

EAST BETHEL CITY COUNCIL MEETING

SEPTEMBER 7, 2016

The East Bethel City Council met on September 7, 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
Pat Sweeney, City Attorney

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

2.0 Pledge of Allegiance The Pledge of Allegiance was recited.

3.0 Adopt Agenda **Harrington stated I'll make a motion to adopt tonight's agenda. Ronning stated second.** Voss asked any discussion? All in favor? **All in favor.** Voss asked opposed? Hearing none, that motion passes. **Motion passes unanimously.**

4.0 Presentation
4.0A
BR&E
Quarterly
Report
Doug Welter, EDA Member and Business Retention & Expansion (BR&E), presented a quarterly update and thanked the City, Connexus Energy, the University of Minnesota, and the East Bethel Chamber of Commerce for their support and partnership. He read the five high-level goals of the BR&E Program and presented an activity flow chart noting they are currently on the implementation phase. He stated the project teams started after the April commencement meeting and reviewed the projected timeline. Welter stated the names of those serving on the Leadership Team and indicated that Michael Darger is currently the University of Minnesota contact. He stated interview and data analysis resulted in emerging strategies to improve business retention and expansion through business assistance; upgrade of telecommunications/broadband services; improve the livability and conditions of doing business within East Bethel; and, improve communications between City entities and business. From that they rated areas of high importance and identified what is being done well and what needs action.

Welter stated from there, they formed three project teams: Broadband Project – Connect 17; Communications Project; and, Recruitment Project – EastBethelJobs.com. Welter displayed slides identifying the membership of each team and described their vision, goals, strategies, and activities to date. Welter announced the inaugural session of the Building Business Success Program will be held at the Senior Center on September 8, 2016. It will be a joint session of the Chambers of Commerce from Ham Lake and East Bethel to explore tools and tactics for turning ideas into results. This initiative will continue between the two Chambers to develop expertise in being more successful, which is the overall goal of the BR&E process.

Welter stated the next steps for the teams will be to progress toward their identified goals, set new goals as the process moves forward, measure activities and results, and to set up progress report on a regular basis. He stated the teams will meet quarterly and then a presentation will be made to the City Council.

4.0A Ronning asked if he knows how improvements/benefits/expansions will be measured and

BR&E
Quarterly
Report

recorded. Welter stated not specifically because each team is tasked to decide how they will monitor and gauge success and how they define success. As yet, they have not gotten that result but it has been discussed. One consideration will be how local businesses feel about the program, about what has been implemented, how well the jobsite is used, how many students are involved with local school programs, those kinds of things.

Ronning asked whether this information is available on a website. Welter stated that is a great idea and perhaps it can be incorporated as a link on the Chamber of Commerce website rather than creating a new website.

The Council thanked Mr. Welter for the thorough presentation and stated the entire program is very impressive, which works only through a lot of dedicated volunteers.

An audience member asked about the purpose of the BR&E. Welter explained it is to find how to improve the retention of existing East Bethel businesses and help those businesses expand and be more successful. Its purpose is not looking to attract new businesses.

Voss stated the City has received a lot of feedback over the years asking about the businesses that are already here and the City wants to make sure they are not forgotten. That is the focus of this program and its success will help everything. Mundle agreed the success of this program means success for the businesses in East Bethel and the more successful they are, the more it will attract new business to the City.

4.0B
2017 Prelim.
Levy and
Budget

Davis presented the staff report, indicating as a result of budget discussions conducted at the Council Work Session in July, City Council acknowledged that the preliminary property tax levy for 2017 be set such that funds are available to accomplish the goals and objectives identified in those meetings. The proposed preliminary 2017 General Fund Budget is proposed to be \$5,114,700, which is an increase of \$138,800 or 2.8% from the 2016 budget. A General Fund levy of \$4,171,400 is necessary for 2017, which is an increase of \$62,100 from 2016. A Debt Service levy of \$1,158,500 is necessary for 2017, which is an increase of \$16,500 from 2016 budget. The preliminary budget must be submitted to Anoka County by September 30, 2016. The preliminary budget can be reduced but not increased prior to the adoption of the final budget in December of 2016.

Davis stated staff recommends adoption of the HRA and EDA Levy and Budget by Resolutions 2016-46 and 2016-45 and submission to County on or before September 15, 2016. **Mundle stated I'll make a motion to adopt the HRA and EDA Levy and Budget by Resolution 2016-46 and Resolution 2016-45. Koller stated I'll second.** Voss asked any discussion? Voss noted the Council was provided with updated resolutions prior to this meeting based on the Special Meeting consensus to change the levy for the HRA. 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.**

Davis stated staff recommends adoption of the Preliminary Levy and Budget by Resolution 2016-44 and submission to the County on or before September 30, 2016. **Harrington stated I'll make a motion for adoption of the Preliminary Levy and Budget by Resolution 2016-44 and submission to the County on or before September 30, 2016. Koller stated I'll second.** Voss asked any discussion? To the motion, all in favor say aye? **All in favor.** Voss asked any opposed? Hearing none, that motion passes. **Motion passes unanimously.**

