. Middleton that the City performed their obligations in the matter and Mr. Middleton's recourse was to address his concerns with the contractors that installed his septic system.

Mr. Middleton has apparently resolved the issue with his installer. A new septic drainfield will be installed but due to weather conditions, the installation cannot begin until spring. Mr. Middleton or Mr. Middleton's title company will post an escrow amount equal to 125% of the cost of installing the new drainfield and these funds will be used to pay the contractor. Any excess funds will be returned to the depositor.

As this matter has been resolved with no cause of finding, staff recommends that City Council re-open and conclude the Administrative Hearing for Mr. Thomas Middleton, 20026 Naples Court NE, which was tabled at the January 6, 2016, Council Meeting.

Voss re-opened the Administrative Hearing for Mr. Thomas Middleton, 20026 Naples Court NE, at 7:33 p.m. There being no input, the Administrative Hearing was closed at 7:33 p.m.

Mundle stated make a motion to close the Hearing. Voss stated no, we need a motion to approve or deny. Mundle stated okay. **Mundle stated motion to deny. Koller stated I'll second.** Voss asked any discussion? Hearing none, to the motion, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

4.0C
Potentially
Dangerous
Dog
Hearing

Davis presented the staff report indicating this Hearing is to determine if a Potentially Dangerous Dog Determination issued by the City Administrator to Kenneth and Pegijo Sylvester should be maintained, modified or removed.

The hearing relates to a threatening dog incident that occurred on December 13, 2015. The Anoka County Sherriff's office reported that a mixed lab/retriever owned by Kenneth and Pegijo Sylvester approached in a threatening manner, in the public right-of-way, in front of 22543 7th Street, a dog owned by Scott Snyder.

Since the incident was unprovoked, off the owner's property, and not under control by the owner, and as reported and cited by the investigating Deputy as a potentially dangerous dog pursuant to Chapter 10 of the City Code based on the incident report, a Potentially Dangerous Dog notice was issued relating to this incident. A review of City records indicates that the Sylvester's dog was not licensed at the time of the incident but the owner obtained the license on December 31, 2015. The dog was current with its rabies vaccination.

4.0C

Potentially
Dangerous
Dog
Hearing

Potentially Dangerous Dog, per City Code, means any dog that:

1. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
2. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or,
3. Has a known propensity, tendency, or disposition to attack, unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

The owner of the dog has submitted a written request to appeal the decision of the Potentially Dangerous Dog Declaration. Pursuant to City Code Chapter 10, Article II, Dogs, Subd. 3, an animal owner is allowed to contest the Potentially Dangerous Dog Determination. In this case, the Sylvesters, the animal's owners, have requested a hearing before Council.

Per City Code, Chapter 10, Section 10-72, the owner is to be granted a hearing before the City Council. The Sylvesters are present tonight to appeal the determination that the dog in question is a Potentially Dangerous Dog.

The City Council, pursuant to Section 10-72, has several options regarding this matter:

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

The following requirements, per City Code, are listed to be considered for this event. Staff recommends Council conduct a Hearing relating to the Potentially Dangerous Dog Determination and issue a decision regarding this incident pursuant to Chapter 10, City Code, Animals, Article II. Dogs, Division 3.

Voss stated we'll open the Hearing, Potential Dangerous Dog Determination, at 7:37 p.m. Anyone here tonight to present or discuss with Council, you're welcome to come forward. Yes? If you could state your name and address for the record please?

Ken Sylvester stated Ken and Peg Sylvester, 22543 7th Street NE, East Bethel. We're just here in defense of the dog. We wrote a little letter but I don't know if that really pertains to what we're trying to get accomplished here. We really feel that the whole incident turned about by two dogs in the road and one dog on the property barking at each other and they went out to greet each other. And, in the turn, there was really no aggression shown by either side, their dog or our dog. The only aggression was when somebody tried to kick the dog before it was even close enough to reach.

Ken Sylvester stated we've got a deposition by our other neighbor stating that he's been in contact with the dog, he also has dogs, which states he sees no aggression in that dog at all. I'm here just to tell you I've never really seen a dog that's been trained and mannered more than he has been. You can't even get the dog itself to tussle. As soon as you get anything that he believes is a little rough, he wants to quit right away. It's too bad we couldn't have

4.0C

Potentially

Dangerous

Dog

Hearing

brought him here and shown you because we don't think it's correct. I don't know how else to prove this because it's really their word against ours. That's why the neighbor wrote this letter in Gus' behalf.

Voss stated okay, in terms of the incident, were you present? Ken Sylvester stated I was in the garage and she was present.

Peg Sylvester stated I walked out of the garage as, my son had walked out first. I had walked out right behind him. And, Gus, they were barking at each other and Gus went down. We've walked past their house before and I'm sure it was more like, kind of like, 'Hey, I know you. You know me. You know, let's meet.' I feel the only person that, or the only thing that showed aggression was the kicker. The dogs were appropriate and we were right there. There was no cause to kick. I walk Gus every day and there's dogs that come out. I know how to walk a dog. I grab him close and I keep going. Their owners are there. I don't feel the need to kick at a dog and I'm, you know, saddened by it.

Voss asked when you say you were there, how, was the dog up at the house? Peg Sylvester (*using her hands to gesture*) stated our garage is here, our house is here, our driveway is here. So I walked out just, you know, out the garage door onto the driveway. And, we have an underground wire containment. I mean, and he does wear the collar.

Voss asked did he go past his containment? Peg Sylvester stated he did and we have it on the highest one now. I mean he had responded to the lower one prior. So, we didn't think we needed it on the higher one. I adopted him from a co-worker. He's a very sweet dog and doesn't deserve this title at all.

Voss asked when the incident started, was the dog near you? Peg Sylvester stated no, he was by my car. I was, my car was parked in the driveway here and I was coming out here, and he was back here. He had come out the garage with us and Eric and was there before we could get there. Voss stated okay. Peg Sylvester stated but Eric was right there and he had the dog back up the driveway almost immediately.

Voss asked did your dog 'bolt' out there? Peg Sylvester stated well, he ran out there, yes. He ran out there but there was no growling from any of the dogs. No growling, no sign of aggressions from the dogs. They barked but that's what dogs do. I mean, there was no sign of aggression. It's unfortunate, that was a very unfortunate situation that happened.

Ronning stated I believe you indicated that the dogs knew each other? They're familiar? Peg Sylvester stated no. Ronning asked they go back and forth? Peg Sylvester stated yeah, I walked past there. Ronning stated in that regard. Peg Sylvester stated yeah, yeah. They've seen each other. They've barked at Gus and when we walk by, you know. I don't know how much dogs (*inaudible*).

Ronning asked when you go by, does the other dog bark at yours? Peg Sylvester answered yes. In their yard, yeah. Ronning asked do you think anything of it in particular? Peg Sylvester stated I just grab his, well, no. I grab Gus and bring him on the opposite side and keep walking like I've always been trained to do. Ronning asked what about that letter? Voss stated if you'd, the letter is from a neighbor? Ken Sylvester answered yeah. Peg Sylvester stated our very next door neighbor. Voss stated if you'd like to read it, that's fine if you'd like to read it. Peg Sylvester stated I can read it.

4.0C
Potentially
Dangerous
Dog
Hearing

Peg Sylvester read the letter stating:

This is a character reference for Ken and Peg Sylvester and their dog Gus.

I have met Gus four times since the Sylvesters acquired him. Each time Gus has only shown passive behavior towards me and my dogs. Each time Gus' only response was to wag his tail. There was no aggression visible.

The first time my dogs and I came into the Sylvester's property, my dogs were barking and ran up to Gus. He waited for them to approach with his tail wagging and the dogs proceeded to smell each other. When completed, went about their own business.

The second time my dogs and I came into the Sylvester's property, my dogs did not bark. The dogs just greeted each other. The remaining two times, I was unaccompanied by my dogs and Gus showed no aggressive behavior, only curiosity. Gus came up to me, smelled my hand, and allowed me to pet him.

We have been neighbors for a number of years and find the Sylvesters to be responsible neighbors.

Peg Sylvester stated and then he has his phone number. Voss asked can you state the name, that person's name? Peg Sylvester stated yes, Gary Lossing at 22514 7th Street NE, East Bethel.

Voss stated okay and asked can we get a copy of that? Peg Sylvester answered absolutely. Voss stated just so we have it for the record. Okay, thank you.

Davis stated this is a photograph of the property and the address at 22543 7th Street. Voss asked that's your place? Ken Sylvester answered yeah.

Peg Sylvester stated according to the Sheriff, or Officer that came to the house, he even reported that Gus is a friendly dog. Voss stated we have copies of the Officer's reports. Okay.

Ronning asked are you able to indicate approximately where the two animals were in relationship to the road, the driveway? Peg Sylvester stated probably where you see the first wear on the road, you see that the second wear, right there. The wear spots? Voss stated right. Ken Sylvester stated right outside the driveway. Ronning stated pardon? Ken Sylvester repeated right outside the driveway, just on the driveway side of the road, I believe it was.

Ronning asked out in the middle of the road? Peg Sylvester stated it was closer to that, I don't know maybe you can't see the wear spots like I can see them, but it was closer to the second wear spot. Ken Sylvester stated close to the center is what she's saying. Peg Sylvester stated basically the center, a little on our side of the center.

Ronning asked at the time it was accompanied by your son Eric? Peg Sylvester stated well, Eric was right behind him, yes. I mean actually right behind him. Ronning asked behind like you two? Or us? Peg Sylvester stated probably... Ronning stated that's part of control, I think. Peg Sylvester stated probably like, that you're my dog Gus, there's probably like right, can I step out? Ronning stated yeah. *(Peg Sylvester stepped between the Council dais and public podium, off camera.)* Peg Sylvester stated probably like right *(inaudible, off mic)* up the driveway at that point. Ronning stated thank you.

4.0C

Potentially
Dangerous
Dog
Hearing

Voss asked any other questions for Sylvesters? Anything else you want to add? Peg Sylvester stated I think that's it, yeah. Voss stated okay, all right, thank you. Anyone else here tonight on this matter that would like to speak? If you'd like to come up to the microphone.

Scott Snider stated my name is Scott Snider. I live at 22394 7th Street NE. I'm the one who, that kicked at the dog. Voss stated okay. Scott Snider stated actually, the incident happened (*Scott Snider walked away from the podium and off mic*) at this point here. It was on the other side of the driveway. We were walking this way. Now, we walk our dogs every, and we have had the dog run out to the property line before and bark. I've been walking my dogs for 15 years. I've been bit. My dogs have been bit. This was now nightfall when this happened. All I know is I'm walking along, my wife and I and our two dogs, that dog came running out barking. Once it came across the street at us, and it's dark, I have no choice. I've got my wife and two dogs and I'm trying to protect every one of them plus myself. I don't know this dog. I don't know its intentions. Took a kick at it. I missed it. Next thing I know, I was in an ambulance headed for the hospital.

Voss stated I think the report, the discussion was the dogs were barking at each other before this happened. Were your dogs barking? Scott Snider stated I probably wouldn't have been so cognizant of barking because barking is really inconsequential. Once the dog left their property and crossed the street to our side, I was no longer listening. Voss stated sure, no, I understand.

Voss stated their dog's a Lab mix. What breed of dogs? Scott Snider responded Collies, both of them. Voss stated okay.

Scott Snider stated just so you're clear, our intention here is not, was never, to put the dog down, so to speak. We just wanted to come here and make sure the right thing was done for the dog. Voss stated okay. Scott Snider stated we've always been dog owners, forever, and we just like them and we didn't want to see this one harmed. But at the same token, lots of people in our neighborhood walk their dogs every day. I didn't want to see this happen to anybody else. Voss stated sure. Scott Snider stated accidental or not, it doesn't matter.

Ronning stated she said that her son, Eric, was fairly close behind. Did you see that? Scott Snider stated I'll be honest with you, I do remember people coming from the house but my focus was on the dog. Ronning stated but you can't say they weren't there. Scott Snider stated oh, I know they were behind the dog. Ronning stated yeah. Scott Snider stated yeah. People were coming out when the dog was barking. Yes, I saw someone come out of the garage and someone come from the house.

Ronning stated there's nothing in the record about anything beyond barking. Are you suggesting there is or isn't? Scott Snider stated I, like I say, at that time I couldn't really tell. I just know that the dog, their dog was barking and it crossed the street. Past that point, now, I'm not listening to barking any more. I'm looking and watching all the movements.

Voss asked so was there any contact with the dogs? Any biting? Scott Snider stated you know, to be honest with you, after I kicked and I came back down, hit the ground, I can't tell you what everybody was doing after that. I was in a lot of pain.

Voss stated and your wife was there, on the walk too? Ms. Snider responded yeah. Voss asked did you witness the dogs fighting? Ms. Snider stated no, no, no, no. They didn't,

4.0C

Potentially
Dangerous
Dog
Hearing

they didn't fight at all. It was, you know, barking and so forth. I hadn't seen the dog before. I think that it's the dog that they've recently gotten. Scott had seen him before. I hadn't. Voss stated okay, well, I just wanted to make sure. I mean, the police report doesn't suggest it at all. I just want to make sure we're all clear there was no biting.

Ms. Snider stated no but when you have three excited dogs and we're trying to hang on and, you know they were just kind of twirling around on us and it was a mess. Voss stated I can imagine, I can imagine. And, I've been in that situation too where dogs coming running down a driveway and you're in defense mode there. So, okay. Any questions for the Sniders? Anything more you'd like to add? Scott Snider stated I think that's it. Voss stated okay, thank you. Is there anyone else here tonight to speak to this matter? If not, we'll close the hearing.

The Potential Dangerous Dog Hearing was closed at 7:51 p.m.

Voss stated to me this one is a little bit unique. Now there's no contact made. It appears that the animal had control, or was within a wired fence. Just that dogs will run through that. I know that happens. So, it's a little unique. Thoughts?

Mundle stated well, under the definition Potentially Dangerous Dog, under #2, the last sentence is: 'In an apparent attitude of attack.' Was this dog in an apparent attitude of attack? Or, was it acting as a normal dog and the only thing it did wrong was step off its property? Voss stated that's a good question.

Ronning stated yeah, there's no contact to indicate such. The other two items that I would say that we're supposed to consider, 'When unprovoked it inflicts bites on a human or domestic animal on a public or private property.' And, that didn't happen. The other one is, 'Has a known propensity, tendency, or disposition to attack unprovoked causing injury or otherwise threatening the safety of humans or domestic animals.' I don't think I've heard, well there's no record to indicate propensity or tendency. Voss asked Jack, there's no past records? Davis stated not that we were provided with. Ronning stated so I don't think that one fits either.

Voss asked Mark, under those points, I mean it's, to me it's a bit subjective. The dog running down and thinking it's going to do something when it obviously was a situation there was dogs. If it was going to attack a person, there's a person on the ground, I'm glad it didn't happen but the dog, to me, if the dog truly had an intent of attacking somebody, why didn't it. And so if it was just excited, how can we, how can anyone say that was going to attack. I don't know.

Vierling advised you're right in the sense that it is a subjective finding that the Council needs to make with regard to what the intent was or what the actual incident was. But, I think it is probative to the fact there was no biting or attack that happened after the gentleman fell down, which was unfortunate, that he fell down at least. But, the fact that nothing prevailed after that in terms of an event that would clearly, neatly fall into one of those categories, I think, is probative on the issue.

