

EAST BETHEL CITY COUNCIL MEETING

OCTOBER 19, 2016

The East Bethel City Council met on October 19, 2016, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Steve Voss Tim Harrington Brian Mundle

MEMBERS ABSENT: Ron Koller Tom Ronning

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

1.0 Call to Order The October 19, 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. Under the Consent Agenda, I'd like to add Resolution No. 2016-54, A Resolution Approving Master Transcriber Agreement for Minnesota Court Data Services for Governmental Agencies as Item G. Mundle stated I'll second. Voss asked any discussion? All in favor? All in favor. Voss asked any opposed? That motion passes. Motion passes unanimously.**

4.0 Presentation
4.0A ACD Outstanding Conserv. Award Davis presented the staff report and explained the Anoka Conservation District (ACD) of an Outstanding Conservationist Award in recognition of conservation leadership. The 2016 Outstanding Conservationist is Leon Mager of East Bethel. Davis described the leadership of Leon with three community conservation groups, a Board Member of the Sunrise River Watershed Management Organization, and as a long-time contributor to the Coon Lake Improvement Association and Improvement District. In addition, Leon was integral in the development of citizen monitoring teams for aquatic invasive species mapping to ensure herbicide treatments were most effectively placed. He helped lead a petition process that resulted in the formation of a Lake Improvement District to fund long-term lake management. Davis indicated Leon serves as a leader through example at his own home where, in 2015, he installed a lakeshore buffer that was used by the Anoka Soil and Water Conservation District as an example to promote similar lakeshore buffers all around Coon Lake.

Jamie Schurbon, ACD Water Resource Specialist, introduced ACD Board Member Vici Nass who represented East Bethel, and ACD Board Chair Mary Jo Truchon. He described this annual award that recognized a natural resources leader and who may have done something at their own home to promote natural resources. In this case, Leon Mager has accomplished both. Mager was presented with an original artwork and thanked for his contribution.

4.0B Minn. Fresh Those in attendance offered a round of applause. Voss added the City's congratulations. Davis presented the staff report, noting Bruce and Sharon Johnson, of Minnesota Fresh Farm, in East Bethel were named the Anoka County Farm Family of the Year by the

Farms
Recog.
Award
Res. 2016-51

University of Minnesota and one of 81 families honored at the Farm Family Recognition Day, as part of the annual Minnesota Farmfest at Redwood Falls held August 4, 2016. The family was chosen by the University of Minnesota Anoka County Extension Committee based on their demonstrated commitment to enhancing and supporting agriculture.

Davis described the history of Bruce and Sharon Johnson’s farm that now comprises 72 acres in Anoka County of which 15 acres are in vegetable production, 25 acres are rented for sod, and the rest are wooded. Sustainable production is a priority on their farm, raising most crops without pesticides and only a light application of nitrogen fertilizer.

Davis also described the Johnsons’ passion for educating youth about farming and work with Opportunity Services in Anoka and a Twin Cities-based charter school. The family credits the University of Minnesota with providing a great deal of educational material that assists them with their farm. He listed the local organizations this family is active with, noting they were recognized locally at the Anoka County Farm Bureau annual meeting. Davis recommended adoption of Resolution No. 2016-51.

Mundle stated make a motion to approve Resolution No. 2016-51 Recognizing the Accomplishments of Sharon and Bruce Johnson and their Contributions to the City of East Bethel. Harrington stated I’ll second. Voss asked any discussion? Hearing none, all in favor say aye? All in favor. Voss asked any opposed? That motion passes. Motion passes unanimously.

Voss presented a framed Resolution to Bruce and Sharon Johnson and their son Luke. He extended the City’s congratulations and stated the Johnsons have a wonderful farm operation.

4.0C
Anoka
County
Sheriff’s
Report

Commander Shelly Orlando presented the September 2016, Sheriff’s Report, describing the Sheriff’s Department response to three DWI arrests, one possession of stolen vehicles/5th degree possession/warrant arrest, and one possession of 5th degree controlled substance. She stated East Bethel’s stats for the first nine months of 2016 so that property crimes are down when compared to 2015, burglaries were 18 for the year and last year there had been 30 at this time; thefts were 86 compared to 130 at this time in 2015; and, damage to property was 29 reports in 2016 compared to 37 in 2015. Orlando stated it is promising that these numbers are going down, especially when across the nation crime statistics are rising.