4.0B

Davis stated staff recommends setting the Final Levy and Budget Date by Resolution 2016-

2017 Prelim.
Levy and
Budget

43. **Mundle stated make a motion to set the Final Levy and budget date by Resolution 2016-43. Harrington stated I'll second.** Voss asked any discussion? All in favor of the motion say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

**5.0
Public
Forum**

City Assessor

Jerry Lancette, 356 196th Avenue, stated when the County Assessor was here to talk about property taxes, a couple came forward because their property tax increased significantly because they replaced a rotted deck with a new deck. He stated that couple had asked the Assessor several times why their taxes got so high and the Assessor said something like he had been there a couple of times and noticed the shrubs were trimmed, grass cut, and the yard looked nice. Lancette stated that made him ask himself if he didn't care for his grass, his taxes would not go up. Then the Assessor broke down the tax rates based on the size of parcels. The couple said they had 4.9 acres and the Assessor said he rounded up. Lancette took exception to that comment and opined that kind of flippant attitude from a person in charge of saying what the property value should be looked into.

Met Council
Reserve
Capacity
Loan Grant

Lancette stated he also wanted to talk about the agreement reached between the Met Council and City on the huge amount owing on the sewer and water. The article said the ceiling for East Bethel was \$2 million and the rest was forgiven. That was after the vote was taken on the tax increase implemented for 2016. Lancette stated he has never seen anything in the local newspapers or the City's website or City newsletter praising the fact the City was able to accomplish this, which was a great thing to do. However, it seems like it was on the secret side that the City got a settlement to only be on the hook for \$2 million because it continued to collect the tax increase for the coffers instead of giving it back. Lancette proposed that the Council decide to not collect any more from citizenry who is not hooked up to the sewer since the City no longer owes \$30 million. He also felt that asking for 2.4% more in taxes next year on top of what is already being collected is robbery by the government. Lancette believed the City of East Bethel owed it to the community to refund back that money since the payment is based on \$2 million and no longer based on \$30 million.

Voss explained the agreement being referred to between the Met Council and City focused on potential future costs. The agreement reached wiped out that potential and put a cap on it. Mundle stated this relates to the Reserve Capacity Loan. Davis explained there were two components. The first component was the City bonded for \$18 million for infrastructure improvements. That's what the payments were going for. The second component was money the City would owe the Met Council by 2040. That is what the City got the \$2 million cap on. Davis clarified that the City is not making any payments on that now. The payments being made now are for bonds for the water tower, water plant, collection sewer lines, and the water distribution lines. The agreement achieved with the Met Council released the City from potential liability for up to \$30 million in debt by 2040 and caps it at \$2 million. Voss agreed this was a huge deal for the City and it was publicized in the newsletter and articles. Ronning stated these events are well into the future of any current tax levies at the time.

City Assessor

Ronning asked Lancette if he had a question relating to his first point. Lancette stated it was not a question, it was his observation. He stated he had also talked to the Assessor about his tax increase but they didn't see eye to eye. Lancette reiterated his concern with the comments made by the Assessor as he had previously stated.

CST Update

Troy Strecker, 23673 Baltimore Street NE, stated he would like an update on the CST application and if there is a time limit. He noted residents have been attending the meetings but it has been three to four months since they have heard anything. He explained he would like to construct a pole barn this fall but not if the CST application is going to go through.

Davis stated it has been four months and three days since the City has heard anything from CST and a call to them approximately a month after their last contact was directed to their attorney. He stated the City Council ordered them to do an environmental worksheet on May 4, 2016, and there is no deadline for them to submit that so he does not know where they are in the process.

Voss asked whether the original application has a sunset date. Davis answered not on the environmental worksheet but the Site Review Plan has to be completed within one year or it expires. If CST does not do anything by May 4, 2017, they would have to start the process over again. Davis stated the City does not know what their intentions are at this point.

Failed
Building
Inspection for
Egress
Windows

Matt Kieger, 2001 Deerwood Lane NE, stated in 2011 he was struggling but decided to put some money into his house and build up the neighborhood. He pulled permits for siding and windows and worked overtime to get it done. Kieger stated he told the Inspector what he had planned for the siding and windows, put in the windows and did the siding and the Inspector passed the work. Now in 2016, he is ready to move to a larger house and the new City Inspector came out and failed all four windows. Kieger stated he was told by the City to come to the Council meeting to address this issue. He stated he has called the District Attorney who referred him to a website for lawyers, who he called. He was told he had a case but it will cost him a lot of money and the process will be procrastinated so he won't be able to keep up with it.