Voss stated the observation I had, I'll add, is we've got quite a few bigger dogs in the neighborhood and route that we walk and we know they have electric fences and just about all of them will come darting down the driveway barking and they know where their fence is. Because we know the fence is, we know they're going to stop. We actually kind of joke

4.0C

Potentially
Dangerous
Dog
Hearing

about it. And, in this case, the dog just went right through it. And, the dog may have been surprised that he got through it too. I don't know. But, you would think, for as many people, and you've got a fairly busy neighborhood too, is for that many people who walk through there you'd think this would have happened before. So, I think, to me, with what Mr. Snider said is we certainly don't want this to happen in the future. And, that's really the intent of having this Ordinance, is to make sure it doesn't happen in the future. And, the remedies that we have, and the one we use most common, is to make sure the dog's restrained. And, by our definition, 'restrained' means either a leash, a kennel, or a wireless fence, which this property has. And so it's really not anything we can add to that. Some of the administrative things, having the dog licensed seems like that was done after-the-fact but it is licensed. In terms of preventing this from happening in the future, I'm a little bit of a loss because we can't add another wireless fence, you know.

Koller stated I had wireless fence with both of our dogs and they would know when the battery went dead in the collar. They get near the fence and it wouldn't beep, they'd know and they'd cross the line then. Yeah. So, we just had to make sure the batteries were good. Voss stated well, I've got neighbors that've got the same problem too. You kind of know when the batteries are dead.

Ronning stated I tried to understand this scene a little bit. It was night. It sounded like it was a dark night. I've experienced that where the dog comes out. Mine would do that, little Westies, but they're wagging their tail all the way. The one would like to lick you. So, as you say, it's completely subjective as far as if an animal come towards you at night, you're going to think differently, probably, than during the daytime. But it doesn't mean any harm was committed. In fact, the way it sounds, there was no harm.

Voss stated well, there was no harm by the dog's actions. Ronning stated right. Voss stated there was an outcome that wasn't anticipated by anyone, I think, so that was unfortunate. Mark, do we have, you know, we've had this issue in the past of, if we want to make sure, the City wants to make sure that there's controls that are placed. Whether it's wireless fences, that's the most common one, make sure it's licensed, make sure it's got shots, is there ways of doing that without actually designating the dog as a Potentially Dangerous Dog?

Vierling advised in terms of licensing and in terms of making sure their shots, you do that through your licensing process. But, in terms of those types of external measures to make sure that the dog stays on the property, you almost have to make the finding either Dangerous or Potentially Dangerous in order to implement that.

Voss stated we have a Leash Law here, right? Vierling advised we do. Voss asked and does that Leash Law include wireless fence as a control? Ronning stated if it's honored and respected like a wire fence, above ground. Voss stated no, I mean within our Dangerous Dog Ordinance we have a definition of controlling your animal, which includes the wireless fence. Where I'm kind of going with this is... Vierling advised it's a measure of being under control. Voss repeated, it's a measure of being under control. And I think that's going to be recognized by any legal recognition. Wouldn't it? Vierling advised in terms of being able to avoid a charge for having a dog run at large, yes. Voss stated yes, that's kind of the angle I'm going at here. I mean, it's almost, to me it's almost allowing your dog to run at large because there was no physical attack. To me it doesn't sound like it's a repeated habitual thing that's been happening.

4.0C

Potentially
Dangerous
Dog
Hearing

Ronning stated one thing I forgot to ask was if they'd been in that area at the same time before. If it's any kind of a proximity where they'd been back and forth before, or if afterwards. Voss noted Mr. Snider said he's aware of the dog. So, it's a neighbor.

Ronning asked have you walked the dogs past that since? Scott Snider replied no, since then I haven't been able to walk. Ronning stated oh, sorry to hear that.

Ronning stated another, for the heck of it and record, I guess, Officer Nelson in his last paragraph says, 'I observed Gus who appeared to be relatively friendly, though cautious around me. I informed her that,' her probably means the owner, 'that I would be filling out a Potentially Dangerous Dog Form due to the threatening behavior on public property. Form was completed and will be included with the report.' His observation was friendly and the rest of it's probably the way they're supposed to write it.

Voss stated well, I'll say this from past experience, we get that comment a lot from the Sheriff's Department. You know, in that situation a dog isn't necessarily going to be aggressive. To me, most of the incidents we've had in the past is because there were multiple dogs involved and you can't control those emotions. Ronning stated when the people get excited, the animals get excited. Voss stated not necessarily. This certainly wasn't the case here. *(Scott Snider made an off mic comment)* Voss stated yeah, if you could approach.

Scott Snider stated we're missing the point here. I tried to say earlier and I obviously didn't do a good job of it. All I'm here tonight is to see that we do the right thing. Okay? We don't want this to happen again to anyone. So all I wanted to leave here tonight was with some kind of assurance that this isn't going to happen again. When, actually, I'll take you back to the night it happened.

Scott Snider stated the 18-year-old inside my head, when I'm sitting on the ground in a lot of pain thought, 'I'll be fine tomorrow.' I didn't realize what had actually happened to me. When I finally got myself into position where the pain wasn't quite so bad, I turned to Ken and I said, 'Mr. you've got to control your dog.' And the response I got was, 'Don't lecture me.' And that told me right then and there I'm with somebody who isn't interested in protecting people. I don't care if the dog is nice or not. And, I'm willing to bet that if I spent some time with the dog, it probably is friendly. But, I'm trying to tell you that night it was dark and I didn't know.

Ronning stated you have made the comment twice, if not three times, that the right thing is done. What does 'the right thing' mean to you? Scott Snider stated assurances that it can't happen again. If you don't have that authority, then we're wasting our time.

Voss stated well, and that's what I was bringing up. In most cases, in situations to the severity of this case, I'll put it, the most common thing is make sure it's licensed and if it's licensed that means it's got its rabbi's shots so that's one level of protection.

Voss stated the other is to make sure the dog is under control because they have to be, if they're on public property, they have to be on a leash. So, and the way you control it is either the dog's on a leash on the property, it's in the house, it's within an enclosure, or it's within a wired fence. In this case, that's part of the uniqueness, you know, according to the Dog Ordinance, they have the wired fence. It just didn't operate that night. So, normally,

4.0C

Potentially
Dangerous
Dog
Hearing

what we'd say is, 'Install a wire fence.' But the City can't go out and police that to make sure it happens. If we get neighbors that say that this is happening again, they're not maintaining their fence, and they come to the City, that's when the City will act on it.

Scott Snider stated we amazingly have to wait until somebody's bitten. Voss stated no, no, if you or another neighbor says the dog's running loose. Ronning stated what we're stuck with is the he said/she said and then try to filter through it. Voss stated no one's disputing what happened. Ronning stated something happened but was it aggressive. That's the point that you can't determine. Was it aggressive or not. Voss stated if a large dog is barking to anyone who's, I'll put it, I'm very comfortable around dogs, which is very few, a large dog barking is going to be aggressive to anyone.

Ronning stated they're going to be scary but not necessarily aggressive. Voss stated that's the same thing. You're scared because the dog could be aggressive. Ronning stated I think intimidation and fear is different than having a dog with the hackles up and the teeth snarling and all that stuff, a snarly bark. That's an attacking dog.

Scott Snider stated in the light of day I might have been able to see that. Ronning stated pardon? Scott Snider stated if it had been in the light of day, I might have been able to see that.

Voss stated the only thing that ticks me off about a large dog barking and running at you is, is his tail wagging faster than his jaw is barking. That's the only thing that tells me we're okay. And, I know how to deal with dogs and I'm still defensive around dogs. The fact that the dog ran aggressively down, it didn't stroll, it wasn't wagging its tail, it was barking and it was running. It doesn't need to show teeth. It doesn't need to be drooling. It, to some people it's not aggressive, I understand that. But, my guess is that to most people, that's a sign of people. Ronning stated that, again, is subjective. Voss stated well of course it is. Everything here is.

Ronning stated part of what we're supposed to consider is what the history of the animal is. What kind of actions it's taken, and such. And, there's no record of that. There's a record of somebody being upset, there's a report of someone being upset and incurred an injury while walking their dog and another dog came out, in some fashion, aggressive or not, to them. So now, what am I missing? Voss stated you're not. Ronning stated right.

Voss asked so what's your point? We've been asked to do something about the dog. Ronning stated all right, I don't see, I'm not seeing things that are saying that the dog was aggressive or did anything. The dog didn't do anything is what I'm hearing. Voss stated it can be interpreted by acting aggressively. Obviously, this person did. It left its containment. It left its property. Ronning stated yes. Voss stated a violation of an Ordinance in the least. Ronning stated we should give them a ticket. Voss stated that's an option and if we had an administrative powers we could.

Vierling advised that's one of the issues that you have. I think what the Council struggles with is there's really two issues of enforcement you have. One is the owner could be cited for having a dog at large, off the premises, without question. And, that would be a misdemeanor offense. They'd pay a fine and that would be the end of the issue. But what we're here tonight to deal with is whether or not the activities of the dog are risen to the level of being Potentially Dangerous, which has a different standard whether or not the dog was acting in an aggressive fashion so as to reasonably put fear in somebody that they're

4.0C

Potentially
Dangerous
Dog
Hearing

under attack or are going to be under attack, at a minimum, on that type of thing. So, could you issue a citation, running at large, absolutely you could as a misdemeanor, without doubt. But the issue is do you find that the activities or what went on, on the scene was such as to rise to that level of being Potentially Dangerous. And that's where, I think, is the struggle.

Ronning stated that's kind of what I'm thinking. We're not here to determine anything other than did a Potentially Dangerous dog, there's a complaint by someone and there's an opposite party saying, 'No, it didn't happen.' The item to be considered is Dangerous Dog. And, I haven't seen anything that's to say that this is a Dangerous Dog that is a hazard to somebody in the public. I don't know how better to say it. That's what we're supposed to find. Well, I'm done.

Ken Sylvester asked can I say one more thing? What I've heard him say is he's just looking for some assurance. Just some thing that was left out. What has followed up? We had that dog about five or six weeks at the point of when that happened. We maybe didn't have the fence high enough but since then, we've turned it up very high. What we're also doing is switching collars on the animal and walking him out, taking the walk, coming back, putting a different collar on. But we've changed our training habits since this happened so it doesn't happen again. Once we switch the collar, we try to get him to walk out there so he knows he's back in the collar. He gets zapped, and quite frankly, he won't go to the end of it. But, there hasn't been a dog out there. It's part of our responsibility for maybe not training him correctly and we've taken great steps to try and fix that. That's all I wanted to add. Voss stated okay, thank you.

Voss asked is there any further discussion? If not, we'd like to entertain a motion by anyone. **Ronning stated I move to dismiss the Dangerous Dog.** I don't have any, it's a serious thing to say somebody's a Dangerous Dog. It can put the dog down, it can do a number of things. **I move that the dog not be considered Dangerous.** Voss asked is there a second to the motion? **Koller stated I'll second.**

Ms. Snider stated I just wanted to make one comment. When the whole situation occurred and the Police Officer came and was talking to the dog owner and talking to my husband and me, it was the Police Officer that said, 'Well, I have to file a Dangerous Dog Report.' And, I was surprised. I can't speak for anybody else. I was surprised and he said, 'We don't have a choice. This is what we need to do.' And so, I don't know that it was on any of, my husband's and my part to say, 'You know, that's a Dangerous Dog.' It was protocol. Voss stated you know, you're absolutely correct. That's what the Sheriff's Department has been instructed to do and then the discussion and decision of whether it's truly a Dangerous Dog is up to the Council.

Mundle stated well, if I can ask you one question. Yes, you stated that you were surprised that this form had to be filled out, it's protocol. If you had to make the choice to mark this dog as Dangerous, what would you do? Would you see it as a Dangerous Dog? Ms. Snider stated I've never seen this dog before so having said that, I would say, 'No,' because if it was just that situation, I guess I don't know because the dog was running and it was barking and it was a lot of confusion. But I was, like I say, I was surprised that was what protocol was for the Deputy. *(inaudible comment)*

Ronning asked would you have felt that something was wrong or hadn't been done if they didn't say they were doing a Dangerous Dog? If they had not made that statement that they

4.0C

Potentially
Dangerous
Dog
Hearing

have to? Would you have requested it? Ms. Snider stated probably what I would have, if I had thought that it should have been, you know, if the Deputy hadn't said anything about it, and if I had thought it was questionable or maybe it should have been, I probably would have looked it up in the Statute.

Davis stated please keep in mind too that we're talking about a Potentially Dangerous Dog and not a Dangerous Dog. There's a very distinct difference in the two.

Ronning stated and during this whole thing, what's the right thing is to make sure it doesn't happen again, that the dog's contained. And if that's one of the remedies, that's one of the remedies.

Voss stated well, it's a remedy of the finding of a Potentially Dangerous Dog. Ronning stated no, the contained. If it's by the invisible fence. Voss stated we're discussing a motion of a negative finding of a Potentially Dangerous Dog. Ronning stated well, that's what the motion is. Correct. Voss stated okay, which doesn't carry any conditions. Is there any other discussion?

Mundle asked can the owners still be given a citation for a dog off the leash? Vierling answered yes. Voss stated and that's a whole different matter that's not before us. Ronning stated that's the misdemeanor. Vierling stated yes, it's not before Council. Davis stated and I think the basic question on the motion is should the determination be maintained, modified, or removed. Voss stated and the motion is to deny. Correct? Ronning answered correct. The motion is that it not be found a Dangerous Dog, I think that's what I said.

Voss asked Mark, to make sure we've got this clear. Vierling advised let's make the motion by for the Council to determine that the dog is not Potentially Dangerous. Because, that's what the issue is. **Ronning stated amend my motion to state that the dog is not Potentially Dangerous. Koller stated I will second.** Voss stated the motion is clarified and seconded. Any other discussion? Hearing none, to the motion, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Voss stated thank you all for being here. Ronning stated those are hard things to deal with because everybody feels the way they feel.

4.0D

Sheriff's
Department
Report

Commander Shelly Orlando presented the December 2015, Sheriff's Report.

DWI's – There were three DWI arrests in December. Two of the stops were the result of driving violations being witnessed by a Deputy. One incident involved a suspicious occupied vehicle being called in. Deputy Nelson made contact with a female sitting in the front passenger seat and a male, sitting in the rear center seat with his legs extending into the front seat. The male admitted to driving the vehicle. The male appeared to be heavily intoxicated and failed field sobriety tests. The male did submit to a pbt, which indicated a blood alcohol content of .34. The male then began complaining of several medical issues and an ambulance was called to the scene. The male was taken to Mercy Hospital where he refused blood and urine tests for alcohol. Due to his medical issues, the male was issued a gross misdemeanor citation and released to the hospital.

Underage Drinking / Assault – On December 19th Deputies were called a residence on a domestic situation involving a juvenile female that broke into her parents' residence. The father advised that his daughter was not supposed to be at home as they were gone for the

4.0D
Sheriff's
Department
Report

weekend. He came home to find his daughter and three of her friends at the residence drinking alcohol and smoking marijuana. The father advised that he did have a handgun and it was out while he was confronting the group. He told the group to stay in the residence while law enforcement was called. They tried to leave at which time he did point his gun at an adult male and made him get back out of his vehicle. A CID Detective was called to the scene and conducted interviews of all involved parties. The male who was taken out of his vehicle at gunpoint did not want to pursue charges. The case was sent to the County Attorney/s office for review.

