

EAST BETHEL CITY COUNCIL MEETING

March 21, 2012

The East Bethel City Council met on March 21, 2012 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Richard Lawrence Steve Voss

MEMBERS EXCUSED: Heidi Moegerle

MEMBERS ABSENT: Bill Boyer

ALSO PRESENT: Jack Davis, City Administrator
Mark Vierling, City Attorney
Craig Jochum, City Engineer

Call to Order **The March 21, 2012 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Voss made a motion to adopt the March 21, 2012 City Council agenda. Lawrence seconded with a friendly amendment adding as 9.0 C Closed Session to Discuss GRE Settlement Litigation. Voss accepted the amendment; all in favor, motion carries.**

Sheriff's Report Lieutenant Orlando gave the February 2012 report as follows:

DWI Arrests: There were six DWI arrests. One DWI arrest occurred as a result of a deputy locating a vehicle driving on the outdoor East Bethel ice arena ice rink. Four of the DWI arrests were the result of driving conduct or traffic violations. One DWI arrest came as the result of a hit and run report. The BAC of the hit and run driver was a .21. We also had one other driver test at a .20 BAC.

Burglaries: There were three burglaries. One involved the burglary of an unlocked garage where a generator and ice fishing equipment was taken. The generator was later recovered by a Champlin detective, thanks to the owner having the serial number. There was a burglary of a residence, while the homeowner was away. A total of four juvenile suspects and two adult suspects are either charged or awaiting charges related to this burglary.

Property Damage: There were six reports of damage to property. Two of the reports included the same juvenile suspect damaging relative's property while angry. Two of the reports involve damage to houses, either egging or paint related. Juvenile suspects were identified in the paint related damage to property. One report involved a window being broken out of a vehicle and the vehicle having been "ransacked". One report was regarding padlocks on a garage that had been tampered with.

Thefts: There were nineteen (19) theft reports for the month. Two reports involved financial transaction cards where the victim still had the card, but the card had been used to make on-line purchases. There were two thefts of gas. There is one case under investigation where checks were taken and forged from a business. There were two thefts of vehicles. One vehicle was parked (stored) in an outdoor space and the owner noticed it missing. It was recovered in Brooklyn Park. The second vehicle appears to involve a civil dispute over ownership, where the original vehicle owner may have repossessed the vehicle for non-

payment.

Lt. Orlando also wanted to give a friendly reminder that on April 19th is our, “Distracted Driving Enforcement Day.” That is when we will have extra law enforcement on our roads (not just in Anoka County), but throughout the state. They will be actively looking for drivers who are using cell phones while driving, doing their makeup in the rearview mirror while driving, eating while driving and not paying attention to where you should be. Lawrence asked, “Is there anything in the regulations about people using cell phones while driving?” Lt. Orlando explained that Minnesota does not have a law banning cell phone use, except for commercial motor vehicles. But we do have a law banning texting while driving. Voss wondered now that the ice is off the ice, did we have any incidents? Did any vehicles go through the ice? Lt. Orlando, “Don’t think we had any go though the ice. Also, the conditions are very ripe for fires to spread. With how warm it is.” Voss asked can the deputies stop and talk to homeowners if they see them burning when there is a ban on? Lt. Orlando, “They should.”

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda. There were comments so the Public Forum was closed.

Consent Agenda **Voss made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, March 7, 2012 Regular Meeting; C) Approve Purchase of Server for City Hall; D) Resolution 2012-21 Reestablishing Precincts and Polling Places; E) 2012 Class V Projects. Lawrence seconded; all in favor, motion carries.**

Planning Comm. Mtg. Minutes Davis explained that the Planning Commission Meeting Minutes from February 28, 2012 are for information only. They are in draft form and have not been approved by the Planning Commission.

Park Comm. Mtg. Minutes Davis explained that the Park Commission Meeting Minutes from February 8, 2012 are for information only. These minutes have not been approved by the Park Commission.