Kieger stated he tried to do everything by the books and didn't do anything illegal and now his response from the City was that they would talk to the City Attorney. After that conversation, he was told the City can't do anything. Kieger felt a better answer was that the City was partly at fault and offer half or be willing to work with him. Instead he was told he was at fault.

Voss stated he talked to Ms. Kieger and understands the issue is that the windows installed don't meet the egress requirements of the State Building Code. Kieger stated that's correct, the windows are short by an inch, and he's not fighting the Code. He stated the other issue he has is with the three-season porch on his house that was done illegally. The new Inspector told him to put up a wall, which is wrong advice since it is a floating slab and doing so would damage his house. Kieger stated after he explained that to the Inspector, then the Inspector said he would take a second look at it.

Kieger restated he did things the right way, worked with the City, and now feels like he's been 'slapped in the face.' He does not feel right about selling his house and creating an issues for a first time homebuyer. He stated he does not feel that is right but unfortunately he is backed into a corner with no option but to do that.

Voss stated the other aspect of the issue is Kieger is not trying to sell the house but trying to make a rental property from it and that is the reason for the inspection. Kieger stated that is correct and he knows of many homes being rented in East Bethel that have not called for an inspection. Voss stated the City is well aware of that situation.

Failed
Building
Inspection for
Egress
Windows

Kieger stated he understands that a decision is not going to be made tonight but he cannot afford that because he is trying to do something for his family and he can't wait. He stated he has learned from his mistake and knows now you need to read the law and not trust anybody because they are not there for you, even the City Inspector.

Davis explained that Mr. Kieger called about an inspection for a rental license. The Building Official determined the windows do not meet egress standards. Davis stated everything Mr. Kieger has said is accurate. In 2012, a City Building Inspector approved the work with the installation of the windows and siding. That Inspector was wrong. Currently the Code says the egress windows have to have 5.2 square feet of opening and they have to be operable by no special means of instruction or tools. The windows that were installed don't do that so the decision made by the Inspector in 2012 was not the correct decision even for the Code at that time.

Davis stated he had a discussion with Mr. Kieger and his wife and told him he would talk to the City Attorney. The City Attorney gave his advice. Davis stated he told Kieger that staff did not have the authority to sign off on this nor agree to compensate anything so he encouraged him to come to the meeting and present his case so the Council can discuss the matter.

Ronning asked about the window opening and operation. Davis explained the State Building Code says the egress windows have to be full slide up for opening. Kieger stated his windows open 24 inches but it has to be 24 inches wide. Davis stated the maximum opening width is 16 or 18 inches so when fully open, they don't meet the Code requirements for the opening size. In addition, the windows are removable but the Code says they are not egress windows because you either have to have special instructions or tools.

Ronning asked what was the rough opening. Kieger stated this involves four windows and he does not have that information with him tonight but he does have some photos of the old and new windows. Davis stated the photos were provided to the Council. He explained the window width would be fine if the windows opened far enough.

Ronning asked how short is the window opening from meeting Code. Davis stated the windows opened in a range from 13 to 18 inches so it would be 4 to 6 inches short. Ronning stated there is probably a block in the window to prevent it from banging. Kieger stated he removed the blocks and it gave an extra inch or two. Ronning asked if instructions could be affixed to the window. Davis stated that would not meet Code.

Kieger stated he found a paragraph, maybe 33-04, in the Code on the Minnesota Fire Public Safety website saying there is special specifications that could be met or worked out but he does not know where that led to. Davis stated Fire Chief Ducharme also weighed in on this and but he is not aware of that discussion. Kieger stated he had no discussions with Chief Ducharme.

Voss asked Davis if he has suggestions on what the Council is able to do. Ronning asked what the Council would be prohibited from doing. Davis stated the Council would be prohibited from signing off on this as it would expose the City to potential liability. In discussing the matter with the City Attorney, he said in this case the City does not have any legal liability; however, the Council may want to assume the City has some ethical liability since it was approved erroneously and does not meet Code. Davis stated Kieger mentioned

Failed

Building Inspection for Egress Windows once about splitting the cost to replace the windows, which may be something the Council wants to discuss.

Attorney Sweeney advised it would not be in the City's best interest from a potential liability standpoint to sign off on something the City is now aware does not meet Code. This is based on the standpoint of the City, property owner, renters, or the new owner.

Kieger stated he would not argue that but his family has lived in this house since 2011 based on the City's signature that it was safe for him and his family. Koller asked who was the building Inspector in 2011. Davis answered Emanuel Sackey.

Voss stated this situation of a City Inspector wrongly approving something has probably come up in other cities. Attorney Sweeney stated he has been involved in that type of situation on a couple of occasions, such as with a grading/drainage issue, and in some of those instances the cities have tried to put together a solution in conjunction with the property owner to solve the problem. But, at the same time, the recommendation to fix it may result in the Council setting precedence for similar problems.