5th Degree Possession of Controlled Substance/ Driving after Revocation – Deputy Kvam conducted a traffic stop on a vehicle for having a headlight out. He found that the lone occupant had a warrant for her arrest and a revoked driver's license status. Upon completing an inventory search of the vehicle, Deputy Kvam located three pieces of tinfoil that contained methamphetamine. The female was transported to jail.

5th Degree Possession of Controlled Substance – Deputies were requested to respond to a location to see if a male was there. The male had a probable cause pickup for felony theft from Blaine PD. Upon arriving, the male was in the front yard. As Deputy Nelson made contact with him, he became nervous about something in his coat. A search incident to arrest was conducted and a glass pipe and a small baggie containing white crystals was located. The crystals tested positive for methamphetamine. The male was transported to jail.

Orlando stated speed sign, for all of you interested, we have some new technology, which is awesome. Instead of the big bulky speed trailer that had to come out in the morning and back in at night, had to be on the roadway, those days are over, I hope.

Speed Sign: We have a new speed sign, which can be utilized for speeding complaints. The sign is mounted on a post so it does not sit in the roadway. The sign is capable of collecting data that can be utilized to determine if there are speeding problems, what time the problems are going on, what the speeds are.

Orlando explained it can't give us a picture of who's speeding but it can give us a good idea on what times of day we should have some extra patrols in the area, that kind of thing. So, if you get any complaints about speeding going on in neighborhoods or, you know, places, you can contact me, let me know. Or else contact our office and make a request for the speed sign to be located. One of the kind of neat things about the speed sign is they put it out for, like a week, and it doesn't do anything. It's just, you know, something that's now on the side of the road. A little box. And what it's doing then is collecting data about what the speeds are. So after that first week, then they turn it so it will actually flash what speed you're going. I'm sure you guys have seen those.

Orlando stated so it will flash what speed you're going and it will, like I said, it collects a ton of data that we can then use to determine what's going on and when it's going on and that kind of thing. It doesn't give us like an exact speed but it's between zero to five miles over and five to ten miles, so increments of five or so. And we can tell you the times of days it's going on, the days of the week, you know, when it's happening. So, it's really, I think, going to be a useful tool and especially when Spring starts we do see a big rise in complaints of speeding in neighborhoods.

Voss asked how many of these units have you got? Orlando replied we have one but

4.0D
Sheriff's
Department
Report

Andover actually has their own that they utilize. Ham Lake also has their own. Voss stated I've seen them in Ham Lake. Orlando stated yup, and so Ham Lake and Andover, they actually have their public works that will go put it out, they'll collect data, and do things with it as they see. The Sheriff's Office only has one but it's much more user-friendly than what the speed trailers were. So I foresee us getting a lot of use out of it. And, unlike the speed trailers that we didn't collect any type of data from, you know, the times they were out, this we actually have a lot of data we can work with.

Koller stated so this one was on Jackson Street. Orlando stated it was on Jackson Street. Koller stated my son came home and asked if it had a camera. Voss asked and you told him yes? Koller stated no. Orlando stated and I was going to take a look at what those results were but, unfortunately, I ran out of time so I didn't get a chance to do it. Voss stated if you're smart, you put your Go Pro on top of it and say, 'Yes, of course there are cameras.'

Ronning stated interesting of how many people consider the effect, the physiological effect of it. Orlando stated well I think, when it's flashing your speed, you become much more aware of what speed you are going. I know that the plan is to put it in some of the school zones as well to see, you know, what's going on there. Especially when you're supposed to be going 35 or 25, or whatever.

Voss stated I would think the Deputies would have a good idea of what part of the City to start with. Orlando stated yeah. Voss stated Viking may be one of them.

Koller stated not to ask a bad question, but since it's a small portable unit, is there a possibility it could get stolen? Orlando stated I don't think so. Voss stated it's mounted right to it, a regular post. Orlando stated it's mounted on, yeah, a regular signpost.

Harrington stated Jack, I'd like to ask you a question here. I know it's down on the agenda a little bit, the speed study. Would something like this work out better than a speed study? No? Davis explained it wouldn't qualify. Mn/DOT has to do a speed study. Harrington stated oh, okay, because I know we're getting complaints from people. They think the speed limit's a little fast on 22.

Orlando stated yeah, we had a speed study done on 22. Voss stated a few years ago. Orlando stated but we can always put the sign up and see what's going on, you know, if people are speeding on 22 above the speed limit, which I'm sure there are a few.

Voss stated to me, if the Sheriff's Office is offering it, I think we should take them up on it. Orlando stated yes. Typically, we see a lot of the complaints, I do, coming in from the neighborhoods when it gets nicer out and people are out and about. This time of year, we don't get a lot of complaints called into our office, at least. Voss stated well, and folks aren't outside as much. Orlando stated right, but as soon as spring hits. Voss stated springtime when the sun's out. Orlando stated it might take a while, you know, depending on how many people are requesting it, it might be a couple weeks before you see it. But, it's a way better tool than what those speed trailers were for us.

Davis asked will your speed trailer be disposed of? Orlando stated I don't believe so. I don't know what the plan would be for that. Voss asked Jack, can you work with Shelly and find a location? Davis stated absolutely. Orlando stated yes, we definitely can get it on schedule to be wherever you guys need it. Voss asked any other questions of Commander Orlando?

4.0D
Sheriff's
Department
Report

Ronning stated there's a methamphetamine, couple drug charges in here. Do you have an opinion whether it's better? Worse? Same? Orlando stated I actually was talking to one of our Detectives this afternoon who happens to be kind of in charge of our Drug Task Force Unit and he told me that there's a lot of methamphetamine and it's coming. He said the price is down from, he used to run the Unit and then he was rotated out and now he's back in again. And, it's been about three years since he was in. So, he just recently went back into it. He said it's about 25% cheaper than three years ago when he came out and he said it's abundant. And I said, 'Why is that?' and he said, 'It's all coming up from Mexico and it's just saturated.'

Ronning stated so it's not improving, very likely. Orlando stated no, no. The making of it is not happening here like it used to. That was now, before the pseudoephedrine laws came into effect and all that. And then all the manufacturing is happening down, not all of it but a great percentage of it, is happening down in Mexico and then it's brought up here. So, unfortunately, there's a lot.

Mundle stated I do have to ask. There's a police audio clip that's been floating around Facebook that's about a certain incident at East Bethel Theaters right after a certain movie came out. I have to ask. Is that true? Orlando answered yes, that was a true audio clip. Mundle asked has anybody else? Ronning stated I haven't seen it. Mundle asked can you explain?

Orlando stated it came out as a report of a large group of people fighting at the parking lot at East Bethel Theater, which obviously is a call that many cars will respond to. I don't know how many were actually enroute there but I think there was like ten squads that were coming down. St. Francis was coming over. And then the first squad got there and I think he told everybody to slow down and hang on a minute and it turned out to be a group of Star Wars fans who, I think, had just seen the movie because it was like 11-something at night and they were having a saber sword fight out in the parking lot. And then there was something about, 'May the Force be with you.' Or something, I'm not quite sure.

Orlando stated it was a good outcome but we recommend you don't do those things. Like I said, we had, everybody was coming to this call and it can be... Voss stated something can happen. Orlando agreed and stated yeah, something can happen. Voss asked any questions from the audience for the Sheriff's Office? All right, thanks Shelly. Orlando stated all right, good night.

4.0E
Fire
Department
Report

DuCharme stated good evening again. We finished up 2015 with 548 calls. I just thought I'd take the opportunity just to summarize the year real quick. So, basically, on the average, East Bethel Fire Department responded to a call every 16 hours. Actually, the math came out to 15.99 hours. Our fire loss for 2015 was \$443,424 and basically every hour, that meant that \$50.62 was spent on fire loss throughout the year.

DuCharme stated if you take all of our calls and look at how many households we've got, every 7.5 households were... Voss asked 1 out of 7.5? DuCharme replied yeah, were visited by us. And, when you look at how many calls with our population, 1 out of every 21.24 residents needed our help.

DuCharme stated car crashes, every 15.21 days so every 15¼ days we were out on vehicle crashes. And, every basically 25 hours, we were sending somebody to the hospital. Either

through a vehicle crash of a medical call or something like that.

4.0E
Fire
Department
Report

Ronning stated interesting way to look at it.

DuCharme stated yeah, yeah, just a real quick snapshot. So, when you look at our total call volume compared to the past years, as I said, 548 calls in 2015 compared with 2014, 2013, 2012, and 2011. So, we were a little bit higher and we had discussed that, you know, throughout the year. This wasn't a record call. The record calls were 570 calls, I think, back in like 2007. Incidentally, that was probably tied to a lot of meth labs at the time. So, as you can see, we are trending upwards. I think that has a lot to do with our diversity in our community.

DuCharme stated when you look at the type of calls, our medical calls are by far the most calls that we go on. 64% is what they came out to be. And, you compare those just to fire-type calls, which are actually just 7%. The other calls make up alarm calls and things like that.

DuCharme stated so, this is kind of interesting. So, our average firefighter per call, 548 calls, there were 3,592 firefighter responses to those calls, so we ended up the year 6.55 firefighters per call. A little bit lower than a year ago and some of that might be because of the increase of the Duty Officers. So, when you look at it, there were 189 day calls, 80 Duty Officer calls when we send just one person out. And then you can see the Station calls. And, once again, 548 calls.

DuCharme stated here's the interesting stat if we can go to the next slide. So, if you were a day responder from Station 1, in 2015 you were responsible for 277 calls. Station 2 you can see the 270 calls. If you were a night responder from Station 1, they were responsible for 149 calls and Station 2 they were responsible for 145 calls.

Voss asked why is there such a discrepancy between day and night? I thought it would be just the opposite. DuCharme stated well, during the days, historically, we're higher on the calls. There's more day calls. And, we're talking Monday through Friday. Also, because sometimes we're tight on manpower, we run both Stations, respond to all the calls. So, we don't go to a single Station call out.

Koller asked what about Station 3? DuCharme stated Station 3 operates as part of Station 1. Koller stated okay. DuCharme stated we've done that for several reasons. Number 1, because we're actually building up the population of that station; and, Number 2, it just fits in better with our organization.

DuCharme stated once again, our fire loss, and actually we're doing quite well on our fire loss in 2015 until we had the multiple truck fires. But, \$443,424 compares to \$1,100,000 that we had in 2014.

DuCharme stated I just love this picture. One of the kids did this for us. So, that's a quick 'snapshot' of 2015 for you. In December, you know, once again we did run 44 calls and I put the response calls in your package. And, of those calls, 31 were medical related. Saw a lot of sick people and a lot of issues where we were transporting people or helping people that had illnesses or some other type of sicknesses.

DuCharme stated a couple things, mark your calendar. Saturday, January 30th, that's at

4.0E
Fire
Department
Report

Station 1, we're going to have a waffle breakfast and for \$7 you'll be able to eat as many waffles as you want. We're gong to start at 8 o'clock and go until 11 o'clock. The money that we raise is going to go to the Auxiliary and the Auxiliary uses that money to support its activities throughout the year. They support the main Fire Department in case we're out on long calls as far as refreshments and nourishments. So, if you can, please attend. Any questions? Mundle asked are the waffles delicious? DuCharme responded they are.

Harrington stated January started out kind of rough. They've had some chimney fires and a house fire in Oak Grove. I hope that isn't a continuing trend. DuCharme stated yeah, you know, here we are once again in the middle of winter and this is the most dangerous time if you're burning wood for heat or using your fireplaces.

DuCharme stated you can't say enough that you've got to have your chimneys in good working order. You've got to have them inspected. Have a chimney sweep come out and look at them and make sure you've got those smoke alarms going. If you didn't put new batteries in, we usually do it on daylight savings time and when we go back to standard time. But, if you haven't done that, put those batteries in. It's the same thing with your CO detectors. We get calls on those and the best thing you can do is early detection. The more smoke alarms you've got, the better. Any other questions?

Voss stated you seem to have a few firefighters behind you. DuCharme stated yes. Would you like to meet them now? Voss stated at your pleasure.

DuCharme stated these three gentlemen behind me have completed the qualifications to get off their probation. A year ago, you approved their hiring. They have spent hundreds of hours in training, Firefighter 1, Firefighter 2, Emergency Medical Responders, which used to be the First Responder but now they call it EMR, and have been responding to calls. Very valuable members of our Fire Department. So, Ron Lammert, Kyle Howard, Nathan Fish. If I may say, Nathan is the brother of one of our other firefighters so it must be in the family. On the Consent Agenda, we're asking Council to approve these three men to come off of probation.

Voss stated well, it's nice meeting you all. Thanks for being here. Okay, thanks Mark. Ronning stated thanks for what you guys and your Department do. Harrington stated thanks for volunteering.

5.0
Public
Forum

Davis asked is there anyone signed up? Davis replied no one signed up. Voss stated if you are here tonight to speak before Council at Public Forum, this is your time to do so. I don't see Kathy moving so we'll move on.

6.0
Consent
Agenda

Item A Approve Bills

Item B January 6, 2016 Council Meeting Minutes
Meeting minutes from the January 6, 2016 City Council Meeting are attached for your review.

Item C Resolution 2016-07 Permanent Fund Transfer
The City set up Fund 588 in order to track the 224th Avenue / Durant Street construction project. At December 31, 2015 the special assessments have all now been collected. Staff is recommending remaining funds be transferred to the General Fund and fund 588 be closed as of December 31, 2015.

6.0
Consent
Agenda

Item D Resolution 2016-08 Permanent Fund Transfer

The City set up Fund 303 in order to pay all debt associated with the 2005B bond issue. The final bond payment for the 2005B bond payment was completed on January 6, 2016, leaving the fund with \$1,127.39. Staff is recommending transferring these remaining funds to the General Fund at December 31, 2015.

Item E Approve Date For Spring Recycle Day

Staff recommends that April 23, 2016 be set for the Spring Recycle Day. This event will be held at the City Ice Arena between the hours of 8 AM to Noon.

Item F Resolution 2016-09, Sylvester Right-of-Way Dedication

The City's Service Road Plan includes a segment on the east side of Hwy. 65 that would connect 221st and 215th Avenue. This section was scheduled to be constructed in 2012 but the project was indefinitely postponed due to right of way issues with one of the property owners affected by the road alignment. The City now has the opportunity to receive a portion the right-of-way for this road as a dedication in lieu of assessment. Staff recommends the approval of Resolution 2016-09, accepting the right of way dedication in lieu of assessment of road construction costs to the Genevieve T. Sylvester Family Limited Partnership.

~~Item G Approving Resignation of Firefighter~~

This item was removed from the Consent Agenda.

Item H Approving 2016 Fire Department Policies and Guidelines

East Bethel City Code Chapter 2, Article VI, Division 3 pertains to the Fire Department. City Code requires the Fire Chief to prepare Standard Operating Guidelines (SOG's) that include policies and procedures for operating activities in the Fire Department.

Over the past year, a Fire Department committee consisting of the two District Chiefs, Deputy Chief and Fire Chief have been working on the update of the SOG's. The purpose and intent of the SOG's is to establish a uniform set of operating procedures for firefighters of the East Bethel Fire Department based on a number of differing activities.

