

EAST BETHEL CITY COUNCIL MEETING

MARCH 16, 2016

The East Bethel City Council met on March 16, 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 The March 16, 2016, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

Call to Order

2.0 The Pledge of Allegiance was recited.

Pledge of Allegiance

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

4.0 Davis stated the Council is requested to approve Resolution 2016-15, A Resolution
Presentation Accepting and Expressing Appreciation of Donation of a POW-MIA Flag from Ken and
4.0A Jeanette Langmade. Upon approval of the Resolution, Ken Langmade, East Bethel resident
Presentation and World War II Veteran, will be introduced to present a POW-MIA Flag to the East
of POW-MIA Bethel Fire Department.
Flag

Staff is recommending that City Council consider Resolution 2016-15, Acceptance of POW-MIA Flag and accept the donation from Mr. Ken Langmade.

Ronning stated move to adopt Resolution 2016-15, A Resolution Accepting and Expressing Appreciation of Donation of a POW-MIA Flag from Ken and Jeanette Langmade. Koller stated I'll second. Voss asked any discussion? Want to read through the Resolution? Recite the Resolution for everyone's sake?

Ronning stated the Resolution reads:

RESOLUTION ACCEPTING AND EXPRESSING APPRECIATION OF DONATION OF A POW-MIA FLAG FROM KEN AND JEANETTE LANGMADE

WHEREAS, Ken and Jeanette Langmade have made a donation of a POW-MIA Flag to the City of East Bethel Fire Department on behalf of all Veterans and active Military personnel; and

WHEREAS, the City of East Bethel recognizes the symbolic nature of this Flag and are forever grateful for those who have sacrificed their lives and have suffered confinement as prisoners of war in service to our Country; and

WHEREAS, The City of East Bethel accepts this donation to display the City's support for POWs and MIAs of foreign wars; and

4.0A WHEREAS, This Flag will be prominently displayed at East Bethel Fire

Department Station # 1;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: The City Council hereby accepts the donation of the Flag by Ken and Jeanette Langmade and expresses its thanks and appreciation to the donors and those to whom the Flag is dedicated.

Voss stated to the motion, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.** Those in attendance responded with a round of applause.

Ken Langmade displayed and then presented the MIA-POW Flag to Fire Chief DuCharme. He stated on behalf of all veterans, it gives me great pleasure to present this to the City of East Bethel Fire Department to be displayed in your Hall. Thanks a lot.

DuCharme stated I just want to say that you and I had talked before and yes, all the fire fighters know about this and they were very excited, especially that it's coming from you. You're held in highest regard with our fire fighters and your service to our country and service of all the veterans that this Flag represents is just outstanding. We are forever indebted. Like I say, the fire fighters, it makes it that much more that this is coming from you and Jeanette. Thank you so much.

DuCharme stated we invite you, next Monday, to come 7 o'clock to the Fire Station and you can tell these fire fighters exactly where you want to go. And, like I say, you'll be in charge and they'll do exactly what you want them to do. So, thank you so much. Langmade thank you, it's been an honor.

4.0B
Sheriff's
Department
Report

Commander Shelly Orlando it is a hard act to follow and seeing this crowd here, it kind of reminds me of the 'old days.' She presented the February 2016, Sheriff's Report.

DWI's – There was one DWI arrest in February. The driver was stopped for speeding and showed signs of impairment. The female failed field sobriety tests and tested with a blood alcohol content of .09.

Motor Vehicle Theft – A report was made to Deputies involving a rental car with Nebraska plates that was stolen from a residence. The female victim advised her boyfriend was in an altercation with two male acquaintances and she believed that they had taken the vehicle. She advised that neither male had permission to take the vehicle. A short time later, the vehicle was recovered in Ham Lake in a ditch, unoccupied. The vehicle was brought to ACSO Crime Lab for processing. The case is still under investigation.

Felony Warrant Arrest / 5th Degree Controlled Substance / Gross Misdemeanor Introduce Contraband into Jail Facility – A Deputy was doing some extra patrol at a known drug house when he saw a male he recognized enter the house. The Deputy ran the male and found he had a felony warrant for his arrest. The suspect then got into a vehicle and was leaving. The Deputy conducted a traffic stop and took the suspect into custody on the warrant. The Deputy located five small pills in a baggie in the male's pocket. The male was transported to jail at which time the Deputy requested a thorough search of the suspect. Two hypodermic needles and a small baggie containing a crystal substance were located in the groin area. The substance tested positive for methamphetamine.

4.0B

Orlando stated on some current scams that are going on right now:

Jury Duty Scam – Residents receive a phone call from a male identifying himself as Lt. Brian White and references Hennepin County and Anoka County Courts and the Anoka County Sheriff's Office. The male states that the person receiving the call (or a family member of theirs) missed jury duty and they have a warrant out for their arrest. The male demands payment to satisfy the warrant. This is a scam and not a legitimate call!

IRS Scam – Callers receive an automated message from the IRS stating that legal proceedings are being initiated against them. There will be a lien placed on your assets and bank account. A bill collections officer will visit you soon to complete paperwork. A tax default phone number is then left to contact. Upon calling the number, a male with a foreign accent will tell you an amount that is owed. He will say that if payment is not made within 45 minutes, all your assets will be frozen and liens placed.