Voss stated the role of the City Inspector is to make sure that things are done to Code for the current and subsequent owners. Voss stated when he talked with Ms. Kieger, he had the impression the work was done by a licensed contractor and there is some expectation that the contractor knows what they are doing. Kieger clarified he did the work himself because he couldn't afford a contractor and that is why he met with the City Inspector at the beginning of the project. He stated he is willing to say he is half at fault and asked where the responsibility lies with the City Inspector.

Mundle stated coming from a contractor's point of view, the City can tell a contractor to do something and they can be wrong and the contractor will be at fault. It is not the City's fault. Kieger stated then he goes back to the point that his family was endangered because the City signed off on the permit. He stated his frustration is that the Council does not want to give him an answer because then the City will be on the hook.

Ronning stated the Council does not know what direction to turn at this point. Mundle stated we all sympathize with Kieger. Kieger stated that does no good when he spent money on this and is now being 'slapped in the face' two years later and told he has to redo it. Mundle stated that is part of the risk in doing your own work and it was Kieger's choice to do his own work and rely on the opinion of the City Inspector and to not consult the Code before installing the windows. Instead he went under the advice of the City Inspector. Kieger stated when you pull a siding and window inspection, he would recommend the guy coming out to inspect the siding and windows would know the Code for siding and windows. Kieger stated he is a licensed pipe fitter and deals with this all the time but his point is where does the responsibility lie, asking if the City gets off the hook and only sympathizes with him.

Ronning asked about the size of the windows. Kieger stated there are four windows and he would have to measure them. Voss stated all four windows do not meet Code and this is a 'black and white' issue as the City cannot go against the State Building Code. Kieger stated there is no argument about the Code.

Failed Davis asked Kieger what is his recommendation. Kieger he is torn because he had a dream

Building
Inspection for
Egress
Windows

that keeps getting broken. He stated his option is to protect his family and we should all feel ashamed because his choice is to sell the house but that then passes the buck to the next family that moves in. He stated he had offered an option but was told that wasn't an option so he has already moved on but wanted everyone here to be aware of what they get involved with when they call the City Inspector.

Voss stated Davis had suggested Kieger come to the meeting tonight to present his case but Davis is asking now what he would propose to resolve the matter. Voss stated we all understand the situation and Kieger's feelings on the matter but the question is what he is asking the Council to do. Kieger stated he is willing to do all the labor if the City pays for the material. That would be his proposal and to then have it inspected. Voss asked what the windows would cost. Kieger estimated around \$2,500 for all four windows, not including installation.

Harrington stated he thinks this is a fair proposal and that the City should take a little responsibility as it was a City employee that passed the inspection and now the new City Inspector has failed the windows. He supported the City stepping up to the plate and taking a little responsibility. Ronning stated there is not a legal obligation but there is some ethical obligation. Koller agreed with Harrington's comments.

Voss asked if staff has reviewed the file substantiate what happened with the inspections. Davis stated this has already been thoroughly reviewed and he is convinced the original inspection and approval of the windows was in error. Koller stated it was the City's error. Davis stated the error was approving the windows as egress windows. Voss asked if the rooms were used as bedrooms when the windows were installed. Kieger answered in the affirmative but noted one bedroom does not qualify as a bedroom because the standards require a closet. One room does not have a closet but still does not meet the Fire Code.

Davis stated it appears there is Council consensus for the City to work with Kieger to arrive at a dollar figure. He suggested the Building Official meet with Kieger to review the windows needed and get a price estimate so the work can be done as soon as possible. Davis stated Kieger has estimated the window cost at \$2,500 so the Council could consider a motion to authorize a cost not to exceed \$2,500 and then staff can work out the details.

Ronning stated if there is an official motion, it should be indicated it is a goodwill gesture, not a precedence setting consideration.

Voss asked whether a settlement agreement is needed. Attorney Sweeney advised the Council can move forward based on the factual record from tonight's discussion but he would recommend a signature on a release.

Harrington stated I'll make a motion to approve a goodwill offer for four windows not to exceed \$2,500 contingent up execution of a release agreement. Ronning stated second. Voss asked any discussion?

Ronning asked if the motion is appropriate. Attorney Sweeney advised it is. Voss asked whether the approval is for the actual invoiced cost of the four windows. Harrington stated that is correct. Ronning stated he hopes the windows don't exceed \$2,500 in cost. Kieger stated he can't imagine it would and thinks it will be lower than that amount. Davis stated it will depend on the type of window.

Failed
Building
Inspection for
Egress
Windows

Voss stated I'd like to make an amendment motion to clarify that the motion is for the replacement cost of the windows not to exceed \$2,500 based on the actual invoice cost that will be provided to the City. Harrington stated second. Voss asked any discussion? To the amendment, all in favor? **All in favor.** Voss asked any opposed? **Motion to amend passes unanimously.** Voss asked any discussion on the original motion as amended? Hearing no further discussion, all in favor say? **All in favor.** Voss asked any opposed? That motion passes. **Motion as amended passes unanimously.**

Kieger thanked the Council for its consideration and standing up to the plate. He stated this means a lot to him and it will mean a lot to his wife who felt it would be a waste of time to present their case before the Council.