The main updates include the 3-year terms of District Chiefs, Captains and Lieutenants. This is a change from NO terms. This will allow more Firefighters to be interested in joining the leadership of the Fire Department. Definitions have been updated, including "Good Time and Bad Time".

Items highlighted in yellow are additions and red text with strike outs have been eliminated.

The last update was May 19, 2010. Position descriptions have not changed.

~~Item I Approving Firefighter Completion of Probation Term~~

This item was removed from the Consent Agenda.

Item J Supplemental Payment Summary

Harrington stated I'll make a motion to adopt tonight's Consent Agenda. I'd like to pull Items G and I. Mundle stated I'll second. Voss asked any other discussion? All in favor say aye? **All in favor.** Voss asked any opposed? Hearing none, that motion passes.

Motion passes unanimously.

6.0G
Approving
Resignation
of Firefighter

It was noted that Paul Bermudez has submitted his resignation as Fire Fighter with the City of East Bethel. Paul has served the City as a Fire Fighter for ten years. Paul has been a great asset to the City of East Bethel, the East Bethel Fire Department and our community.

Harrington stated I got a letter here, this is from Paul Bermudez, retiring after ten years. He says:

‘To my friends at the East Bethel Fire Relief Association, this letter serves as my official letter of resignation from the Department. Being a member of this organization has been a big part of my life and it is the time that I will never forget. Serving with you was an honor. Thank you and God bless.’

Voss stated thank you for pulling it out of the Consent Agenda too.

6.0I
Approving
Firefighter
Completion of
Probation
Term

It was noted the following Fire Fighters have completed their one-year probation and met all qualifications for active status: Nathan Fish, Kyle Howard, and Ron Lammert. The Fire Chief recommends that these Fire Fighters be appointed as active Fire Fighter Status as of February 1, 2016.

Harrington stated Item I, I think Mark has kind of taken care of Item I already. I just wanted to say congratulations to the three gentlemen down there and, like I said, thanks for volunteering.

Harrington stated I’ll make a motion to approve Item G and I. Mundle stated second. Voss asked any discussion? All in favor say aye? All in favor. Voss asked any opposed? Motion passes unanimously.

Voss stated again welcome, officially, to the Department. *Those in attendance offered a round of applause.*

**7.0
New Business**

Commission, Association and Task Force Reports

7.0A
Planning
Commission

None.

7.0B
Economic
Development
Authority

None.

7.0C
Park
Commission

None.

7.0D
Road
Commission

None.

8.0**Department Reports**

8.0B None.

Engineer

8.0C None.

City Attorney

8.0D None.

Finance

8.0E Davis presented the staff report, indicating the cities of Coon Rapids, Andover, Anoka, Brooklyn Center, Columbia Heights, Ham Lake, Mahtomedi, and Fridley entered into a Joint Powers Agreement (JPA) on February 1, 2005, for the purpose of collective bidding certain street maintenance services. The North Metro Street Maintenance Program JPA allows smaller cities to achieve more economies of scale in the bidding process and potentially achieve lower bids from contractors for crack sealing, seal coating, striping and other street maintenance services. The City East Bethel joined the group in February 2008.

8.0E.1

2016 JPA

Projects

The City of Coon Rapids is the lead agency by the Agreement for this group. As the lead agency, they draft the specifications, solicit bids and provide the necessary documents for member cities to sign to participate in the program. The Agreement is structured such that it permits each member city to accept or reject the bids for their portion of the proposed contract. Each city will pay the contractor directly for their share of the work and contracts will be awarded separately for the various items.

The City of East Bethel has realized savings of up to 20% over previous costs for these services through participation in the JPA Street Maintenance program.

The following projects are recommended to be bid as part of the 2016 JPA Street Maintenance Program. These projects have been identified in the 2016-2020 Street Capital Improvement Plan by the Roads Commission and approved by City Council on May 6, 2015:

1. Crack-sealing 50,000 linear feet as part of the annual Street Maintenance Program; and,
2. 150,000 linear feet of striping as indicated on the attached map in your packet.

The estimated budget for seal coating, crack sealing, and striping the above listed streets is \$45,320. These projects will be funded from the Street Capital Fund as identified in the Capital Improvement Plan and the 2016 Street Maintenance Budget.

Staff recommends consideration of the proposed City projects for bidding as part of the 2016 North Metro Street Maintenance Program JPA. Bids for the work will be presented to City Council for final approval at the March 16, 2016, meeting.

Mundle stated make a motion to approve the listed projects to be bid as part of the 2016 North Metro Street Maintenance Program JPA, Street Maintenance Projects. Harrington stated I'll second. Voss asked any discussion? All in favor? Four in favor (Ronning absent for vote). Voss asked opposed? Hearing none, that motion passes. Motion passes. Voss stated I just want to note that Tom stepped out.

Ronning returned to the Council dais.

8.0F
Fire
Department

None.

8.0G
City
Administrator
8.0G.1
Set Date for
Spring Town
Hall Meeting

Davis presented the staff report, indicating the Spring Town Hall Meeting has been held since 2005. The meeting is generally held in April and is proposed for a date that doesn't conflict with any other municipal or School District meetings. Staff has reviewed and found there to be no conflicts with the evening meeting schedules for ISDs #15 and #831 in April 2016. With the exception of April 6th, April 13th, April 12th, April 20th, April 18th, April 27th, and April 26th the remainder of the calendar for April is open.

In the past, the Question and Answer/Public Forum presentation in Council Chambers has focused primarily on citizen questions for City Council. This meeting presents a valuable opportunity for residents to express concerns and present questions to City Council, staff, and other officials in both a formal and informal setting. As part of the program, it is also recommended that City Council Members present information relative to their Committee/Commission Liaison assignments.

We need to set the date for this meeting so we can place the notice in our Spring Newsletter. The Newsletter will be sent to the printer on or before February 19, 2016, and distributed to City residents by the first week of March.

Staff is requesting that City Council set a date in April for the Spring Town Hall Meeting. The most appropriate dates at this time appear to be Thursday April 14th, Tuesday April 19th, Thursday, April 21st, Tuesday, April 26th, or Thursday, April 28th.

Mundle stated you're giving us way too many choices there Jack. Voss stated I have no conflicts, which is, like, incredible. Harrington stated the only thing with April 26th, isn't that when Planning and Zoning meets? Don't they meet the fourth Tuesday? Mundle stated yeah. Davis agreed, stating yeah, that is a conflict. Good catch. Voss stated so a conflict on the 26th, okay. Harrington stated Planning and Zoning meets the fourth Tuesday of the month. Davis stated so essentially we have three Thursdays open, the 14th, the 21st, or the 28th, or Tuesday, April the 19th.

Voss stated I'll suggest the 19th only because Brian and I are going to be in meetings the Monday and Wednesday after so we might as well make the 'trifecta.' Mundle replied thanks Steve. Yeah, I'm okay with it. Voss stated that would be my suggestion. Koller stated the 19th. Ronning stated they're all okay with me. Harrington stated yup. Voss asked Tuesday the 19th? Koller stated fine with me. **Ronning stated move to set Tuesday, April 19th, for the Spring Town Hall Meeting. Harrington stated I'll second.** Voss asked any discussion?

Voss asked are we going to discuss, at some point, at a Work Meeting, if you want to change format or however you want to present things? You know like last time we had elected officials here? Davis stated we can certainly do that either at the next Council meeting or at the next scheduled Work Meeting.

Voss stated okay. When's the newsletter go out? Davis replied the newsletter will go out, the residents will receive it probably around the first week of March. Voss asked when does it go to print? Davis replied we'll send it to the printer around February the 19th. Voss stated so we have a couple meetings before then, okay. Davis stated we do and that's still a little bit flexible. We could even move that back a week, if necessary. We just want to make sure that we get the notices out for the Pet Clinic, the Spring Recycle Day, and the

Town Hall Meeting.

8.0G.2
Set Date for
BR&E
Commencement

Voss stated okay and asked any other discussion? To the motion, 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 Council is requested to consider approval of a date for the Business Retention and Expansion Program Commencement Meeting

The culmination of the Business Retention and Expansion Program (BR&E) is a community commencement meeting. This meeting provides the opportunity for the City to recognize the completion of the BR&E Visitation Program and the beginning of the implementation stage of this program.

The proposed meeting agenda would be as follows:

1. Program Introduction
2. Review of the Purpose and History of the Program
3. Testimonials from Business Representatives and Program Accomplishments
4. Presentation of Strategies and Survey Results
5. Closing Remarks

Attendees at the meeting will include local businesses that participated in the interview process, program leadership, Task Force and Interview Members, and local elected officials. Due to the anticipated length, which could be up to an hour and a half, and importance of this presentation, it would be appropriate to schedule this as a Special Meeting to ensure that ample time is devoted to this matter. This would be the only agenda item proposed for this meeting

Staff is requesting that City Council call and set a date for a Special Meeting on April 27, 2016, for the Business Retention and Expansion Program Commencement Meeting.

Mundle asked did you check with the BR&E members to make sure that will work? Davis stated this is the date that they recommended. They wanted to have it either the last of April, the first week of May, preferably the last week of April.

Ronning asked do they have a time to include in a motion? Davis stated we can make that at your convenience. Voss noted this is actually the night of a scheduled Work Meeting. Davis stated that's correct. That would be the night of a scheduled Work Meeting.

Ronning stated move the Special Meeting date on April 27, 2016, for the purpose of the Business Retention and Expansion Program Commencement Meeting and time to be forthcoming. Mundle stated I'll second. Voss asked any discussion?

Voss stated I'd suggest we don't do it any earlier than 7 o'clock just because there's so many people. Voss stated there's going to be so many people that work and then if there's businesses that want to be there, it's after business hours. Are they looking for a time too? Are we looking for a time now? Davis stated I think 7 p.m. would be appropriate. I don't think they would have any objections to that. Voss stated okay.

Voss stated to the motion, all in favor say aye. **All in favor.** Voss asked any opposed? Motion passes. **Motion passes unanimously.**

8.0G.3
LBA&E
Training

8.0G.3
LBA&E
Training

Davis presented the staff report, indicating per Minnesota Statute 274.014 at least one voting member of each Local Board of Appeal and Equalization (LBAE) must have attended a training course within the last four years. Our local LBAE, which is the City Council, hears all appeals for property tax objections and requests for adjustments at an annual Local Board of Appeal and Equalization meeting. This year's LBAE meeting is proposed for April 20, 2016, at 6:00 p.m. at City Hall.

The Minnesota Department of Revenue provides the training for those LBAE members who require certification. Traditionally, the City Council has selected two Councilpersons, who have the majority of their terms remaining, as the City's designees for the training. Councilpersons Koller and Ronning completed the training in 2014, and are certified until July of 2018.

The Local Board's duties will be transferred to the County for the current year's assessment if the training is not completed, or if trained members are absent from the LBAE meeting.

Online training is available via the Department of Revenue's website until February 1, 2016. Members are required to register before taking the training. It is recommended that Council Members register for the training no later than January 22, 2016. After February 1, 'catch-up' training will be made available and this schedule will be announced in March. It is recommended that Councilpersons Tim Harrington and Brian Mundle attend the training. Upon completion of the course, their certification will be valid for four years.

Staff requests that City Council designate Councilpersons Harrington and Mundle as the Councilpersons for the required LBAE training.

Ronning stated move to designate City Councilpersons Tim Harrington and Brian Mundle as the Councilpersons for the required LBAE training. Ronning asked date? Mundle stated I think it's on line. Voss stated yeah, so there's no date. Davis stated we'll get you signed up and registered. Voss asked is there a second to the motion? **Koller stated I'll second.** Voss asked discussion?

Voss stated I assume both Council Members are good with that. Because, I'll say, I did not make that recommendation so don't point at me. Mundle stated no, that's fine. Ronning stated it was a lot more interesting than I expected. Much more. We had some representatives from the State Office, I think. Harrington stated yeah. Mundle stated you'd almost have to be, it would almost have to be more interesting than you'd think learning about taxes would be.

Harrington stated if you don't get the on-line, they will have it somewhere in the area where you can. Davis stated that is yet to be determined. Normally they do but where it is, is dependent on where they schedule it. Two years ago, I think it was fairly local. Where did you go? Koller replied Cambridge. Davis stated but it could even be in Brooklyn Center or somewhere. It just depends on what their schedules are. Harrington stated okay.

Mundle asked is this just an on-line training that you go to a website and watch it? Davis stated I would recommend that you do the on-line because we won't know the other schedules until March. And, it's probably a couple hours and that takes care of it and you do whatever's required and you get your certification.

Voss stated my guess it's probably like a webinar. Davis stated yes. Voss stated it's probably not just looking at slides. It's presentation and stuff. Mundle stated presentation but would it be, you can go there any time? Davis stated yes, it's 24/7. You can go at your convenience. Mundle stated so it's a pre-recorded. Voss stated yes, it's a webinar that's

pre-recorded and you can watch it and stop it, you know. Davis stated we'll go ahead and get you registered so if you want to do the on-line, then it will be available to do at your convenience then. Mundle stated yes, that would be great. Just send me an e-mail when I'm registered. Davis stated okay, will do.

8.0G.3
LBA&E
Training

Voss stated to the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

8.0G.4
Jan. 27, 2016
Work
Meeting

Davis presented the staff report, indicating should Council provide direction to hold the January 27, 2016, Work Meeting, an agenda will need to be set. The following items could be proposed for discussion:

1. Audio Visual Equipment Replacement

Davis stated we are attempting to get a presentation from the lowest priced vendor who submitted a proposal. That vendor cannot be present at that time but can be present for a February presentation.

2. Gambling Ordinance

Davis stated also we discussed about changing the requirements for our Gambling Ordinance as far as our gambling tax. We did not get all the full presentation of the reports from all the four locations or the four entities that conducted lawful gambling within the City until today.

Davis stated I will tell you that of the reports that we have, we have two options. The current one, we currently use, is we collect 3% of the gross receipts as our gambling tax. That money is very restricted and essentially is used to actually enforce the City Ordinance for lawful gambling. And, we use it to pay down on the Sheriff's Department.

Davis stated the other option is to change our Ordinance and we can require a 10% tax of net receipts. There's more flexibility in how you use the forms. Unfortunately, though, gross receipts run, probably 6 to 7 times more than the net receipts or the profits. And, I've just done a rough calculation and we'd be losing at least half the revenue we receive if we go from the 3% to the 10%.

Voss asked half? Davis responded at least half. Voss stated that's why we wanted to make sure we ran that analysis. Davis stated yes. And what we'll do, though, I will compile all this as data so we'll have the exact numbers. So, if we do want to take a look at it we can but the preliminary results are pretty indicative that we would lose a substantial amount of revenue. This year we collected, probably, close to \$22,000 in our gambling tax and based on these numbers, that would be reduced down, probably down to \$10,000 or \$11,000 next year if we change the ordinance.

Davis stated so, based on that, I would recommend we set a Work Meeting for February or bring this up at a February meeting so we can receive the AV proposals or any other items that we would have on the agenda or a Work Meeting. Voss asked so those vendors can make the scheduled February Meeting? Davis responded correct.

Ronning stated there's kind of a standing policy about the Work Meeting. Do we need a motion to 'cement' the thing? Vierling advised the request is to set the agenda for it. Your Work Meetings are already set, I believe, by motion. Ronning stated right. Vierling advised so you're just setting the agenda, is what you're doing.