2012 Joint Powers Agreement Street Maintenance Projects Davis explained that the following projects were recommended to bid as part of the 2012 JPA Street Maintenance program as approved on February 1, 2012. These projects have been identified in the 2012-2016 Street Capital Improvement Plan (CIP).

1. Seal coat Hupp St and 239th, Erskine, Kissel St, 234th LN, 231st LN, 233rd Ave, and 224th Ave.
2. Crack-seal 100,000 LF as part of the annual street maintenance program. Crack sealing will be performed prior to any seal coating applications.
3. 60,000 LF of striping to be determined.

Bidding for these items was opened on March 2, 2012 and East Bethel’s share totaled \$149,961. This does not obligate the City to accept the bid. The bid for individual items can be rejected or amended as to quantities to accommodate the project budget.

The estimated budget for seal coating, crack sealing and striping the above listed streets was \$212,400. These projects will be funded from the Street Capital Fund as identified in the 2012-2016 Capital Improvement Plan and the 2012 Street Maintenance Budget.

The bid sheet for this project and the bid sheet for the 2011 JPA projects were included in your City Council packet.

Staff and the Road Commission have reviewed the bids and recommend acceptance of the 2012 JPA Street Maintenance Agreement bids and authorization to submit a letter of concurrence to the City of Coon Rapids indicating our participation in these projects in the amount of \$149,960.71. The total bid project is less than anticipated by \$62,439. In addition, staff and the Road Commission recommend using the balance of these funds which are budgeted in the 2012 Street Capital Plan for additional street capital improvement including planned overlay projects for Coon Lake Beach and Whispering Aspen, or 2013 Projects, which could be done this year.

Voss made a motion to approve the 2012 JPA Street Maintenance Agreement in the amount of \$149,960.71 and the draft “Letter of Concurrence” to be submitted as amended. DeRoche seconded. Davis asked, “Would you consider using the difference between the estimated costs and the bid to advance some other road projects?” Voss explained he was going to treat that separately, because of the sealcoating. **All in favor, motion carries.**

Voss asked the additional savings, \$63,000, you suggested overlay projects for Coon Lake and Whispering Aspen. Are those already funded projects? Davis explained we already have funds committed to those as part of the capital projects, but those weren’t bid as part of the JPA. We wanted those, in case there were overruns or additional work that would be required. Also there are some other streets on the 2013 plan that we could advance to this year. Voss said he is not sure what the \$63,000 would do for the Whispering Aspen or Coon Lake Beach project unless the bids came in higher than we estimated. So we are not really allocated the money for these, it is just going to be unused? Davis, “That is correct.” Voss asked so do we need to act on it now, or can we wait until we get the bid on this? Because either way it stays in the budget. Davis, “We can wait.”

DeRoche asked about, “Coon Lake, are we going to look at doing that whole thing this year and then doing Whispering Aspen next year? Or are we going to look at doing half this year and doing Whispering Aspen.” Davis, “There are things we are going to be talking about later on the agenda with Castle Towers Waste Water Treatment Facility (WWTF). There might be some restoration of the streets as part of that project. If there is, then we would wait and do that the following year and do Coon Lake this year. It may be more advantageous to do all of Coon Lake this year because of logistics also.” Voss suggested or not destruct the whole neighborhood at once, that is the double-edged sword. Or do you do half and half and make it a two year project. Davis thinks the biggest deciding factor will be what we are going to do with the Castle Towers WWTF. If we decide to either renovate it or connect to the Met Council facility. We can always decide before we bid this in what order we want to do these projects. Voss asked when is Coon Lake Beach and Whispering Aspen planned to go out to bid? Davis, “Probably in May of this year.”