6.0 Consent Agenda

Item A Approve Bills
~~Item B July 27, 2016 City Council Work Meeting Minutes~~
 Item C August 17, 2016 City Council Meeting Minutes
 Item D Resolution 2016-47, approving MN Amateur Sports Commission Grant Submittal
 Item E Temporary On-Sale Liquor Permit

Harrington stated I'll make a motion to adopt tonight's Consent Agenda. Koller stated I'll second. Voss asked any discussion? Mundle stated I'd like to pull Item B. Voss asked any other discussion? To the motion to approve the Consent Agenda minus Item B, all in favor say aye? **All in favor.** Voss asked opposed? Hearing none, that motion passes. **Motion passes unanimously.**

6.0B
July 27, 2016
Work
Meeting
Minutes

Mundle noted the minutes stated he was present but had arrived at 7 o'clock. He asked that the minutes note the time of his arrival. **Mundle stated I'll make a motion to approve the minutes from July 27, 2016 with that change. Harrington stated second.** Voss asked any discussion? All in favor? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

7.0 New Business

Commission, Association and Task Force Reports

7.0A
Planning
Commission
7.0A.1
Viking
Preserve
Concept Plan
& Prel. Plat

Davis presented the staff report, indicating the Preliminary Plat for Viking Preserve, a single family residential Planned Unit Development, was originally approved by the City Council on December 4, 2013. Since that time there have been modifications to the plat due requirements of the Army Corps of Engineers regarding wetland modification. On March 25, 2014, the Planning Commission reviewed a revised Preliminary Plat and recommended approval to the City Council but the developer, due to market issues, did not submit this plat for approval to the City Council. However, the developer requested approval to complete site grading and soils corrections for building pads during that period. City Council approved a Memorandum of Understanding on April 1, 2015, to enable the developer to proceed with that portion of the site preparation.

Davis stated the developer is now ready to proceed with the submission of the Preliminary Plat. As Planning Commission approval of the Preliminary Plat occurred over two years ago, a new public hearing and revision was required for this project. The public hearing was held at the August 23, 2016, Planning Commission Meeting.

7.0A.1

As part of the review process for the Preliminary Plat, agencies with jurisdictional

Viking
Preserve
Concept Plan
& Prel. Plat

responsibilities comment on the project and the City works with the developer to incorporate those changes into the Final Plat and a Developers Agreement. Based on review comments, the Preliminary Plat was revised as follows:

1. The number of lots on the plat was reduced from 60 to 48.
2. The developer is no longer proposing any homes beyond Lot 25, permitting the termination of Taylor Street at this point-
3. Buffering between Viking Boulevard and 193rd Lane will be done with berms and plantings.
4. Ponding areas for storm water detention are provided as required.
5. The developer will provide Outlot C as a buffer and preserve existing trees per the tree plan.
6. The developer will dedicate an additional 15 feet of right-of-way per requirements of the Anoka County Highway Department.
7. Sidewalks and trails are as shown on the site plan.
8. Park dedication fees will be required based on the valuation of the property prior to development not to exceed \$2,000 per lot.

Davis presented information on the current taxable market value, estimated total annual tax generated by the project once completed, and stated at the time of build out, \$268,800 in City SAC and WAC fees (2016 rates) will have been collected from this project. SAC and WAC fees will be paid at the time of connection. He then presented the recommendation of the Planning Commission and staff as detailed in the meeting packet.

Ronning stated move to approve the recommendation from the Planning Commission for approval of the Concept Plan and Preliminary Plat for Viking Preserve subject to the following conditions:

- 1. Approval of the City Engineer**
- 2. Approval of the Anoka County Highway Department**
- 3. Compliance with all requirements as outlined in Chapter 66 – Subdivisions**

Koller stated I'll second. Voss asked any discussion? Voss asked if Able Street fit the City's grid. Davis answered in the affirmative and stated it has not been used before. 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.** Ronning commented on the impact of the Army Corps of Engineer's finding to reduce the size of this plat, creating a terrible bind for this developer.

7.0A.2
Prairie Ridge
Final Plat

Davis presented the staff report and recommendation of the Planning Commission, at its August 23, 2016, meeting to approve the Final Plat for Prairie Ridge Estates. In addition, Anoka County Highway Department is requiring an additional ten-foot right-of-way dedication along County Road 24. That right-of-way dedication was indicated on the Preliminary Plat and is shown on the Final Plat. Per the Park Commission recommendation and as approved by the City Council, the developer will be required to install a trail along the portion of the site that fronts Bataan Street. All required documents as outlined in our Subdivision Ordinance Chapter 66 have been submitted and revised per staff and City Engineer recommendations. The Developer's Agreement for Prairie Ridge Estates has been reviewed by the City Attorney and is included in the meeting packet as Attachment 4.