Davis stated yes, the Work Meetings are already scheduled. What we would do, in this case, the agenda items that we would normally discuss at this meeting would be best postponed. One of them does not appear to be a viable option. My recommendation would be to cancel the January schedule for the Work Meeting unless there's other items that you wish to discuss and have the meeting with.

8.0G.4
Jan. 27, 2016
Work
Meeting

Voss asked is there any desire to have any other items discussed at the next Work Meeting? **Ronning stated move to place Audio Visual Replacement and Gambling Ordinance on the schedule for the next Work Meeting, January 27, 2016.** Koller stated no, move it to February. Harrington stated cancel the January one. Ronning stated okay, **amend it to February. Koller stated I'll second.** Voss asked any other discussion? All in favor say aye? **All in favor.** Voss asked any opposed? **Motion passes unanimously.**

Voss stated and now to cancellation of the next Work Meeting. **Koller stated I'll make a motion to cancel the next Work Meeting scheduled January 27, 2016. Ronning stated second.** Voss stated moved and seconded, all in favor say aye. **All in favor.** Voss asked any opposed? **Motion passes unanimously.**

8.0G.5
Feb. 3, 2016
Council
Agenda

Davis stated I've got one more item and that's Item 8.0G.5, February 3, 2016, Council agenda. Staff is seeking recommendations from City Council if you have any agenda items you would like to see placed on this agenda, please let me know.

Mundle asked is there any news from the Ice Arena? When they'd be able to come in and give a report? Davis stated the Ice Arena is going to be scheduled for this next meeting. There'll be several items from the Planning Commission with some CUPs and some sketch plats. Also, there'll be an item, Contract Negotiations for the New Union Contract and Potential Right-of-Way Acquisition for a Closed Session.

Voss asked did you say 'sketch plat?' Davis replied yes. Voss stated wow, that's exciting. We haven't seen a sketch plan in a while. Davis stated unfortunately it's not for a subdivision though. But, it is progress in the right direction.

Davis stated so if you have anything that you'd like to see on the agenda, let me know.

9.0 Other
9.0A
Staff Reports
9.0A.1
Speed Study
on County
Road
22/Viking
Boulevard

Davis stated I gave everybody a handout earlier that included two maps, one with a big yellow streak across from it and another traffic count map. As a result of the tragic accident on Viking Boulevard on January the 12th, the Anoka County Highway Department has received several individual requests for a speed study on County Road 22/Viking Boulevard.

Davis stated as you know, we requested a speed study for Viking Boulevard east of Highway 65 in East Bethel to the intersection of Lexington or Coon Lake Drive in 2013. Actually, it was in 2012 and was concluded in 2013. The results of that speed study, which covers this area in yellow, indicated that there was no basis for lowering the speed limit. The only portion of 22 in East Bethel that wasn't covered is this little shaded circle, which is a quarter of a mile and it's from EJ's to the Linwood line. The accident that happened on January the 12th occurred approximately one-quarter mile past the Linwood/East Bethel corporate limits within the Township of Linwood.

Davis stated Anoka County Highway Department wants to know if the City of East Bethel wants to participate or request a speed study on the portion that wasn't included in the previous study, which is a quarter of a mile. In all likelihood, the results of that study would show that there's no basis for lowering the speed limit but I just want to be able to respond back to them.

9.0A.1
Speed Study
on County
Road
22/Viking
Boulevard

Voss asked what do they need, is there anything they need from us? Davis replied no, they just want to know if we want to participate in it. Voss asked what stretch of Viking are they going to do the speed study? Through Linwood? Davis explained they would do it and the East Bethel portion would be Corner Express to the corporate limits and then going through Linwood. I don't know what the terminus is on the eastern side of 22.

Davis stated if you'll look at the other map, you'll see the breakdown of the speed limits. It's 55 up to County Road 74 and then from 74 around the Linwood Market and up to, past the elementary school/church, it's reduced to a 50 mile an hour speed limit. From that point on, it becomes 55 miles and hour until you enter Chisago County and the City of Wyoming.

Davis stated where the terminus of the speed study would end in Linwood, they didn't indicate that. But, they were interested in if we wanted to add that one little segment of Viking Boulevard in a speed study should they do one for Linwood.

Voss stated I just think it's odd that when they did the study two years ago, they didn't do that little segment. But, if they're going to do Linwood, why have a data gap? I would say we do it. That's my opinion. And, if it's not really physically the City doing anything. Davis stated the City doesn't do anything. Voss stated except make the request. Davis stated yes, nor does it cost the City anything.

Ronning asked you need anything? A response to that? Davis stated we need to do it by motion. **Mundle stated make a motion to approve the speed study for 2016 on Viking Boulevard. Koller 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.**

9.0B
Council
Report –
Member
Mundle

Mundle stated I went to the Sunrise River Watershed Management Organization meeting on the 14th and it was very exciting. Quick once over of it, they got the audit back. There was no findings on the audit. That will come in front of us next meeting to be voted upon. Then it will be sent to BWSR after that. And, we voted to contribute \$5,000 to Ditch 20 Feasibility Study. It's a ditch that's in Isanti County, comes out of Isanti County into Typo Lake and it is supposedly one of the biggest contributors to the phosphorus in Typo Lake. And, so, the ACD was going to do the study no matter what and the study will come up with projects to be done on Ditch 20 for future projects.

Mundle stated there's an update on the carp barriers. They are being installed on Typo Lake and Martin Lake and they are very much behind schedule. They were supposed to have been completed by October 15th. Since then, liquidated damages have been building up at \$500 a day. They figure there's about six to seven weeks left of construction. They had a meeting. ACD met with Linwood and the contractor and the subcontractor and they discussed a timeline and what will be going on with the liquidated damages because the liquidated damages would not be paid out to the cities. It would be paid back into the grant because the carp barriers were mostly all grant funded. And, so, all the money will go back to the Grant and not to the cities to be compensated for. They are trying to negotiate and work out a deal of certain extras that were done, would be paid out of the liquidated

damages and an extended warranty would be paid out of the liquidated damages.

9.0B
Council
Report –
Member
Mundle
Council
Member
Koller

Mundle stated then they presented a 2017 draft budget. There's some discussion on it and some changes are going to be made and we'll see it again at the next meeting.

Koller stated well I attended the Road Commission and as we discussed earlier, the Superstreet Intersection recommendations, we presented to Council. And then we started discussing the gravel road situation in East Bethel about getting them maintained better or possibly starting to pave them.

Council
Member
Ronning

Ronning stated I attended the Park Commission and they reviewed their finances. They considered and approved Soderville-Blaine Athletic Association softball/baseball fields for 2016. The maintenance cost is \$6,500 annually. Current fees for those fields will pay the \$6,500.

Park
Dedication
Fees and
Construction
of Trails

Ronning stated one of the things, this is comment more than I guess report, they're, you've heard it before, and I know I've heard it, that they're discouraged about the funding. What did, we've got \$144,000 transferred from them or something? That's my recollection. Davis stated no, that was from the Trails Fund. Their transfer from the City, it's been gradually reduced in the last four years from \$100,000 a year to \$50,000 last year. We did increase that by 10% this year. Hopefully, incrementally, trying to bring that up to the previous levels of funding.

Davis stated also, they've suffered too from collection of developer's fees for park fees since 2009 because, essentially, development hasn't happened that required developers to pay these fees. So, from a funding standpoint, they've had their transfers reduced but they were increased this year for the first time since 2010. And, you know, hopefully we'll be able to collect starting this year some more park fees from development. So, I certainly sympathize and understand their concern and we just hope to see those funding levels increase as we 'go down the road.'

Ronning stated if I understand correctly, they have funds, they expect funds in the future. And then the past ones have been transferred to the General Fund? Davis stated yes, the only thing we did, we had a Trails Fund of \$144,000 that we did transfer to a Special Account to pay off the 2010C bond. As you recall, we approved the payments for that at the last Council meeting in the amount of close to \$660,000. That bond will be paid off next year and the proceeds from that Trails Fund will enable us to do that. As far as the Parks Funds, we did not transfer anything to be used for bond payments. However, their allocation, their annual allocation or transfer from the General Fund was reduced, or has been reduced by half in the last four years. But, that did increase by 10% this year. Ronning stated okay, so thank you.

Voss stated I'd heard a while back from a couple of Parks Committee Members that they were going to start discussing trails again in terms of short connector trails. Was there any discussion at Parks about that? Ronning stated yeah there was. It's a short little jog, I think, from here I believe.

Voss asked so they have one in mind now? Ronning replied yeah and there's another one that they're proposing, like as a, seems to me it's a cross-country skiing sort of thing. But,

there was a person there that, it would go past his yard and they're concerned about problems with people. It creates a route into and out of properties, to some extent.

Park
Dedication
Fees and
Construction
of Trails

Voss stated so, right now, there is no funds in the Trails Account, correct? Davis replied no. Voss stated and so is it Park's plan to propose something to Council so that it can be funded for next year? Because the budget cycle is, we're going to start budgeting here in the next couple of months. Is that what the Park's intent is? Ronning stated I'm not certain. I don't believe so.

Davis stated I think, probably, as we develop their Capital Improvements Plan that there would probably be something put in there for that or at least we can incorporate some of these smaller projects. Not exclusively be paid from the Trails Fund, but as a Parks Capital Improvement. And, the one that I think they discussed was the one that we discussed with the gentleman after the last Town Hall Meeting that would connect 225th to Yancy Street and then allow those neighborhoods to come directly into Booster East Park. Voss stated right. Davis explained without having to go Bataan down 221st and the circuitous route. Voss stated okay. Davis stated because the City does own some right-of-way already that connects those neighborhoods.

Voss stated I think the whole thing's owned, the whole alignment was owned. We looked at that many years ago. Davis stated yes, there's a connector street and then you could use existing streets. So, it would be a relatively inexpensive project. It would connect a couple neighborhoods that have some substantial density.

Voss stated I guess my question would be for Park's next meeting is just to see what their intent is. Ronning stated sure. Does anybody have an answer? Some people say that nobody uses the trails. The Park Commission said that they have a lot of compliments on the trails and questions about the next ones and etc., etc.

Voss stated well, we don't have a whole lot. The one I know is from Booster up to 224th, which is what, a couple hundred feet? Davis stated probably the total length, because it goes from the pavilion out here at the parking lot, it's probably closer to 700-800 feet. It's still not substantial.

Voss stated you joke because it's so short and I know, just from over the years of talking to residents in those neighborhoods, they use that because that's how they get to Booster Park. Ronning asked that's the extent? Davis stated as far as trails that we maintain, that's essentially, we also have a 0.6 mile loop around Booster Pond, which is used quite heavily. There's a lot of people that use that that walk quite a bit, even in the wintertime. That one is used very heavily. The other trails that we have are over around Fish Lake in Cedar Creek. There's about a three-mile trail around most of Fish Lake and that's basically the extent of our trail system. Ronning stated it doesn't sound bad.

Voss stated that's kind of one of our least known. It's a beautiful area if you ever go for a nature walk, you wouldn't think you're in East Bethel out there. And, maybe some day we'll have trails over in Sandhill. Davis stated yes, and that's the one thing that, hopefully, I want to try to get the Parks Commission meeting and go over that with them again. We need to start bringing it up. I haven't heard anything back from the County on that proposal but that's one thing we definitely want to try to see if they can reopen and resubmit that to the PCA for funding for this year, at least for 2017.

Park
Dedication
Fees and
Construction
of Trails

Voss stated on the subject of trails, I've always kind of had this position. We don't need long trails. We need short connectors between neighborhoods that are disconnected. We have so many neighborhoods that are disconnected that people can walk between if they just had a couple hundred feet of a trail. And, it's amazing what, because a lot of people walk at night, you know, you get to know other neighbors now and it's connecting neighborhoods to neighborhoods. It's not 'spider webbing' the City, it's just these little short connectors.

Davis stated there is one other potential project there and that's the City does own some right-of-way that connects, I believe it's 235th Avenue to John Anderson Park, which then open up onto Jackson Street that has a paved shoulder, which you can go to Bonde Park and connects three or four neighborhoods that way. The length of that trail, again, would be relatively short, probably 700-800 feet but it would be a good connector link.

Voss stated I don't know how the rest of the Council feels but it would be nice to see some movement on that. They're small investments that I think make big impacts. Connecting neighborhoods is a big thing, even in a City as spread out as we are.

Council
Member
Harrington

Harrington stated I too attended a couple Fire meetings, the days and the afternoon guys. I'll tell you what, that's going to be a real learning experience and I'm looking forward to it. These guys go through a lot but I think it's going to be a good learning experience. I have my first Joint Powers meeting next week and looking forward to that.

Harrington stated I'd just like everybody to know that the outdoor hockey arena is now open. It has ice. The warming house is now open.

Harrington stated just a reminder the Fire Auxiliary has their Waffle Breakfast on the 30th, 8 to 11. It should be good.

Mayor Voss

Voss stated well, you stole my only thing, the Waffle Breakfast so hope to see everyone there.

9.0C
Other

None.

**10.0
Adjourn**

Mundle stated make a motion to adjourn. Koller stated I'll second. Voss asked any discussion? All in favor? **All in favor.** Voss asked any opposed? Meeting is adjourned.
Motion passes unanimously.

Meeting adjourned at 9:17 p.m.

Submitted by:
Carla Wirth

TimeSaver Off Site Secretarial, Inc.

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

RESOLUTION NO. 2016-10

**RESOLUTION ACCEPTING DONATION
FROM JIM FINK, AN EAST BETHEL RESIDENT**

WHEREAS, Jim Fink has worked with the City's Fire Department and provided stuffed animals that are given to children at emergency incidents; and

WHEREAS, the City's Fire Department has identified the benefit of these gifts that are given to children at emergency incidents; and

WHEREAS, Jim Fink has previously and recently donated stuffed animals for this purpose.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City hereby acknowledges receiving two large containers of over 200 stuffed animals from Jim Fink

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT: the City hereby expresses its thanks and appreciation to Jim Fink for the donation of two large containers of stuffed animals to be given to children at emergency incidents.

Adopted this 3rd day of February, 2016 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Steven R. Voss, Mayor

ATTEST:

Jack Davis, City Administrator

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

RESOLUTION NO. 2016-11

**RESOLUTION ACCEPTING DONATION
FROM EAST BETHEL FIRE RELIEF ASSOCIATION**

WHEREAS, the East Bethel Fire Relief Association has worked with the City's Fire Department to determine a need for additional fire fighting equipment or gear; and

WHEREAS, the City's Fire Department has identified the need for a Water Rescue Suits for cold water emergencies; and

WHEREAS, the East Bethel Fire Relief Association has expressed a willingness to donate funds for this purpose.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City hereby acknowledges receiving four cold water rescue suits, valued at an amount of \$2,779.00, from the East Bethel Fire Relief Association.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT: the City hereby expresses its thanks and appreciation to the East Bethel Fire relief Association for the donation of the four Water Rescue Suits.

Adopted this 3rd day of February, 2016 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Steven R. Voss, Mayor

ATTEST:

Jack Davis, City Administrator

Jack Davis

Subject: FW: letter

Importance: High

From: John Landwehr [<mailto:jlandwehr4@gmail.com>]

Sent: Tuesday, January 26, 2016 3:55 PM

To: Colleen Winter

Subject: Re: letter

Please accept this as my formal notice of resignation from the East Bethel Economic Development Association. Due to a heavy travel schedule and relocation to Denton, Texas I will no longer be able to participate on the EDA commission.