IRS Scam using the Anoka County Sheriff Office's Chief Deputy's Name – An individual is calling Anoka County residents and identifying himself as Chief Deputy of the Anoka County Sheriff's Office. The male is telling the caller that they owe money to the IRS and they have a warrant for their arrest as the money has not been paid. The male tells the called to purchase a pre-paid Visa card and to transfer the money to an IRS vendor account. In some cases, a spoofing software is used so that the caller ID shows the legitimate number of Anoka County Sheriff's Office. Anoka County Sheriff's Office does not collect IRS debt and no law enforcement agency will demand you make payments over the phone, under the threat of being arrested.

If you get any suspicious phone calls like these, please hang up, call 911 and report the incidents.

Orlando stated I know we've had several in Anoka County. Actually, one of our Lieutenants at our work got the IRA phone call. So, he called the gentleman and proceeded to call him every minute for an hour. And the gentleman, in his foreign accent, said, 'Quit calling me.' So, just to make people aware. It was on the news about the IRS scams last night. I saw it 5, 5:30, 6 o'clock news. Something on there. Just to make people aware that the IRS is not going to call you. If they converse with you, it's going to be by letter and things of that nature. They're not going to ask you for payment over the phone either. Voss asked questions from Council?

Mundle asked with the slightly warmer weather, has there been any uptake in vandalism by young adults? Orlando stated there was nothing in February because I looked at the month of February. Nothing that I noticed in February but I'm sure, as the weather does get warmer and it stays lighter and warmer, that we will see a progression in those numbers.

Voss stated we had 'car shoppers' through our neighborhood one night. I saw them. Orlando stated yes. Voss stated and I called it in. Orlando asked did they catch them? No? Voss stated unfortunately. Orlando stated yeah, that's a good reminder too is, you know, don't leave valuables in your car even if you lock your car. They'll break a window and go in and take what they want. So, keep your valuables hidden. Voss stated even if it doesn't look valuable, they'll do it. Orlando stated yeah, and a lot of times if it's younger teenagers, they'll take a quarter or a pocket's worth of change that they see is worth breaking a window to get in and take. So, what you might not see as being too valuable is valuable to someone. Voss asked any other questions? Any questions from the audience for the Sheriff's Department? All right, thank you. Orlando stated thank you.

during February, we ran 29 calls. Interesting that I've been telling the Council in 2015 how we were running 15% to 20% higher on our call volume. And, I think we ended up the year at about 15% higher. Well now, we're about 15% lower. So, I guess, that kind of evens out. Although those numbers, the first half of March, all went to heck anyway.

DuCharme stated in February, we did run 29 calls and, incidentally of those calls, 23 of those were medically related. So, most of our calls were just medically related. But we did have some interesting calls. We did have a fish house that was on fire but it wasn't on the lake. It was in somebody's back yard who decided they were going to burn it. And, we can't burn fish houses. So, we advised the owner and took care of that.

DuCharme stated grass fires are starting to happen and I realize we had over an inch of rain in East Bethel the past 24 hours but I want to remind everybody that all that vegetation out there is dead. And it takes about two hours for it to totally dry after the rain stops. So, we've got to be extremely careful. With that said, on March 21st, next Monday, the DNR will be putting fire restrictions on. So, burning permits for pile burns will not be available from the City or the Fire Wardens. Although the DNR will issue their own variances with special causes, that restriction will be on until what we call the green-up and that's usually about four weeks, depending on the weather and so forth.

DuCharme stated we had another interesting call where, in the middle of February, just down the street here on 222nd and Bataan, a telephone pole caught on fire. What really caught the pole on fire was the propane tank that was thawing the ground for the utility company. We've talked to the utility company and agreed that we've got to be more careful on that.

DuCharme stated getting back to the grass fires, I realize we've got spring clean up coming up and we do not allow for leaves and grass clippings and yard waste to be burned. You cannot dispose of it that way. So, just a reminder. When the fire restrictions do come on that the DNR will issue on Monday, rec fires will be allowed. And, I've said this for years, if people would just, or residents, would just take an extra five minutes and let their neighbors know that they're going to do some recreational fire burning before they light the fire, I think they'd save everyone a lot of work. It's also good for the neighbor to know in case they don't want the smoke or smell in the house, they can close the windows.

DuCharme stated we also, this time of year, talk about the change of weather coming in. The change of weather, of course, our biggest risk in the year is coming up with storms. And, we do have all of our weather sirens up and running except for the one that is being replaced because of the car accident. We're still about four weeks out on getting that installed. So, everybody listen to the radio as far as weather goes and make sure you've got your safe place.

DuCharme stated our inspection program continues to move on. We actually did quite a few City properties in February for inspections and also did a couple plan reviews. So, are there any questions by the Council?

Mundle asked how is the grass fire season shaping up? Is there a forecast on it yet? DuCharme stated there is. We've been talking with the DNR for quite some time now. In fact, we did a special training where we had the DNR come out and do some training with our fire fighters, classroom training, in February. And, the consensus by the DNR is that this year is shaping up very closely to 1998. Anybody remembers, 1998, that was some, I

believe that was the first Carlos Avery fire and there was quite a few grassland fires. And they're specifically concerned about this part of Anoka County where we're on the sand plain and we don't keep a lot of moisture. Then that's when we start talking about one-hour and two-hour fuels. That's the vegetation that only, you know, you could have three inches of rain and within an hour or two, that vegetation's dry. And, it's dry enough to burn. So, we have had some of our grass fires that have gone to the trees, especially the pine trees. That's not a good situation. We also have worked on some mutual aids with Linwood on some grass fires and things like that. You never know. We try to look at trends. We try to predict what we're going to have and although we never know, we want to be ready for what happened in 1998. Voss asked any more questions?