7.0A.2

Davis presented the current taxable market value, estimated total tax generated by the parcel once developed, and noted this site is not served by municipal water and sewer and no SAC or WAC fees will be collected as these lots are developed. He presented the

recommendation of the Planning Commission and staff as detailed in the meeting packet.

Ronning stated move to adopt the Planning Commission recommendation for the Final Plat for Prairie Ridge Estates, PIN 03-33-23-22-0001, subject to the following conditions:

- 1. All comments from the City Engineer, City Attorney, and City Staff will be addressed.**
- 2. A trail is to be dedicated as delineated on the plat and constructed per City standards.**
- 3. The developer will enter into a Developer's Agreement with the City.**

Harrington stated I'll second. Voss asked any discussion?

Mundle asked who is constructing the trail, the developer or the city. Davis stated that it will be the developer or a contractor. The developer will pay the park dedication fee but it will not cover the total construction cost so at the last Council meeting, the Council agreed to pay for the difference in the cost. The City will contract for the construction of the trail to either the developer or a low bid contractor with the developer paying \$20,000 (park dedication fees) and the City paying for the balance of the project. Voss noted the project will include trail off this plat and asked whether the extension will be constructed. Davis stated at the last meeting, the Council committed that as part of the approval, the trail could be done in one or two phases. The next phase would take the trail to 226th Lane and the next phase would be from Yancy Street to Zylite Street, depending on what can be work out in the Parks budget.

Harrington thanked Mr. Strandland and Mr. Shaw, noting the City has not considered a Final Plat in nine years and now there are two of them. He stated this is a big step for the City so he wanted to thank both of them.

Voss asked whether the Council received the Final Plat drawing, noting it does not show the trail dedication. Mr. Strandland explained the trail easement has to be by separate document because on the plat you can only dedicate road right-of-way and drainage and utility easements. Voss stated it will be in the Developer's Agreement. Davis stated that is correct.

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

Davis stated staff recommends the Council consider approving the Prairie Ridge Estates Developer's Agreement as provided in Attachment 4. He indicated Attorney Vierling has reviewed and commented on this Agreement and those comments have been incorporated.

Ronning stated move to approve the Developer's Agreement of the Prairie Ridge Estates as provided in Attachment 4. Harrington stated second. Voss asked discussion? Hearing none, to the motion all in favor say aye? **All in favor.** Voss asked any opposed? That motion also passes. **Motion passes unanimously.**

7.0C None.

Park
Commission

7.0D None.

Road
Commission

8.0 None.

**Department
Reports**

8.0A

Community
Development

8.0B Davis presented the staff report and described the Phase 1 Service Road Project from 187th
Engineer Lane to Viking Boulevard, noting it will require filling 43,013 square feet of wetland. The
8.0B.1 Wetland Conservation Act requires that the filled wetland be replaced at a ratio of 2:1
Service Road which results in replacement of 86,026 square feet. Staff recommends these credits be
Wetlands purchased from an established wetland bank. The Purchase Agreement outlines the terms
Credit and condition for the purchase of 86,026 square feet of wetland credits from the Jim Nelson
bank in the amount of \$45,809. He presented the anticipated schedule for this project as
detailed in the meeting packet. Davis stated staff recommends Council consider approval of
the Purchase Agreement for Wetland Banking Credits for the Phase 1 Service Road Project.

Mundle referred to the Purchase Agreement, noting it indicates: the following is a sample
of possible purchase agreement for sale of wetland banking credits. He asked if that term
applies to the attachment. Davis stated that is correct, it is a template form that everyone
uses.

**Ronning stated move to approve the Purchase Agreement for Wetland Banking
Credits for the Phase 1 Service Road Project. Koller 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.**

8.0C
City Attorney

8.0C.1

Minnesota
Government
Access
Program

Davis presented the staff report, indicating the State of Minnesota implemented a new
document access program, "New MGA (Minnesota Government Access)," as of August 1,
2016. The MGA provides electronic access to appropriate court records and documents for
a government agency through login accounts for individual agency users and provides the
City Attorney with the same information as the former program. However, the change of
programs requires a new portal access and applications that must be completed by the City
to permit the City Attorney to access the information. Once approved, the City Attorney
will submit the application on the City's behalf. The access provided by this program
includes court information regarding a defendant's past criminal charges, convictions and
dispositions. Staff recommends that Council consider approval of the Master Subscriber
Agreement for Minnesota Court Data Services for Governmental Agencies.