Please accept my resignation effective immediately. I have considered it a privilege to work with one and all in this wonderful community.

Thank you for the opportunity and I wish you all the best.

Respectfully,
John Landwehr

Sent from my iPhone John Landwehr Hulcher Services, Inc.



City of East Bethel City Council Agenda Information

Date:

February 3, 2016

Agenda Item Number:

Item 7.0 A.1

Agenda Item:

January Planning Commission Report

Requested Action:

Information Item

Background Information:

The East Bethel Planning Commission met on January 26, 2016 and the following items were on their agenda:

1. Heard an appeal by Jerolyn Williams, 19715 Tri Oak Circle, requesting the Planning Commission consider recommending an Ordinance amendment that would permit the keeping of farm animals on lots less than 3 acres in platted subdivisions. After a lengthy discussion the Planning Commission voted to recommend that the Ordinance remain unchanged regarding the lot size for keeping of farm animals with no distinction as to size and breed. They also recommend that Council consider amendment to Chapter 10, Article V, Farm Animals as it relates to IUP's for Youth Development Organizations.
2. Conducted a Public Hearing relating to an application for an Interim Use Permit for a Home Occupation at 18341 Lakeview Point. The proposed Home Occupation was a small winery operation that was recommended for denial based on potential traffic issues in the neighborhood.
3. Conducted a Public Hearing for a Subdivision Concept Plan at 1052 189yh Avenue. The subdivision is will occur in phases based on the need for certain sized lots for light industrial use. The plan was approved for recommendation to City Council.

These three items will be included on the February 17, 2016 City Council Agenda.

Fiscal Impact:

Recommendation(s):

No Action Required

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

February 3, 2016

Agenda Item Number:

Item 7.0 B.1

Agenda Item:

February EDA Report

Requested Action:

The East Bethel Economic Development Authority met on January 25, 2016 and elected officers for 2016. Dan Butler was elected President and Julie Lux Vice-President. The Authority is a seven person board composed of two City Council and five citizen members.

The Authority reviewed the status of an Economic Development Work Plan, the Business Retention and Expansion Program, received a report from the Chamber of Commerce.

Staff presented the proposed Reduced Conflict Intersection Proposal for the Hwy. 65 and Viking Boulevard intersection for comment and questions.

The Authority also discussed participating in the November 2016 MnCAR EXPO. This is a one day convention that allows exhibitors to network and promote their sites and Cities to developers. The Authority will present a proposal to Council at their March 2, 2016 meeting requesting authorization to attend and rent booth space at the EXPO.

Background Information:

Fiscal Impact:

Recommendation(s):

No Action Required

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

February 3, 2016

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

SRWMO JPA

Requested Action:

Consider recommendations to the SRWMO relating to proposed amendments to the Joint Powers Agreement

Background Information:

Watershed Management Organizations (WMO's) were created by the Legislature in 1982. As a result of this legislation, all municipalities in the Seven County Metro Area were required to be part of this program. The implementation of the establishment of the Organizations was finalized in 1985. The Board of Water and Soil Resources (BWSR) has oversight on the Organizations and coordinates the water and soil resources planning and implementation activities of Watershed Management Organizations (WMO's) through its various authorities for approval of local plans, administration of state grants, contracts and easements, and other appropriate means.

All Cities and Townships within the Metro Area belong to either a WMO or a Watershed District. The distinction between the two is Watershed Districts have the power to independently levy for their budgets and WMO's budgets are dependent on approval and contribution of the member entities for their funding.

The Sunrise River Water Management Organization (SRWMO) is a joint powers special purpose unit of government composed of East Bethel, Linwood Township, Columbus and Ham Lake to manage water resources. This Joint Powers Agreement is based upon hydrological boundaries of the watershed within each respective City. The SRWMO's boundaries do not extend into Isanti or Chisago Counties because watershed organizations are only required by law within Metro Area Counties.

The SRWMO does not have employees but works through cooperative efforts of the member cities and townships, or contracts with the Anoka Conservation District or other consultants for management services. The SRWMO is governed by a Joint Powers Agreement between the three Cities and the Township.

The SRWMO Board will be discussing the current status of the Organization's Joint Powers Agreement at their February 4, 2016 meeting. In the last year there have been changes suggested by Ham Lake, and the WMO Board has identified other changes that may warrant consideration for a JPA amendment. The potential changes are summarized as follows:

1. **Clarify the definition of operating and non-operating expenses** - Operating costs are currently split evenly among communities and non-operating expenses are split by formula. The JPA currently provides a loose description of “operating costs” – “copies, postage, recording secretary fees, insurance and administrative fee charged to each community.” Several questions may arise:
 - a. What does the “administrative fee” include?
 - b. Should certain required, “lights on” tasks be added to the definition of “operating expenses? As an example the following may arguably fit the mold of a basic operating expense:
 - i. Financial audit costs
 - ii. State reporting costs
 - iii. 10-year watershed plan (large cost that is coming up within 2 yrs)

2. **Consider splitting all expenses by formula** - Ham Lake and Columbus have expressed interest in eliminating the “operating expenses” category (expenses split equally). All expenses would be split by the formula based on land area and market valuation. If this had been done for the 2016 budget it would have had the following impacts:
 - a. Linwood’s contribution increased by \$1,342.85
 - b. East Bethel contribution increased by \$497.61
 - c. Columbus contribution reduced by \$519.57
 - d. Ham Lake contribution reduced by \$1,320.89

3. **Update market valuations** - The formula for calculating each community’s percentage of non-operating expenses includes market valuation within the WMO. It has been more than 5 years since it has been updated. No update to the JPA is needed for this, but someone needs to do the GIS analysis to get the numbers.

Decisions on adjustments in determining cost allocations should be made to as soon as possible if they are to be included in the 2017 SRWMO Budget.

Attachments:

- 1.) SRWMO Map
- 2.) SRWMO JPA
- 3.) SRWMO Draft Minutes, January 2016
- 4.) SRWMO 2017 Proposed Budget

Fiscal Impact:

To be determined

Recommendation(s):

Staff requests that Council consider recommendations to the SRWMO that address the requests for defining Operating Costs and allocation of costs to the members.

City Council Action

Motion by:_____

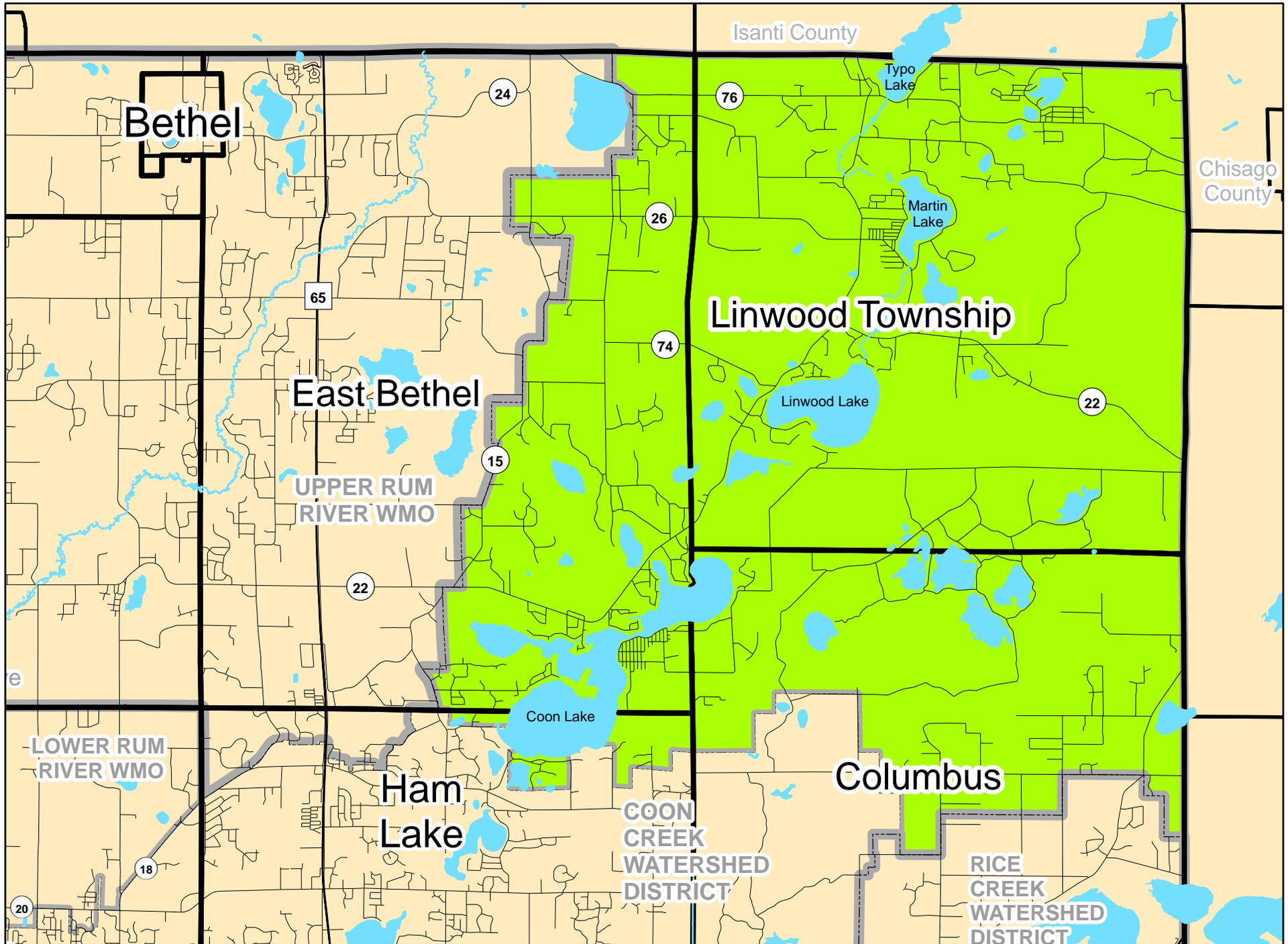
Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

Sunrise River Watershed Management Organization



AMENDED

SUNRISE RIVER WATERSHED MANAGEMENT ORGANIZATION

JOINT POWERS AGREEMENT

THIS AMENDED JOINT POWERS AGREEMENT made and entered into as of the date of execution by and between the Local Government Units of the City of Columbus, City of East Bethel, City of Ham Lake and Linwood Township. The purpose of this Joint Powers Agreement is to establish a Water Management Organization to assist the member local units of government with surface water, ground water, water quality and water usage issues.

WHEREAS, the parties to this Agreement have authority pursuant to Minnesota Statutes, Chapter 471.59, to jointly or cooperatively, by agreement, exercise any power common to the contracting parties. Pursuant to Minnesota Statutes, Chapters 103B.201 to 103B.255, these local units of government have authority to jointly or cooperatively manage or plan for the management of surface water within a defined watershed; and

WHEREAS the parties to this Agreement desire to prepare a surface water management plan for the purpose of management and implementation of the programs identified by Minnesota Statutes, Chapters 103B.201 through 103B.255.

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

SECTION I

General Purpose

1.1 It is the general purpose of the parties to this Agreement to establish a Water Management Organization to jointly and cooperatively develop a Watershed Management Plan for the purposes of (a) protecting, preserving, and using natural surface and groundwater storage and retention systems in the Sunrise River Watershed; (b) minimizing public capital expenditures needed to correct flooding and water quality problems; (c) identifying and planning for means to effectively protect and improve surface and groundwater quality; (d) assist with establishing more uniform local policies and official controls for surface and ground water management; (e) preventing erosion of soil into surface water systems; (f) promoting groundwater recharge; (g) protecting and enhancing fish and wildlife habitat and water recreational facilities; and (h) securing other benefits associated with the proper management of surface and groundwater. The plan and programs shall operate within the boundaries of the Sunrise River Watershed as set forth in Appendix 1 and 2, attached hereto (hereinafter "Area").

SECTION II

Sunrise River Watershed Management Organization

2.1 Establishment: There is hereby established the "Sunrise River Watershed Management Organization" whose membership shall be appointed in accordance with the provisions of this section and whose duties shall be to carry out the purposes contained herein. The Sunrise River Watershed Management Organization (hereinafter "Organization") shall be constituted as described in Section 2.2.

2.2 Membership Appointment: Each party to this Agreement shall appoint two (2) representatives to serve as members of the Organization board. Each representative of a party to this agreement who is current in the payment of operating costs shall have one (1) vote. Representatives appointed to the Organization board shall be evidenced by a resolution or certified copy of official meeting minutes of the governing body of each party and filed with the Organization.

2.3 Alternate Members: One alternate member of the Organization board may be appointed by appropriate resolution or certified copy of official meeting minutes of the governing body of each party to this Agreement filed with the Organization. The alternate member may attend any meeting of the Organization board when a regular member representing that party is absent and vote on behalf of the party the member represents. If an Organization board member is also an officer of the Organization, the alternate member shall not be entitled to serve as such officer.

2.4 Term: The members of the Organization board shall be filled by the governing body of the party whose membership position on the board is vacant. Removal of a board member or alternate board member shall be at the sole discretion of the appointing authority. The term of appointment is at the sole discretion of the appointing authority.

2.5 Vacancies: The Organization shall notify the Board of Water and Soil Resources of member appointments and vacancies in member positions within 30 days. A vacancy on the Organization board shall be filled by 90 days after the vacancy occurs by the governing body of the party whose membership position on the board is vacant.

Vacancies resulting from expiration of members' terms or other reasons shall be filled only after published notice of the vacancy once a week for two (2) successive weeks in a newspaper of general circulation in the watershed management organization area. The notices must state that the party is considering applications for appointment of a member to the Organization board and that persons interested in being appointed to serve on the board may submit their names to the appointing authority for consideration. A vacancy shall not be filled until at least 15 days have elapsed after the last published notice.

2.6 Compensation and Expenses: The Organization members shall not be entitled to compensation or reimbursement for expenses incurred in attending meetings, except to the extent that the governing body of a party may determine to compensate or reimburse the

expenses of the member(s) it appoints, in which case the obligation to make such payments shall be that of the party and not that of the Organization.

2.7 Officers: The Organization board shall elect from its membership a chair, a vice-chair, a secretary, and a treasurer. All such officers shall hold office for a term of one (1) year and until their successors have been qualified and duly elected by the board. An officer may serve only while a member of the Organization. A vacancy in an office shall be filled from the membership of the board by election for the remainder of the unexpired term of such office.

2.8 Duties of Officers: The duties of the officers of the Organization shall be as outlined in Parts 40 and 41, Article VII, Robert's Rules of Order, as the board deems necessary.

2.9 Quorum: Voting members of the Organization board representing a majority of the parties to this Agreement shall constitute a quorum. Less than a quorum may adjourn a scheduled meeting.

2.10 Meetings:

A. Meetings of the Organization board will be scheduled as needed, with the annual meeting held in February at the East Bethel City Hall, 2241 221st Avenue NE, East Bethel, MN 55011. Notice of all regular meetings shall be provided with a minimum of thirty (30) days advance notice of the meeting by the secretary of the Board to all parties to this Agreement. Such meeting notice shall be posted on the official notification board for each party to this agreement.