Voss asked if this is the case in other Anoka County communities. Orlando stated it is being seen across the County. In response to Mundle as to the reason for this trend, Orlando stated it due to the presence of the Deputies and people are more cognizant in not leaving personal property in vehicles, they know where their teenage children are at, and things like that.

Mundle asked about Halloween safety advice. Orlando stated if out driving in the neighborhoods, they ask drivers to slow down and be on the lookout for excited children who may dart across the street and for parents to look through the candy collected even though the Anoka County Sheriff’s Department has never found anything suspicious, but as precautionary.

4.0C
Anoka

Harrington asked about a new County program receiving more money to fight heroin. Orlando stated it is a high intensity drug trafficking federal program that the five-county

County
Sheriff's
Report

metro area is now part of to fight drugs.

When asked, Orlando stated her recent ten weeks of training at Quantico, the FBI National Academy, was a great experience. She described the training that was specifically directed for law enforcement supervisors.

4.0D
Fire Dept.
Report

DuCharme noted September is Fire Prevention and Education Month so they have been busy. He described their school-related demonstration programs at elementary schools and thanked Dan Berry who is in charge of this program and fire fighters Mark Prachar, Bill Folwarski, Adam Arneson, Dan Meinen, Chad Fish, and Todd Bennett, some of who took vacation time from their regular jobs to participate.

DuCharme stated Troy Lachinski has reported the Heart Safe Program has now trained a total of 2,000 East Bethel residents in CPR and use of an AED and 1,000 people this year alone. Lachinski is also working with the cities of Ham Lake and St. Francis on obtaining a Heart Safe recognition within the next year. DuCharme stated he does an outstanding job.

DuCharme reported on the good turnout at the Fire Department Open House and stated it will be held on a Thursday again next year as it was higher attended. He stated the North Air Care helicopter also landed during the event. DuCharme thanked the vendors who participated. Harrington noted the Department is also able to get more displays if the Open House is held on a Thursday including the canine unit and Connexus. DuCharme agreed, noting the Water Patrol and Allina also participated and an older ambulance was displayed.

DuCharme stated the Department conducted a training burn at 305 Lakeshore in Coon Lake Beach that was funded by the Minnesota Board of Fire Fighter Training and Education. Twelve fire fighters participated in that training. He thanked Al Westlund for donating the building for this training, the Auxiliary for providing food, and Smokey's for donating pizza. DuCharme also thanked Councilmember Harrington who had met him at the fire station at 7 a.m., brought donuts, and put in a long day during this training event, even washing one of the fire trucks when it was over.

DuCharme reported the new tanker truck is 100% in service and the 1987 tanker was sold through MinnBid for \$16,800 by purchased the Northwest Angle Fire Department. They also sold a 1984 fire truck for \$4,030 to a farmer located northwest of Grand Forks.

DuCharme presented the September 2016 Fire Department Report, stating they responded to 39 calls with 28 being medical related. He described one fire call on Madison Street during which a person's legs were seriously burned so he was air lifted to Regions Hospital. The flash fire incident occurred in his detached garage but after the event it was seen that the structure was not damaged. It is thought that fire could be related to the use of acetone, which is used to clean parts, and requires proper ventilation as it is extremely dangerous and burns without visible flames after sinking to the floor and finding an ignition source. DuCharme stated of the 28 medical calls, 19 were transported by Allina and there were also several lift assists.

Harrington thanked the Fire Department for their Fire Prevention and Education program at the elementary school. He stated he was at the school and noticed the children's priceless smiles while going through the fire truck.

4.0D
Fire Dept.

An audience member asked about an incident behind Ampride. DuCharme stated a two-inch gas line was cut, which he determined was dangerous enough to consider evacuating

the theater but that was not done because they were able to work with the gas company. He noted that is a busy area and the only way out is 187th Avenue.

**5.0
Public
Hearing**

5.0A
Fillmore St.
Feas. Report
Res. 2016-32

City Engineer Jochum presented the staff report, indicating that based on a petition from 66.7 percent of the property owners of the Tolzmann's Whispering Pines Plat, the City Council directed staff to prepare a feasibility report. The report reviews the feasibility of paving Fillmore Street NE from 189th Avenue NE to the north cul-de-sac.

Jochum described the improvements that would include construction of Fillmore Street to a 24-foot wide paved surface with 2-foot top-soiled shoulders and ditches. The proposed street section would consist of 4 inches of Class 5 aggregate base with 3.5 inches of bituminous per the City standard. This project may require minor drainage improvements.