DuCharme stated we've got some special trainings coming up in the next few months and will be passing those on to you. The first one's coming up next month in April where we're going to work with the Met Council at their waste water facility and going to do some special training and work on some special rescue on some of their equipment. So, we'll keep you informed. Thank you. Voss stated thank you Mark.

**5.0
Public
Forum**

Voss stated tonight we had one person sign up, David Landes, if you'd like to come forward for Public Forum.

Dave Landes, 1747 237th Avenue NE, stated my subject, of course, is the CST project, ongoing with that and wish to address some additional things that may not have been covered in previous discussions and also neighbor Cole Robert visited the site and took some photos that we took the liberty to enlarge for the sake of those who may not have visited the site. We did visit the site and got the 'shock treatment' first hand but some of the folks may not have the opportunity to see that. I think the pictures do well to give a better impression versus the typical architect drawing and something, minimizing-type of photos that I feel we saw previously. So Jack was kind to get us an easel here. I'll just flip through these and then I'll talk after that just to give people the opportunity to see it.

Landes stated you folks have all seen these shots but in case not. (*Landes displayed enlarged photographs on an easel.*) These blew up kind of low resolution for the purpose but you can see. This just gives what appears to be their product. Voss asked Mr. Landes, can you talk into the microphone? Landes stated I want to make clear that I don't have official or first-hand knowledge of these things so please understand this is what I've observed. I'm not claiming to make any statements for anyone else other than what I've observed myself. I'm trying to be factual.

Landes stated this appears to be their product that they distribute and store. I believe on the plan there's some mention of a specific number of acres of this type of storage that they are proposing. (*Landes displayed another enlarged photograph.*) That's another shot from kind of up, I recognize that shot because we saw that from just overlooking the property. Their current site, I believe, Jack you said is 13 acres that they currently occupy in this location and here they want close to 40 acres. So, understand there's considerable more volume of all of this in the proposal than there is in the current location.

(*Landes displayed another enlarged photograph.*) Landes stated the proposed mentioned there is no composting because of their methods and so on. Some steaming of product would maybe lend some question to that. I think any time you pile vegetation material up on a pile like that, it's inevitable it heats up and generates additional discharge due to that.

(Landes displayed another enlarged photograph.) Landes stated I believe when the Tofts spoke, they said they were intending to have their piles a maximum of, I thought, it was 17 to 20 feet. Currently, I have no idea how high these piles are but clearly, they're in excess of that by probably double or more. Again, keep in mind their intending growth so I think it's safe to assume that there could be more material on the new site than the current.

(Landes displayed another enlarged photograph.) Landes stated this gives some perspective of the size with the machine moving the material. Again, you judge for yourself how high you think that pile might be. I don't know. *(Landes displayed another enlarged photograph.)* Landes asked how high is a pole? *(Landes displayed another enlarged photograph.)* Landes stated just the right number to fit on the easel. Again, just more of the same. Then over here *(referring to a different enlarged photograph)*, I'll get this out a little bit. Just another shot. This, I believe, was taken off Facebook. As I understand, they stockpile starting in possibly late fall and into winter so that maybe was an early winter shot or something. But, it's pretty impressive.

Landes stated I'll keep this brief as this, I don't believe, was on the agenda so I appreciate you giving us the opportunity to present. This is the Comprehensive Plan that the City maintains. My wife, I came home one day and she had spent her whole day reading this cover to cover and made comments. If each of you haven't read this word for word, I'd urge you to because I believe here's your ticket. It's quite impressive in its content. It's not perfect by any means, anybody would say, but it does have a lot of information in there that is real useful.

Landes stated one of the things we were impressed with was the value that, whenever this was generated, was put on the resources that the City has. Namely, the Cedar Creek Preserve. It gives a lot of attention to the value of preserving that. One of my thoughts on that was this project really, literally, is at the front door to the Cedar Creek Preserve. I don't think it really fits the model of what that is. People come from literally, according to this, other parts of the world to study and do research on environmental issues. It's apparently unique, maybe a lot of us don't fully appreciate what it is. So, it should be considered because it is the intent in here to take into consideration what development does to these resources. So, it's in here.

Landes stated some other things, what we gathered from this is the Plan has a lot of intent in here. It's just overall, there's a tone that you get for what the overall plan for what is good for the City and how it's generally referred to. There's long-range, it mentions long-range benefit to citizens and I would say it's difficult to imagine how this particular project could be considered of long-range benefit to enhancement of the community. The Comp Plan does not adequately describe what cannot comply as well as some other plans.

Landes stated one of the residents pulled up Blaine's zoning descriptions and I think everyone would agree that whatever their zoning is, apparently hasn't obstructed their development. They seem to be doing just fine in that department. One of the things that is real useful in that and would be in this case, is they're light industrial has some wording there that could be worth looking at as far as enhancing our own Code. I'll read from it. 'Such light industrial should be located next to heavy industrial, commercial, and airport districts, shall be free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare or other pollutants.' Then it goes on to say: 'Manufacturing, compounding processing, packaging, storing, treatment, or assembly of products, materials, within a structure, except for renderings, slaughtering, refining, etc.' And, then it says there would

be no outdoor storage and only a number of trucks that is equal to docks or bays. The outdoor storage, I thought was really descriptive and useful in giving a tool to decide what is appropriate for a location.

Landes stated further, I would say that this Plan seems intended to give you folks what you need to guide you in deciding. Apparently, you're supposed to have some flexibility in what you can and cannot permit. Otherwise, what is the purpose of it at all. I guess I would say that if that's not what it's for, what would it be. And, I'd further say apparently there is some things that would not be considered appropriate by, again extension of logic, and so I would say if this one does not go beyond, what would be considered appropriate for this location. I would have to wonder what would. I just can't imagine they could get much worse for this particular location.