At the annual meeting the board, at a minimum, shall:

1. Elect officers for the next fiscal year;
2. Establish the annual budget and work plan;
3. Hear recommendations on amendments to this agreement and the watershed management plan;
4. Biennially renew or decide on contracts for professional, legal, and administrative services; and
5. Decide on meeting dates.

B. Special meetings may be held at the call of the chair or by any three (3) members of the board giving not less than 72 hours written notice of the time, place, and purpose of such meeting delivered by mailed or email to the residence of each Organization member and delivered to the City or Town Hall of each party to this Agreement.

C. All meetings of the board are subject to Minnesota Statutes, Section 13D and the notice provisions contained therein. Posted notice, when required, shall be given separately to each party to this Agreement.

2.11 Conduct of Meetings: The Organization board shall adopt rules of order and procedure for the conduct of its meetings; the board may adopt any such rules as a

majority of all voting members shall agree. Decisions by the board may not require more than a majority vote, except a decision on a capital improvement project may require a unanimous vote by all parties.

2.12 Organization Office: The office of the Organization shall be the East Bethel City Hall, 2241 221st Avenue NE, East Bethel, MN 55011. All notices to the Organization shall be delivered or served at said office.

SECTION III

Organization Powers and Duties

3.1 Authority: Upon execution of the Agreement by all parties, the Organization shall have authority provided for in Minnesota Statutes, Chapter 103B.211 through 103B.255, unless otherwise limited by this Agreement that provides for, in part:

A. The authority to prepare, adopt and implement a plan for the Sunrise River Watershed meeting the requirements of Minnesota Statutes, Chapter 103B.231.

B. The authority to review and approve local water management plans as provided in Minnesota Statutes, Chapter 103B.235, Subd. 3, Review.

C. Other powers necessary to exercise the authority under clauses A and B, including the power to enter into contracts for the performance of functions with governmental units or persons.

3.2 Watershed Management Plan: The Organization shall prepare a Watershed Management Plan for the Sunrise River Watershed. The plan shall be in compliance with Minnesota Statutes, chapter 103B.231, Subd. 4 as from time to time amended. This Chapter describes plan contents to include but not limited to the following:

A. Description of the existing physical environment, land use and development in the Sunrise River Watershed. It shall further describe the environment, land use and development proposed in existing local and metropolitan comprehensive plans; and

B. Present information on the hydrologic system in the Sunrise River Watershed and its components, including any drainage systems previously constructed under Minnesota Statutes, Chapter 103E, and existing and potential problems relating thereof; and

C. State objectives and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics; and

D. Set forth a management plan, including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement; and

E. Describe the effect of the Watershed Management Plan on existing drainage systems; and

F. Describe conflicts between the Watershed Management Plan and existing plans of local government units; and

G. Set forth an Implementation Program consistent with the Watershed Management Plan, which may include a Capital Improvement Program; and

H. Set out a procedure for amending the Watershed Management Plan. The plan shall be amended as required from time to time.

3.3 Employment: The Organization may contract for services, may contract services from parties to this Agreement, or may employ such other persons as it deems necessary. Where staff services of a party are contracted, such services shall not reduce the financial commitment of such party to the operating fund of the Organization unless the Organization so authorizes.

3.4 Committees: The Organization may appoint such committees and subcommittees as it deems necessary. The Organization shall establish a citizen advisory committee and technical advisory committee and promote other means of public participation.

Citizen and/or technical advisory committees will be formed from time-to-time as deemed appropriate by the Organization board and shall be issue-specific. Committees may be formed that include both citizens and technical experts. Committees shall operate by seeking consensus, while noting any dissenting opinions. Committee findings shall be reduced to writing and submitted to the Organization board. In all cases, committees shall be advisory in nature and their findings shall be referred to the Organization board. Issues that may warrant formation of advisory committees include but are not limited to amendments or updates to the Organization's Watershed Management Plan; lake level or water quality issues; a total maximum daily load (TMDL) impaired waters study or implementation of the study; capital improvement projects; major hydrological changes in the watershed and others as deemed appropriate by the Organization board.

Technical advisory committees shall include technical experts in areas relating to land use, natural resources, pollution control, and soil and water resources.

Citizen advisory committees shall include residents and elected officials from the affected area including but not limited to homeowners; business owners; lake association or lake improvement district representatives; and, others, as deemed appropriate by the Organization Board.

All advisory committees shall include at least one Organization board member.

3.5 Rules and Regulations: The Organization may prescribe and promulgate such rules and regulations as it deems necessary or expedient to carry out its powers and duties and the purpose of the Agreement.

3.6 Review and Recommendations: Where the Organization is authorized or requested to review and make recommendations on any matter relating to the Watershed Management Plan, the Organization shall act on such matter within 60 days of receipt of the matter referred. Failure of the Organization to act within 60 days shall constitute approval of the matter referred, unless the Organization requests and receives from the referring unit of government an extension of time to act on the matter referred. Such extension shall be in writing and acknowledged by both parties.

The Board shall adopt an appeal procedure for any party aggrieved by a decision of the Board or an alleged failure to implement the Plan pursuant to Minnesota Statutes, Chapter 103B.231, Subd. 13.

3.7 Ratification: The Organization may, and where required by this Agreement shall, refer matters to the governing bodies of the parties for review, comment or action

3.8 Financial Matters:

A. Method of Operation: The Organization may collect and receive money and contract for services subject to the provision of the Agreement from the parties and from any other sources approved by the Organization. The organization may incur expenses and make disbursements necessary and incidental to the effectuation of the purposes of this Agreement. Funds may be expended by the Organization in accordance with procedures established herein. Checks shall be signed by the chair or treasurer. Other legal instruments shall be executed on behalf of the Organization by the chair or vice-chair and an appointed Board member.

B. Operating Funds. On or before June 1st of each year, the Organization shall prepare a work plan and operating budget for the following year. The annual budget shall provide details to support the proposed revenues and expenditures for the Organization. This detail shall be sufficient to meet standard budget and/or accounting principles generally recognized for governmental organizations. Expenditures may include administrative expenses, plan development costs, review expenses, capital improvement costs authorized in Section 3.12, and insurance costs as authorized in Section 3.14. Upon the approval of a majority of the partners of this agreement, the budget shall be recommended to the parties for ratification along with a statement showing each party's proposed share of the budget. The budget shall be implemented only after ratification by all parties to this Agreement. Failure to ratify or pay its share of the budget by any party to this Agreement shall be subject to the procedures in Section 3.6. Each party's share of the operating cost is based on 50% of their portion of the watershed's Total Market Value (TMV) and 50% of their portion of the Total Taxable Watershed Acreage (TWA).

Work Plan - $((PA / WA) + (PV / WV)) / 2$ = the party's percentage share of the organization's operating budget.

PA = Party's area within the watershed organization area

WA = watershed organization area

PV = party's market valuation within the watershed organization area

WV = market valuation of the watershed organization area

Operating Costs - Total amount to be divided equally between members of the Joint Powers Agreement. Operating costs per the operating budget are defined as copies, postage, recording secretary fees, insurance, and administrative fee charged to each member community.

After ratification by the organization, the Organization Secretary shall certify the recommended budget to each party on or before June 1 of each year together with a statement showing the budgeted amounts applicable to each party. Each party shall pay over to the Organization the amount owing based on invoices presented for services rendered. Amounts due and owing shall be paid by parties to this Agreement within 30 days of the invoice.

C. Review Services: When the Organization is authorized or requested to undertake a review and submit recommendations to a party as provided in this Agreement, the Organization shall conduct such review, without charge, except as provided below. Where the project size and complexity of review are deemed by the Organization to be extraordinary and substantial, the Organization may charge a fee for such review services, the amount to be based upon direct and indirect costs attributable to that portion of review services determined by the Organization to be extraordinary and substantial. Where the Organization determines that a fee will be charged for extraordinary and substantial review services, or where the flowage enters the Sunrise River, but the party is not a member of the Sunrise River Watershed Management Organization, the party to be charged shall receive written notice from the Organization of the services to be performed and the fee therefore, prior to undertaking such review services. Unless the party to be charged objects within fifteen (15) days of receipt of such written notice to the amount of the fee to be charged, such review services shall be performed and the party shall be responsible for the cost thereof. If the party to be charged objects to the proposed fee for such services with fifteen (15) days and the party and the Organization are unable to agree on a reasonable alternative amount for review services, such extraordinary and substantial review services shall not be undertaken by the Organization. Payment for such services shall be in advance of any work performed.

3.9 Annual Audit. The Organization shall annually prepare a comprehensive financial report on operations and activities. An annual audit, by an independent accounting firm or the State Auditor, shall be provided for that includes a full and complete audit of all books and accounts the Organization is charged with maintaining. Such audit shall be conducted in accordance with generally accepted auditing principles and guidelines. A copy of the annual financial report and auditor's statement shall be provided to all parties to this agreement and to the Board of Water and Soil Resources no later than June 30th of each year. The report to the Board of Water and Soil Resources shall include an annual

activity report. All of its books, reports and records shall be available for and open to examination by any party at all reasonable times.

3.10 Gifts, Grants, Loans. The Organization may, within the scope of this Agreement, accept gifts, may apply for and use grants of money or other property from the United States, the State of Minnesota, a local government unit or other governmental unit or organization or any person or entity for the purpose described herein. The Organization may enter into any reasonable agreement required in connection therewith. The Organization shall comply with any laws or regulations applicable to grants, donations and agreements. The Organization may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, or agreement relating thereto.

3.11 Contracts. The Organization may make such contracts and enter into any such agreements as it deems necessary to make effective any power granted to it by this Agreement. Every contract for the purchase or sale of merchandise, materials, or equipment by the Organization shall be let in accordance with the Uniform Municipal Contracting Law, Minnesota Statutes, Section 471.345 and the Joint Exercise of Powers Statute, Minnesota Statutes, Section 471.59. No member or employee of the Organization or officer or employee of any of the parties shall be directly or indirectly have an interest in any contract made by the Organization.

3.12 Works of Improvement: Works of improvement for protection and management of the natural resources of the Area, including, but not limited to, improvements to property, land acquisition, easements, or right-of-way, may be initiated by:

A. Recommendation of the Organization to a party or parties; or

B. Petition to the Organization by the governing body of a party or parties.

Where works of improvement are recommended by the Organization, the Organization shall first determine whether such improvement will result in a local or regional benefit to the area. Where the Organization determines that the benefits from the improvement will be local or not realized beyond the boundaries of the party in which the improvement is to be established, the Organization may recommend such improvement to the governing body of the unit of government which the Organization determines will be benefited. The recommendation shall include the total estimated cost of the improvement and a detailed description of the benefits to be realized.

Where the Organization determines that the benefits from the improvement will be beyond the local unit or beyond the boundaries of the party in which the improvement is to be established, the Organization may recommend such improvement to each party to this Agreement which the Organization determines will be benefited thereby. The recommendation of the Organization shall include the total estimated cost of the improvement, a description of the extent of the benefits to be realized by each party to this Agreement and the portion of the cost to be borne by each party benefited in accordance with the benefit of party to this Agreement.

Each party to whom the Organization submits such recommendation shall respond within 60 days from receipt of such recommendation. Where the Organization determines that the benefits of such improvement will be local, the unit of government to whom such recommendation is made may decline to ratify and undertake said improvement. Where the Organization determines that the benefits of such improvement will be regional, all Parties to this Agreement must ratify the project proposal before any project is moved forward by the Organization. Should the project not be ratified by all Parties to this Agreement, the Organization shall continue to review and recommend alternative methods of cooperation and implementation among those parties ratifying the recommendation of the Organization, unless and until the Organization determines that said improvement is no longer feasible.

When works of improvement are initiated by a Party to this Agreement, a copy of the proposed project shall be submitted to the Organization for review and comment. The Organization shall review and make recommendations on the proposed improvement and its compliance with the Organization's management plan in accordance with the provisions of Section 3.5 of this Agreement.

When a proposed improvement may be eligible for federal or state funds as a cost-share project, the Organization shall receive the approval of all Parties to this Agreement prior to submission of any grant request. No member Party shall unreasonably withhold approval for a grant application. All improvements that are considered for state or federal grant funding that have a local or member share (matching funds) must be submitted for approval in advance of the proposed grant award. All improvements that are considered for state or federal grant funding shall be presented to each Party to the Agreement for review, comment and approval and shall provide details to include projects scope, estimated cost, estimated matching share, benefits to be derived and project timing.

3.13 Claims. The Organization or its agents may enter upon lands within or without the Sunrise River Watershed to make surveys and investigations to accomplish the purpose of the Organization. The Organization shall be liable for actual damages resulting there from. But every person who claims damages shall serve the Chairperson or Secretary of the Organization with a notice of claim as required by Minnesota Statutes, Section 466.05. The Organization shall obtain court orders authorizing and directing such entries when necessary due to refusals of landowners to allow the same.

3.14 Indemnification and Insurance. Any and all claims that arise or may arise against the Organization, its agents or employees as a consequence of any act or omission on the part of the Organization or its agents or employees while engaged in the performance of this Agreement shall in no way be the obligation or responsibility of the parties. The Organization shall indemnify, hold harmless and defend the parties, their officers and employees against any and all liability, loss, costs, damages, expenses, claims, or actions, including attorney's fees which the parties, their officers, or employees may hereafter sustain, incur, or be required to pay, arising out of or by reason of any act or omission of the Organization, its agents or employees in the execution, performance, or failure to

adequately perform the Organization's obligations and understandings pursuant to the Agreement.

The Organization agrees that in order to protect itself as well as the parties under the indemnity provision set forth above, it will at all times during the term of this Agreement keep in force the following insurance policies in the limits specified.

A. Commercial General Liability/Professional Liability: \$1,250,000 per incident and shall include the following endorsements:

B. Automobile Coverage (\$0)

C. Worker's Compensation Coverage (statutory minimum)

The minimum liability limits shall be increased to the statutory limits provided for member local units of government in Minnesota Statutes.

Any policy obtained and maintained under this clause shall provide that it shall not be cancelled, materially changed or not renewed without a minimum of thirty (30) days prior notice thereof to each of the parties.

Prior to the effective date of this Agreement, and as a condition precedent to this Agreement, the Organization will furnish the parties with certificates of insurance listing each party to the Agreement as an additional insured.

3.15 General: The Organization may take all such other actions as are reasonably necessary and convenient to carry out the purpose of this Agreement.

SECTION IV

Mediation

4.1 The parties agree that any controversy that cannot be resolved between parties shall be submitted to for mediation. Mediation shall be conducted by a mutually agreeable process by all parties.

SECTION V

Termination of Agreement

5.1 This Agreement may be terminated by approval of two-thirds vote of the governing bodies of each party hereto, provided that all such approvals occur within a ninety (90) day period. Withdrawal of any party may be accomplished by filing written notice with the Organization and the other parties sixty (60) days prior to the effective date of termination. No party may withdraw from this Agreement until the withdrawing party has met its full financial obligations through the effective date of such withdrawal.

SECTION VI

Dissolution of Organization

- 6.1 The Organization shall be dissolved under any of the following conditions:
- A. Upon termination of this Agreement;
 - B. Upon unanimous agreement of all parties; or
 - C. Upon the membership of the Organization being reduced to fewer than three (3) parties.