Jochum explained the report assumes that the benefitting property owners will be assessed for the non-maintenance construction items which include bituminous surface items. Project costs would be assessed on a per unit basis with one-unit assessment for each lot. There are six lots within the subdivision that are adjacent to Fillmore Street. Based on a total assessment amount of \$29,268 the per unit assessment would be \$4,878. It was noted that a sample Assessment Schedule is shown on Exhibit D of the Feasibility Report. The proposed assessment has been calculated at an interest rate of 4% for 10 years. Should the assessment be paid in full within 30 days of the date of the adoption of the assessment roll, no interest is charged. Interest is charged from the date of the adoption of the assessment roll through the end of the year in which it is paid. Prior to conducting the public hearing, staff recommends Council approve Resolution No. 2016-52.

Harrington stated I'll make a motion for approval of Resolution No. 2016-52, Resolution Receiving Report. Mundle stated I'll second. Voss asked any discussion? Hearing none, to the resolution all in favor aye? **All in favor.** Voss asked any opposed? That resolution passes. **Motion passes unanimously.**

5.0B
Fillmore St.
Paving Proj.
Special
Assessment

Jochum explained that per Minnesota Statutes 429, an Improvement Hearing is required to assess a portion of the project costs. At the hearing, interested persons may voice their concern and provide input. As was discussed in the previous agenda item, the benefitting property owners will be assessed for the non-maintenance construction items which include bituminous surface items. Based on a total assessment amount of \$29,268 the per unit assessment would be \$4,878. Staff recommends Council conduct the Improvement Hearing.

Improvement
Hearing

Voss opened the Improvement Hearing at 7:35 p.m. There being no public input, Voss closed the Improvement Hearing at 7:36 p.m.

5.0C
Res. 2016-53
Ordering
Plans and
Specifications

Jochum stated per Minnesota Statutes 429.031, a resolution ordering the improvement may be adopted at any time within six months after the date of the Improvement Hearing. As the City Council has conducted the required Improvement Hearing, staff recommends approval of Resolution No. 2016-53.

Mundle stated make a motion to approve Resolution No. 2016-53, Resolution Ordering Improvement and Preparation of Plans. Harrington 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.**

6.0

No one signed to speak at the Public Forum.

Public Forum

7.0

Consent Agenda

- Item A Approve Bills
- Item B October 5, 2016 City Council Minutes
- Item C Liability Coverage Waiver Form
- ~~Item D PGM Final Payment~~
- Item E Pay Estimate #1 for the 2016 Street Improvement Project
- Item F Extractor Grant (Big Clothes Washer) Joint Application with Bethel Fire Department
- Item G Resolution No. 2016-54, A Resolution Approving Master Transcriber Agreement for Minnesota Court Data Services for Governmental Agencies

Harrington stated I'll make a motion to adopt tonight's Consent Agenda. Mundle stated I'll second with pulling Item D, PGM Final Payment. Voss asked any discussion? All in favor say aye? All in favor. Voss asked any opposed? That motion passes. Motion passes unanimously.

7.0D
PGM
Final
Payment

Mundle stated he will be abstaining from voting on Item D. **Voss stated I'll make a motion to approve Item D, PGM Final Payment in the amount of \$19,150 for removal of the Wastewater Treatment Plant. Harrington stated I'll second. Voss asked any discussion? To the motion, all in favor say aye? Harrington and Voss-Aye. Voss asked any opposed? Mundle-Abstain. Motion passes (2-0-1 Mundle).**

8.0

New Business

Commission, Association and Task Force Reports

8.0A
Planning
Commission
8.0A.1
Viking
Preserve
Final Plat

Davis presented the staff report and Preliminary Plat for Viking Preserve, a single-family residential Planned Unit Development (PUD) that was originally approved by the City Council on December 4, 2013. Since that time there have been modifications to the Plat due to comments received from the Army Corps of Engineers regarding wetland modification and other regulatory agencies. On March 25, 2014, the Planning Commission reviewed a revised Preliminary Plat and recommended approval to the City Council.