Landes stated it looks like they have a fine growing business going and I respect that and wish them well. But, I think that there's a better location that would not only serve their purposes better for the future but be of benefit to everyone including themselves.

Landes stated I'm just going to read for you, if you'll allow me to, a couple of excerpts in here and I want to read them word-for-word so it's not something I would stumble on. Voss asked but you're still going to be brief? Landes stated I'm going to be brief, I'm still being brief.

Landes stated this is pretty important so even the time it takes to read. This is under the light industrial: "Light Industrial District intended and designed to provide areas of City suitable for activities uses that are industrial in nature. Industrial uses of this District are limited to those that do not generate noise, odor, vibration, or other discharge discernable from outside the parcel on which this is located. This category is aimed towards industrial uses that are lower in intensity of activity such as offices, warehousing, research laboratories, and light manufacturing.' Again, it's hard to imagine how you can exceed this more drastically than what this project does.

Landes stated another says: 'The City will work to enhance performance standards to protect public and private investment.' Protect private investment. Big in our case. Again, I don't know how you could get more of an indictment on what would be harmful to private investment in this case.

Landes stated then another spot. It says: 'Development should be designed to enhance the needs of the community.' I get my little trailer behind my truck and I've got two choices to get mulch. North or south so there is no need for this commodity as far as the citizens are concerned. And, another, my own add-on mentioned: 'The City will protect residents from encroachment, impact of industrial development.' And, by their own information, and this is not my, any assumption on my part, their operation is up to 22 hours and this is before their growth. From 4:30 in the morning to 2:30 in the morning, or 2 o'clock or something like that. That is so close to a 24-hour operation that they might as well go 24 hours. And, this is next to a residence.

Landes stated I'll close by saying these folks have options. They'll find a better place to build their growing business and they can do it without destroying the current community and the property values of those who are currently there. And, maybe a little 'tongue in cheek' but not really, can we assume that if this is approved that you'll welcome our calls each and every day and night we are subjected to the zoning violations of noise, odor,

vibration, or other discernable discharge outside the parcel of which CST is located? Even if you're not re-elected because you will have approved it? So with that I'll close and again, request that you folks do the right thing and find a way. This is what you took the job for, to do the 'heavy lifting' and find a way to legally deny this use of this property. Thank you. *Some audience members offered a round of applause.*

Voss stated thank you. Mr. Landes was the only one that signed up. Is there anyone else here tonight that wishes to speak before the Council at Public Forum? An unidentified audience member stated I think he spoke well for all of us. Voss stated if not, we'll move on.

**6.0
Consent
Agenda**

Item A Approve Bills

Item B February 24, 2016 Council Work Meeting Minutes
Meeting minutes from the February 24, 2016 City Council Work Meeting are attached for your review.

Item C March 2, 2016 Council Meeting Minutes
Meeting minutes from the March 2, 2016 City Council Meeting are attached for your review.

~~Item D City of Wyoming, Septic Review and Inspection Contract~~
This item was removed from the Consent Agenda.

Item E Engineering Costs for AV Project Improvements
Nate Elam with EPA Audio Visual presented a proposal to Council at the February 24, 2016 Work Meeting for a system upgrade for our audio visual and broadcast equipment. In his presentation, he stated that their engineer would need to prepare quotes for design options. The cost for the engineering of the system would be \$980.00. This cost would be applied to the project costs should Council decide to contract the project with EPA.

EPA's initial estimate of costs was \$85-95,000. Other comparable proposals ranged from \$101,000 to \$107,000 but these did not include the Tighrope broadcast equipment for Channel 10. Staff is requesting authorization to direct EPA to proceed with the engineering required to present Council with design options for the City Hall A-V Project.

Item F Connexus Easement
Connexus Energy has requested an easement along the entrance drive to the City Public Works Building. The easement would used to install underground electrical service to the Verizon Cell Tower. The proposed easement would not present any issues with access or operation of the Public Works Department. The Easement is attached for review.

Item G Supplemental Payment Summary

Ronning stated move to adopt the Consent Agenda as printed. Harrington stated I'll second. I'd like to pull D. Voss stated okay, anything else? Motion's been made and seconded. All in favor say aye? **All in favor.** Voss asked opposed? That motion passes. **Motion passes unanimously.**

6.0D City of Wyoming, Septic Review and Inspection Contract

It was noted that the City of East Bethel contracts with the City of Wyoming for Type 4 and 5 Septic Plan Reviews and Inspections. The current arrangement is by request and it is recommended that an agreement for this service be memorialized by contract. City Inspectors are licensed for systems up to and including Type 3. The Agreement with red line changes by the City Attorney was provided for the Council’s review.

Harrington stated the City contract says ‘2015’ for Wyoming. I want to change it to ‘2016’ and are you okay with that change? Voss stated and if I get to it, there’s a typo. I thought I had it tagged. On page 73 of our packet, page 3 of 5 of the redlined contract, the second sentence on the top. It’s a small typo. ‘The City shall submit payment to the Wyoming...’ See that Mark? Vierling answered yeah.

Mundle stated would you like it: ‘...to the City of Wyoming.’ Voss stated I think it’s the ‘City of Wyoming’ yeah. Okay, any other changes to that item? Harrington stated no. Voss stated I’ll entertain a motion for that.