Voss would like to hold off on this. Davis explained the only other thing is, if there is any desire to move up some of the streets for sealcoating that were scheduled for 2013 and do them this year. If it is okay, he would like to get with the Public Works Manager and see what he recommends. Voss explained he is worried about advancing projects that technically can wait until next year. He doesn’t want to spend money for the sake of spending money. But, if we have projects we have been putting off. Davis explained that we do have a few, especially down on Channel Lane, Sportsman Drive and Thielen are three areas that are high on the priority list. He would personally like to see these advanced if possible. If we do, we will have to send that in on our “Letter of Concurrence” tomorrow to

indicate our level of participation. Voss asked do we have an idea of what the cost would be to do that neighborhood? Have we looked at it yet? Davis, "He doesn't have those numbers in front of him, but he would estimate it at around \$30,000." Voss asked but it would have to go in tomorrow? Davis, "We have to send the "Letter of Concurrence" in tomorrow to indicate our level of participation in the project. We can always cut back. We can't add."

Voss made a motion to amend the previous action and the draft "Letter of Concurrence" as included in the Council Packet on page 57 to indicate to the full budgeted amount of \$212,400 recognizing that staff will bring back by next council meeting recommendations for additional projects in excess of what was presented tonight. DeRoche seconded; all in favor, motion carries.

Tree
Preservation
Ordinance
Review

Davis explained the existing East Bethel Code regulates tree preservation within all new subdivisions but lacks regulations for the mass removal of trees on non-developing parcels.

Over the past few years, there have been instances of significant tree clearance and clear cutting. Currently the City of East Bethel Code regulates tree removal as part of the subdivision process (Chapter 66, Article VIII) but there are no regulations for the mass removal of trees in preparation for future development on non-developing properties. Also the current ordinance is vague as to when a tree preservation plan is to be submitted and is not specific as to tree replacement calculations, tree replacement schedule, tree warranty and mitigation measures.

In response to this situation, staff has prepared amendments to the existing Tree Preservation Ordinance (Chapter 66, Article VIII) and recommends regulations for tree removal on non-developing parcels and addresses the deficiencies in the existing ordinance. The proposed changes will also add measures to improve the enforcement of the ordinance.

The draft proposal was prepared in consultation with the City Attorney and was based on an ordinance from the City of Woodbury. Should this proposal move forward and be approved at a later date, the ordinance would be moved from Chapter 66, Subdivision, to Chapter 26, Environment. Attachment #1 includes the proposed changes in an underlined format.

Staff requests City Council to discuss the proposed changes and provide staff with direction in regards to amending the tree preservation ordinance to include regulations for tree removal on non-developing lands.

DeRoche explained he thinks this is something that should have been done a long time ago. Most people move up here to get more of the country feel. This clear cutting of the property and then putting up "Fred Flintstone" kind of houses, everything looks the same, there is no trees, no ambience. He thinks we have to regulate that somehow. Because someone will come in and do this great development and he doesn't think most people moving up here are looking for that. We don't have a way to say, "You can't just come in here and level the land and put up these cookie cutter houses."

Davis asked "Is there anything in here that you want to see changed or modified, because this is just for discussion." Voss asked is this modeled after Ham Lake? He knows they have a program. He wonders in terms of implementing and enforcement, how much effort and staff time will this take? Do they have a Tree Commission, or is this part of Parks? Davis, "This is part of their Parks and our Public Works Manager was part of that at Ham Lake."

Voss said not to take away from this, but so we understand, there are a couple things in here. Harvesting. And there is discussion on tree farms. He thinks we have a few that are not really tree farms anymore, but they are planted for that. But he knows there is selected tree farming, hardwoods. So his question would be how is that affected? For folks that want to sell off some of their hardwoods, does that affect their ability to do that? Davis, "There would have to do some type of inventory done. I think there is a 25% threshold and if it exceeds this then this ordinance comes into effect. If they came below the 25% inventory, it would have minimal, if no effect."

DeRoche understands if someone is just harvesting trees. But if somebody comes in and decides they are going to do a development and starts clear cutting the trees, he has a problem with that. Drive around and look at lots and there are absolutely no trees. Voss explained there hasn't been a lot of clear cutting. "The Park" was one, but that wasn't the developer. It was the City's fault for requiring him to cut a 66 foot swath through these 100 year old oaks. That was our fault, the developer fought us, and I fought the City also, but it didn't help. Is this going to be presented to the Planning Commission and Parks? Something like this should go to them first. DeRoche asked, "Have they looked at this?" Voss would suggest let them do the legwork on it.