**Mundle stated make a motion to approve the Master Subscriber Agreement for
Minnesota Court Data Services for Governmental Agencies. Harrington stated I'll
second.** Voss asked discussion? Voss asked is there a fiscal impact? Davis stated there is
none. 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.**

8.0D None.
Finance

8.0E Davis presented the staff report, indicating on August 17, 2016, the City Council directed staff to submit a grant request to the Minnesota Amateur Sports Commission for a new electric Zamboni. Staff has since been informed that an electric ice edger is an additional grant eligible item. The City's current edger is gas powered, eight years old, and in fair condition. The electric edger's total cost is \$6,750 and the City would be eligible to be reimbursed for half of those costs if the grant was approved. The City's Arena Fund would pay for the remaining costs associated with the electric edger. A requirement for the grant submittal is City approval of a resolution. Staff recommends that the City Council consider approving Resolution 2016-48, adding an electric ice edger to the City's grant application to the MN Amateur Sports Commission Mighty Ducks Grant Program.

Ronning stated move to consider approval of Resolution 2016-48 adding an electric ice edger to the City's grant application to the Minnesota Amateur Sports Commission's Mighty Ducks Grant Program. Harrington stated I'll second. Voss asked any discussion?

In response to a question by Voss, Davis explained an electric ice edger is a separate piece of equipment that cleans and levels the area around the dasher boards. Koller asked what's wrong with the current edger. Davis stated it will have to be replaced in four to five years at a cost of \$4,500 in today's dollars. If the grant is approved, the electric edger removes concerns with emissions and would save money in the long run. Voss asked about resale value of the current edger. Davis estimated there may be \$700-\$800 in resale value. Koller asked if this is another case of replacing equipment because of the grant. Davis stated the grant is available and the Council needs to determine if it wants to take advantage of that opportunity.

Voss noted the edger cost substantially less than the electric Zamboni that had previously been discussed for grant application. Koller stated that is true but this consideration is still spending money just to buy something because the City gets help paying for it through a grant. Harrington stated another consideration is losing the liability of gas emissions, same as with the Zamboni. In addition, the City may not get the grant. Harrington stated he agrees with Koller about not spending money but when it comes to this type of liability, he thinks it more than worth considering. Koller stated he has never seen the edger used. Davis stated it is generally used during the day and well before the game starts. He noted stated this is a competitive grant program so there is no guarantee it will be funded. If supported by the Council, staff will add the edger to the grant application.

Voss asked any other discussion? To the motion, all in favor say aye? **Harrington, Mundle, Ronning, and Voss-Aye.** Voss asked opposed? **Koller-Nay.** That motion passes. **Motion passes 4-1 (Koller).**

8.0F None
Fire
Department

8.0G Davis presented the staff report, indicating Ms. Pond has changed the name from Ponds of City Hidden Prairie to Hidden Prairie Weddings and Events. He stated the City Council approved a Conditional Use Permit (CUP) on February 17, 2016, for an event center at a site located on 221st Avenue just east of PVS Auto. The CUP was required to permit this Administrator

8.0G.1
Hidden
Prairie
Weddings and
Events
Temp.
Easement
Agreement

use on a split zoned site. Ms. Lisa Palm, the CUP applicant, appeared before City Council on July 6, 2016, and requested that she be exempted from the requirements to meet City street standards and be allowed to install an entrance drive within the public right-of-way to access her business. Council reviewed Ms. Palm's request and discussed at length the consequences of both positions; an entrance drive or full subgrade construction to City street standards. The City right-of-way that Ms. Palm proposes to utilize as entrance drive to access her business is the first phase of a City frontage road that will eventually connect 221st Avenue to 215th Avenue. This frontage road is a priority transportation component of the City's Comprehensive Plan.

Davis stated the Council had directed staff to prepare an agreement that would allow a temporary access within the City right-of-way that provides access to her property. In the agreement, Council also directed staff to address her concerns while protecting the City's exposure to liability for the installation and use of a temporary entrance drive and define terms and obligations relating to future extensions of the temporary entrance drive, conversion to a City street, and obligations of both parties.

Davis advised of discussions and revisions of the agreement between City staff and Ms. Palm as reflected in Attachment 3. In addition, City Attorney Vierling was able to convert the City's original offer of a license agreement to a recordable temporary easement to satisfy requirements of Ms. Palm's lenders. The Temporary Easement Agreement as proposed by the City Attorney would satisfy those concerns and requirements previously identified by the City, including but not limited to the conditions for the Grantee as detailed in the staff report. Davis stated staff recommends that Council consider approval of the Temporary Easement Agreement as submitted by the City Attorney permitting the use of City right-of-way for an entrance drive for Ms. Palm's business, Hidden Prairie Weddings and Events, subject to the conditions contained therein or as modified by Council.

Ronning stated move to approve the Temporary Easement Agreement as submitted by the City Attorney permitting the use of City right-of-way for an entrance drive for Ms. Palm's business, Hidden Prairie Weddings and Events, subject to the conditions contained therein or as modified by Council. Koller stated I'll second. Voss asked any discussion? Hearing no discussion, to the motion, all in favor say aye? All in favor. Voss asked any opposed? That motion passes. Motion passes unanimously.