Harrington stated I’ll make a motion with the change, to approve the change. Koller stated I’ll second. Voss stated okay, any discussion? All in favor say aye? **All in favor.** Voss asked any opposed? Okay, that motion passes.

Mundle asked was that motion just to approve the changes? Or, to approve the entire? Voss stated yeah, we’ll need a motion to approve the item. Mundle stated okay. Voss stated we need a motion to approve the Septic Review and Inspection Contract with the City of Wyoming. **Koller stated I’ll make the motion to approve the contract with the City of Wyoming for Septic. Mundle stated second.** Voss stated motion’s made and seconded. Any discussion? All in favor say aye? **All in favor.** Voss asked any opposed? Okay, that motion passes also.

**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
7.0D1
Sims Road
Pedestrian
Crosswalk

Davis presented the staff report, indicating City staff has received a request from residents who live in the residential neighborhood north of Sims Road to install a crosswalk on Sims Road at Polk Street. As Sims Road is not a City street, the decision and cost to install the crosswalk would be upon Anoka County. The residents are asking the City of East Bethel provide this request to Anoka County Board of Commissioners for their consideration.

All of the neighborhoods located around both elementary schools are serviced by scheduled school bus service, but some children choose to walk to school. The City has a crosswalk at Polk Street and 212th Avenue that has flashing crosswalk signs. Anoka County has flashing

signs along Sims Road that are active before and after school and display the school zone speed limit and the approaching vehicles speed but do not have crosswalk signs or a zoned area for crossing.

Staff contacted ISD 15 and they are supportive of the request and will be submitting an endorsing resolution on behalf of this proposal.

Staff recommends Council consider approval of Resolution 2016-16, A Resolution Endorsing the Installation of a Crosswalk on Sims Road to Provide Pedestrian Access to the East Bethel and Cedar Creek Community Schools.

Mundle stated make a motion to approve Resolution 2016-16, A Resolution Endorsing the Installation of a Crosswalk on Sims Road. Harrington stated I'll second. Voss asked any discussion?

Ronning asked Jack, are you familiar? This is Sims Road and Polk Street? Not the street that goes into it is 212th? Davis stated the proposal for the new crosswalk would be on Sims Road. The existing crosswalk that we have now is right across from the intersection at 212th and Polk. Ronning stated okay, thank you.

Voss asked Jack, we've got two options listed on this drawing? Is there a reason why there's two? Or, is there just, are we leaving it up to the County to get the right location? Davis answered we're leaving it up to the County. Those would be the two locations that we would recommend as alternates. Voss stated okay.

Voss 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.**

**8.0
Department
Reports**

8.0A
Community
Development

None.

8.0B
Engineer

None.

8.0C
City Attorney

None.

8.0D
Finance
8.0D.1
Finance
Committee
Meeting

Davis stated City staff is requesting that City Council consider setting a date for a Finance Committee. The Finance Committee meeting is made up of two Councilpersons. Those persons are appointed by the Mayor and approved by the Council. This year's Finance Committee is composed of Mayor Voss and Councilperson Ronning. The Committee gives direction to staff to set parameters for the development of the 2017 budget. I'm sorry, Mr. Koller instead of Mr. Ronning. Upon which the City presents a preliminary budget to the Council in July for review, modification, so the City can actually submit a preliminary and certified budget to the County at their first meeting in September. This is a preliminary budget and the budget can be cut at this point but it cannot be increased. The final budget will be presented to City Council the first meeting of December for final approval for submission to the County.

8.0D Finance 8.0D.1 Finance Committee Meeting	Davis stated City staff would like to propose two meeting dates. One would be tomorrow, March 17, at 3 p.m. or Tuesday, March 22, at 3 p.m., or other dates that would be convenient for either of you.
	Voss stated I can't make it tomorrow. Koller stated I'm open for either one. Voss asked next Tuesday? Koller stated that works. Voss asked the 22 nd ? We're fine for the 22 nd . Davis stated all right, thank you.
8.0E Public Works	None.
8.0F Fire Department	None.
8.0G City Administrator 8.0G.1 CST Update	<p>Davis presented the staff report, indicating staff and City Council have answered a number of e-mails, responded to calls, and have met with two individuals relating to the proposed CST location at 23805 Highway 65, since the March 2, 2016, Council Meeting.</p> <p>Staff met with CST on March 8, 2016, regarding the concept plan submitted to the City. Staff provided CST with the following information relating to the Site Plan Review Process:</p> <ul style="list-style-type: none"> • CST was advised that their timeline for the project was overly optimistic. Any considerations for approval would occur no earlier than June and depending on the need of for additional information, those times could be pushed back to a later date. • CST was advised of the petition opposing their location at 23805 Highway 65. The prospect of a community meeting to allow CST to address concerns of the project were discussed. CST was advised that the City would have no role in the meeting other than to offer a location for the gathering. • CST was advised that the submission of their Site Plan was only partial and that City staff had until March 15, 2016, to provide notification of the additional items required for submittal. Items that were incomplete or not submitted related to environmental issues, wetland delineation, status of permits, signage, Fire Department review, hours of operation report, and general concerns related to traffic, appearance and visual impact. • CST was advised that the burden of proof relating to noise, dust, particulate matter, and other requirements contained in Code must be provided to address the conditions set forth in City Ordinance and CST must clearly demonstrate to the City that these issues do not have any impact beyond their proposed site. • CST was advised that they must obtain all required permits from the DNR, MPCA, Anoka County Highway Department, and any other regulatory or permitting agencies that have jurisdictional authority over these matters before the City could issue any permits relating to this project. • CST was also advised that platting of the service road right-of-way would be required. <p>CST is proceeding with their application. The April 26, 2016, Planning Commission Meeting will be next scheduled session that this issue will be addressed as an <u>actionable</u> agenda item.</p> <p>Updates and reports may be presented at the March 22, 2016, Planning Commission and April 6 and 20, 2016, Council Meetings.</p> <p>The process for the Site Plan Review per City Code, Zoning, Appendix A, Section 4 is:</p>