Lawrence wonders when you put something like this in effect, is there something there to safeguard the developer, so they can clear trees out to put up homes? On the other side, to keep people from cutting too many trees, he sees both sides of this. Would there be an opportunity on this action here where they cut a 66 foot swath through 100 year old trees, is there something we can do to say, "If there is an objection by the developer it has to be brought before the City Council to be reviewed." Davis explained there is a process for plan approval. And if they didn't agree with that they could follow the process for making an appeal. He thinks there is a pretty good balance, with the 25% threshold. It doesn't kick in until that. After that you have to do a Tree Preservation Plan which still doesn't preclude them from doing more cuttings than that. Lawrence asked, "Who regulates the 25%?" Davis, "They have to do a tree inventory, which is the only way you can monitor it." DeRoche explained the way this reads is, if there are diseased trees they get rid of that. Davis explained it would be a little imposition on developers, but it is a method to do tree preservation. You have to do a balancing act and, unfortunately, you can't always have both. DeRoche explained 100 year old trees just don't come by too many times in your lifetime.

Voss explained we had looked at this many years ago. One of the things we had looked at, we were looking at other communities, and they had a limit of what could be removed around the footprint of the home. The rest had to be left or replaced and he didn't see anything like that in here. Davis, "There aren't requirements like that in here. That is something that could be added. Some people feel more comfortable if they have more of a clearance especially if there are larger trees in the fall zone of the home. This is something we could add or choose to leave it like it is." Voss explained he thinks the intention was there are homeowners that want to live in the woods. The idea was if it is a wooded area, then that area will be developed as a true wooded lot. Think that was the desire. But think the Fire Chief at the time raised the issue of fire hazard. So there is a balance that was desired.

Castle Towers
Waste Water
Treatment
Facility

Jochum explained this item includes discussion of the Castle Towers Waster Water Treatment Plant. This has been in front of Council a number of times, so he is just going to give a summary. There are two alternatives we are looking at. Alternative One is reconstructing the existing plant and Alternative Two is constructing a forcemain to

decommission the existing plant and that forcemain would connect to the MCES System. With each of those alternatives there are two options. Basically they are the same except option one and three you do not assess the existing properties and two and four you do assess the properties for costs.

We are here tonight because the Met Council has been working on this for about the last year. We have been discussing this with them for about the last six months or so. The Met Council is ready to move forward with final plans and specifications and so they need an answer of whether the City (preferably this week) on whether the City wants to move forward on a joint project with them.

Jochum explained the Financial Options Summary below. Capital costs of each option, total ERU's available, ERU's used by existing users, remaining ERU's and estimated ERU Charges.

	Capital Cost	Assess Existing Users	Total ERU's Available	ERU's Used by Existing Users	Remaining ERU	Estimated ERU Charge
Option 1	\$1,875,900	No	383	167	216	\$14,100
Option 2	\$1,875,900	Yes	383	167	216	\$6,600
Option 3	\$4,202,078	No	1080	167	913	\$7,800
Option 4	\$4,202,078	Yes	1080	167	913	\$6,200

Jochum explained the Summary of Advantages and Disadvantages below.