D. Process. At least 90 days notice of the intent to dissolve shall be given to affected counties and the Board of Water and Soil Resources. Upon dissolution, all personal property of the Organization shall be sold, and the proceeds thereof, together with monies on hand after payment of all obligations, shall be distributed to the parties. Such distribution of Organization assets shall be made in proportion to the total contributions to the Organization for such costs made by each party. All payments due and owing for operating costs under Section 3.8, B, or other unfilled financial obligations, shall continue to be the lawful obligation of the parties.

SECTION VII

Amendment

7.1 The Organization may recommend changes and amendments to this Agreement to the governing bodies of the parties. Amendments shall be adopted by all governing bodies of the parties. Adopted amendments shall be evidenced by appropriate resolutions or certified copies of meeting minutes of the governing bodies of each party filed with the Organization and shall, if no effective date is contained in the amendment, become effective as of the date all such filings have been completed.

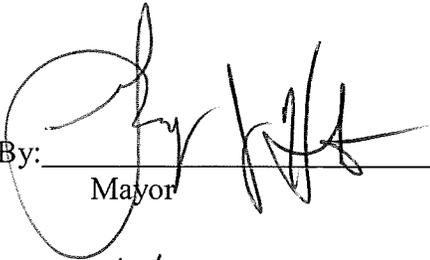
SECTION VIII

Counterparts

8.1 This Agreement shall be executed in several counterparts and all so executed shall constitute one Agreement, binding on all of the parties hereto. Each party to the agreement shall receive a fully executed copy of the entire document following adoption by all parties.

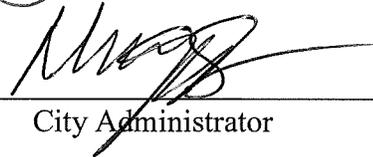
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of
the 17th day of March, 2010.

CITY OF EAST BETHEL

By: 

Mayor

Dated: March 17, 2010

By: 

City Administrator

Sunrise River Water Management Organization
Meeting Minutes for Thursday, January 14, 2016

Chair Babineau called the meeting to order at 6:30 pm.

Present: Dan Babineau, Chair
Leon Mager, Vice Chair
Reinette Labernik, Secretary
Kevin Armstrong, Treasurer
Denny Peterson
Scott Heaton
Steve Milbrandt
Brian Mundle

Audience: Jamie Schurbon, Anoka Conservation District (ACD)

APPROVAL OF AGENDA

Heaton moved and Babineau seconded to approve the agenda as amended to include MCIT Insurance payment under Invoice. Motion carried.

APPROVAL OF MINUTES

Peterson moved and Labernik seconded to approve the November 5, 2015 minutes as written. Mundle abstained. Motion carried.

TREASURER'S REPORT

A. Financial Report - Armstrong reported a total fund balance of \$23,202.46 which includes a Water Quality Grant at ACD of \$7,848.74. **Heaton moved and Milbrandt seconded to approve the Treasurer's Report as presented. Motion carried.**

B. Audit update – Armstrong reported that the audit is completed. There were no findings in the audit. Armstrong will send copies to board members to review for approval at the February meeting. Next audit to be done in five years.

UNFINISHED BUSINESS

A. Award bid for 2016 work proposal / 2016 Contract with ACD

Schurbon reviewed the proposed contract. Heaton stated he prefers not to spend money on the Ditch 20 water quality feasibility study, which equates to spending money in Isanti County. He would rather wait until a study is done and then put money toward specific projects. It was noted that there is no WMO in Isanti County. Schurbon recommended using the “upcoming water quality projects” dollars for the Ditch 20 study which is in need of \$17,056 in local dollars to match a

\$73,424 state grant secured by ACD. The Martin Lakers Association is contributing some match funding. The Board discussed excluding this item in the Contract with the option of the Board contributing money to the study at a later date. It was proposed to contribute \$5,000 of the “upcoming water quality projects” amount to the study, rather than \$10,000. **Chair Babineau moved and Peterson seconded to contribute \$5,000 from the Upcoming Water Quality Projects line item to the Ditch 20 feasibility study. Vote 6 yes, 2 no. Motion carried.**

The Board discussed changing the 2017 ACD Proposal by zeroing out the SRWMO Cost Share Grant Fund and increasing the 2016 Other Expenses Watershed Plan Update to \$5,175. **Mager moved and Peterson seconded to approve the amended 2016 SRWMO Contract with Anoka Conservation District for \$25,955. Motion carried.**

B. Carp barriers update – Schurbon reported on the progress, remaining work, outlook of the project, and liquidated damages. ACD met with Linwood, the contractor and subcontractor regarding liquidated damages which have been accruing at \$500/day since October 15, 2015. Schurbon estimates these items may have a value of \$21,625, or approximately half of the current liquidated damages. The number is being negotiated and will change with time. The balance of liquidated damages is also being negotiated. A reduction of payment to the contractor will achieve savings for the grant, but not compensate ACD or Linwood for damages. One approach being seriously considered is that the contractor may provide an extended warranty in exchange for the balance of liquidated damages. No action requested by the WMO.

NEW BUSINESS

A. 2017 draft budget

The breakdown of expenses among cities is based on the JPA. Operating expenses are split equally and all other expenses by unique percentage. Ham Lake expressed interest in having all expenses split by unique percentage, but because this change was not enacted it is not incorporated into this draft budget. If enacted, it would raise costs for Linwood and East Bethel, but reduce them for Ham Lake and Columbus. Discussed definition of operating vs. non-operating expenses. Operating cost expenses are split evenly among communities. Most years they are minimal. The JPA states operating costs “are defined as copies, postage, recording secretary fees, insurance and administrative fee charged to each member community.” Is the cost of the watershed plan update an operating expense? Consider that it is required in order to operate. But it is not specifically listed in the above definition, it is a non-operating expense in the watershed plan budget projections, and it is a small expense in the 2017 draft budget, but will be much larger in 2018-19. Schurbon was directed to send a letter to member communities asking if modifications are wanted to the JPA regarding what is considered operating vs. non-operating expenses and to include the two budget breakouts for each version. **Babineau moved and Mager seconded to directed Gessner to supply Schurbon with information she could find on how the 3rd Generation Plan costs were budgeted. Motion carried.**

The SRWMO’s watershed plan must be updated by May of 2020; an estimated cost is \$50,000. The current watershed plan includes \$10,000 in 2018 and \$30,000 in 2019 (\$40,000 total). ACD included \$3,175 in the draft 2017 budget for this item in order to address the likely underestimate of cost and

spread some cost across years. The communities may want to include even more funding for this item in 2017, for these reasons. **Milbrandt moved and Peterson seconded to revise the 2017 draft budget to zero out the SRWMO Cost Share Grant Fund line item and to increase the Watershed Plan Update line item to \$5,175.00. Motion carried.**

The Lakeshore Landscape Marketing education program is an annual item in the watershed plan. In 2016 the SRWMO Board elected to zero out this budget item and feature a lakeshore landscaping message in its annual newsletter article instead. The \$700 is back in the budget in 2017, consistent with the watershed plan.

The Cost Share Fund has a \$2,000 budget for landowner projects, which is consistent with the watershed plan. The current fund balance of \$7,848.74 is adequate for 2-4 projects. No landowners requested funds in 2016. The board did not add funding to this program during 2016.

MAIL

MCIT Insurance invoice.

OTHER

INVOICE APPROVAL

Heaton moved and Armstrong seconded to approve payment of the MCIT Insurance invoice for \$1,781.00. Motion carried.

Heaton moved and Armstrong seconded to approve payment of the January recording secretary invoice for \$175.00. Motion carried.

ADJOURN

Heaton moved and Chair Babineau seconded to adjourn at 8:14 pm. Motion carried.

Gail E. Gessner, Recording Secretary
Submitted via email on 11/7/15



Sunrise River

Watershed Management Organization

2017 Budget Breakout - DRAFT 1/26/2016

	Cost	Linwood	East Bethel	Columbus	Ham Lake
		46.40%	32.93%	16.72%	3.95%
NON-OPERATING EXPENSES (split by percentages)					
Grant Search and Applications	\$1,000.00	\$464.00	\$329.30	\$167.20	\$39.50
Lake Level Monitoring	\$1,300.00	\$603.20	\$428.09	\$217.36	\$51.35
Lake Water Quality Monitoring	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Lake Water Quality Monitoring - Improvement Project Effectiveness	\$3,500.00	\$1,624.00	\$1,152.55	\$585.20	\$138.25
Stream Water Quality Monitoring	\$1,400.00	\$649.60	\$461.02	\$234.08	\$55.30
Stream Hydrology Monitoring	\$1,350.00	\$626.40	\$444.56	\$225.72	\$53.33
Reference Wetland Hydrology Monitoring	\$1,725.00	\$800.40	\$568.04	\$288.42	\$68.14
Upcoming Water Quality Projects	\$10,000.00	\$4,640.00	\$3,293.00	\$1,672.00	\$395.00
SRWMO Cost Share Grant Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Website – Annual Operations	\$505.00	\$234.32	\$166.30	\$84.44	\$19.95
Lakeshore Landscaping Marketing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SRWMO Annual Education Publication/Newsletter Article	\$500.00	\$232.00	\$164.65	\$83.60	\$19.75
Legal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Financial Audit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Advertise Bids for Pro Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Watershed Plan Update to begin in 2018	\$5,175.00	\$2,401.20	\$1,704.13	\$865.26	\$204.41
SUBTOTAL	\$26,455.00	\$12,275.12	\$8,711.63	\$4,423.28	\$1,044.97
		Linwood	East Bethel	Columbus	Ham Lake
	Cost	25.00%	25.00%	25.00%	25.00%
OPERATING EXPENSES (split equally four ways)					
Administrator (on-call, limited)	\$2,100.00	\$525.00	\$525.00	\$525.00	\$525.00
Annual Report to BWSR and Member Communities	\$800.00	\$200.00	\$200.00	\$200.00	\$200.00
Annual Financial Report to State Auditor	\$300.00	\$75.00	\$75.00	\$75.00	\$75.00
Secretarial or Other Administrative	\$750.00	\$187.50	\$187.50	\$187.50	\$187.50
Liability Insurance	\$2,000.00	\$500.00	\$500.00	\$500.00	\$500.00
Administrative Assistance – City of East Bethel	\$300.00	\$75.00	\$75.00	\$75.00	\$75.00
SUBTOTAL	\$6,250.00	\$1,562.50	\$1,562.50	\$1,562.50	\$1,562.50
GRAND TOTAL	\$32,705.00	\$13,837.62	\$10,274.13	\$5,985.78	\$2,607.47

Multi-Year SRWMO Budgeting Comparison							
1/26/2016							
Category	Type	2013 Budget	2014 Budget	2015 Budget	2016 Budget	In Watershed Mgmt Plan for 2017	2017 Draft Budget
ACD Proposal	Operating Expenses	\$1,500	\$2,850	\$2,910	\$2,975	\$2,500	\$3,200
	Non-Operating Expenses	\$41,620	\$41,314	\$41,000	\$24,230	\$20,245	\$21,280
Other Expenses	Operating Expenses	\$3,350	\$3,300	\$3,100	\$3,300	\$4,400	\$3,050
	Non-Operating Administrative Costs	\$1,425	\$1,000	\$0	\$2,200	\$1,650	\$5,175
	Non-Operating Costs - Other	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL		\$47,895	\$48,464	\$47,010	\$32,705	\$28,795	\$32,705

Future years budgeting expectation from the Watershed Plan

Year	Watershed Plan Budget Estimate	Notes
2018	\$47,744	Watershed plan update begins and is most of projected cost increase.
2019	\$62,195	Watershed plan update is most of projected cost increase.

2017 ACD PROPOSAL

TASK	SITES/ELEMENTS	In Watershed Plan for 2017	2017 Estimate
Operating Expenses (costs split equally among member cities per the SRWMO Joint Powers Agreement)			
Administrator (on-call, limited)	25 hrs of in and out of meeting assistance.	\$1,700	\$2,100
Annual Report to BWSR and Member Communities	Report must meet MN Rules 8410.0150. Distribution includes digital copies to 15 communities, board members, and others. 20 color hard copies must be distributed to our four member communities (5 each).	\$800	\$800
Annual Financial Report to State Auditor	Must be completed online using the Auditor's SAFES website. The SRWMO is responsible for providing a financial summary.	\$0	\$300
SUBTOTAL OF OPERATING EXPENSES		\$2,500	\$3,200
Non-operating Expenses (costs split by unique percentage outlined in SRWMO joint powers agreement)			
Non-operating Administrative			
Grant Search and Applications	Prepare 1 grant application, typically to BWSR or DNR grant programs.	\$1,000	\$1,000
Water Condition Monitoring			
Lake Level Monitoring		\$770	\$1,300
	Coon Lake		
	Linwood Lake		
	Martin Lake		
	Fawn Lake		
	Typo Lake		
Lake Water Quality Monitoring		\$0	\$0
Lake Water Quality Monitoring - Improvement Project Effectiveness		\$1,000	\$3,500
	Martin Lake		
	Typo Lake		
Stream Water Quality Monitoring		\$1,070	\$1,400
	Typo Creek at Typo Cr Drive		
Stream Hydrology Monitoring		\$1,080	\$1,350
	Typo Cr at Typo Lake outlet - both sides of carp barrier		
	Typo Creek at Typo Cr Dr - both sides of carp barrier		
Reference Wetland Hydrology Monitoring		\$1,725	\$1,725
	Carlos Reference Wetland		
	Carlos 181 st Reference Wetland		
	Tamarack Reference Wetland		
Studies and Investigations			
Water Quality Improvement Projects			
Upcoming Water Quality Projects	To be determined based on grant secured, committed partners, studies and monitoring results. Likley use of funds is match for a grant for Ditch 20 water quality projects (feasibility study ongoing in 2016).	\$10,000	\$10,000
SRWMO Cost Share Grant Fund		\$2,000	\$0
Education and Public Outreach			
Website – Annual Operations		\$400	\$505
	Hosting fee = \$125		
	Domain name fee = \$10		
	Maintenance fee = \$250		
	Posting minutes x 6 = \$60		
	Posting agendas x 6 = \$60		
Lakeshore Landscaping Marketing		\$700	\$0
SRWMO Annual Education Publication/Newsletter Article		\$500	\$500
SUBTOTAL OF NON-OPERATING EXPENSES		\$20,245	\$21,280
TOTAL ACD PROPOSAL		\$22,745	\$24,480

2016 OTHER EXPENSES

TASK	In Watershed Plan for 2017	2017 Estimate
Operating Expenses (costs split equally among member cities per the SRWMO Joint Powers Agreement)		
Secretarial or Other Administrative	\$1,500	\$750
Liability Insurance	\$2,600	\$2,000
Administrative Assistance – City of East Bethel	\$300	\$300
SUBTOTAL OF OPERATING EXPENSES	\$4,400	\$3,050
Non-operating Administrative Costs (costs split by unique percentage outlined in SRWMO joint powers agreement)		
Legal	\$1,200	\$0
Financial Audit	\$350	\$0
Advertise Bids for Pro Services	\$100	\$0
Watershed Plan Update (to begin in 2018; budgeting across multiple yrs)	\$0	\$5,175
SUBTOTAL of Non-Operating Administrative Expenses	\$1,650	\$5,175
Non-operating Costs (costs split by unique percentage outlined in SRWMO joint powers agreement)		
None	\$0	\$0
SUBTOTAL of Non-Operating Expenses	\$0	\$0
TOTAL OTHER COSTS	\$6,050	\$8,225