Once a concept plan has been reviewed by the City staff, the applicant shall submit an application to the City for Site Plan Review. The Site Plan Review process shall be as follows:

- 1) The applicant(s) shall submit a completed application and all required Site Plan Review materials to the City;
- 2) City Staff shall review the application and forward a report and recommendation, including all conditions, to the Planning Commission;
- 3) The Planning Commission shall review the submitted Site Plan Review application and recommendation from staff and make a formal recommendation to the City Council. The recommendation from the Planning Commission shall include all conditions or modifications to the Site Plan Review application;
- 4) The Site Plan Review application shall be placed on the City Council's regular meeting agenda for final decision;
- 5) The City Council may remove, alter, or impose additional conditions to the Site Plan Review application. A Site Plan Review application shall receive a majority vote by the City Council for approval. If an application is denied by the City Council, the application may not be resubmitted for a period of three months following the date of denial. A vote denying the Site Plan Review approval along with its findings shall be formally recorded;
- 6) In evaluating its recommendation and approval, the Planning Commission and City Council shall take into consideration the following:
 - a) Consistency with the City Comprehensive Plan;
 - b) Compliance with City Ordinance;
 - c) The preservation of the site in its natural state, to the extent practicable, by minimizing tree loss, soil removal, and grading;
 - d) The harmonious relationships between buildings, open spaces, natural site features, architectural details, and vehicular and pedestrian circulation; and,
 - e) The protection of adjacent and neighboring properties.

Davis stated this is the information that was presented to CST and we've had no form of meeting since then. Myself and Councilpersons Ronning and Harrington visited the site on Monday and were given a tour of the operations. I believe Mr. Koller has also been there. Mr. Voss, I think, visited the site on Monday afternoon. So, the Council is aware of the conditions on the property.

Voss stated thanks Jack, that's a good summary. I think for, with the assumption that most of the folks here are interested in this topic, kind of the operative word here is April 26th. That's when it's officially, well the first date that it'll officially be considered by the Planning Commission.

Davis stated that would be the earliest. Voss stated the earliest so you're certainly welcome to attend any and all Council meetings but probably until that time, there's not going to be a whole lot of more additional information to provide. Nor will there be any decision making by the Council. So that's, again, I don't want to discourage anyone from coming to Council but just for your information. Is that a fair summary Jack? Davis answered it is. Voss stated you may still have updates from time to time. That will be on the agenda on-line so you can see what the updates are. Jack basically read the update that was in our packet.

Davis stated if we have any meetings with them or anything of significance happens, we will provide an update. And, as the Mayor said, you can get it on line. We will present it publicly to the Council too. But it will be an information only item.

Mundle asked generally when do packets get put on line? On the website? Davis stated they're available on the website the Friday afternoon prior to the Wednesday Council meeting. Mundle stated okay. Davis stated or, if you have any questions, don't hesitate to give me a call.

An unidentified audience member stated so if we attend that meeting on the 26th, and you guys say no, so if I understand this right, they have another three months before you guys? Voss stated no, again, what Jack stated was that it goes to the Planning Commission on the 26th. Assuming the Planning Commission acts on it that night, and that's the earliest it could be on the 26th, if they act on it that evening it will be on probably the next Council agenda or the middle of May. One of the two.

Davis stated it depends. The earliest it can be on the Council, the earliest, would be the first meeting in May. Voss stated which is the first meeting in May. Then if it is passed on from Planning & Zoning to City Council, the first meeting in May is when this body considers the application.

An unidentified audience member stated my point is like if you decide, if there was something you didn't like and you shut them down, they could have like three months before they can. Voss explained by ordinance they can't reapply for three months. That's by ordinance.

An unidentified audience member made an inaudible comment. Voss stated that's the limit of our information. So, whether the property is sold or not, that's not germane to the Council.

Davis stated one of the things I would like to add is all of the members of the Planning Commission have also been encouraged to visit the site so they'll have first-hand information of the operation.

An unidentified audience member stated the thing is though, with you guys going to visit the site over there, I suggest that you guys go June, July, or August when it's really hot and steamy. That's when you're going to find out if the odors because they say that they don't smell this time of year. So going over there now is kind of useless.

Davis stated well, as I stated in here, the burden of proof is on them to clearly demonstrate that they're not impacting adjacent or abutting properties. An unidentified audience member stated the way I understand it too, there's no other properties around it like our residents. Davis stated yeah but that is not related to this. They'll have to prove it to our situation.

Voss stated as Jack stated, these are all the things we're going to be considering. As I've stated, I think in the past couple of meetings, staff is following up on, it's safe to say, every concern brought up by the public and by Council. So, we're following up on everything. Some things, a few things, maybe, we've got answers for. There's quite a few we're waiting on answers for.

Davis stated I have one other thing, if you'll give me one more comment. There are things in our Ordinance that there may be some minor inconsistencies on. The City Attorney is going to be reviewing some of those and provide a report to us within the next couple of days as to what the priority is with those and which ones are applicable and how those are

applied and in what order. So, we're looking at this from every situation. Again, as I've stated before, we take this very seriously from the Council and the staff and there will be a complete and thorough review of the while issue. Voss stated okay, real quick.