	Advantages	Disadvantages
Option 1	<ul style="list-style-type: none"> · Complete Control of System · Lowest Capital Cost · No Additional Easement Costs 	<ul style="list-style-type: none"> · Highest Estimated ERU Charge · Connections Do Not Satisfy MCES Commitment · Licensed Operator Required · Least Potential for Expansion · Significant Operation and Maintenance Costs
Option 2	<ul style="list-style-type: none"> · Complete Control of System · Lowest Capital Cost · No Additional Easement Costs 	<ul style="list-style-type: none"> · Connections Do Not Satisfy MCES Commitment · Licensed Operator Required · Least Potential for Expansion · Significant Operation and Maintenance Costs
Option 3	<ul style="list-style-type: none"> · Licensed Operator Not Required · Highest Potential for Expansion · Connections Do Satisfy MCES Commitment · The City Could Sell the WWTP Property · Minor Operation and Maintenance Costs 	<ul style="list-style-type: none"> · Highest Capital Cost · Periodic Locates Required for Forcemain
Option 4	<ul style="list-style-type: none"> · Lowest Estimated ERU Charge · Highest Potential for Expansion · Licensed Operator Not Required · Connections Do Satisfy MCES Commitment · The City Could Sell the WWTP Property · Minor Operation and Maintenance Costs 	<ul style="list-style-type: none"> · Highest Capital Cost · Periodic Locates Required for Forcemain

Option One and Two: Of course the biggest advantage of Option One and Two is it is the lowest capital cost. And we don't need any easements and you have complete control of the system. Disadvantages are it is the highest ERU charge by almost double. The connections don't satisfy your MCES commitment, you have commitments each year you have to meet and this option will not satisfy those commitments. You have to provide a licensed operator on staff at all times to run the plant and as you do now and it has the least amount for expansion. And there are significant operation and maintenance costs.

Options Three and Four: Disadvantages are it is by far the highest capital cost and you would periodically have to locate your forcemain as requested for construction in the right-of-way by MnDOT. This option we talked earlier might be put in the MnDOT right-of-way, but that has been reviewed considerable by Met Council during their design and that right-of-way is just too packed with utilities. It would be too expensive, you would have to pay to move their utilities and it is not feasible to work it in MnDOT's right-of-way. So this option with Met Council everything is outside the MnDOT right-of-way. They plan on buying 30 feet of permanent right-of-way if we go in with them; otherwise they are buying 25 feet. Advantages are would not need a licensed operator on staff, connections do satisfy MCES. Has the highest potential for expansion. The City could sell the waste water treatment plant property or use it for something else and operation and maintenance is fairly minor. One other item of note that is not in your packet is about \$1,800,000 of this forcemain would be permanent. Basically from Castle Towers to 229th that forcemain and lift station is already in your master plan. So that would be permanent. So the \$4,200,000 minus \$1,800,000 would really be considered "temporary" facility.

Voss asked what part would be considered temporary? Jochum explained on attachment #3, upper right hand corner, the green line, the 1st RIB, north, that would all be permanent. From there down, not that you couldn't rearrange your system, or master plan, and make that permanent, that is right now gravity. There are little segments of forcemain in there. Voss said in that section of piping, the capacity. The original sections had gravity sewer. So he takes it will not work long term to have it as a forcemain? Jochum said, "Not unless you size it as such. We did talk about taking alternate bids for the areas at Sims and 65 and the design and looking at that. But we haven't taken it that far. But this forcemain won't take that." Voss said on this previous design you have the assumption 1080 ERUs if he remembers correctly? How did you come up with that number? Jochum explained, "That is the capacity of the pipe." Voss asked did you look at the City plans and what areas would provide those ERUs? Jochum, "My opinion is if you want to move from north to south with gravity, or if that is how you want to do it, you should pick option one or two. If you have some interest in getting development such as at Sims and/or Viking in the next 20 years, you might want to consider options three or four. We didn't identify areas, but it wouldn't be hard to find areas. How this would work is a residential housing unit would want to come up by this area. They want to put in 200 units. We would hook that to the pipe. We didn't identify those areas, but we know those units are along the highway." Voss asked so you are looking the whole stretch? Jochum explained they could hook on anywhere, but to be feasible it would have to be a big development.