Davis explained the developer did not submit a Final Plat but requested that the City Council approve a Memorandum of Understanding (MOU) with the developer that would allow the developer to commence site grading in accordance with the grading plan for the proposed plat. The MOU was approved on April 1, 2015. The developer was ready to proceed with the Final Plat in August 2016, but due to the lapse of time since the previous approval, a new public hearing for the Preliminary Plat was required and held at the August 23, 2016 Planning Commission meeting. The Planning Commission recommended that City Council consider approval of the Preliminary Plat and Council approved this item at their September 7, 2016 meeting. The Planning Commission then recommended approval of the Final Plat for Viking Preserve, a 48-lot single family residential development located at Viking Boulevard and Taylor Street, at their September 27, 2016 meeting. It was noted the site has three zoning designations, R1, R2, and City Center and will be served by City water and sewer service.

Davis stated staff and the Planning Commission recommend City Council consider approval of the Viking Preserve PUD Final Plat subject to the satisfaction of the engineer's comments relating to this plat and direct staff to commence negotiations regarding a developer's agreement with Shaw Trucking, LLC for this project.

8.0A.1 **Harrington stated I'll make a motion for approval of Viking Preserve PUD Final Plat subject to the satisfaction of the engineer's comments relating to this plat and direct staff to commence negotiations regarding a developer's agreement with Shaw Trucking, LLC for this project. Mundle stated I'll second.** Voss asked any discussion?

Viking
Preserve
Final Plat

Harrington asked when it is expected to be built. Davis responded staff expects the roads and streets would be completed by June-July 2017. He explained the City Engineer has indicated the developer has satisfied the comments he provided relating to the plat. Jochum indicated that is correct but there are some minor construction plan items.

Voss asked any further discussion? If not, to the motion all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

8.0B
Oct. Roads
Comm.
8.0B.1
RCI Report

Davis presented October 11, 2016 Road's Commission report and items discussed including MnDOT's recommendation and findings of their Highway 65 Access Management Plan for the East Bethel segment of the corridor. It was noted the cities of East Bethel and Ham Lake have been working with MnDOT and Anoka County to prepare this Plan. The goal of this project is to identify intersection issues and points of access conflict that reduce the traffic load capacity and create safety issues along Highway 65 between Bunker Lake Boulevard and 245th Avenue.

Davis described the primary issues that the Plan will address as well as alternatives being considered by MnDOT to improve the intersection of Viking Boulevard and Highway 65. At the Roads Commission Meeting on October 11, 2016, MnDOT stated that based on their data, their preference for improvements at Highway 65/Viking Boulevard is the signalized J-Turn. In addition to the Highway 65 and Viking intersection, MnDOT also is proposing to simultaneously install un-signalized J-Turns at 187th Lane and 181st Avenue in East Bethel and 157th Avenue, 153rd Avenue, and 143rd Avenue in Ham Lake. The project, as presented, could begin in late 2018 and be completed in 2019.

Davis stated the Roads Commission recommended the Council consider a Memorandum of Understanding (MOU), which is a non-binding agreement that provides a plan to eliminate many points of intersection conflict between Bunker Lake Boulevard and 245th Avenue. It was noted that MnDOT presented their proposal to the East Bethel Chamber of Commerce at their October 13, 2016, meeting. The final report of the proposed signalized J-Turn for the Highway 65/Viking Boulevard has not been released. Upon completion, it will address the details associated with side street access, signalization timing, turn and merge lanes configurations, emergency service issues, and comparison of alternatives in terms of costs, traffic mobility, and safety. Davis noted MnDOT's proposals for intersection improvements in the City will be an agenda item for the Fall Town Hall Meeting on November 17, 2016.

Voss asked when the final report will be ready. Davis stated staff has not been told and he is scheduling a meeting with MnDOT to make sure the final report includes a comparison of the alternatives and how they provide the best benefit in terms of costs, safety consideration, and traffic mobility. He stated this is an important consideration and the City needs to know these hard facts to assure it was properly analyzed so the City comes out with the best possible solution for improvements at this intersection.

Voss asked what is the importance to MnDOT to have an MOU prior to release of the report. Davis stated MnDOT may want the MOU because it will be part of the submission

to the Federal Highway Administration as part of the funding justification.

Voss stated following the Chamber of Commerce meeting, he asked MnDOT engineer Sheila Kauppi to be present at next month's Town Hall Meeting for both the 6 p.m. and 7 p.m. sessions and that their presentation include a looped video. Davis stated he also asked MnDOT to summarize the Chamber's Power Point presentation with focus on the details not yet released relating to cost comparison and operational details on how the intersection will actually work.

