

EAST BETHEL CITY COUNCIL MEETING

May 4, 2016

The East Bethel City Council met on May 4, 2016, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Ron Koller Tim Harrington
Brian Mundle Tom Ronning

MEMBER ABSENT: Steve Voss

ALSO PRESENT: Jack Davis, City Administrator
Pat Sweeney, City Attorney

1.0 The May 4, 2016, City Council meeting was called to order by Mayor Pro Tem Ronning at
Call to Order 7:00 p.m.

2.0 The Pledge of Allegiance was recited.

Pledge of Allegiance

3.0 **Harrington stated I'd like to make a motion to adopt tonight's agenda. I'd like to flip-flop the Presentation and the Public Forum. Public Forum first and then Presentation second. Koller stated I'll second.** Ronning asked any discussion? Mundle asked is there any reason for that? Harrington stated our Legislator isn't here. He's hoping he'll show up yet. Mundle asked Mr. Emmer isn't here yet? Harrington responded yeah and he hasn't called yet. Mundle stated okay, that's fine. Ronning asked more discussion? In favor? **All in favor.** Ronning asked opposed? The ayes have it. **Motion passes unanimously.**

5.0 Davis stated there's no one that signed up to speak at the Public Forum. If anybody wishes
Public to have a comment, now's your opportunity to come up and address the Council. Ronning
Forum stated nice to see full chairs once in a while now.

Solar Farms Les Spencer, 3032 221st Avenue NE, stated question that kind of surfaced just as I read the paper and watched the news recently about this solar farms. I understand that Wright County is tearing trees down and, you know, farm fields are being uncovered and they're putting in solar farms. So, is there any news on that on our front? Or, what do we think down the road here?

Davis stated that's a very interesting question. We have never been approached by anyone regarding this. That doesn't mean it's not going to happen. We are in the process of starting to revise some of our ordinances and maybe this is something we should take into consideration when we do that so we can be ahead of this if we ever are confronted with that request.

Mundle stated I do know Connexus has a solar farm that residents can buy into. I'm not sure where that is but that would be something that would be within the area. An audience member stated I know a great spot for one, no trees, quiet. Ronning asked anyone else?

GreenStep Sharon Lemay, 22959 Erskine Street NE, I'd just like to talk to the Council about East
City Program Bethel considering to be a GreenStep City. It's a voluntary organization. It's about sustaining, getting sustainability for the City. It's a continuous improvement program. It's managed by public/private partnerships and based on 29 best practices. And, as part of that
GreenStep

too, I'd like to see the City form a sustainability committee like other cities have, Coon Rapids for example. It would be the same as the Planning Commission, Road Commission, etc. That would help the City Council and advise the City Council on doing ordinances and things to make East Bethel a greener, safer place. I'll leave this with Jack. It's on contacts about the GreenStep City and sustainability commissions. Davis stated all right, thank you very much. The Council thanked Ms. Lemay.

CR 22/TH 65
Potential
Development

Geri Spencer, 3032 221st Avenue NE, stated just wondering. I haven't been coming to Council meetings or anything so I'm not really sure, but just curious, what's going on with the development on 22 and 65 there as far as possibility for a grocery store or gas station or anything? I'm sure you've been talking about this and other people have listened but I haven't really been keeping up with it so just wondering.

Ronning stated there hasn't been a whole lot to speak about, I don't believe. Davis stated no, there was some preliminary discussions that the owners of that property were considering and are still considering putting a grocery store in but they're not ready to proceed with that project yet. We haven't been told exactly when they will. We're hoping it will be sooner rather than later. That's the extent of our knowledge of that at this time.

Jerry Spencer asked how much is being put into trying to get businesses in there? Davis stated we are constantly working, trying to attract and recruit business. I think one of the things they're doing too is trying to partner with another developer for the strip mall aspect and the fast food outlet operation of it. I think maybe once they get that done, that will help them make their decision as to when they may wish to start that project. But as of now, you know as much about it as we do.

Mundle stated one of the things Council has been working on is getting a backage road in from Classic Commercial Park to Viking Boulevard that allows some access. By doing that, that also opens up some area around one of the local churches there that expressed interest in doing some developing for their members. So there's a couple projects right around in that area that have rumors and plans to be done and we're hoping that by getting one started, that will spur the rest.

Ronning asked is there any update on Mr. Shaw? They seem to be moving earth back there. Davis stated as you remember, we gave Mr. Shaw the approval to begin the filling of the pond last year. He has started that process. He intends, hopefully, to get that done yet this year but I think for him moving forward to get his final plat approved, next year would be the soonest we would see any further developments on that. But, he is starting some of the preliminary work on the pond filling.

Ronning asked anybody else? Hearing none, close the Public Forum.

4.0
Presentation
4.0A
Congressman
Emmer
Legislative
Update
4.0A

Davis stated at this time we'll have our legislative update by our Congressman from the 6th District, Tom Emmer. Congressman Emmer is our representative for Minnesota's 6th Congressional District and has served this position since 2015. Congressman Emmer is a member of the House Committee on Financial Services.

Mr. Emmer was a member of the Minnesota House of Representatives from 2005 until 2011, and was the Republican nominee for Governor in the 2010 election. Mr. Emmer has also been a local elected official, serving on the City Councils of Independence and Delano, Minnesota.

Mr. Emmer grew up in Edina and attended St. Thomas Military Academy. After receiving his BA in political science from the University of Alaska-Fairbanks and his Juris Doctor from William Mitchell Law School, he opened his own law firm.