Voss stated the City looks forward to having this business. Ms. Pond advised of the timeline stated they plan to be open by next summer. The Council wished her luck and thanked her for bringing her business to East Bethel. Davis stated prior to signature, this Agreement will be revised to reflect the new name.

8.0G.2
Employee
Recognition
Program

Davis presented the staff report, indicating prior to 2010, acknowledgement of employees for their years of service to the citizens of East Bethel was done through an Employee Recognition Program. Minnesota Statute 15.46 authorizes the City to establish and operate such a program. He noted the meeting packet contains the City's Program that was adopted and effective January 1, 2009, that specifies eligibility for employees (full-time, part-time and paid-on-call fire fighters) with five or more years of service for recognition. This program has been inactive since 2010. Davis described what the program provides for recognition. He explained that should Council wish to continue this Program there may be a need to consider the recognition awards and the Annual Employee Appreciation Event. Currently there are 24 of our Firefighters and 12 City Hall/Public Works employees that meet the current interval recognition requirements. If the Council wishes to resume this

8.0G.2
Employee
Recognition
Program

Program, staff proposes to review the gift award and Annual Employee Event and provide recommendations to City Council at the September 21, 2016 meeting. Staff is seeking direction from City Council as to continuation and/or modification of this Program.

Mundle asked if staff believes there should be different awards. Davis stated he is concerned with providing recognition gifts and would like the opportunity to find out how other cities do this. He stated since 2006 there has not been an annual employee event as it is too hard to schedule and get people to attend. For recognition, he prefers asking them to attend a meeting before the full Council.

Ronning noted staff is closer to people subject to recognition and since this issue is before the Council, staff must feel it is a worthwhile Program to consider again. Davis stated it was brought forward by some members of the Fire Department. Voss stated it was mentioned to him a month or so ago. He stated he served on the Council at the time this Program was implemented but does not know why the Program was never implemented. He noted that since it was considered, the State Auditor has ruled the City cannot have holiday parties and things like that, which may have been a factor. Voss supported having a recognition Program so the question is how to best do it. He suggested input also be requested from staff. Discussion was held on the benefit of recognizing employees and volunteers (fire fighters) for a job well done but perhaps the intervals should be modified.

The consensus of the Council was to direct staff to conduct further research and present a report and recommendation on an Employee Recognition Program at the next City Council Meeting.

9.0 Other
9.0A
Staff Reports

Davis stated on September 12-13, 2016, County Road 26/Gopher Drive will be closed to replace a culvert between 237th and 229th Avenues. Once the culvert is replaced that section of road is scheduled for an overlay from 237th Avenue to Durant Street.

9.0B
Council
Report –
Member
Mundle

Report on
Sunrise WMO
and
Upper Rum
WMO

Mundle reported on his attendance at the Sunrise Water Management Organization and Upper Rum River Watershed Management Organization (WMO) meetings. At the Sunrise meeting, a group presented on issues with invasive species issues with Linwood Lake and asked for direction to help the lake and about possible future assistance. The carp barriers are 98% done and the Anoka Conservation District will be holding an open house sometime in October. The Upper Rum WMO discussed the upcoming 10-year plan, projected annual budget, and opinion of MSA that the Board of Water & Soil Resources (BWSR) wants an annual budget of \$42,500 so the Upper Rum WMO can actually do something. Its current budget is \$17,500. A long discussion was held on whether to increase the budget to \$20,000 to incorporate a couple new things or different studies.

Voss stated it seems like a strange direction for the State to say to spend more money so we know you are doing more work rather than offering projects to do and then telling them to find the funding to complete them. Mundle stated the Upper Rum WMO is pretty conservative and does not want to do anything unless there is a proven issue that needs to be addressed. He explained the concern is that if BWSR does not like the Plan update, it can return it for more work or find the WMO is not doing their duty and dissolve it so the State can take control.

At the request of Ronning, Mundle explained the prevue of BWSR to control the WMOs in the seven-county metro, the preference for local control, and ability of Watershed Districts to tax.

Council Member Koller None.

Council Member Ronning None.

Council Member Harrington Recycle Day Harrington reported on his attendance at the August 29, 2016, Fire Department meeting, stating they hope to have the water tanker truck at the October Open House. He announced that Recycling Day will be September 17, 2016, at the Ice Arena.

Mayor Voss St. Andrews Carnival Voss announced he has been invited to participate in the St. Andrews Church carnival on September 24, 2016, which is a fund raiser, and has volunteered to be in the dunk tank.

Sheriff Open House Davis announced the Anoka County Sheriff’s Office Open House will be September 13, 2016. Voss encouraged attendance, as it is a very interesting event.

9.0C Other None.

10.0 Adjourn **Harrington 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 ay opposed? Hearing none, meeting adjourned. **Motion passes unanimously.**

Meeting adjourned at 8:50 p.m.

Submitted by:
Carla Wirth
TimeSaver Off Site Secretarial, Inc.