Voss noted another major concern relates to business interest and how it is perceived for future development as the crossing of Highway 65 will be impacted. He asked about public input meetings that will be dedicated to this topic. Davis stated he has not received notice of those meetings so he will strongly encourage that point with MnDOT to make sure it is still on their agenda. Voss pointed out that making presentations before the Chamber and at a Town Hall Meeting does not satisfy the public input aspect of this project.

Informational; no action required at this time.

9.0
Department
Reports
9.0A
City
Administrator
9.0A.1
Code
Enforcement
Report

Davis presented the staff report, indicating at the October 5, 2016, City Council meeting, Code enforcement issues were discussed during the Public Forum. Concerns regarding Code enforcement were presented to the Council, particularly as they relate to the Sign Ordinance. At that meeting, he had briefly reviewed the time intensive nature of the process involved in Code enforcement and the City policy relative to this activity.

Davis explained that in order to assure all that Code enforcement is a priority even in light of the challenges in the performance this duty, a report of Code enforcement cases that have been investigated and resolved within the past ten months and a report of the open cases that are still in the process of resolution has been provided to the City Council. As noted in the reports, 47 Code enforcement cases involving 100 separate violations have been resolved in 2016 and 81 cases are still outstanding.

Davis stated staff would like to emphasize that contacts relative to violations are approached as a personal and sensitive matter. For first and even second offenses, up to three notifications and inspections are provided and extensions to address violations are given where conditions warrant that additional time is needed to correct the problem. It was noted the City has a reactive policy for Code enforcement violations and makes every attempt to consider each incident on a case-by-case basis as to particular circumstances and work with those cited to resolve a violation.

Informational; no action required at this time.

9.0A.2
Work
Meeting
Schedule

Davis presented the staff report, indicating City Council Work Meetings are scheduled for the fourth Wednesday of each month. Due to a scheduling conflict with the Chamber of Commerce/East Bethel Seniors Meet the Candidate Meeting on October 26, 2016, the Council is requested to re-schedule the Work Meeting to accommodate this important event.

Further discussion of the proposed Predatory Residency Restriction Ordinance could be included on the Work Meeting agenda. Staff recommends that the October Work Meeting be rescheduled for 6 p.m. on November 2, 2016.

9.0A.2

Mundle stated I'll make a motion to reschedule the October Work Meeting for

November 2, 2016, at 6 p.m. Harrington stated I'll second. Voss asked discussion?

Voss asked if it is known whether Ronning and Koller can make that date. Davis stated he has not yet checked their schedules but will do so. Mundle asked staff to send a reminder e-mail noting the time change. 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.**

10.0 Other
10.0A
Staff Reports

None.

10.0B
Council
Report –
Member
Mundle

Booster Days

Mundle reported on the discussion at the EDA meeting related to Booster Days and the City's future role. He explained this was prompted by Denise Lachinski announcing she will be resigning as the Booster Days Event Coordinator at the conclusion of the 2017 event. Mundle noted that unlike other nonprofit organizations, there is no structure for the Booster Day Committee so if it happens people resign, there is no plan for who will run it. He asked if no one is there to plan it, would East Bethel have a Booster Day. Mundle stated that discussion will be continued at the next EDA meeting.

Sunrise River
WMO

Mundle described the Sunrise River Water Management Organization (WMO) meeting and discussion on the Performance Review and Assistance Program (PRAP) review findings with the Board of Soil & Water Resources (BWSR). He stated the Sunrise River WMO does have the opportunity to respond to potential errors or disagreements in the PRAP finding so that will be submitted to BWSR for review.

Town Hall
Council
Member
Harrington

Mundle stated on November 17 there will be a Town Hall Meeting.

Harrington reminded residents of Meet the Candidates on November 26, 6-7 p.m. at the Senior Center and 7-9 p.m. at City Hall Chambers as well as on November 1, 7 p.m. at Coon Lake Beach.

Council
Member
Ronning

Ronning was not present.

Council
Member
Koller

Koller was not present.

Mayor Voss

Voss commented on the barrels along Highway 65, noting MnDOT has not notified the City if there will be a lane closure so staff will contact them to get more details. Davis stated that information will be posted to the City's website.

10.0C
Other

None.

11.0
Adjourn

Mundle stated I'll make a motion to adjourn. Harrington stated I'll second. Voss asked any discussion? All in favor? **All in favor.** Voss asked any opposed? Hearing none, that motion passes. **Motion passes unanimously.**

Meeting adjourned a 7:56 p.m.