Mr. Emmer was a popular radio host on Twin Cities News Talk AM 1130. He and his wife Jacquie live in Delano, and are the proud parents of seven children, six sons and one daughter.

Congressman Emmer will present a legislative update to the Council and be available for questions and answers after the presentation.

Davis stated thank you for attending Congressman.

Congressman Emmer stated thank you Mr. Davis. That was a little longer than I'm used to and for anybody here, we usually don't bring up that other race, but that's all right. It is an honor to be before you tonight. I've been in Congress for about 15 months and one of the things I decided we were going to do when we ran for this position, and once we were successful and sworn in, was I wasn't going to lose touch with where I come from.

Emmer stated I just had the experience in the past, and this isn't a criticism of anybody else, but anybody who seems to get elected to a federal office, kind of disappears. It's like they don't come back to local political meetings. You don't see them at the corner with the group that's meeting, whether it's Democrats or Republicans, and they never came to the City Council meetings. So I've tried, I've made a point of doing this over the last 15 months. Sorry, this is my first visit here to East Bethel and I thank you for giving me a few minutes. Hopefully it won't be the last. We want to be connected. But not just connected by e-mail or phone calls, we literally want to be here and answer any questions you have.

Emmer stated I really appreciate the turnout for the City Council meeting up here. Are things going so well that everybody's coming out and paying attention? Because I know that's when everybody shows up, when everybody's happy and everything's working perfect. So, 15 months in Congress. I just want to give you a little 'thumbnail' of what we do and then I want to talk about the Transportation Act quickly and then answer any questions you may have, any issues, any concerns you might have.

Emmer stated first off, Congressional office does a lot of things that I never even knew about. I guess we know about it but we don't focus on it when we're running for office because we're always debating policy issues, primarily. Our office, last year, did over 2,000 tours of the capitol for Minnesotans that came out from the 6th District with their families. In Washington DC and here in Minnesota, in the 6th District, we did over 3,000 meetings. We responded to over 42,000 letters and e-mails from constituents and that's just the beginning of it. We did over 14 town halls and then this sort of thing that we're doing tonight. We don't intend to slow down. If you think we can do it better, if you think there's something we can do to better serve you, please let us know and don't let Stacy bother you as she tries to get pictures, sneaking in all the back doors.

Emmer stated there are many challenges in Congress and the Financial Services Committee that you heard that I work on. One of the primary focuses that I have had and that I will have is what's happened to our financial system in this country. We have presidential candidates going around and badmouthing what frankly separates this country from any

other country on the face of the planet. And that is our financial services industry. Why? Is it about big banks? No it isn't. It's about all the different opportunities that our financial system offers and that it offers to everyone from the biggest to the smallest. I'm going to tell you, in reaction to the 2008 crash, we made a big mistake. We, I shouldn't include myself or anybody in this room, but the people in Congress made a big mistake. They passed a law called, 'Dodd-Frank.' And, that law has actually frustrated our ability to bounce back from this 2008 crash.

Emmer stated in fact, I want you to think about this for a second because it was an op-ed piece in the *Wall Street Journal* just two days ago by John Cochrane, who is with the Stanford University's Hoover Institute. In this article, he talks about the fact that in this country, from 1952 until 2000, the average GDP growth was 3.5%. Since 2000, it's been bouncing along at 2% annual GDP growth. Since the 2009 crash, it's been roughly 1.76%. Why is this important? They seem like minor fluctuations in GDP, certainly from 1.76% to 2%. But think about this, 1952 to 2000 at 3.5% annual GDP growth, when you look at it as annual per capita GDP, per person GDP, that translated to \$16,000 in 1952. That \$16,000 by 2000 had become \$49,000. That's for people in their earnings in this country, personal GDP. Now if it would have been 2% during that same period of time instead of the 3.5%, that \$16,000 would have been \$23,000 instead of close to \$50,000. This is a big deal.

Emmer stated and it's even bigger if you look at our State because we're not talking about the big banks, we're talking about small community banks. And, we're talking about credit unions. In 2008, and by the way, small community banks, everybody in this room knows and our credit unions, that's what most of us utilize. That's what a farmer goes and runs his small business or her small business. They go see the local community banker to finance their operation. It's what entrepreneurs, young and old alike, go and they get a loan. I said to a very successful guy in this State a couple nights ago, 'You know, when you started your company, I bet you went to your dad and he gave you a whole bunch of money.' And the guy frowned at me and he said, 'Tom, we didn't have any money.' Right? He came from nothing and he created something and the way he did it is he went down and met the local banker, he had a relationship with him, and it was a trust relationship. That guy took a risk on him and that risk paid off for both of them. And frankly, it paid off for everybody around them.

Emmer stated here's what's happening in this country right now and in this State. 2008, and it's about the same for community banks and credit unions. In 2008, nationwide, we had roughly 8,000 credit unions and roughly 8,000 community banks across this country. 2009, a year after the crash, we still had roughly the same number of community banks and credit unions. Since Dodd-Frank was passed, we now have a little less than 6,000 community banks in this country and just a little bit over 6,000 credit unions. In this State alone, in Minnesota, we have lost roughly a quarter of our community banks and credit unions since Dodd-Frank was enacted.