An unidentified audience member stated I want to let everybody know what J-brakes sound like on trucks. Hauling 50 trucks in and out of there all day. There's going to be brakes. Voss stated that is one of the issues we've been talking about. An unidentified audience member stated and having back-up beepers. Voss stated yeah, that is another issue we've been talking about too. The City's been talking with them. An unidentified audience member stated thank you.

Informational; no action required at this time.

8.0G.2
City Hall
ADA
Project

Davis presented the staff report, indicating the East Bethel City Hall was constructed in 1980 prior to the enactment of American with Disabilities Act (ADA) requirements for handicap access. Title III of the Act has application to existing facilities and it speaks to the failure to remove architectural features as a condition of discrimination. This means that even facilities that have not been modified or altered in any way after the ADA was passed still have obligations. The standard is whether removing barriers, typically defined as bringing a condition into compliance with the ADA, is readily achievable and easily accomplished without excessive difficulty or expense.

The front door entry to City Hall and the Senior Center do not meet ADA accessibility standards. These doors require manual operation to open and we have had two complaints within the past year regarding this condition at City Hall. This matter was considered during the City Hall renovation in 2007 but was not included in the plans or the project.

The question of the City's obligation to comply with the Act was reviewed by the City Attorney and his opinion supported Staff's interpretation of the ADA requirements.

In order to address this situation for both City Hall and the Senior Center, staff developed specifications and received three proposals for automatic door openers for these entrances. The bids ranged between \$9,954 and \$16,530. RAK Construction of East Bethel was the low bidder. In addition, RAK Construction was the only firm that bid the product specified by the City.

Staff met with RAK Construction to discuss the details of their bid and is satisfied that their proposal provides a product and warranty that will address the needs of access into both buildings.

Staff recommends that Council consider the approval of the bid by RAK Construction Company of \$9,954 to install automatic door openers at the main entrance to City Hall and the Community and Senior Center.

The costs for the proposed project would be, as mentioned, \$9,954 and funds are available from the Building Capital Fund.

Ronning stated move to provide \$9,954 for the purpose of RAK Construction Company to install automatic door openers at the main entrance to City Hall and the Community and Senior Center. Koller stated I'll second. Voss stated motion's been made and seconded. Discussion?

8.0G.2
City Hall
ADA
Project

Voss asked do the doors themselves, the widths of the doors, meet ADA? Davis answered they do. Voss asked including the second door going into the Community Center? Davis answered yes. Voss asked so both those doors are going to have the controllers? Davis stated that's correct and the same way out here in this lobby. All these doors will have automatic door openers. Voss asked both sides? Davis stated no one side but both doors, the exterior and interior foyer door. Voss stated and that width meets ADA? Davis replied yes. Voss stated I'd hate to go through all this if the width wasn't right. Okay.

Voss 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.**

8.0G.3
March 23,
2016
City Council
Work
Meeting

Davis presented the staff report, indicating the March 23, 2016, Work Meeting, which is a regular scheduled Meeting on the City's calendar, proposes to discuss three items:

1. Town Hall Meeting Format;
2. Amendment to City Ordinance Chapter 70, Regulating Snowmobiles; and,
3. Amendment to City Ordinance Chapter 10, Regulating Requirements for Domestic Farm Animals.

Is scheduled to be on the agenda. City staff is seeking direction as to setting the meeting and setting the agenda with these items or any other items you wish to add.

Voss asked is everyone in agreement with having a Work Meeting? Koller stated that's fine with me. Mundle stated I've got no issues. Ronning stated I can find something if you're... Voss stated well, we're going to talk about snowmobiles. I think that's a good topic. Yeah, I'm fine with it. I can make it. Do you have a time in mind?

Davis stated 6 o'clock. In addition to the Work Meeting, I would like to request a Special Meeting be scheduled for 6 p.m. We received the JPA bids for the Street Maintenance Materials Project today. Those bids are due to be approved and submitted back to the City of Coon Rapids by March 30th. The issue we have is this is a month where we have five Wednesdays and there won't be another Council Meeting until April the 6th. So if we can schedule a Special Meeting just to consider the approval of the JPA bids for the street maintenance materials, it would be a three-minute meeting so we can vote on that, approve it, if we do, and then be able to submit it to Coon Rapids so we can get in on their schedule.

Voss asked so procedurally? We just need a motion for a Special Meeting? Vierling stated correct. Voss stated okay. **Mundle stated make a motion for a Special Council Meeting on March 23rd at 6 p.m. Harrington stated I'll second.** Voss asked any discussion? And, that will be the only item on the agenda? Davis stated that's correct. Voss 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.** Mundle stated and the Work Meeting will start after? Davis stated correct.

9.0 Other
9.0A
Staff Reports

Town Hall
Meeting

Davis stated I just want to remind everyone that the Town Hall Meeting is scheduled for April the 19th at 6 p.m. There'll be several interesting presentations in our first session, which is at the Senior Center Hall. We'll be having representatives from Mn/DOT to be able to answer questions regarding the proposed reduced conflict intersection. Also, there'll be representatives here from Mid-Continent if anyone wants to come and has any questions about cable service or extension of service or any issues you have with Mid-Continent. Please plan to attend and you can talk to these individuals one-on-one and they'll be there to answer your questions.