Voss wonders in the long range plan, a lot of forcemain would have to be replaced with gravity system? Jochum explained that eventually, yes. About 1/3 should never need to be replaced, the northern 1/3. It depends on how you develop it. Davis explained we feel our most promising areas for development are 209th to 221st Avenue. We have larger acreage and more properties in that stretch. That is why we have discussed different size forcemains

from there on down. DeRoche explained but we have discussed Castle Towers for the last year or so, to put a couple million into it for repairs, and we not going to gain anything from doing it. And then the forcemain comes in there. That would be a waste. Jochum explained you have to be committed to selling those ERUs up there, because it is a higher capital cost. DeRoche sees that as being more developable, from 209th to 221st. This is kind of an ideal time; we are already committed to the bonds. So why not spend it on this, decommission it, and get it out of our hair. Because that is just a money pit anyways.

Davis explained the other part of the picture is we are looking at spending \$4,200,000 in construction costs. Right now we have approximately \$5,500,000 in unobligated bond surplus funds. The funds are available; they do have to be spent on capital projects to serve the system. This is an eligible expense. It would leave us with approximately \$1,300,000 left. Then we could do a partial project on the east side still. Voss said That was going to be his other question, how does this affect our ability to do the east side? Davis explained we could do a partial project over there. Make these services available to those properties that want it. We won't be able to do the whole project, but we will still be able to do some of it so we can get some ERUs immediately. DeRoche thinks it opens an opportunity to generate some ERUs that we are going to have to have. Voss thinks it opens up some options. Provides some opportunity that they couldn't do it unless this happens.

Lawrence, "If we don't do this now, we are looking at rebuilding Castle Towers WWTF and continuing to maintain it. Did we look at the maintenance costs and include those figures in this?" Davis, "It will cost us about \$2,800,000 to operate Castle Towers for the next 30 years. Once the property there is reclaimed, we would have potential to have six residential lots to be resold and balance of property." DeRoche, "No matter what we do people are going to get charged. Whether we rebuild the plant or put in forcemain. And the system is failing and if my system fails I have to pay for it."

Voss asked this ERU charge, is that just the City charge or is it also the Met Councils? Jochum explained that is all of it, the City charge and Met Councils. All of it is in that. We would want to do a little more detailed cash flow analysis because the user fees are on the high side, maybe balance it out a little. Voss explained, focusing on options three and four, a new home at Whispering Aspen would be \$6,200 or \$7,800 and whatever user fee we come up with. Jochum explained this is everything, unless you decide to charge for a future trunk. Voss wonders how this compares with charges on south end. Davis explained the base charge on the south end is \$17,000. Voss thinks the difficulty in looking at these numbers in the south end, is they were set up as which properties have lateral charges. What if a vacant property wants to develop at the north end? Does the developer have to pay? Jochum explained it comes down to the City negotiating a developer's agreement. ERUs will be set based on an agreement with the developer, what is negotiated. DeRoche explained he thinks it opens our options up on getting some ERUs in here. Voss explained so it is not necessarily cheaper to develop on the north end. Jochum asked the City Attorney, "We can negotiate whatever we want in the developer's agreement, correct?" Vierling said, "Predominately, yes. Every session in the legislature the builders lobby comes in with more restrictions on what they want to propose for developers agreements. We are not projecting that those will make it through. So under current law, yes."

Lawrence made a motion to give notice to the Met Council that we plan to participate in a joint project, Alternate 2, Option three or four. DeRoche seconded. Voss asked at this point and time, do we need to select an option? Jochum explained we need to select an alternative. And he wants to remind Council that Met Council has agreed to not charge the

existing residents. Voss asked at what point and time is are you considered existing or future? He is thinking of Mr. Mundle. Davis, "We would probably have some flexibility in determining that date. Voss said he thinks when you work out an agreement with MCES; we need to know what the time is. Davis explained when we sign an agreement, that is when the time starts.

Davis asked, "Do the charges include any City WAC and SAC fees. Jochum explained nothing for the WAC, this is just sewer. Those numbers minus \$3,450 is what you would have coming. Jochum explained that is why you would need to do a more detailed financial analysis. Voss asked is this an amendment to our Comprehensive Plan? Jochum, "It is a minor amendment to our Phasing. Basically a letter." **All in favor, motion carries.**

Fire Dept. Report

Davis explained that the fire department reports are attached for your information.