Emmer asked and why is that important? Well, I hear some of my colleagues on the other side of the aisle in this State talk about how MSNBC has said this is the best State to do business in. Well, the Kauffman Index is an index that talks about new business start-ups. Think about it again. Where do people go to start that next business in their garage? And I'm talking about businesses that we've all heard of. Yesterday's garage business, yesterday's garage business was Medtronic, it was Disney, it was Amazon. Think about it. These are all businesses that were...Harley Davidson started in a garage, right? In 2013, Minnesota ranked #44 in the country for new business start-ups. In 2014, we dropped to

#47 according to the Kauffman Index. This is something that we're concentrating on. How do you reform this law that was passed back in 2010 that, frankly, is suffocating the smaller banks and just making the big banks bigger? Certainly, we can talk about that more.

Emmer stated on this transportation issue, I hear about this in the 6th District all the time. It's about roads and bridges, right? This is what we're talking about. This District has every piece of major transportation infrastructure touch it in some place and we've got some of the highest volume of commerce that travels from Illinois up 94, through the 6th Congressional District, up through North Dakota and out to Washington State. This is a center for transportation in the State of Minnesota. We passed a bill at the federal level back at the last of last year. We can talk about the funding some other time. But it's a five-year funded bill. I hear some conservatives, and by the way, I'm proud to be one, I hear some conservatives who are upset about this bill but they're not thinking. They're not thinking that what we're doing is, we're actually taking little steps towards a renaissance of something called 'federalism.' Right?

Emmer stated today Minnesota sends a dollar to Washington DC and Minnesota receives back, roughly, 73 cents. The future, when it comes to transportation and many other things, more of that money needs to stay here in Minnesota and we need to empower our State and County and Local authorities to direct that money where it's most appropriate. Because I think, the people in the State of Minnesota probably know best how to use their dollars and how to allocate their dollars as opposed to some bureaucrat in Washington DC. The bill that we passed called the 'Fast Act,' it's got a long way to go but it starts that process. It takes the dollars that were once dedicated to specific projects and it now puts it in a block grant and it sends it to Minnesota.

Emmer stated we're still going to have to work with Mn/DOT. We're still going to have to make sure that they understand how important the 6th Congressional District is and the transportation/infrastructure that's here. But now you don't have Washington bureaucrats making those decisions for us. Again, it's a small step but it's a small step in the right direction. Hopefully we're going to be building on that with whatever the State decides to do in the coming weeks.

Emmer stated there's plenty more to talk about, I've taken up enough of your time. I know these people have other issues than this. If you want, I'll open it up to questions. Again, we just want to work for you and that's what this is about. Ronning asked anyone have questions? Go ahead.

An audience member stated I just wanted to applaud you. I used to send e-mails or different correspondence to our previous Congresswoman and never got a response. And I've contacted you twice and gotten a response both times. I really, really appreciate that. Emmer stated thank you, I appreciate it. The job is supposed to be about customer service, right? And, this isn't about anybody else. Hopefully you'll cut me some slack if we miss one, right, and let us know. I don't know what happened with that. The audience member stated I tried to contact her numerous times. Emmer stated I got it.

An audience member stated now that you're in Washington, have you ever thought about running for Governor again here in the State? Emmer stated you know I'm actually pretty good where I am. I will give you the standard answer, this is true, I have no plans to do anything else. I have, and I think some of these guys up here know this, I served on a city council. That was the most rewarding experience I had because of this. Because my

neighbors came out and it was that personal type of thing. What I can't stand, since I got into this only 10 years ago, is every elected official that seems to be more interested in what they're going to run for next as opposed to doing the job they were hired to do. So we'll do the job we're supposed to do and I think this is the one. So, hopefully, we're just going to keep getting better at it.

An audience member stated Al Quie came back and ran for Governor. Emmer stated yeah, somebody, I won't call the politicians out, but somebody said they had one of our 'Emmer for Governor' signs in their garage and they said, 'What should I use that for?' I told them, 'Well, I'm told that if you punch a couple of holes on one end and you string a string through there and tie it with knots it makes a really good sled in the winter.' But then I suggested, 'If you have, and I named two other politicians, I said I understand their signs are a lot slipperier.' Any more?

An audience member asked are you current on the Kline-Miller Amendment? Emmer asked what's the Kline-Miller Amendment? The audience member stated that's the one that's taken and cutting the teamster's pensions and that. Emmer stated actually I think that was already done. I think that, in fact, was done. The audience member stated that is law right now but there is a vote coming up this week by the Treasury Department to decide whether or not they're going to cut our pensions in half. Emmer stated that's not me. That's not what I'm doing. I'm aware of it. It was law before I got there and it's also, once it gets to Jack Lew, Jack Lew doesn't like me very much.

Emmer stated I don't know if you know that but I had a reform for their Dodd-Frank law where they've created these different bureaucracies that are almost Soviet style, top down control, out of the sight of you and me and everybody. I thought that at the very least they should be subject to the appropriations process and oversight by Congress so that you could see what they're doing. Apparently, I'm not going to be on Jack Lew's Christmas list or Elizabeth Warrens but the issue that you're talking about is an important one. I can only tell you, I'm not the expert on it, there are some complaints on both sides of this issue. I think promises made should be promises honored. Right? But some of the ones that are advocating for this are saying that this is actually going to benefit the teamsters. Now you would know better than I would and that might be political-speak.

The audience member stated that mostly would be political, yeah, because it cuts right at the, you know I was at a rally in DC here about two weeks ago and there was about, I think roughly about 2,000 retirees there. Emmer asked why didn't you stop up and see me? The audience member stated some did go up into the Congress but I didn't get up there and I feel bad about that except I'll have to go back, I guess.

Emmer stated well please do because when you're out there for stuff like that, and I'll say that to everybody else here, it helps me a lot. When you take the time out of your life, your busy life, and you spend the money to invest to go there and it's an issue that's important to you, I would like to hear it from you when you're there. Because I work for you.

The audience member stated I guess my request would be that, maybe, I don't know if it's appropriate at this meeting or not, but for you to take a look at it if it becomes where it gets into some dialogue in the Congress. I would like for some support on it. Emmer stated well, let's do this. Can I get your contact information and we can continue this after? The audience member stated okay.

4.0A
Congressman
Emmer
Legislative
Update

An audience member stated some time ago, I heard Governor Dayton say as far as the Muslim immigration, that he was going to take 2,000 people and if you didn't like it, you could move out of the State. I don't know who made him the dictator. But where do you stand on this whole process of immigration of Muslims in this country? Emmer stated well, I'm going to talk in terms of, in more broad terms. *(An unidentified audience member shouted an inaudible comment off mic.)* Emmer stated I don't know if he's talking to you or me. The audience member stated I'm sure it's me.

Emmer stated I'm going to talk in broad terms. First off, the program has to be changed. All right? What we did is when Saigon fell, we had all kinds of South Vietnamese that were fleeing the communists in Vietnam. Congress, back in 1972 as I understand it, passed a law that gave the executive, the sole authority, to determine who and where from, can qualify as a refugee for accelerated citizenship in this country. That has been the law since 1972 and the executive has the sole authority to decide how many, from where, each year. I think that's wrong. You hired me to do that. This system wasn't built as a monarchy. Right? That's one of the reasons that I am going after this Dodd-Frank thing because we're all pro-consumer but when you create bureaucracies that operate in the shadows, out of the light, away from where people like you and me can see what they're doing and why, they become a problem. And, I think this one has become a problem.

Emmer stated I think what we're doing, trying to gain credibility on the issue in Washington DC because if you immediately say, 'Freeze the program,' you're a xenophobe, you're whatever it is. They marginalize you. We're going to engage in the conversation about, okay, if refugees are important, if people want to come to this country for the right reasons and enjoy the American dream and help adding to it, that's great. But I think the refugee program should no longer be the sole authority of the executive. I think it should be turned over to Congress. And I think the people's elected representative should be the ones that decide whether and to what extent a population qualifies a refugee to come into this country.

Emmer stated in the mean time, back here, I would suggest this to you in these terms. In St. Cloud, Minnesota, we recently settled, as I understand it, the program allows 204 refugees a year. But now you have a population very quickly that's approaching 15,000 or more. I think everyone of the people in this room would agree with me that we don't have any problem with anyone who wants to come to this country for the right reasons to build a better life, to participate in our communities. We're all for it. Right? But there's a cost benefit analysis that we have to start doing because if you're going to start allowing more and more people in without regard to the cost of the new population based on the benefits that somebody else has decided to make available, you're going to have a problem very quickly. And I think that's what we're seeing.

Emmer stated the other thing is we all want to be compassionate but when government starts offering all kinds of additional benefits, you're going to get secondary migration because people are going to say, 'Hey, you've got to come here because we have this and we have that.' So I think we have to start looking from within. I think all of us want to welcome newcomers and we want to support them in any way we can. But there are some real economic issues that we have to start to face and if somebody raises an economic question, I don't think they should be attacked as being about race or religion or anything else. Because I don't think we are.

4.0A

An audience member stated I don't think should have to change my lifestyle for the

immigrants coming into this country. You know you don't want to offend them but still I don't want to change my lifestyle either. Emmer stated no, I would say to you that my position, if you want to come to America, you better be an American.

Ronning stated I have a couple questions. Emmer stated yes sir. Ronning stated I assume you're familiar with the American Legislative Exchange Council (ALEC)? Emmer stated I am. Ronning asked and their model legislation? Emmer stated it just depends on what it is. I haven't looked at ALEC, as it's called, for a couple of years. Ronning asked have you participated in any way, shape, or form with them? Emmer stated I think I, well I don't even know if I was a member. But they used to come around the State Legislature when I was a member of the State Legislature and offer different proposals that they had. And I'm sure I was interested in one or more of them.

Ronning stated there's a number of, let's see one's SP-1070, I think, from someplace. Emmer stated SP-7010, I think would be the Arizona Immigration Law. Right? Ronning stated yeah, privatizing the prisons? Emmer stated I don't think that was SP-1070. Ronning stated I just looked at it a little bit ago, I think that's what it was. Emmer stated oh, was it? Ronning stated if one of us is wrong, it doesn't make any difference. Emmer stated no and asked is that the issue that you want to talk about?

Ronning stated well, I was just curious. I guess it was struck down Minnesota already. There was an effort to privatize the prisons. How can anybody even suggest those things? Emmer stated I don't know. I mean, I'm working at the federal level. I'm going to leave the State guys who are debating this, I think right now. I think we saw something in the last few weeks. They were talking about this very issue. I can't even, I would love to have a discussion with you but I'm not up-to-speed enough to be able to do that. Are you talking about Appleton, Minnesota, where Torrey Westrom was talking about it for years? Ronning stated I'm not sure to what extent it was.

Ronning asked has Grover Norquist buttonholed you yet? Emmer stated I'm not buttonholed. Ronning asked has he cornered. Emmer stated I know who Grover Norquist is, yeah. No, I'm not beholding to anybody councilor. Ronning stated very good. I appreciate it if you'd stay that. Emmer stated well, I'll give you a perfect example. My party, which I, at times I have my definition of what a Republican is. Right? I believe in the individual. I believe that an individual has the right to reach his or her full potential without government getting in the way, without telling them what that is.

Emmer stated now the Republican party has a lot of other positions, Cuba being one of them. I support lifting the embargo on Cuba, which is completely, it's going against everything my party has been fighting about for 50-some years. Why? Well it gets reported on a regular basis that it's purely economic. And, yes, economics are important. But, it's really about national security. I don't understand how a party, mine, that believes in a strong national defense, which is the main priority of having a federal government in the first place, to protect this country and the citizens that reside in it, can believe that a policy that has existed for 55 years is somehow going to change, tomorrow, the next day, and they don't realize that when Raul Castro is about to step down in 2018, that by us not being there, you're in affect, welcoming Putin? Iran? China? So, I have decided to take the challenge and try to convince people on my side of the aisle that this is not about Fidel Castro or Raul Castro who are bad people and have done horrible things to their people and those that fled Cuba. This is about our national security and we need to be there as this changes because you know what, we don't want another Noriega in the western hemisphere.

We don't need that 90 miles off our Florida coast.

Ronning stated I share that completely. I'm a Vietnam vet. Emmer stated thank you. Ronning stated and we have plants all over in Vietnam. We have relationships with them. We have relationships in other hostile, to us, countries. China has never done anything for us. We've built their entire economy with our jobs. Cuba seems like a pretty insignificant thing compared to those. But, I appreciate your comments. Emmer stated except it's in the western hemisphere. I mean you're right but it's in the western hemisphere and if people remember our history, there were nuclear missiles in Cuba for a period of time. Ronning stated yes.

Emmer stated and I do appreciate the questions. This is the kind of discussion, dialogue, I would love to have any time you have questions about what we're doing. Like I said earlier, if there's something you think we can do better, love to hear it. Really appreciate your time tonight and everybody else. The Council and Davis thanked Congressman Emmer. *The audience responded with a round of applause.*

**5.0
Public
Forum**

This item was considered prior to 4.0 Presentations.

**6.0
Consent
Agenda**

Item A Approve Bills

Item B April 19, 2016 Town Hall Meeting Minutes

Meeting minutes from the April 19, 2016 Town Hall Meeting are attached for your review.

Item C April 20, 2016 Board of Appeals and Equalization Meeting Minutes

Meeting minutes from the April 20, 2016 Board of Appeals and Equalization Meeting are attached for your review.

Item D April 20, 2016 City Council Meeting Minutes

Meeting minutes from the April 20, 2016 City Council Meeting are attached for your review.

Harrington stated I'll make a motion to adopt tonight's Consent Agenda. Koller stated I'll second. Ronning asked any discussion? Those in favor? **All in favor.** Ronning asked opposed? Ayes have it. **Motion passes unanimously.**

**7.0
New Business**

Commission, Association and Task Force Reports

7.0A
Planning
Commission

None.

7.0B
Economic
Development
Authority

Davis presented the staff report, indicating the City of East Bethel's Economic Development Authority is composed of two elected officials and five citizen members. The citizen members are appointed to six-year staggered terms.

7.0B.1
Member Appt

John Landwher's resignation from the EDA in January, created a vacancy on the Authority Board. Mr. Landwher's term will expire on January 31, 2017.

7.0B.1

Member Appt

This position was advertised, applications taken, and at their April 18, 2016, meeting the EDA interviewed five applicants for the position. Based on the interviews of the five candidates, the EDA selected Oskar Granquist as their preference to fill the position

The EDA, recommends that City Council consider the appointment of Oskar Granquist to fill the unexpired term of John Landwher.

Mundle stated make a motion to appoint Oskar Granquist to EDA. Harrington stated I'll second. Ronning asked discussion? All in favor? **All in favor.** Ronning asked opposed? Ayes have it. **Motion passes unanimously.**

7.0C

Park

Commission

Shade Tree

Ordinance

Davis presented the staff report, indicating as there is a need to address tree care on City property and to meet requirements for eligibility for Tree City USA recognition, the DNR and the Arbor Day Council have recommended that the City update our Tree Ordinances. A recommendation for the ordinance update is that a Tree Board or Forestry Department be established that provides for the responsibility and oversight of public tree care.

The Park Commission reviewed this matter at their February 10, 2016, meeting and unanimously recommended the addition of a Shade Tree Ordinance to the City Code. This matter was presented to City Council at the April 20th Meeting but the request was tabled. Staff was directed to submit the proposed ordinance to the City Attorney for his comment and revisions and resubmit the proposed Ordinance for Council consideration.

Attached is the updated draft Tree Ordinance with proposed modifications of the City Council and City Attorney.

Staff and the Park Commission request that City Council consider the adoption of the Shade Tree Ordinance to the City Code under Chapter 26, Environment, as Article IX, Sections 26-316 through 26-329.

Mundle stated I'll make a motion to approve the adoption of the Shade Tree Ordinance to City Code under Chapter 26, Environment, as Article IX, Sections 26-316 through 26-329. Koller stated I'll second. Ronning asked discussion?

Mundle stated thank you for making the changes. I think it makes it a lot clearer. Davis stated it does and the main thing it clarified was the issue of trees on City street right-of-way. We've eliminated that from the Ordinance. We certainly don't mind people trimming those trees and what this concerns now is Parks and other City public property exclusive of road right-of-way.

Ronning stated this came up during that Town Hall Meeting and depending on how you heard it, it almost sounded like there was kind of a 'heavy hand' involved. Could you explain, I know you did a good part of it, how does this affect their and my homes? Davis answered it has no affect at all. This does not relate to private property, only City-owned property. Ronning stated yes. Davis stated and the only relation to private property is, and this is even by State Statute, if there are serious outbreaks of tree diseases, then the City can come in and, under State Statute, enact certain things. But, this is already on the books. We don't intend to do anything unless those come into play.

Ronning asked any other discussion? Those in favor? **All in favor.** Ronning asked opposed? Ayes have it. **Motion passes unanimously.**

7.0D None.
Road
Commission

8.0 None.
Department
Reports

8.0A
Community
Development

8.0B None.
Engineer

8.0C None.
City Attorney

8.0D None.
Finance

8.0E None.
Public Works

8.0F None.
Fire Dept.

8.0G Davis presented the staff report, indicating the Minnesota Environmental Quality Board
City (EQB) received a petition requesting that an Environmental Assessment Worksheet (EAW)
Administrator be prepared on the project described in the petition, and has determined that the City of East
8.0G.1 Bethel is the appropriate governmental unit to decide the need for an EAW.

8.0G.1 The EAW is a document designed to present the basic facts of a project necessary to
Envir. Assess. Worksheet determine if an Environmental Impact Statement (EIS) is required for that proposed
CST development. The EAW form consists of questions that provide the information needed to
determine if the project will have significant environmental impacts. In addition to the legal
purpose of the EAW in determining the need for an Environmental Impact Statement, the
EAW also provides permit information, informs the public about the project, and helps
identify ways to protect the environment. The EAW is not meant to approve or deny a
project, but instead act as a source of information to guide other approvals and permitting
decisions.

Some projects of a specific size and nature are exempted from the environmental review
process as indicated in Minnesota Rules 4410.4600. If a project is identified as exempt, then
it is not required to go through environmental review in order to move forward. The CST
project does not meet the requirements for exemption.

Projects that meet or exceed the thresholds described in Minnesota Rules 4410.4300 are
required to complete an EAW. If a project meets or exceeds the thresholds described in
Minnesota Rules 4410.4400, then an Environmental Impact Statement is required. When
determining if a project meets a mandatory environmental review category threshold, it is
important to keep in mind any connected actions, phased actions, or project expansions
within the last three years that cumulatively may trigger mandatory environmental review.
These provisions are described in Minnesota Rules 4410.1000, Subpart 4 and Minnesota
Rules 4410.4300, Subpart 1 respectively.

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Projects that are not exempt nor require a mandatory environmental review can still go through the EAW process. A government unit with approval authority over a project can order a discretionary EAW if it determines that the project may have the potential for significant environmental effects. A discretionary EAW can be particularly appropriate for projects with some possibility of significant adverse environmental impacts or the perception of such. A discretionary EAW can help the Responsible Government Unit identify the adverse environmental impacts of a project and their severity. Additionally, discretionary environmental review may be ordered by a Responsible Government Unit in response to a citizen petition or if the project proposer wishes to initiate environmental review to determine if the project has the potential for significant environmental impacts.

No final government approvals may be given to the project named in the petition, nor may construction on the project be started until the need for an Environmental Assessment Worksheet has been determined. Based on the standards and requirements contained in Minnesota Rules 4410, the City should consider ordering an EAW for the CST Project.

Staff is requesting that City Council consider approving Resolution 2016-21, Ordering an EAW for the CST Project, as required by and under Minnesota Rules 4410.

Harrington stated I'll make a motion for approving Resolution 2016-21, Ordering an EAW for the CST Project, as required by and under Minnesota Rules 4410. Koller stated I'll second. Ronning asked discussion?

Mundle asked Jack, can you kind of walk us through, if this is approved, what the next steps are and kind of the timelines of what will happen? Ronning asked could I add something to there? If it's a go or a no go, what's the result of either one. And, what are we looking for?

Davis stated if the City Council orders this, there's a process that must be followed. And for anybody that wants one, there's a copy on the desk up here that outlines the steps and phases that must be completed. Essentially, what the proposer of the project has to do is to complete a Worksheet that addresses questions related to the project that's submitted back to the City Council for their review. In many cases, the Council or the governing body will actually have to use some type of a consultant or expert to evaluate the process. This could take up to 60 days to complete or if it's a complicated process and there are incompletions, it could even run 120 days. It could even trigger an Environmental Impact Statement. The issues that are expressed in this are the ones that we've enumerated throughout this whole process that relate to issues about noise, dust, and odor that have potential impacts from this project. This is a way to determine if there are significant impacts from them and would help guide us in the decision on the site review plan.

Ronning asked the initiator, does that mean us? Do we identify specific questions? Davis stated no, those are already done but those will be addressed in this. There was a petition that was filed by the residents of the neighborhoods in the proposed area of the CST project that was submitted to the Minnesota Environmental Quality Board. The Minnesota Environmental Quality Board informed the City that we are the ones that have to determine if this Environmental Assessment Worksheet is required. And, based on the Minnesota Rules that were quoted by Statute in here, this would fall under the category of a discretionary EAW. In order to answer these questions, I think this is the best way to proceed with the project.

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Davis stated we also received an e-mail from the proposer, which is CST, which said they would be agreeable to the EAW process. I think that's the best way to address some of the issues that are still outstanding on this project.

Ronning stated this isn't the way it usually goes. Anybody else have questions about an environmental? Just a couple quick ones if we may, please.

An audience member stated mine's real quick and asked is there someone that will receive... Ronning asked could you state your name and address please, for the record? Mundle asked could you step up to the microphone and state your name and address? Ronning stated thank you.

Duane Kanada, 523 238th Lane, stated sure. My question is with the Environmental Impact Statement. Is there someone that will hold them accountable to the answers that are on that Worksheet? Or is that just something that they fill out and you take that as an assumption that the answers are true and correct?

Davis replied no, we will evaluate their submission and as I said before, the City may even retain a consultant to look at the more technical aspects of some of the questions. Particularly things that relate to noise study to determine if the proper assumptions were made, they followed the proper guidelines, and give us an opinion on that. There will be a lot of these things that may be outside our expertise to do. If that happens, then we'll hire somebody to evaluate their response. Kanada stated perfect. So, in short, yes. Davis agreed and stated yes.

Ronning stated you made the comment, 'Will they' something or other. Who were you referring to as 'they?' Kanada stated the CST Corporation. When I refer to they, 'they will fill out a Worksheet' as he stated. Ronning asked is that the way it goes? Davis answered yes. Kanada stated that's what I understood from his reading that they fill out a Worksheet that has answers and they have to answer certain questions on there. So when their questions are answered, my question, you know just to be specific, is whatever the answers to those questions may be, and how they apply to the East Bethel area as opposed to their Elk River project area and that we know that those are the actual factual answers that will apply to us.

Ronning asked who reviews this thing? Davis replied it will be submitted, we will review it, and if there are questions that we don't feel comfortable in ascertaining their authenticity, we'll bring these to City Council and request that we be allowed to retain a consultant to review this and give us an opinion on it. Ronning stated okay, thank you.

Harrington stated I guess I've got a question. The lady out here in the crowd, there's going to be some kind of cost. Who's going to burden that cost? Davis stated as part of the site review plan process, the applicant was required to post a \$1,000 escrow. We will be going back to the applicant to ask them to increase their escrow amount to cover the cost of this going forward. Harrington asked so nothing from us here at the City? Davis stated not on the EAW. Now, if we wish to hire a consultant, that will be on our bill, not on theirs.

An audience member asked are you taking CST questions right now? Ronning stated just a couple of really quick short ones. We were trying to explain how this interacts with them. The audience member stated I (*inaudible*) about property values. If that goes in there, there's some expensive homes just to the east of there and there's a lot of homes across the

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road, how that will impact their property values. Mundle stated we're trying to discuss the EAW. Why don't we... The audience member asked that's included in the Environmental Study? The impact study of the property values? Davis stated let me just answer that briefly. Our City Comprehensive Plan says that any actions that are generated from Light Industrial uses shall have no impact on properties outside their actual site. So these will be looked at in that sense. The audience member stated okay.

Ronning asked any more discussion? Those in favor? **All in favor.** Ronning asked opposed? Ayes have it. **Motion passes unanimously.**

8.0G.2
Castle Towers
Decommission
Report

Davis presented the staff report, indicating this is an update on the Castle Towers Wastewater Treatment Plan Decommission Project. As discussed at the April 6, 2016, Council Meeting, staff requested approval to obtain quotes to assist with the removal and disposal of the bio solids and authorize the low bidder to proceed with the work. Staff obtained quotes from Dirtworks, A+ Outdoor Services, and Arnes Excavating. Quotes ranged from \$389 to \$440 per hour with Dirtworks providing the low quote. Dirtworks was also the only contractor that had immediate access to the spreading equipment required for the application of the material. Staff also acquired a Consent to Enter, Release and Waiver of Trespass from the property owners.

The bio solids removal and disposal operation began on April 18, 2016. The process consisted of loading the solids onto tandem dump trucks with excavators, hauling the material to the land application site, reloading the material with a front-end loader into a spreader, applying the material with the spreader, and incorporating the material into the soil with a disc. Approximately 2,200 cubic yards of material was disposed of from the polishing pond, drying beds, and storage bunker. There is only about 100 cubic yards of material left in the polishing pond. Currently, this material is too wet to move. Once the material dries it will be temporarily stockpiled onsite and then re-spreads over the polishing pond once the liner is removed. The removal of bio solids to offsite locations is complete.

The next step is to remove the liner cover soils and remove and dispose the PVC liners that are in the sand filters, drying beds, and polishing pond. This work was currently on hold because of the rain. Staff plans to proceed with this work once the pond cover soils dry out.

This work was bid on July 24, 2015 and bids for the bio solids removal and disposal ranged from \$194,033 to \$285,558. The City rejected these bids and elected to be the general contractor for this project. To date removal of the bio solids has cost \$33,000, which has resulted in a comparable savings of \$161,000 for this phase of the work. *The audience responded with a round of applause.* Payment for this work will be paid from the remaining 2010 B bond funds that financed the sewer portion of the Municipal Utility Project.

So to date, we've spent \$33,000. Had we accepted the low bid on this project, we would have spent \$194,000. We project that we will be able to hopefully complete the remaining liner soils and liner removal for approximately another \$30,000 and complete the whole project for less than \$100,000. So, I think the original low bid on this was closer to \$450,000 in total. So I especially want to thank our City Engineer and our Public Works Manager. They did an exceptional job in pulling this together in a very short period of time because we only had a short window for the application period. So they did an outstanding job. The contractor, Dirtworks, did a fantastic job in working with us and also want to thank the landowner for his cooperation too. So, this is one of those things where we were

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Castle Towers
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Report

fortunate and blessed with good weather but all these people did a fantastic and over-and-above job of what's expected of them. So, I want to especially give them a big thank you for this.

Ronning stated if you said, I apologize for missing it, the bids, what was the comparison of the City cost to what the bids were? Davis answered we spent \$33,000 so far. For this phase of the project, the low bid was \$194,000. Ronning stated that sounds like a good deal. Davis stated so far, it's been a good deal. *The audience again responded with a round of applause.* Ronning stated yes.

Harrington stated can I ask what we're going to do with that savings? Davis stated we have about \$200,000 left in that one municipal utility project bond account and that bond account can only be spent for infrastructure. So, whatever savings we have on this project, we'll use it for future utility extensions.

Ronning stated when he says what it can be used for, we can't even prepay it. I guess the law, isn't it that precludes us from paying ahead on it? Davis stated there's still some interpretation whether it could be used to pay down the bond funds. The original IRS rulings were that we had to use it for infrastructure and that's the reason we used that money to extend the force main and decommission this plant. Had we not decommissioned this plant, we'd been forced to spend up to \$2 million to upgrade it and another \$2 million to operate it over the next 20 years. So, all in all from that standpoint, it was a wash, cost wise, plus we'll still have a little bit of money to apply to some future water and sewer extension projects that won't have any additional effect on the taxpayers. Ronning stated thank you.

Informational; no action required at this time.

9.0 Other

9.0A

Staff Reports

9.0B

Council

Report –

Member

Mundle

URRWMO

2017 Budget

Council

Member

Koller

Davis stated staff has no further reports this evening.

Mundle stated I attended the Upper Rum River Watershed Management Organization meeting last night. They had their annual meeting at Oak Grove City Hall and the biggest thing to come out of that was the 2017 draft budget. There were no other comments from any other cities, including East Bethel, and so that was accepted. I'm sure it will come back then before the City as the final budget. That was the biggest thing, the biggest news. That's it.

Koller stated I have nothing.

Mayor Pro

Tem

Ronning

Ronning stated well, I'll join you. I don't have anything to report either

Council

Member

Harrington

Firefighter

Bennett

Retirement

Harrington stated I got a letter from Todd Bennett, District Chief, Fire Station #1. It says, 'Please accept this letter as a formal notification of my retirement from the East Bethel Fire Department. It has been an honor and a pleasure to serve the people of East Bethel. I'd also like to extend a huge thanks to you and the rest of the Department for all the work you've done for me over the past 20 years.' Harrington stated I'd just like to congratulate him on his retirement.

- Storm Warning Siren Harrington stated I have one other one. Jack, I see on the news the siren is up, the pole is up, the siren is in. Is that operable yet? Davis stated I'd have to check with Mark. He did tell me that they'd installed the pole the other day. This is the pole that was damaged in an accident on East Bethel Boulevard back in February. It's our storm warning siren so if it's not operable yet, I'm sure it will be within the next few days.
- Lions Garage Sale Harrington stated lastly, the Lions have a garage sale Thursday, Friday, Saturday, up at the Ice Arena. I think the times are 8 in the morning until 4 in the afternoon. That's all I've got.
- Mayor Voss Mayor Voss was absent.
- 9.0C Other None.
- 9.0D Closed Session PIN # 29-33-23-34-0001 and #29-33-23-33-0002 Sweeney stated thank you Mayor. For the benefit of the record and for the members of the public that are here this evening, we'd note that the Council's about to go into Closed Session. This is authorized by Minnesota Statute 13D. Matters to be discussed will include Union Negotiations and other matters that are covered by the Attorney-Client Privilege. Specifically, there will be discussion relative to some real estate parcels with ID #s 29-33-23-34-0001 and the second ID# is 29-33-23-33-0002. The Closed Session will be tape recorded. With that being said I'd ask for a motion from the Council to go into Closed Session for the purposes I've just described.
- Move to Closed Session **Mundle stated I'll make a motion to go into Closed Session at 7:59 p.m. for the purposes that City Attorney has indicated. Harrington stated I'll second.** Ronning asked discussion? In favor? **All in favor.** Ronning stated ayes have it. **Motion passes unanimously.**
- Reconvene Open Session Sweeney stated if I may, Mr. Mayor. For the benefit of the public and for the record, I'd note the Council has now returned from a Closed Session where they reviewed matters relative to real estate acquisitions, some pending litigation, and a brief discussion on union negotiations. They received an update from the City Administrator as to a couple of property acquisitions and received some input as to strategies going forward with those property negotiations. With that being said, that concludes the report of the Closed Session.
- 10.0 Adjourn** **Mundle stated make a motion to adjourn. Harrington stated I'll second.** Ronning asked any discussion? In favor? **All in favor.** Ronning asked nays? Ayes have it. **Motion passes unanimously.**
- Meeting adjourned at 8:16 p.m.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial, Inc.