- Employees with Class C Davis stated I'd also like to announce that two of our Public Works employees, Jay Hehir and Chad Citrowske, passed their Class C water test so now we have a back up to the operator for our water plant off Taylor Street.
- Gravel Road Issues Davis stated also we've had a lot of issues with dirt roads with the frost coming out of the ground and the rain and the warm weather. These will be issues that are going to be on the next couple of Road Commission Meetings. The Road Commission meets the first Tuesday of the month so if you have any issues or concerns with that, please attend and let those people know what they are.
- Generator Davis stated we anticipate the delivery of our generator next week sometime so the pad is already in. We'll get the electricians out there and as soon as it gets in, hopefully within ten days to two weeks, we can have it operational. Voss stated that's right before the season. Is that it? Davis stated that's it.
- 9.0B Council Report – Member Mundle Upper Rum WMO Mundle stated I had Upper Rum River Water Management Organization meeting. We were given an update on the Watershed Plan, the Ten-Year Plan, and how that is proceeding. And, a couple more meetings were set for that including one public meeting for public input. We reviewed the 2015 Work Results Report, we approved a budget to be presented to the cities of the Upper Rum River and I believe those were around \$23,000. The increase above that were because of the Watershed Plan.
- BR&E Mundle stated many of us on the Council here know, the Business Retention Expansion had a retreat. That was an excellent meeting. Leadership Task Force members and business members of the community met to review the results of the Business Retention and Expansion Survey and proposed projects presented by the U of M based on the results. A lot of projects were discussed and some were chosen with volunteers to head them. They will be more elaborately explained at the Business Retention and Expansion Commencement Meeting. But, I did volunteer to be on the Internet Project and I'm really encouraged by this project just by some of the people who we've already recruited to be on this project. So, there's some 'big weights' behind this.
- Voss asked and Mid-Continent's going to be at the Town Hall meeting? Davis responded they will be. Voss stated okay, good. Mundle stated so I just wanted to update on that. That's it.
- Council Member Koller Roads Committee Koller stated I went to the Roads Committee and we discussed and made the recommendation for the crosswalk on Sims. We've been working on the Roads Capital Improvement Plan, which is going to be a lot of updating some dirt roads, bring in more Class V, because some are getting pretty washed out. And, surprisingly, the Roads Committee did not know much, hear much information at all about the CST project. Some residents showed up there and informed them and they were quite surprised at the scope of this project. That's about it.
- Council Member Ronning Ronning stated I don't have anything.

Council
Member
Harrington

Harrington stated Pet Clinic, April 2nd, 9 to 12 at the Ice Arena. Spaghetti Dinner the 31st of March from 5:30 to 8 at the Senior Center. The proceeds benefit the East Bethel Scholarship Program.

Events
CST Tours

Harrington stated I attended, I went on a tour Monday over at the mulch place. Chad wanted me to tell you that anybody that wants to go through, if you want to go over there and go through a little tour, he'll take you through a tour. He said the guys are hiding up on the hill, taking pictures behind the trees. So, just come on down. He's willing to talk to you, walk you around. That's all I have to say.

Mayor Voss
Congressman's
Staffer
Available

Voss stated on Tuesday, March 22nd, next Tuesday, Congressman Tom Emmer is going to have office hours here at City Hall between 9 a.m. and 3 p.m., basically constituent services. If you just want to come up and meet Congressman Emmer, most of us don't really get that opportunity too much to meet our Congressman so there's an opportunity there. Again, that's Tuesday from 9 to 3 here at City Hall.

Grass Fire
Season

Voss stated the only thing I wanted to add is the Fire Chief talked about the grass fires. I can imagine that we're going to have a season this year. It doesn't take much with the wind for a small fire to get out of hand. So, I think they've had a few more grass fires than the Chief actually let on tonight. They've had a few calls this week. That is all I have.

Davis stated one little correction there, and it may not have been clear on that. The Congressman will not be here. One of his staffers will be here. Voss stated oh, my apologies. So, we do not get to meet our Congressman in person. I'll change my calendar now. It's someone from their staff. Okay. That's important. People would be pretty disappointed there. So, it's not the Congressman. I apologize for that.

9.0C
Other

None.

9.0D
Closed
Session
Union
Negotiations

Vierling stated thank you Mr. Mayor. For the benefit of the public and for the record, we'd note that the Council's is about to go into Closed Session, authorized under Minnesota Statute 13D.03, to deal with matters involving Union Negotiations with City employees. As is required by law, the Closed Session will be tape recorded with that tape being maintained for a period of two years. The Closed Session is following a recess of the Council, meaning that the Council will come back into Open Session following the Closed Session and announce any formal actions or motions that have been made at that time. With that being said, Mr. Mayor, I'd recommend that a motion be made to go into Closed Session for the purposes I've indicated.

Move to
Closed
Session

Mundle stated make a motion to go into Closed Session at 8:06 p.m. for the purposes that City Attorney's indicated. 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.

Voss stated so we'll be back and if we do take action, it's the last item, right before we adjourn. Thank you all for being here again.

Reconvene
Open Session

Vierling stated thank you Mr. Mayor and members of the Council. For the benefit of the public and for the record, we note the Council's back into Open Session after having concluded a Closed Session authorized under Minnesota Statute 13D.03, effecting matters of Union Negotiations. The Closed Session was tape recorded, as required by law, and was

Reconvene
Open Session

attended by all members of the Council, City Administrator Mr. Jack Davis, and myself as City Attorney. The Council reviewed issues of a strategy in negotiation with the City Administrator, provided input and direction, but no formal motions were made or taken. The Closed Session was concluded at 8:37 p.m. Thank you.

10.0
Adjourn

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

Meeting adjourned at 8:39 p.m.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial, Inc.