Res. 2012-17 Authorizing Issuance and Sale of General Obligation Bonds 2012A for the Refunding of the 2005A GO Public Safety Bonds

Davis explained that before he reads the entire write-up on this item, he wants to make Council aware of a couple changes. First, the motion that was made on this item cannot be reconsidered unless brought back up by Council Member DeRoche or Moegerle. This is according to Roberts Rules of Order. The other item is in the last two weeks there has been a change in the savings to the City for the refinancing. Interest rates have changed and the projected savings have been reduced from \$120,000 to approximately \$60,000. In light of this, Council may wish to wait until more attractive interest rates produce higher savings. Springsted will monitor the situation and advise us as to improved bond market conditions. If you want to proceed with this item, we can, or wait for better conditions.

DeRoche said, "He is not going to deal with this tonight. And for the knowledge of everyone out there. If we had decided to do the bonds, we would have been in this same predicament, correct?" Davis, "That is correct. We would have gotten whatever savings would have been available on the date of the sale of the bonds. You could still do it and it could go up, it could fluctuate even at this time." DeRoche thinks at this time he is still thinking the same way he was when he made the decision last time.

Voss asked how far out would the bonds still be if it had been approved tonight? Davis explained if it had been approved tonight it would have been sometime in April. Voss asked and this was initially brought to us the beginning of February? Davis, "This was brought to us the second meeting in February." Voss asked so had we approved it then, the sale might have happened before the bond rate changed? Davis explained that it could have happened, but it would have been close. The first time we brought it to you, it was to prepare the presentation in March and then we tabled it until the next meeting. Voss commented that this is the risk we run.

DeRoche, "He thinks if someone is that interested they can go back and read the notes and all the dialogue that happened and he thinks for informational purposes people should do that so they understand why the decision was made."

Council Member Report – DeRoche

DeRoche explained he had an opportunity to watch the fire department a couple times. They did a bang up job on Sunday; it could have been a disaster. Had the fire went down between the rows of houses or had the wind shifted, or had they not been able to take care of that, it would have been a lot of loss of structures. Dan Berry, the Commander on site, did a really good job. Oak Grove showed up, Ham Lake was there. He was surprised to hear we don't have a very large tanker truck. Especially with all the large grasslands we have. Davis explained that is one great thing about mutual aid. DeRoche said, "The lakes are open.

There were people out racing on them Friday and Saturday they opened up.”

Council
Member
Report -
Lawrence

Lawrence explained he was also at the fire on Sunday and at the one on Thursday, the explosion. Deputy Chief Ardie Anderson was the person in charge on Thursday. There was no real damage to the property, but there was a loss of a boiler. At the incident on Sunday, there were five houses that they could have lost easily if they hadn't gotten it under control. Otherwise, it has been pretty hectic lately. There are a lot of things happening in our City.

Closed Session
– Great River
Energy vs.
City of East
Bethel

Vierling explained that for the benefit of the public and the public record, Council has recommended we go into closed session per Minnesota Statute 13D regarding a matter of litigation, Great River Energy (GRE) vs. the City of East Bethel, District Court File # 02-CV-115638. After the closed session, Council will return into open session to announce any motions or actions.

DeRoche made a motion to go into closed session to discuss Great River Energy vs. the City of East Bethel. Voss seconded; all in favor, motion carries.

Vierling explained the Council has concluded the closed session. Attending were Council Member DeRoche, Council Member Voss and Mayor Lawrence. Also attending were Jack Davis, City Administrator and myself, City Attorney. Council and the Mayor received an update from staff regarding certain negotiations affecting Athens Township. Direction was given regarding those negotiations, but no specific actions or motions were made.

Adjourn

DeRoche made a motion to adjourn at 9:05 PM. Lawrence seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk