

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: March 20, 2013



Item

7:30 PM **1.0 Call to Order**

7:31 PM **2.0 Pledge of Allegiance**

7:32 PM **3.0 Adopt Agenda**

7:33 PM **4.0 Report/Presentations**

A. Troy Ferguson, ISD #15

B. Sheriff's Report

7:50 PM **5.0 Public Forum**

8:10 PM **6.0 Consent Agenda**

Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration

Page 7-10 A. Approve Bills

Page 11-16 B. Recycling Grant

Page 17-34 C. Employee Benefits RFP

Page 35 D. Castle Towers/Whispering Aspens Force Main Project Bid Authorization

E. Fire Fighter Recommendations

New Business

7.0 Commission, Association and Task Force Reports

8:15 PM A. Economic Development Authority

8:17 PM B. Planning Commission

Page 36-44 1. Meeting Minutes, February 26, 2013

C. Park Commission

D. Road Commission

Page 45-49 1. Acceptance of bids and submittal of final bid quantities for 2013 JPA Street Maintenance Projects

8.0 Department Reports

8:19 PM A. Community Development

Page 50-57 1. Building Department Report

B. Engineer

C. Attorney

D. Finance

Page 58-61 1. Sunrise River WMO Budget

Page 62-65 2. Upper Rum River WMO Budget Recommendations

8:55 PM E. Public Works

9:10 PM F. Fire Department

Page 66-69 1. Fire Department Report

9:15 PM
Page 70-99

- G. City Administrator
 - 1. Ordinance 44, Second Series, Chapter 74, , Utilities, Article V, Regulating Waterworks and Sanitary Sewer

- 9:30 PM **9.0 Other**
 - A. Staff Reports
 - 1. Spring Road Restrictions
 - 2. Water and Sewer Project Update
 - 3. Finance Committee
 - 4. Minimal Impact Design (MIDS) Update
 - 5. Other

- 9:40 PM B. Council Reports
- 9:40 PM C. Other

9:45 PM **10.0 Adjourn**



City of East Bethel City Council Agenda Information

Date:

March 20, 2013

Agenda Item Number:

Item 6.0 A-F

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Regular City Council Meeting minutes from the February 20, 2013 meeting and Regular City Council Meeting minutes for the March 6, 2013 meeting will be available for review and approval at the April 3, 2013 City Council Meeting.

Item C

Approve 2013 Residential Recycling Agreement with Anoka County

The City annually receives a proposed agreement from Anoka County to share in the SCORE funding for recycling activities. The SCORE funds are made available through the State. These funds are collected by the state with a surcharge on waste disposal and disbursed to counties and cities for their recycling activities.

The City is eligible for reimbursement of up to \$52,792.00 for our recycling activities and programs. Staff recommends approval of the Agreement for Residential Recycling Program with Anoka County for calendar year 2013 and direction to execute the agreement on the City's behalf.

Item D

Employee Benefits RFP

The Insurance Agent Services for the City of East Bethel were bid in 2009. To ensure the City receives value for its investment in these services, it is recommended that these services be re-bid at this time. The selected agent will provide the following services for the City:

1. Advise and assist the City in evaluating and selecting among coverage alternatives such as plan coverage's, deductibles, co-payments, out of pocket payments, etc.
2. Review coverage documents and invoices to assure coverage has been correctly issued and billed.

3. Advise the City on potential gaps or overlaps in coverage's.
4. Assist the City with reviewing claims data and determining premium impact of any coverage changes.
5. Assist the City as requested in submitting claims and interpreting coverage as applied to claims.
6. Assist with COBRA/HIPAA administration audits, 5500s, forms and questions as needed.
7. Assist the City with Benefit Renewals through ensuring that all providers that meet City needs receive proposals and seek alternative coverage if requested.
8. Assist the City with Benefit Plan Design to contain cost and maximize benefit effectiveness.
9. Assist with setting up the renewals timing schedule annually. Assist with writing, reviewing, analyzing, and presenting Requests for Proposals during renewals. Provide side by side reporting for City review. Prepare and/or review and advise on contract renewals.
10. Provide written update on new State or Federal legislation or judicial decisions impacting the City and suggested action or changes in operations or procedures to assure compliance.
11. Provide advice on data practice, records retention and privacy issues. Research benefits questions and provide advice to the City as needed.
12. Establish relationships with those providers that will most greatly benefit the needs of the City of East Bethel.
13. The successful candidate will be in contact with the City's Fiscal & Support Services Director in all matters as they relate to benefit insurance for the City. Said candidate will also be required to address the City Council or City staff as the need arises.
14. Prompt response to questions and requests is an absolute requirement. It is expected that there will be more than one individual within the firm capable of addressing possible concerns of the City.
15. Analyze and report utilization trends and cost. Help to provide management and staff overview education on how best utilize and limit premium increases.

Attached is a draft RFP for Agent/Broker of Records for the City's Employee Benefits program. The City will solicit the RFP's through the City's website and League of Minnesota Cities website.

Staff is recommending approval of the RFP for Agent/Broker of Records for the City's Employee Benefits program, and direction to solicit quotes for Council consideration.

Item E

Castle Towers/Whispering Aspens Force Main Project Bid Authorization

Consider Resolution 2013-14 Approving Plans and Specifications and direction to solicit bids for the Castle Towers/Whispering Aspen Forcemain Construction Project.

The City Engineer has prepared plans and specifications for the Castle Towers/Whispering Aspen Forcemain Construction Project. The project will consist of the construction of approximately 34,200 lineal feet of 6-inch, 8-inch and 10-inch forcemain and one lift station. A complete set of plans and specifications are available at city hall for review. Payment for this project will be financed from the Utility Bond Funds that were saved from the redesign of the water treatment plant. Bids will be opened on April 25, 2013. Bids will be presented to the City Council at the May 1, 2013 meeting. A completion date of December 1, 2013 has been established in the contract documents.

Staff is recommending approval of Resolution 2013-14 Approving Plans and Specifications for the Castle Towers/Whispering Aspen Forcemain Construction Project and Direction to Solicit Bids.

Item F

Fire Fighter Recommendations

The Fire Chief recommends appointment of the following as probationary firefighters:

Adam Hemsley
Timothy Jungwirth
James Rogers
Chad Tagmeir
Benjamin Uden

The interview and selection panel has interviewed these applicants and found them to meet the requirements for appointment as probationary members of the Fire Department.

Each of these five applicants will be required to complete one year of service, attend the required drills and meetings. Each probationary firefighter will also be required to obtain their Class B license within 12 months, achieve Firefighter II Certification, and become at least First Responder Certified.

Prior to the completion of the one year probationary period, the Fire Chief will evaluate the performance of these probationary members and report to the Council those that are recommended as regular members of the Fire Department.

The Minnesota Firefighter Board of Training and Education (MBTE) will reimburse the City for the Firefighter I and II training costs and the Anoka County Fire Council SAFER Grant will reimburse the City for the cost of turn out gear of the new applicants.

One of the applicants is certified as Fire Fighter II and has many years of experience. One other applicant is a full time paramedic with an EMS Service and one other applicant is in college studying to become a paramedic.

Two Applicants will be assigned of Station 3

Two Applicants will be assigned of Station 2

One Applicant will be assigned to Station 1

With these appointments, the Fire Department will have a total of 38 Fire Fighters.

Chief DuCharme recommends that City Council appoint the individuals listed above as probationary firefighters.

Fiscal Impact:

As noted above.

Recommendation(s):

Recommend approval of the Consent Agenda as presented.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Payments for Council Approval March 20, 2013

Bills to be Approved for Payment	\$305,675.85
Electronic Payments	\$26,390.75
Payroll City Staff -March 14, 2013	\$29,274.51
Payroll City Council - March 14, 2013	\$1,770.96
Payroll Fire Dept - March 14, 2013	\$9,337.31
Total to be Approved for Payment	\$372,449.38

City of East Bethel

March 20, 2013

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
2005A Public Safety Bonds	Fiscal Agent s Fees	3338379	US Bank	301	30100	402.50
2005B 207th Serv Rd SA Bonds	Fiscal Agent s Fees	3338380	US Bank	303	30300	402.50
2008A GO SEWER REV BONDS	Fiscal Agent s Fees	3339859	US Bank	308	30800	425.00
Arena Operations	Bldgs/Facilities Repair/Maint	022613	Wright-Hennepin Coop Electric	615	49851	21.32
Arena Operations	Electric Utilities	022113	Connexus Energy	615	49851	4,344.28
Arena Operations	Professional Services Fees	55	Gibson's Management Company	615	49851	8,158.96
Arena Operations	Telephone	031713	CenturyLink	615	49851	113.41
Building Inspection	Electrical Inspections	030113	Brian Nelson Inspection Svcs	101		443.25
Building Inspection	Professional Services Fees	020213	Diversified Inspections, Inc.	101	42410	4,090.56
Central Services/Supplies	Information Systems	217238	City of Roseville	101	48150	2,392.33
Central Services/Supplies	Information Systems	03 2013	Midcontinent Communications	101	48150	1,283.00
Central Services/Supplies	Legal Notices	IQ 01811385	ECM Publishers, Inc.	101	48150	30.75
Central Services/Supplies	Office Equipment Rental	223237132	Loffler Companies, Inc.	101	48150	406.75
Central Services/Supplies	Office Supplies	52365679	Hewlett-Packard Company	101	48150	138.19
Central Services/Supplies	Office Supplies	52390712	Hewlett-Packard Company	101	48150	1,100.87
Central Services/Supplies	Office Supplies	645400757001	Office Depot	101	48150	44.97
Central Services/Supplies	Office Supplies	645400769001	Office Depot	101	48150	38.60
Central Services/Supplies	Office Supplies	646404931001	Office Depot	101	48150	3.13
Central Services/Supplies	Telephone	031713	CenturyLink	101	48150	237.21
Finance	Dues and Subscriptions	2013	MN GFOA	101	41520	120.00
Fire Department	Bldgs/Facilities Repair/Maint	022613	Wright-Hennepin Coop Electric	101	42210	5.32
Fire Department	Dues and Subscriptions	2013	MN Chapter IAAI	101	42210	25.00
Fire Department	Electric Utilities	022113	Connexus Energy	101	42210	737.74
Fire Department	Employer Paid Expenses	II10016697	Allina Health System	231	42210	3,300.00
Fire Department	Office Supplies	646404931001	Office Depot	101	42210	232.71
Fire Department	Personnel Advertising	132282	Aspen Mills, Inc.	231	42210	198.32
Fire Department	Personnel Advertising	202070	Swissphone	231	42210	840.00
Fire Department	Personnel Advertising	P44185920101	TigerDirect Inc.	231	42210	539.31
Fire Department	Personnel/Labor Relations	976023	LexisNexis Occ Health Solution	101	42210	150.00
Fire Department	Telephone	031713	CenturyLink	101	42210	410.30
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	10443	Betz Mechanical, Inc.	101	41940	374.46
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14921	GHP Enterprises, Inc.	101	41940	368.72
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-02-13	Premium Waters, Inc.	101	41940	63.08
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	121756	Robert B. Hill Company	101	41940	19.24
General Govt Buildings/Plant	Electric Utilities	022113	Connexus Energy	101	41940	790.71
Legal	Legal Fees	02 2013	Eckberg, Lammers, Briggs,	101	41610	8,232.45
Legal	Legal Fees	126217	Eckberg, Lammers, Briggs,	101	41610	3,362.04
Mayor/City Council	Professional Services Fees	226394	Municipal Code Corp.	101	41110	859.34
Mayor/City Council	Professional Services Fees	13-418	North Suburban Access Corp	101	41110	60.00
Park Maintenance	Electric Utilities	022113	Connexus Energy	101	43201	166.51
Payroll	Union Dues	022813	MN Public Employees Assn	101		419.00
Planning and Zoning	Professional Services Fees	642	Flat Rock Geographics, LLC	101	41910	941.63
Police	Professional Services Fees	225344	Anoka County Treasury Dept	101	42110	249,496.00
Police	Professional Services Fees	63771	Gopher State One-Call	101	42110	1.45
Recycling Operations	Electric Utilities	022113	Connexus Energy	226	43235	143.55
Recycling Operations	General Operating Supplies	363015782	BlueTarp Financial, Inc.	226	43235	276.36
Recycling Operations	Professional Services Fees	03 2013	Cedar East Bethel Lions	226	43235	1,000.00

City of East Bethel

March 20, 2013

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Sewer Operations	Bldgs/Facilities Repair/Maint	022613	Wright-Hennepin Coop Electric	602	49451	24.53
Sewer Operations	Electric Utilities	022113	Connexus Energy	602	49451	1,027.02
Sewer Operations	Professional Services Fees	82779	Utility Consultants, Inc.	602	49451	437.00
Street Maintenance	Bldg/Facility Repair Supplies	402378	Ham Lake Hardware	101	43220	20.30
Street Maintenance	Bldg/Facility Repair Supplies	402382	Ham Lake Hardware	101	43220	40.60
Street Maintenance	Bldg/Facility Repair Supplies	17300	Menards Cambridge	101	43220	99.34
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-02-13	Premium Waters, Inc.	101	43220	63.08
Street Maintenance	Bldgs/Facilities Repair/Maint	022613	Wright-Hennepin Coop Electric	101	43220	21.29
Street Maintenance	Electric Utilities	022113	Connexus Energy	101	43220	1,545.18
Street Maintenance	Equipment Parts	50434	Little Falls Machine Inc	101	43220	131.67
Street Maintenance	Equipment Parts	5939	Plow World, Inc.	101	43220	40.61
Street Maintenance	General Operating Supplies	17761	Menards Cambridge	101	43220	8.19
Street Maintenance	Motor Vehicles Parts	721260	Boyer Ford Trucks	101	43220	235.29
Street Maintenance	Motor Vehicles Parts	50527	Little Falls Machine Inc	101	43220	65.98
Street Maintenance	Motor Vehicles Parts	1539-201562	O'Reilly Auto Stores Inc.	101	43220	43.27
Street Maintenance	Motor Vehicles Parts	1539-202056	O'Reilly Auto Stores Inc.	101	43220	32.19
Street Maintenance	Professional Services Fees	2013-06	Michael A. Ericson	101	43220	600.00
Street Maintenance	Small Tools and Minor Equip	363015782	BlueTarp Financial, Inc.	101	43220	149.99
Street Maintenance	Street Maint Materials	47104	Plaisted Companies, Inc.	101	43220	1,365.64
Street Maintenance	Street Maint Materials	225659	Unique Paving Materials Corp	101	43220	148.29
Street Maintenance	Telephone	031713	CenturyLink	101	43220	68.67
Water Utility Operations	Bldgs/Facilities Repair/Maint	93192	Becker Arena Products,Inc	651	49401	85.93
Water Utility Operations	Bldgs/Facilities Repair/Maint	022613	Wright-Hennepin Coop Electric	601	49401	26.67
Water Utility Operations	Chemicals and Chem Products	3438777 RI	Hawkins, Inc	651	49401	60.00
Water Utility Operations	Cleaning Supplies	20920	Menards - Forest Lake	651	49401	41.11
Water Utility Operations	Electric Utilities	022113	Connexus Energy	651	49401	1,783.83
Water Utility Operations	Telephone	031713	CenturyLink	651	49401	299.36
						\$305,675.85

City of East Bethel

March 20, 2013

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Electronic Payments						
Payroll	PERA					\$5,599.66
Payroll	Federal Withholding					\$5,546.77
Payroll	Medicare Withholding					\$1,722.98
Payroll	FICA Tax Withholding					\$7,367.52
Payroll	State Withholding					\$2,317.77
Payroll	MSRS					\$3,836.05
						\$26,390.75

AGREEMENT FOR RESIDENTIAL RECYCLING PROGRAM

THIS AGREEMENT made and entered into on the 1st day of January, 2013, notwithstanding the date of the signatures of the parties, between the COUNTY OF ANOKA, State of Minnesota, hereinafter referred to as the "COUNTY", and the CITY OF EAST BETHEL, hereinafter referred to as the "MUNICIPALITY".

WITNESSETH:

WHEREAS, Anoka County will receive \$810,000.00 in funding from the State of Minnesota pursuant to Minn. Stat. § 115A.557 (hereinafter "SCORE funds") and \$330,000.00 in funding pursuant to Minn. Stat. § 473.8441 (hereinafter "LRDG funds ") prior to the effective date of this Agreement; and

WHEREAS, the County wishes to assist the Municipality in meeting recycling goals established by the Anoka County Board of Commissioners by providing said SCORE and LRDG funds to cities and townships in the County for solid waste recycling programs.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement, the parties mutually agree to the following terms and conditions:

37. **PURPOSE.** The purpose of this Agreement is to provide for cooperation between the County and the Municipality to implement solid waste recycling programs in the Municipality.
38. **TERM.** The term of this Agreement is from January 1, 2013 through December 31, 2013, unless earlier terminated as provided herein.
39. **DEFINITIONS.**
 - a. "Problem material" shall have the meaning set forth in Minn. Stat. § 115A.03, subdivision 24a.
 - b. "Multi-unit households" means households within apartment complexes, condominiums, townhomes, mobile homes and senior housing complexes.
 - c. "Opportunity to recycle" means providing recycling and curbside pickup or collection centers for recyclable materials as required by Minn. Stat. § 115A.552.
 - d. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
 - e. "Recyclable materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, fluorescent lamps, major appliances and vehicle batteries.
 - f. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.
 - g. "Yard waste" shall have the meaning set forth in Minn. Stat. § 115A.03, subdivision 38.

40. **PROGRAM.** The Municipality shall develop and implement a residential solid waste recycling program adequate to meet the Municipality's annual recycling goal of 1,090 tons of recyclable materials as established by the County. The Municipality shall ensure that the recyclable materials collected are delivered to processors or end markets for recycling.
- a. The Municipal recycling program shall include the following components:
 - i. Each household (including multi-unit households) in the Municipality shall have the opportunity to recycle at least four broad types of materials, such as paper, glass, plastic, metal and textiles.
 - ii. The recycling program shall be operated in compliance with all applicable federal, state, and local laws, ordinances, rules and regulations.
 - iii. The Municipality shall implement a public information program that contains at least the following components:
 - (1) One promotion is to be mailed to each household focused exclusively on the Municipality's recycling program;
 - (2) One promotion advertising recycling opportunities available for residents is to be included in the Municipality's newsletter or local newspaper; and
 - (3) Two community presentations are to be given on recycling.The public information components listed above must promote the focused recyclable material of the year as specified by the County. The County will provide the Municipality with background material on the focused recyclable material of the year.
 - iv. The Municipality, on an ongoing basis, shall identify new residents and provide detailed information on the recycling opportunities available to these new residents.
 - b. The Municipality is encouraged to expand its recycling program to include one or more of the following components in order to receive additional funding.
 - i. The Municipality shall organize either spring and fall clean-up recycling drop-off events or monthly recycling drop offs which can be held in conjunction with a neighboring municipality on a cooperative basis for the citizens of both Municipalities.
 - ii. The Municipality shall provide a community event recycling program, which at a minimum would consist of a providing recycling opportunities at all municipality sponsored events and festivals.
 - iii. The Municipality shall provide the opportunity for citizens to engage in recycling activities at municipal parks.
 - iv. The Municipality shall organize and manage a Full Service Recycling Drop-off Center.
 - c. If the Municipality's recycling program did not achieve the Municipality's recycling goals as established by the County for the prior calendar year, the Municipality shall prepare and submit to the County by March 31, 2013, a plan acceptable to County that is designed to achieve the recycling goals set forth in this Agreement.
5. **REPORTING.** The Municipality shall submit the following reports semiannually to the County no later than July 20, 2013 and January 20, 2014:
- a. An accounting of the amount of waste which has been recycled as a result of the Municipality's activities and the efforts of other community programs, redemption

centers and drop-off centers. For recycling programs, the Municipality shall certify the number of tons of each recyclable material which has been collected and the number of tons of each recyclable material which has been marketed. For recycling programs run by other persons or entities, the Municipality shall also provide documentation on forms provided by the County showing the tons of materials that were recycled by the Municipality's residents through these other programs. The Municipality shall keep detailed records documenting the disposition of all recyclable materials collected pursuant to this agreement. The Municipality shall also report the number of cubic yards or tons of yard waste collected for composting or landspreading, together with a description of the methodology used for calculations. Any other material removed from the waste stream by the Municipality, i.e. tires and used oil, shall also be reported separately.

- b. Information regarding any revenue received from sources other than the County for the Municipality's recycling programs.
- c. Copies of all promotional materials that have been prepared by the Municipality during the term of this Agreement to promote its recycling programs.

The Municipality agrees to furnish the County with additional reports in form and at frequencies requested by the County for financial evaluation, program management purposes, and reporting to the State of Minnesota.

- 6. **BILLING AND PAYMENT PROCEDURE.** The Municipality shall submit itemized invoices semiannually to the County for abatement activities no later than July 20, 2013 and January 20, 2014. Costs not billed by January 20, 2014 will not be eligible for funding. The invoices shall be paid in accordance with standard County procedures, subject to the approval of the Anoka County Board of Commissioners.
- 7. **ELIGIBILITY FOR FUNDS.** The Municipality is entitled to receive reimbursement for eligible expenses, less revenues or other reimbursement received, for eligible activities up to the project maximum as computed below, which shall not exceed \$52,792.00. The project maximum for eligible expenses shall be computed as follows:
 - a. A base amount of \$10,000.00 for recycling activities only; and
 - b. \$5.00 per household for recycling activities only; and
 - c. As provided according to the eligibility schedule in Attachment A for each of the following services: Full Service Recycling Drop-off Center, Spring/Fall or Monthly Drop-off events; Municipal Park Recycling; Community Event Recycling; and Enhancement Grants; and
 - d. After considering the 2013 Municipal Funding Request (Attachment B) designating the additional Grant Projects that the City will undertake in the upcoming year.

Notwithstanding any provision to the contrary, the County reserves the right to reduce the funding provided hereunder in the event the City does not undertake and complete the additional Grant Projects referenced in Attachment B.

- 8. **RECORDS.** The Municipality shall maintain financial and other records and accounts in accordance with requirements of the County and the State of Minnesota. The Municipality shall maintain strict accountability of all funds and maintain records of all

receipts and disbursements. Such records and accounts shall be maintained in a form which will permit the tracing of funds and program income to final expenditure. The Municipality shall maintain records sufficient to reflect that all funds received under this Agreement were expended in accordance with Minn. Stat. § 115A.557, subd. 2, for residential solid waste recycling purposes. The Municipality shall also maintain records of the quantities of materials recycled. All records and accounts shall be retained as provided by law, but in no event for a period of less than five years from the last receipt of payment from the County pursuant to this Agreement.

9. **AUDIT.** Pursuant to Minn. Stat. § 16C.05, the Municipality shall allow the County or other persons or agencies authorized by the County, and the State of Minnesota, including the Legislative Auditor or the State Auditor, access to the records of the Municipality at reasonable hours, including all books, records, documents, and accounting procedures and practices of the Municipality relevant to the subject matter of the Agreement, for purposes of audit. In addition, the County shall have access to the project site(s), if any, at reasonable hours.

10. **GENERAL PROVISIONS.**

- a. In performing the provisions of this Agreement, both parties agree to comply with all applicable federal, state or local laws, ordinances, rules, regulations or standards established by any agency or special governmental unit which are now or hereafter promulgated insofar as they relate to performance of the provisions of this Agreement. In addition, the Municipality shall comply with all applicable requirements of the State of Minnesota for the use of SCORE funds provided to the Municipality by the County under this Agreement.
- b. No person shall illegally, on the grounds of race, creed, color, religion, sex, marital status, public assistance status, sexual preference, handicap, age or national origin, be excluded from full employment rights in, participation in, be denied the benefits of, or be otherwise subjected to unlawful discrimination under any program, service or activity hereunder. The Municipality agrees to take affirmative action so that applicants and employees are treated equally with respect to the following: employment, upgrading, demotion, transfer, recruitment, layoff, termination, selection for training, rates of pay, and other forms of compensation.
- c. The Municipality shall be responsible for the performance of all subcontracts and shall ensure that the subcontractors perform fully the terms of the subcontract. The Agreement between the Municipality and a subcontractor shall obligate the subcontractor to comply fully with the terms of this Agreement.
- d. The Municipality agrees that the Municipality's employees and subcontractor's employees who provide services under this agreement and who fall within any job classification established and published by the Minnesota Department of Labor & Industry shall be paid, at a minimum, the prevailing wages rates as certified by said Department.
- e. It is understood and agreed that the entire Agreement is contained herein and that this Agreement supersedes all oral and written agreements and negotiations between the parties relating to the subject matter hereof.

- f. Any amendments, alterations, variations, modifications, or waivers of this Agreement shall be valid only when they have been reduced to writing, duly signed by the parties.
 - g. Contracts let and purchases made under this Agreement shall be made by the Municipality in conformance with all laws, rules, and regulations applicable to the Municipality.
 - h. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause or phrase of this Agreement is for any reason held to be contrary to law, such decision shall not affect the remaining portion of this Agreement.
 - i. Nothing in this Agreement shall be construed as creating the relationship of co-partners, joint venturers, or an association between the County and Municipality, nor shall the Municipality, its employees, agents or representatives be considered employees, agents, or representatives of the County for any purpose.
11. **PUBLICATION.** The Municipality shall acknowledge the financial assistance of the County on all promotional materials, reports and publications relating to the activities funded under this Agreement, by including the following acknowledgement: "Funded by the Anoka County Board of Commissioners and State SCORE funds (Select Committee on Recycling and the Environment).
12. **INDEMNIFICATION.** The County agrees to indemnify, defend, and hold the Municipality harmless from all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, resulting from the acts or omissions of its public officials, officers, agents, employees, and contractors relating to activities performed by the County under this Agreement.
- The Municipality agrees to indemnify, defend, and hold the County harmless from all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, resulting from the acts or omissions of its public officials, officers, agents, employees, and contractors relating to activities performed by the Municipality under this Agreement.
- The provisions of this subdivision shall survive the termination or expiration of the term of this Agreement.
13. **TERMINATION.** This Agreement may be terminated by mutual written agreement of the parties or by either party, with or without cause, by giving not less than seven (7) days written notice, delivered by mail or in person to the other party, specifying the date of termination. If this Agreement is terminated, assets acquired in whole or in part with funds provided under this Agreement shall be the property of the Municipality so long as said assets are used by the Municipality for the purpose of a landfill abatement program approved by the County.

IN WITNESS WHEREOF, the parties hereunto set their hands as of the dates first written above:

CITY OF EAST BETHEL

COUNTY OF ANOKA

By: _____

By: _____

Name: _____

Rhonda Sivarajah, Chair
Anoka County Board of Commissioners

Title: _____

Date: _____

Date: _____

By: _____

By: _____

Jerry Soma
County Administrator

Municipality's Clerk

Date: _____

Date: _____

Approved as to form and legality:

Approved as to form and legality:

Assistant County Attorney

REQUEST FOR PROPOSALS
For

**Agent /Broker of Record
For the City's Employee Benefits Program**

CITY OF EAST BETHEL
2241 221ST Avenue NE
East Bethel, MN

Release Date: March 22, 2013

**Proposal must be received
No Later Than: April 22, 2013**

Plan Effective Date: July 1, 2013

CITY OF EAST BETHEL

TABLE OF CONTENTS

SECTION

I. GENERAL INFORMATION

- Request for Proposal Notice
- Conditions and Stipulations
- Scope of Work to be Performed

II. CITY INFORMATION

- Background Information
- Summary of Coverage Options

III. PROPOSAL FORMS

- Required Contents of Proposal
- Proposal Evaluation

SECTION I – GENERAL INFORMATION

REQUEST FOR PROPOSAL NOTICE

CONDITIONS AND STIPULATIONS

SCOPE OF WORK TO BE PERFORMED

REQUEST FOR PROPOSAL NOTICE

Notice is hereby given that the City of East Bethel will accept Proposals for an Agent(s) of Record for the City's Health, Dental, Short-Term/Long-Term Disability and Life Insurance Programs until **4:00 PM on Monday April 22, 2013.**

All Proposals shall be clearly identified as the Employee Benefits Broker Proposal for the City of East Bethel. **Five (5)** copies of your Proposal should be forwarded to the City at the following address:

**City of East Bethel
Attn: Rita Pierce
2241 221st Avenue NE
East Bethel, MN 55011**

Proposals will be evaluated and the successful agent(s) will be determined and announced at a City Council meeting. The City reserves the right to reject any or all Proposals, waive formalities, negotiate terms and conditions, and to select the agent and service options that best meet the needs of the City and its employees.

During the evaluation process, the City of East Bethel reserves the right, where it may serve the City of East Bethel's best interest, to request additional information or clarifications from vendors, or to allow corrections of errors or omissions. At the discretion of the City of East Bethel, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

Inquiries, clarification, or requests for Proposal by electronic mail should be directed by telephone or e-mail to the following City contact:

**Rita Pierce
Fiscal & Support Services Director
rita.pierce@ci.east-bethel.mn.us
763-367-7852**

CONDITIONS AND STIPULATIONS

You are invited to submit your Proposal for the administration of the indicated benefit plans based on the information contained in this Request for Proposal. Firms may choose to be considered for any or all of the following services:

- Health
- Dental
- COBRA Administration
- Short Term/Long Term Disability
- Life Insurance

Unless a specific note is made to the contrary in your Proposal or a subsequent contract, we will assume that your Proposal conforms to the City's Specifications and an award to you will bind you to comply fully with all of the following Conditions, Stipulations, and Specifications.

General Conditions and Stipulations

- The City reserves the right to accept or reject any or all proposals and to waive formalities and select the agent(s) that best meet the needs of the city and its employees. The City's objective is to select an agent(s) who will provide the best possible service at the best possible cost while meeting the Request for Proposal specifications. The City is not obligated to award the contract based on cost alone. The City reserves the right to designate more than one agent of record for the different coverage options.
- Agent(s) that are awarded the business shall submit an action-plan and timetable for assuming responsibilities to the City within thirty (30) days from when the Council approves the selected agent(s) of record.
- A servicing representative must be available to the City on an on-going basis. Representatives must be available at the all open enrollment meetings during the contract period to explain the plan and enroll City employees in the benefits programs. Representatives must also be available for all plan design and cost containment planning meetings.
- The agent(s) who is selected must be recognized as an agent or apply to be an agent for the Benefit Carriers used by the City.

AGENT SCOPE AND RESPONSIBILITIES

The City of East Bethel desires the agent to perform the following services:

1. Advise and assist the City in evaluating and selecting among coverage alternatives such as plan coverage's, deductibles, co-payments, out of pocket payments, etc.
2. Review coverage documents and invoices to assure coverage has been correctly issued and billed.
3. Advise the City on potential gaps or overlaps in coverage's.
4. Assist the City with reviewing claims data and determining premium impact of any coverage changes.
5. Assist the City as requested in submitting claims and interpreting coverage as applied to claims.
6. Assist with COBRA/HIPAA administration audits, 5500s, forms and questions as needed.
7. Assist the City with Benefit Renewals through ensuring that all providers that meet City needs receive proposals and seek alternative coverage if requested.
8. Assist the City with Benefit Plan Design to contain cost and maximize benefit effectiveness.
9. Assist with setting up the renewals timing schedule annually. Assist with writing, reviewing, analyzing, and presenting Requests for Proposals during renewals. Provide side by side reporting for City review. Prepare and/or review and advise on contract renewals.
10. Provide written update on new State or Federal legislation or judicial decisions impacting the City and suggested action or changes in operations or procedures to assure compliance.
11. Provide advice on data practice, records retention and privacy issues. Research benefits questions and provide advice to the City as needed.
12. Establish relationships with those providers that will most greatly benefit the needs of the City of East Bethel.

13. The successful candidate will be in contact with the City's Fiscal & Support Services Director in all matters as they relate to benefit insurance for the City. Said candidate will also be required to address the City Council or City staff as the need arises.
14. Prompt response to questions and requests is an absolute requirement. It is expected that there will be more than one individual within the firm capable of addressing possible concerns of the City.
15. Analyze and report utilization trends and cost. Help to provide management and staff overview education on how best utilize and limit premium increases.

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SECTION II – CITY INFORMATION

BACKGROUND INFORMATION

SUMMARY OF COVERAGE OPTIONS

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BACKGROUND INFORMATION

The City of East Bethel, at the northern edge of the Minneapolis-St. Paul metropolitan area is a developing Statutory City with a current population over 13,000. The form of government is Council/Administrator. East Bethel is governed by a City Council composed of a Mayor and four Council Members. East Bethel has approximately 18 benefit eligible employees and 1 eligible COBRA/Retiree extender (Dental only).

The City is located at:

**City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011**

POLICY FOR RETAINING PROFESSIONAL CONSULTANTS:

- It is the policy of the City to employ a consistent practice for selecting and retaining professional services. Contracts for professional services shall be for three (3) years, subject to termination for cause or for the convenience of the City.

SUMMARY OF COVERAGE OPTIONS

The City has retained CBIZ as its agent of record for health and dental insurance, Life Insurance, Short Term and Long Term Disability for the past four years.

The following information is provided as a summary of coverage and history for the City of East Bethel's health, dental, life insurance, short term and long term disability employee benefits plans. Attached you will also see a summary of benefits and options for each plan.

Health:

The City is currently insured by Medica. Employees are eligible if they work a minimum of 20 hours per week and there are 18 total eligible employees. Employees that have insurance coverage through another source (i.e. spouse, etc...) are allowed to waive coverage. This is verified annually.

One plan choice is available. The 1000/35 plan is a "gatekeeper plan"; all care must be coordinated through a selected home clinic.

Next, is a summary of the 2012-2013 Health Insurance:

Medica Elect
September 1, 2012 – August 31, 2013

Adult Age	2012-2013 Rates 1000-35	Current Number Enrolled
<25	\$280.27	
25 – 29	\$280.27	1
30 – 34	\$313.40	1
35 – 39	\$315.26	2
40 – 44	\$346.53	
45 – 49	\$416.50	4
50 – 54	\$527.05	4
55 – 59	\$660.30	4
60 – 64	\$840.45	1
65+	\$647.27	1
65+MDCR	\$647.27	
1 Child	\$228.54	
2 Children	\$457.08	2
3+ Children	\$685.62	

Partial Listing of Covered Services	Medica Elect In-Network Benefits <i>This plan requires referrals. Coordinate care through Primary Care Clinic for best benefits.</i>	Out-of-Network Benefits*
Annual Deductible	\$1,000 per member \$3,000 per family	\$3,000 per member \$9,000 per family
Annual Out-of-Pocket Maximum	\$3,500 per member \$7,000 per family	\$9,000 per member
Lifetime Maximum	Unlimited	\$1,000,000
	When you receive covered services after the deductible has been met, the plan pays:	When you receive covered services after the deductible has been met, the plan pays:
Preventive Care • Routine Physical & Eye Exams • Immunizations and Cancer Screenings • Well Child Care	<i>The deductible does not apply to these services.</i> 100% 100% 100%	50% 50% Covered as an in-network benefit.
Office Visits • Illness or Injury • Chiropractic Care • Physical, Occupational & Speech Therapy • Mental Health and Substance Abuse	<i>The deductible does not apply to these services.</i> 100% after \$25 copayment. 100% after \$25 copayment. 100% after \$25 copayment. 100% after \$25 copayment.	50% 50% <i>Limited to 15 visits per member, per year.</i> 50% <i>Physical and occupational therapy is limited to a combined limit of 20 visits per member, per year.</i> 50% <i>Speech therapy is limited to 20 visits per member, per year.</i> 50%
Convenience Care/ Retail Health Clinic Visits	<i>The deductible does not apply.</i> 100% after \$10 copayment.	50%
Prescription Drugs <i>Up to a 31-day supply per prescription</i>	<i>The deductible does not apply to these services.</i> Tier 1: 100% after \$12 copayment Tier 2: 100% after \$50 copayment Tier 3: 100% after \$90 copayment	60%. Member pays the greater of 40% or a \$90 copayment per prescription unit.
Specialty Prescription Drugs <i>Up to a 31-day supply per prescription for specialty prescription drugs received from a designated specialty pharmacy.</i>	<i>The deductible does not apply to these services.</i> Tier 1: 80%. Member does not pay more than \$200 per prescription unit. Tier 2: 60%	No Coverage
Inpatient Hospital Services • Facility • Physician • Mental Health and Substance Abuse	75% 75% 75%	50% 50% 50%
Outpatient Hospital Services • Facility • Physician	75% 75%	50% 50%
Lab and Pathology	100% <i>The deductible does not apply.</i>	50%
X-Ray and Other Imaging	75%	50%
Urgent or Emergency Care • Urgent Care Center • Hospital Emergency Room • Emergency Ambulance	100% after \$25 copayment <i>The deductible does not apply.</i> 75% 75%	Covered as an in-network benefit. Covered as an in-network benefit. Covered as an in-network benefit.
Durable Medical Equipment and Prosthetics	75%	50%
Home Health Care <i>Limited to a combined maximum of 120 visits per member, per year for in-network and 60 visits out-of-network.</i>	75%	50%

Dental:

City of East Bethel is currently insured with Delta Dental. The benefit amount from Delta Dental is dependent on what dentist the employee chooses. The greatest amount of benefit is provided through the Delta Preferred Network. Below is a summary of the 2012-2013 Dental Insurance options:

Delta Dental
September 1, 2012 – August 31, 2013

	Current Rates	Current Enrollment
Single	\$40.15	9
Single +1	\$77.05	4
Family	\$105.35	2

Dual Option Program	DeltaPreferred Option Plan		DeltaPremier Plan
Millennium Choice – Standard Benefit Plan	DeltaPreferred Option Network	DeltaPremier Network	DeltaPremier Network
Diagnostic and Preventive Services <ul style="list-style-type: none"> ● Oral Evaluations (Checkup or Exam), Dental Cleanings ● Radiographs (X-rays), Fluoride Treatments 	100%	80%	100%
Basic Services <ul style="list-style-type: none"> ● Basic Restorative Care and Services <ul style="list-style-type: none"> ▪ Amalgam (silver) Fillings, Sealants, Space Maintainers, Palliative Treatment for Emergencies ● Oral Surgery Services <ul style="list-style-type: none"> ▪ Basic Extractions ▪ Complex Surgical Extractions ● Basic Endodontics ● Periodontics 	90%	50%	80%
<ul style="list-style-type: none"> ● Oral Surgery Services <ul style="list-style-type: none"> ▪ Basic Extractions ▪ Complex Surgical Extractions 	100%	50%	80%
<ul style="list-style-type: none"> ● Complex Surgical Extractions 	80%	80%	80%
<ul style="list-style-type: none"> ● Basic Endodontics 	80%	50%	50%
<ul style="list-style-type: none"> ● Periodontics 	80%	50%	50%
Major Services <ul style="list-style-type: none"> ● Complex or Major Restorative Services and Repairs <ul style="list-style-type: none"> ▪ Crowns ● Prosthetic Services <ul style="list-style-type: none"> ▪ Bridges and Dentures 	50%	50%	50%
Deductible Per person per calendar year Does not apply to Diagnostic and Preventive Services	None	\$25/\$75	\$25/\$75
Annual Maximum Per covered person per calendar year	\$2,000	\$2,000	\$1,000
DeltaPreferred Option Plan: This plan uses DeltaPreferred Option Network for the highest cost savings. DeltaPremier Plan: This plan uses DeltaPremier Network.			

Disability and Life Insurance

City of East Bethel is currently insured with Fort Dearborn Life. Participation in disability and basic life insurance is required under the City's Cafeteria Program. The City provides 100% of the premium cost of \$57.83 for disability (STD/LTD) and \$50,000 for basic life insurance (\$26.69 per pay period). Premiums are reported as taxable income to the employee. As a result, STD/LTD disability benefits are not taxable.

STD/LTD Elimination (waiting) period: 15 calendar days for STD; 90 calendar days for LTD.

Benefit provided: 60% of the employee's regular rate of pay (base wage) at the time of the disabling incident, less any income offsets (Income offsets would include Worker's Compensation, disability retirement, no-fault automobile policy, social security).

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SECTION III- PROPOSAL FORMS

REQUIRED CONTENTS OF PROPOSAL

PROPOSAL EVALUATION

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REQUIRED CONTENTS OF PROPOSAL

The purpose of the Proposal is to demonstrate the qualifications, service level, cost for services, competence and capacity of the firms seeking to become an agent of record for the City of East Bethel. The proposal should address all the points outlined here as required.

A. Which benefits program(s) your firm is bidding to be an agent of record for.

B. Firm History and Experience:

1. Brief history of firm including size and any specialty areas.
2. Background company data, including financial references.
3. Particular expertise or involvement in the insurance/employee benefits industry.
4. Municipality experience.
5. List of providers the firm is associated with.
6. Expected communication responsibilities.

C. Qualifications:

1. Description of service philosophy.
2. Conceptual program structure and pricing.
3. An introduction of the account team, by name with specific roles, qualifications and experience, and distribution of responsibilities including support capabilities.
4. Current use of technology, especially capability for computerized legal/benefit design research and for sharing and editing documents electronically.
5. Action-plan and timetable for assuming responsibilities as well as future design/cost containment plan.
6. Detail of services that will be provided to the City.
7. Indicate current responsibilities of person designated to serve as lead contact for the City.

D. References:

1. List new clients and the clients that have left you within the last three years. Provide the contact names and telephone numbers.
2. List of cities you currently represent and for what type of service. Provide the contact names and telephone numbers.
3. Provide the contact names and telephone numbers of five (5) clients in the State of Minnesota with whom you have had a working relationship, as a reference for the City. Include the number of participants for each group. (Preferably, the references should be governmental units.) Include two groups that recently terminated coverage.

E. Conflict of Interest:

1. Disclose any conflicts or perceived conflicts of interest.
2. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.

F. Previous engagements with the City of East Bethel:

1. List of previous engagements with the City of East Bethel.
2. Describe what lead to the end of the engagement.

G. Proposed Fee for Services:

1. Explanation of compensation plans for your firm under this proposal including all services to be included in that fee.
2. The proposal should contain the proposed fee for services in either a fixed dollar amount or as a percentage of premiums paid for coverage. Fees are to be maintained at the proposed level unless approval is given by the City Council for a change in the fee structure or level.
3. List any additional service options as well as the fee structure involved.
4. Indicate any alternate billing arrangements you would be willing to consider and under what circumstances they would be most appropriate.

H. Copies of the following items:

1. Errors and omissions coverage.
2. Business license.
3. Statement of compliance with federal and state laws.
4. Description of the firm's view of their responsibilities to the City in the provision of benefits brokerage services.

PROPOSAL EVALUATION

A. Criteria

The City will evaluate proposals based on the needs of the City and its employees. The following criteria will be used in evaluating each of the Agent/Broker responses:

1. Compliance with specifications.
2. Ability to provide strong administrative support and member services to the City.
3. Compliance with applicable State and Federal laws and regulations.
4. Financial position of the agency.
5. Cost.
6. Experience and Qualifications.

B. Review of Proposals

A selection committee of City staff will evaluate the proposals based upon the factors listed above and make a recommendation to the City Council.

The successful candidate will be required to enter into a written agreement with the City of East Bethel that will include service agreements and compensation for all coverage's. This agreement will last for a period of (3) three years and will contain a review process and termination provisions.

The City of East Bethel reserves the right to retain all proposals submitted and use any idea in a proposal regardless of whether that proposal is selected.

The City will choose the proposal(s) that best fits its needs. The City is not obligated to award the contract based on cost alone nor is the City obligated to award only one agent of record.

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2013-15

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE
CASTLE TOWERS/WHISPERING ASPEN FORCEMAIN CONSTRUCTION PROJECT
AND DIRECTION TO SOLICIT BIDS**

WHEREAS, the City Engineer has prepared plans and specifications for the Castle Towers/Whispering Aspen Forcemain Construction Project;

WHEREAS, the City Engineer has presented such plans and specifications to the Council for review, comment and approval; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL MINNESOTA THAT: The plans and specifications for the Castle Towers/Whispering Aspen Forcemain Construction Project are hereby approved.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF EAST BETHEL MINNESOTA THAT: The City Clerk is hereby authorized and directed to prepare and publish in the City's official paper an advertisement for bids for the aforementioned improvements based on the approved plans and specifications. The advertisement shall specify the work to be done, shall state that the bids will be opened at 11:00 a.m. on Thursday, April 25, 2013 in the City Council Chambers at City Hall, 2241 221st Avenue, East Bethel. No bids will be considered unless sealed and filed with the City Administrator and be accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City of East Bethel in the amount of five percent of any such bid in response to the advertisement.

Adopted this 20th day of March, 2013 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

EAST BETHEL PLANNING COMMISSION MEETING

February 26, 2013

The East Bethel Planning Commission met on February 26, 2013 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Tanner Balfany Lorraine Bonin Randy Plaisance Eldon Holmes
Brian Mundle, Jr. Lou Cornicelli Glenn Terry

MEMBERS ABSENT:

ALSO PRESENT: Colleen Winter, Community Development Director
Tom Ronning, City Council Member

Call to Order & Adopt Agenda

Chairperson Balfany called the February 26, 2013 meeting to order at 7:00 P.M.

Balfany motioned to adopt the February 26, 2013 agenda. Mundle seconded; all in favor, motion carries unanimously.

Oath of Reappointed Commission Member

On January 16, 2013, City Council held interviews of an interested resident and commission members wishing to continue work for the Planning Commission. City Council appointed the following to the Planning Commission:

1. Lorraine Bonin (reappointed), term expires January 31, 2016 (already sworn in)
2. Lou Cornicelli (reappointed), term expires January 31, 2016
3. Randy Plaisance (new appointment) term expires January 31, 2016 (already sworn in)

Lou Cornicelli will be taking the oath of office this evening.

I, Lou Cornicelli, do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

**Public
Hearing/Interim Use
Permit – A request
by owner, Paul
TremL, to obtain an
Interim Use Permit
for up to four (4)
horses. The location
being 19928 Polk St.
NE, East Bethel, MN
55011, PIN 19 33 23
41 0004. The Zoning**

Background Information

Property Owner/Applicant:

Paul TremL
19928 Polk St. NE
East Bethel, MN 55011

Property Location:

19928 Polk St. NE
PIN 19-33-23-41-0004

The applicant, Mr. Paul TremL, is requesting an IUP for the keeping of up to four (4) horses at his residence. Mr. TremL currently has three (3) horses, but in the future may wish to add an additional horse.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located

Classification for this property is R-1 Single Family Residential.

within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The 9.7-acre parcel is not located within a platted subdivision.

City Code has a limit on the number of animals per parcel. Four (4) horses require four (4) acres of pastureland. Pastureland is defined as land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands. The property owner is in the process of fencing pastureland for the horses. The fencing and a shelter for the horses must be completed prior to the horses occupying the property.

City staff has conducted a site inspection. The property meets the requirements set forth in City Code for the keeping of farm animals.

This is a very standard IUP, similar to others that have been approved in the City.

Recommendation:

City Staff is requesting Planning Commission recommend approval to the City Council for an IUP for the keeping of four (4) horses for Paul Treml, located at 19928 Polk St. NE, East Bethel, PIN 19-33-23-41-0004 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City.
2. Property owner shall provide shelter and have a minimum of four (4) acres of pastureland for the horses.
3. Property owner must comply with City Code Section 10. Article V. Farm Animals.
4. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions
5. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.
6. Property will be inspected and evaluated annually by city staff.
7. Conditions of the IUP must be met no later than March 15, 2013. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.

Mundle asked if there is already an IUP for the three horses.

Treml stated they purchased the property last year. It was a foreclosure. They currently have their horses in Ham Lake. Their intention is to move them to East Bethel after their pastures are ready and a pole building is built.

Mundle wondered if it is a four-acre, one per horse, and if the shelter is on the four acres, or would it be on another area of the property. Winter stated she would look into it. Holmes said in the past, it would not be on the acre of grazeable land. Winter said it is their intent to have the building in a different area. The landowners stated that is correct. Mundle stated maybe that should be stated clearly in the future. Winter said she would take note of that and look into

it. Holmes wondered how large the property is. Treml said it is 9.7 acres, but GIS states it is larger.

Terry motioned to recommend approval to the City Council of an IUP for the keeping of four (4) horses for Paul Treml, located at 19928 Polk St. NE, East Bethel, PIN 19-33-23-41-0004 with the following conditions:

1. **An Interim Use Permit Agreement must be signed and executed by the property owner and the City.**
2. **Property owner shall provide shelter and have a minimum of four (4) acres of pastureland for the horses**
3. **Property owner must comply with City Code Section 10. Article V. Farm Animals.**
4. **Permit shall expire when:**
 - a. **The property is sold, or**
 - b. **Non-compliance of IUP conditions**
5. **Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.**
6. **Property will be inspected and evaluated annually by city staff.**

Conditions of the IUP must be met no later than March 15, 2013. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP. Holmes seconded; all in favor, motion carries unanimously. This will go before the City Council at their March 6, 2013 meeting.

MIDS Update

John Bilotta and Jay Michel's roles are to assist the 4 pilot communities in education, training, and implementation of the new model ordinances that will help cities implement the new MIDS standards for stormwater management.

John Bilotta is an Extension Educator with the Minnesota Extension and Minnesota Sea Grant Programs and leads the Northland NEMO Program (Nonpoint Education for Municipal Officials – www.northlandnemo.org). John's efforts focus on providing effective education programs for local elected and appointed community leaders to enhance their knowledge about water management and land use and in providing train-the-trainer programs for colleagues in water resource education. John's background includes 12+ years in Extension Education at the University of Minnesota and 8 years in other public and private capacities in soil and water resource management. John has a BA in Environmental Studies and Natural Resources with an emphasis in Soil Resources and an MS in Soil Science with a focus on Fertility and Nutrient Management.

Jay Michel's is a Project Manager with Emmons & Olivier Resources in Oakdale, MN. He is a Certified Professional in Erosion and Sediment Control with over 25 years of experience in construction management, erosion control and stormwater management. The emphasis of his work is in Low Impact Development project design, project management, storm water pollution and erosion and sediment control planning and implementation, ordinance and storm water program development, and outreach and education. Jay is known for his work throughout the United States and Canada as an educator on Low Impact

Development, storm water management and erosion and sediment control.

Mr. Bilotta was not in attendance and the presentation was made by Mr. Michel's.

NEMO 101 - Why stormwater management and why volume control?

Michel's stated about a year and a half ago, the City applied to be part of the MIDS pilot project. There was an introduction in August to the City. This is the presentation he gives for the introduction and moving you through the definitions. We have two more workshops he would like to do. If there is some way we could fit it in in March or April that would be great. It gets a lot tougher from that point forward.

We are here to talk about the raindrop. We are the land of 10,000 lakes (11,642 lakes actually.) Forty percent of all surface waters in Minnesota are found to be impaired. There is one that is impaired in East Bethel. This is a big problem in Minnesota. Mundle asked what the definition of impaired is. Michel's stated it is based on State standards, based on the Clean Water Act.

To understand the issue we face, you have to understand the hydrologic cycle. We have very little in the way of runoff in Minnesota. We get huge amounts of infiltration in this area. What fouls this whole thing up is when we put in impervious surfaces. This flip-flops the equation. We have gotten very good at running it off. An impervious surface is anything that won't allow the raindrop to get into the ground.

In one of the first studies looking at impervious surface, above 10 percent you impact the receiving water. When you are above 25 percent you degrade the receiving water.

Water quantity impact

- Disruption of natural water balance
- Increased flood peaks
- Increased duration of flow
- Stream bank erosion
- Habitat loss
- Lower summer base flow

Increased quantity = Decreased quality

Development impacts on water quality

- Nutrients
- Pathogens
- Sediment
- Toxic contaminants
- Debris
- Thermal stress

How much water are we really talking about?

Conversion of partially vegetated site to residential development. In 2002 there

was 43 inches of rain – the typical rainfall is 34.6 inches. This was a very wet year. The area they studied was a 25-acre development, a field of corn and beans originally (an agriculture field). If we switch the field over to residential subdivision - the 25 acres, we had 9 rainfall events that generated run off. Now there are 29 that generate run off. These are the numbers that we develop pipes to. One of the things we see is compaction not being taken into play. If you take that into effect it goes to 39 rainfall events that generate run off. More than 12,000,000 gallons/year for a 25-acre site are now run off.

Bonin asked - the area where work has been done is becoming impervious. Does this ever soften up by natural means? Michel's said yes, it takes decades. He said that is why the ordinance recommendations require tilling of the land.

How much of this volume is reduced by using storm water ponds?

How does this effect phosphorus loading to a lake?

This is one of the major impairments in Minnesota.

In 1983 the National Urban Runoff Program (NURPS) was started. The program was a technical study that compiled data about urban runoff. This resulted in treatment recommendations and easy to apply standards for design and review. Leading to proliferation of ponds.

The NURPS study had us putting ponds everywhere. The ponds are full of sediments and we have hazardous waste in many of these. Maintenance has always been easy. We also have the issue of goose poop. That is a significant cause of phosphorus.

Traditional stormwater runoff management had us getting the water running off, taking it to a collection location and dropping it into a lake. This is a problem. We have one battle with new developments and a different battle with stray pipes.

There were three programs developed:

NPDES – There are three areas of this:

- The construction permit requires anything over an acre project (of soil being impacted) needs a storm water protection plan.
- The MS4 Program – East Bethel is part of the program, and is based on population.
- Industrial storm water program – the Cemstone plant is part of that. They need to have it permitted.

There are six minimum control measures that will need to be addressed.

TMDL

- 303 Impaired Waters List
- Total Maximum Daily Loads
- TMDL Studies
- TMDL Plan – Sources must reduce their contribution to assure the water quality standards are met.

Anti-degradation – City must demonstrate what past, present and future best management practices will be reasonably required to return stormwater runoff to 1988 levels.

The challenge – We need coordination and synchronization of coverage under federal and state regulatory programs.

It is how do you make the subdivision act like a forest? You do it by retaining and restoring the natural landscape. This is called Low Impact Development (LID). LID takes advantage of all of the features of the site (natural areas, sandy, water features, etc.). It is keeping soils healthy, deep tilling, breaking up compaction. It is treating storm water at the source.

About MIDS including 1) New performance goals for volume control; 2) SW BMP calculator; 3) Model ordinances

This was introduced in 2009 in the Minnesota Legislature. Minnesota was the first state to enact this legislation.

- Performance Goal. The performance goal is 1.1 inches. That is where we can get 90 percent of the pollutants. This will meet the anti-degradation standards.
- SW BMP Calculator. It is a work in progress and should be done in the very near future.
- Model Ordinances. This is the community assistance package. It looks at the critical areas where these things are addressed. It looks at the erosion and sediment control.

Nonstructural LID Tools

Planning/Design, Cluster Development, Conservation Design, Minimize Total Disturbed Area, Protect Natural Flow Pathways, Protect Riparian Buffer, etc.

LID Structural BMPs

Raingardens (Capturing rainwater/stormwater) – Bio-retention

Just like a regular planting but able to absorb rainwater and breakdown pollutants.

Research increasingly shows the benefits of infiltration. One of the greatest studies is over in H.B. Fuller Company Parking Lot. 1997 Study Ramsey Washington Metro Watershed District – Reduced storm water discharge by 73 percent. Reduced sediment discharge by 94 percent. Reduced phosphorus loading by 70 percent.

Terry wondered about mosquitoes and wasps and other things that aren't desirable. Michel's said they are designed for water to not be standing for more than 48 hours. We will get more mosquitoes in a catch basin.

Engineered Swales – Open, above-ground, are easier to maintain and troubleshoot. Installation costs are favorable compared to piped drains.

Buffer zones are also a bonus. We can also build storm water treatment under the

parking lots and streets.

Pervious pavement costs have been decreasing. There is pervious asphalt, pervious concrete and interlocking concrete pavers. Mundle asked comparing pervious asphalt versus green areas. How do you deal with compaction the roads need? How do you get the same compaction? Michel's said you don't use class five. If we are using porous pavement, we use washed pavement. Leaving out the clay. Bonin wondered about maintenance. Michel's said generally a vacuum sweeper coming over it a couple of times a year will clean it fine. It is a different world of maintenance.

Balfany wondered about oil, freon, etc. that drips from vehicles. Michel's said mother nature has enzymes that will eat that stuff. There is also a company doing research on this and they are working on a product that will enhance the enzymes. That is all part of what we look at in the ordinance. What can we do where? Do you want to do this at a gas station? Maybe not. Do you want to do it in an overflow parking lot for the church? Probably.

East Bethel existing ordinance audit highlights

Purpose

Activities Covered

Performance Standards

Site Design Process/Use of MIDS Credit Calculator

Inspections and Maintenance

Permit Review Process

Enforcement Actions

Winter stated we talked about being more creative with the developers. She thinks this whole project works with this. If we can incorporate this, and make it cost effective for developers.

Balfany wondered what we are looking at for the next couple of months.

Holmes wondered how quickly the rain gardens fill up with items we are gathering. Pretreatment is the secret to making it work. There should be three levels of pretreatment. More and more we are looking at a box approach for pretreatment.

Holmes asked about the chain of lakes up in Alexandria – they have zebra mussels. The lakes they are in are cleaner, because of the zebra mussels. Does that play a part in any of this? That will clean up water, but it completely throws the water balance off. Holmes wanted to know how you handle the zebra mussel lakes.

Terry wondered what kind of maintenance the rain garden needs and who performs it. Michel's said we are training staff at the U on how to maintain them. It is a whole different approach towards maintenance. Some communities hire it out, other communities have people on staff that do it. We talk about that in the ordinance. Terry said if we require a rain garden, then the company has to figure out how to maintain them. Michel's said we used to require it of homeowners

associations to maintain them.

At what point do we get other people involved. Do you anticipate this being a work meeting? Should it be Planning Commission and the Public Works Department Manager to be there? What about having people who are interested in development? Michel's said we are designing this as we go. Generally we work with the Planning Commission first, and then we take it to the City Council second. If we can get everyone together for three meetings, that would be great. As far as staff is concerned, we get this thing down the road a little farther and then we have a meeting with everyone. What about the development community? He would be happy to work with them. It is interesting that the development community has dwindled. It is a new generation of developers. We still have some of the bigger developers that are in the game.

Plaisance asked about plants and landscaping, and do you have partnerships with different landscaping companies that are familiar with your process. Is there anyone here that is local that is educated in that? Michel's said there are a number of native plant operators in the Twin Cities area. We will have all the site work on a contract and have all the plants and maintenance on a separate contract. If we have local landscapers that would be interested, he said we could get them into some training and get them that information/education.

Winter asked if a cost benefit analysis has been done on a traditional system versus a green system. If you look at their website, there is a study that was done. It shows cost information on the construction cost, the number of units, and all the things that they did. He will send Winter the study. There has been a lot of other side-by-sides. This development has the full spectrum.

Winter wondered if we should wait until the next Planning Commission. The deadline for this project is the end of August. One special meeting would be a work session to address the next two steps. We could also dedicate time at the next regular meeting for this. Bonin said we used to have extra meetings all the time.

Proposed to have a special meeting on the 19th at 7:00 p.m. Regular meeting on the 26th at 7:00 p.m. The Commission was fine with that.

Michel's provided everyone with a Community Assistance Package Pilot Community Draft. This will be something we will be working on.

**Approve January 22,
2012 Planning
Commission Meeting
Minutes**

Terry said, on page six, fourth paragraph, sixth line down, he wants it changed to Terry said if all the neighbors are fine with it, he would have no problem, but would not want to burden them. Strike the word and start the next sentence with also.

He also has two minor things on the next page. One is fourth paragraph down second sentence, Terry said that went in after, add to the comp plan.

The other question he had, the first paragraph where Tanner is talking about it. He didn't see anything about it about having to please the developers stated by

Lorraine.

Chair asked if there are any changes. No changes were mentioned.

Holmes made a motion to approve the January 22, 2012 minutes as presented. Mundle seconded; all in favor, motion carries.

Winter stated the EDA just made a change from verbatim to summary minutes. Holmes would like to see this approach. Winter said you still have the motions, you still have the list of items for conditions, but the discussion is summarized. For example, tonight's presentation would mean more, it would be much more helpful. We have everything recorded, so we could come back to the tape for reference. Bonin said she has been on this Commission long enough. She thinks the summary is a good idea. Cornicelli said it is according to Roberts Rule of Order and verbatim isn't worth the time. It is important to account for pros and cons. Terry asked how long the tapes are kept. Winter wasn't sure how long they are kept. Mundle said they have been recording them for a year. Terry said if you can't access the information, you wouldn't know what was considered or what was presented? What was asked about and why they are kept? Winter said she would ask Wendy about that. For everything that does come before you, we do keep the data on it. It is certainly something we can keep track of. A CD doesn't take up as much space.

Balfany motioned to move forward with summary minutes for the Planning Commission meetings versus verbatim minutes. Seconded by Cornicelli; all in favor, motion carries unanimously.

Holmes said we are going to record it onto the CD. Where will it be kept, in a fireproof case? How long will they be kept? Winter will look into it and see how long they will be kept and let the Commission know. Plaisance said he talked to Wendy about it and they will be keeping them forever. This will go into effect for the next Planning Commission meeting.

City Council Report

Three weeks ago we had an off site meeting. We discussed some of the things such as cleaning up the ordinances, making them more gender neutral. We also talked about the Hwy 65 Corridor. The meeting was held at Cedar Creek. What would you see on the Corridor?

Staff talked about upcoming needs in the next 5 years. We talked about financing, etc. It was outlining what the work plan is for the City for the next year. They also talked about training. They also looked at the licensing process and refunding licensing process. This is related to liquor licensing specifically.

Adjournment

Holmes made a motion to adjourn the meeting at 9:17 PM. Mundle seconded; all in favor, motion carries.

Submitted by:

Jill Anderson, Recording Secretary



City of East Bethel City Council Agenda Information

Date:

March 20, 2013

Agenda Item Number:

Item 7.0 D.1

Agenda Item:

2013 JPA Bid Results and Final Quantities

Requested Action:

Consider approving the 2013 JPA Street Maintenance Project Bids

Background Information:

The following projects were recommended to bid as part of the 2013 JPA Street Maintenance program. These projects have been identified in the 2013-2017 Street Capital Improvement Plan (CIP).

1. Seal coat 65,000 sq yds of City streets including Breezy Point Dr, Edmar Lane, Vickers St, Yalta St & 189th Ave, 191st Ave, East Front Blvd & 195th Ave, Jamestown St & 196th Ave, Staples St, and Waconia St.
2. Crack-seal 100,000 LF as part of the annual street maintenance program. Crack sealing will be performed prior to any seal coating applications.
3. 55,000 LF of striping to be determined.

Bidding these items did not obligate the City to accept the bid. The bid for individual items can be rejected or amended as to quantities to accommodate the project budget.

The estimated budget for seal coating, crack sealing and striping the above listed projects was \$230,300. These projects will be funded from the Street Capital Fund as identified in the 2013-2017 Capital Improvement Plan and the 2013 Street Maintenance Budget.

The bids for the East Bethel Projects were as follows:

Aggregate, 65,000 SY @ \$0.58/SY	\$37,700.00
CRS-2 Oil, 18,200 Gals @ \$2.55/Gal	\$46,410.00
Crack Sealing, 100,000' @ \$0.63/LF	\$63,000.00
Striping, 55,000' @ \$0.052/LF	\$ 3,317.19
Contingency (5%)	\$ 7,521.35
Tax (6.875%)	\$10,858.95
Administrative Cost (1.5%)	<u>\$ 2,547.10</u>
Total Project Cost	\$172,354.59

The bid was \$57,946 below cost estimates for the projects listed above.

With the consideration that bids for our portion of the project were significantly lower than the estimates and in order to keep up with street maintenance needs, staff and the Roads Commission recommend that an additional 150,000 linear feet be added to the above quantities at an additional cost of \$31,500.

An additional item staff and the Road Commission recommend is the contracting of inspection services for the seal coat portion of the contract. Most of the member cities have already taken advantage of this service for a number of years and staff feels the cost is well justified in the final product. The inspection services are provided by WSB Engineering and are based on an hourly rate. The cost of this service is not expected to exceed \$2,500.00.

Attachments:

- 1. JPA Project Map
- 2. Bid Results Sheet 2013
- 3. Letter of Concurrence

Fiscal Impact:

Funds for these projects are available in and were approved for 2013 Street Capital Improvement Plan. Approval of the bids and recommended additions would total \$206,354 and be \$23,946 under the estimated amount for this work.

Recommendation(s):

Staff and the Road Commission have reviewed the bids and recommend acceptance of the 2013 JPA Street Maintenance Agreement bids and authorization to submit a letter of concurrence to the City of Coon Rapids indicating our participation in these projects. Staff and the Road Commission also recommend increasing the crack sealing quantities of the contract to 150,000 linear feet and the contracting of seal coat inspection services for a total project cost of approximately \$206,354.

City Council Action

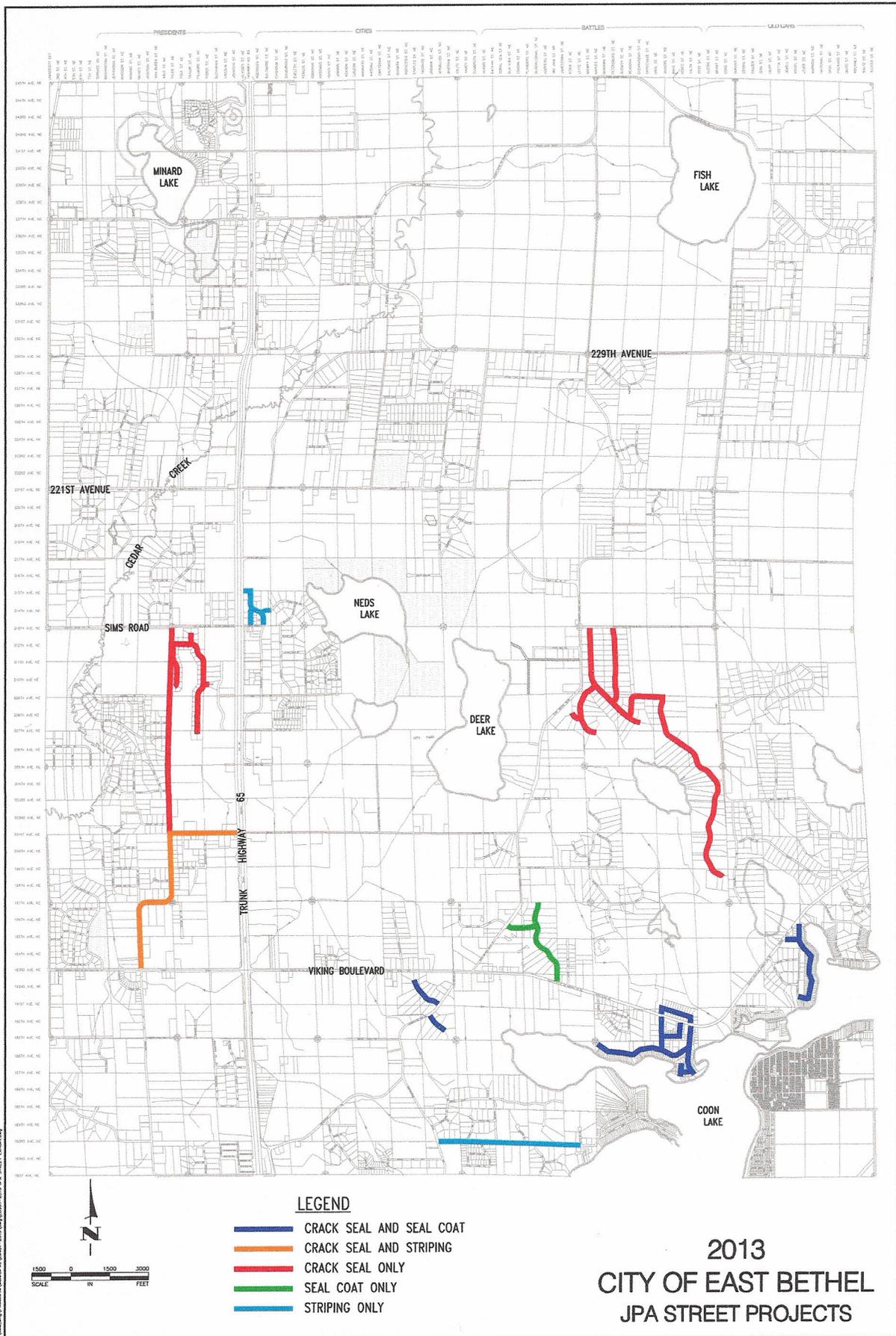
Motion by: _____

Second by: _____

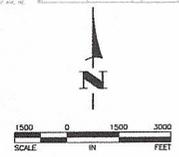
Vote Yes: _____

Vote No: _____

No Action Required: _____



04/11/2013 - 8:45am
 C:\Users\jpa\Documents\2013-2014\2013-2014 JPA STREET PROJECTS.dwg



- LEGEND**
- CRACK SEAL AND SEAL COAT
 - CRACK SEAL AND STRIPING
 - CRACK SEAL ONLY
 - SEAL COAT ONLY
 - STRIPING ONLY

2013
CITY OF EAST BETHEL
JPA STREET PROJECTS

CITY OF COON RAPIDS - BID TABULATION
2013 STREET MAINTENANCE PROGRAM - PROJECT 13-5
SEALCOATING, PAVEMENT MARKINGS, STREET SWEEPING
AND CRACK FILLING

BID OPENING: MARCH 1, 2013, 10:00 A.M.

PEARSON BROS.	ALLIED BLACKTOP	ASPHALT SURFACE TECHNOLOGIES CORP	AAA STRIPING SERVICE	TRAFFIC MARKING SERVICE	AMERICAN PAVEMENT SOLUTIONS
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NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
BID SCHEDULE NO. 1 - SEAL COAT															
1	AGGREGATE														
	DRESSER TRAP ROCK (BASE BID)														
	FURNISH / INSTALL FA-2 AGGREGATE	SY	921257	0.64	589,604.48	0.80	737,005.60	0.90	829,131.30						
	FURNISH / INSTALL FA-2 MODIFIED 1/8"	SY	232600	0.65	151,190.00	0.85	197,710.00	1.00	232,600.00						
	TOTAL DRESSER TRAP ROCK				740,794.48		934,715.60		1,061,731.30						
	GRANITE (ALTERNATE)														
	FURNISH / INSTALL FA-2 AGGREGATE	SY	921257	0.58	534,329.06	0.76	700,155.32	0.80	737,005.60						
	FURNISH / INSTALL FA-2 MODIFIED 1/8"	SY	232600	0.65	151,190.00	0.85	197,710.00	1.00	232,600.00						
	TOTAL GRANITE				685,519.06		897,865.32		969,605.60						
2	SEAL COAT OIL														
	FURNISH / INSTALL CRS-2 SEAL COAT OIL	GAL	268026	2.55	683,466.30	2.15	576,255.90	2.40	643,262.40						
	FURNISH / INSTALL CRS-2P (POLYMER MOD)	GAL	50209	2.85	143,095.65	2.55	128,032.95	2.85	143,095.65						
	TOTAL SEAL COAT OIL				826,561.95		704,288.85		786,358.05						
	TOTAL BID SCHEDULE NO. 1 (BASE BID)				1,567,356.43		1,639,004.45		1,848,089.35						
	TOTAL BID SCHEDULE NO. 1 (ALTERNATE)				1,512,081.01		1,602,154.17		1,755,963.65						
BID SCHEDULE NO. 2 - PAVEMENT MARKINGS															
1	FURNISH / INSTALL STREET MARKINGS	GAL	5632					19.30	108,697.60	20.25	114,048.00				
2	FURNISH / INSTALL STREET SYMBOLS	GAL	608					105.00	63,840.00	104.00	63,232.00				
	TOTAL BID SCHEDULE NO. 2								172,537.60		177,280.00				
BID SCHEDULE NO. 3 - STREET SWEEPING															
1	PROVIDE SPRING SWEEPING	HR	414	75.90	31,422.60	76.00	31,464.00								
2	PROVIDE FALL SWEEPING	HR	476	73.75	35,105.00	76.00	36,176.00								
	TOTAL BID SCHEDULE NO. 3				66,527.60		67,640.00								
BID SCHEDULE NO. 4 - CRACK SEALING															
1	FURNISH / INSTALL CRACK SEALING	LF	146020			0.72	105,134.40	0.869	126,891.38					0.63	91,992.60
SUMMARY OF BIDS															
	TOTAL SEALCOATING (BASE BID)				1,567,356.43		1,639,004.45		1,848,089.35						
	TOTAL SEALCOATING (ALTERNATE)				1,512,081.01		1,602,154.17		1,755,963.65						
	TOTAL PAVEMENT MARKINGS								172,537.60		177,280.00				
	TOTAL STREET SWEEPING				66,527.60		67,640.00								
	TOTAL CRACK SEALING						105,134.40		126,891.38						91,992.60



March 21, 2013

Mr. Tim Himmer
Director of Public Works
City of Coon Rapids
11155 Robinson Drive
Coon Rapids, MN 55433-3761

RE: JPA Letter of Concurrence in Award of Bids

Dear Mr. Himmer:

At the regular City Council meeting on March 20, 2013, the East Bethel City Council approved participation in the JPA Street Maintenance Project agreement for 2013. The City of East Bethel will participate in the Agreement at the bid rates for the following minimum quantities for the 2013 Street Maintenance Materials Project 13-5 bid which was received and opened by your office on March 1, 2013.

- 1.) Seal Coating.....65,000 SY
- 2.) Crack Sealing.....100,000 LF
- 3.) Striping..... 55,000 LF

Thank you for your assistance and we look forward to working with you and the consortium.

Sincerely,

Jack Davis
City Administrator



City of East Bethel City Council Agenda Information

Date:

March 20, 2013

Agenda Item Number:

Item 8.0 A.1

Agenda Item:

Building Official's Report

Requested Action:

Information Item

Background Information:

Attached are the Building Department reports for February 2013 for your review:

Total amounts billed for the Oak Grove Building Official and Inspections Services through the end of February 2013 are \$15,517.32. Total fees for this service for 2013 from Oak Grove are projected to be \$60,000. We are currently at 25.9% of that amount and if the trend of the first two months of the year continues we are on pace to collect \$93,104 for these services.

Fees collected in February for the City of East Bethel's permits totaled \$5,311.57 and through the end of February we have collected \$10,932.07. Total fees for Building Department Services within the City for 2013 are projected to be \$87,700 and we are currently on pace to collect \$65,592. It is anticipated that our permit revenues will increase once we encounter weather more favorable for construction activities.

Attachment(s):

Building Official's February 2013 Report

Fiscal Impact:

As noted above

Recommendation(s):

None at this time

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

BUILDING DEPARTMENT MONTHLY REPORT FOR EAST BETHEL

	Jan-13	Feb-13
Building Off. Calls & Counter	82	93
Office Staff Calls & Counter	200	209
Building Insp. Calls & Counter	0	0
New Code Violations	5	0
Code Violation Inspections	10	2
Code Violations Resolved	7	1
New Home Permits	0	0
New Commercial Permits	0	0
Mechanical Permits	5	11
Plumbing Permits	10	2
Septic System Permits	1	0
Building Inspections	55	45
Septic Inspections	0	0
Sewer Connection Permits	0	0
Sewer Connection Inspections	0	0
Water Connection Permits	0	0
Water Connection Inspections	0	0
Total Permits	29	22
Meetings	7	8

NOTE: This report does not show time for plan reviews for any of the permits issued.

CITY OF EAST BETHEL

Permits Issued & Fees Report - Summary

Issued Date From: 2/1/2013 To: 2/28/2013

Permit Type: All Property Type: All Construction Type: All

Include YTD: Yes Status: Not Voided

Permit Kind	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	Total Fees
Permit Type: BUILDING										
COMMERCIAL ALTERATION										
Period	0									
YTD	1	0	6,500.00	139.25						139.25
COMMERCIAL DEMOLITION										
Period	0									
YTD	1	0		50.00		5.00				55.00
COMMERCIAL REMODEL										
Period	0									
YTD	1	0	175,000.00	1,414.75	918.94	87.50				2,421.15
RESIDENTIAL ALTERATION										
Period	0									
YTD	1	0	0.00	101.00		5.00				106.00
RESIDENTIAL BASEMENT FINISH										
Period	0									
YTD	1	0	0.00	102.00		5.00				107.00
RESIDENTIAL DEMOLITION										
Period	1	0		50.00		5.00				55.00
YTD	1	0		50.00		5.00				55.00
RESIDENTIAL HVAC										
Period	0	0								
YTD	1	0		50.00		5.00				55.00
RESIDENTIAL REMODEL										
Period	2	0	7,000.00	182.90		3.50				186.40
YTD	3	0	16,000.00	351.15	108.71	8.00				467.86
RESIDENTIAL SIDING										
Period	1	0		81.00		5.00				86.00

Permit Kind	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Fees	Total Fees
Permit Type: BUILDING									
	YTD	2	0	162.00		10.00			172.00
RESIDENTIAL TEMPORARY SIGN PERMIT									
	Period	0	0						
	YTD	1	0						40.00
RESIDENTIAL WIN/DR REPLA(no opening change)									
	Period	2	0	101.00		10.00			111.00
	YTD	5	0	252.00		25.00			277.00
Permit Type: BUILDING - Totals									
	Period	6	0	414.90		23.50			438.40
	YTD	18	0	2,672.15	1,027.65	155.50			3,895.30
Permit Type: MECHANICAL									
COMMERCIAL HVAC									
	Period	1	0	3,000.00		150.00			3,150.00
	YTD	1	0	3,000.00		150.00			3,150.00
RESIDENTIAL FIREPLACE/ROUGH IN									
	Period	1	0	50.00		5.00			55.00
	YTD	2	0	100.00		10.00			110.00
RESIDENTIAL HVAC									
	Period	9	0	633.17		45.00			678.17
	YTD	13	0	833.17		65.00			898.17
Permit Type: MECHANICAL - Totals									
	Period	11	0	3,683.17		200.00			3,883.17
	YTD	16	0	3,933.17		225.00			4,158.17
Permit Type: PLUMBING									
COMMERCIAL NEW CONSTRUCTION									
	Period	0	0						
	YTD	1	0	690.00		34.50			724.50

Permit Kind	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC	SAC Fees	Total Fees
Permit Type: PLUMBING										
COMMERCIAL REMODEL										
Period	0	0								
YTD	1	0	20,000.00	200.00						200.00
RESIDENTIAL ADDITION										
Period	0	0								
YTD	1	0		50.00		5.00				55.00
RESIDENTIAL ALTERATION										
Period	0	0								
YTD	1	0		50.00		5.00				55.00
RESIDENTIAL NEW CONSTRUCTION										
Period	0	0								
YTD	1	0		75.00		5.00				80.00
RESIDENTIAL REMODEL										
Period	0	0								
YTD	3	0		150.00		15.00				165.00
RESIDENTIAL WATER HEATER										
Period	2	0		80.00		10.00				90.00
YTD	4	0		180.00		20.00				200.00
Permit Type: PLUMBING - Totals										
Period	2	0		80.00		10.00				90.00
YTD	12	0	89,000.00	1,395.00		84.50				1,479.50
Permit Type: RIGHT OF WAY										
COMMERCIAL RIGHT-OF-WAY										
Period	1	0		300.00						300.00
YTD	1	0		300.00						300.00
RESIDENTIAL RIGHT-OF-WAY										
Period	2	0		600.00						600.00
YTD	3	0		900.00						900.00

Permit Kind	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC	SAC Fees	Total Fees
Permit Type: RIGHT OF WAY - Totals										
Period	3	0		900.00						900.00
YTD	4	0		1,200.00						1,200.00
Permit Type: SEPTIC SYSTEM										
RESIDENTIAL NEW, BELOW GRADE										
Period	0	0								
YTD	1	0								200.00
Permit Type: SEPTIC SYSTEM - Totals										
Period	0	0								200.00
YTD	1	0								200.00
Report Total										
Period	22	0	\$307,000.00	5,078.07		233.50				5,311.57
YTD	51	0	\$586,500.00	9,200.32	1,027.65	465.00				10,932.97

OAK GROVE BUILDING DEPARTMENT MONTHLY REPORT

	Jan-13	Feb-13
Building Off. Calls & Counter	12	25
Office Staff Calls & Counter	60	40
Building Insp. Calls & Counter	0	0
Code Violation Inspections	0	0
New Home Permits	0	3
New Commercial Permits	0	0
Inspections	42	32
Total Permits	16	10
Meetings	1	0

NOTE: This report does not show time for plan reviews for any of the permits issued.



City of East Bethel City Council Agenda Information

Date:

March 20, 2013

Agenda Item Number:

Item 8.0 D.1

Agenda Item:

Sunrise River Water Management Organization (SRWMO) 2014 Budget

Requested Action:

Consider approval of or recommendations for amending the proposed 2014 SRWMO Budget

Background Information:

The Joint Powers Agreement between the City and the SRWMO requires the submission of the budget to all of the members for ratification. Their budget is implemented only after ratification by all parties to the Agreement.

East Bethel received the draft 2014 budget on March 6, 2013. The City has 60 days to respond to the SRWMO regarding the 2014 budget. Failure of the City to act within 60 days shall constitute approval of the budget.

The SRWMO will meet on May 2, 2013 to approve their final budget. Should the City Council desire to recommend changes in the SRWMO budget, they should submit these recommendations by no later than April 3, 2013 or they can approve the budget as presented at this time. The SRWMO budget is proposed to increase from \$47,895 to \$48,765 or 1.8%. The SRWMO budget in 2012 was \$54,595.

Mr. Leon Mager, the East Bethel Citizen Representative to the SRWMO, will be present to answer any questions concerning the SRWMO proposed budget.

Attachment(s):

- 1. SRWMO Proposal 2014 Budget

Fiscal Impact:

As noted above

Recommendation(s):

Staff is seeking direction from Council on the SRWMO budget.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

2014 Budgeting Information

For the

Sunrise River Watershed Management Organization

2014 SRWMO Budgeting Summary

Draft Feb. 8, 2013

Category	Type	2012 Budget	2013 Budget	In Watershed Mgmt Plan for 2014	2014 Draft Budget
ACD Proposal	Operating Expenses	\$1,500	\$1,500	\$2,475	\$2,850
	Non-Operating Expenses	\$47,995	\$41,620	\$53,062	\$41,615
Other Expenses	Operating Expenses	\$3,800	\$3,350	\$3,800	\$3,300
	Non-Operating Administrative Costs	\$1,300	\$1,425	\$1,000	\$1,000
	Non-Operating Costs - Other	\$0	\$0	\$0	\$0
TOTAL		\$54,595	\$47,895	\$60,337	\$48,765

2014 Cost Breakdown By Community

Draft Feb. 8, 2013

Community	% of Operating Expenses	2014 Operating Expenses	% of Non-Operating Expenses	2014 Non-Operating Expenses	2014 Total
Linwood	25%	\$1,537.50	46.40%	\$19,773.36	\$21,310.86
East Bethel	25%	\$1,537.50	32.93%	\$14,033.12	\$15,570.62
Columbus	25%	\$1,537.50	16.72%	\$7,125.23	\$8,662.73
Ham Lake	25%	\$1,537.50	3.95%	\$1,683.29	\$3,220.79
Total		\$6,150.00		\$42,615.00	\$48,765.00

ACD PROPOSAL			
TASK	SITES/ELEMENTS	In Watershed Plan for 2014	2014 Estimate
Operating Expenses (costs split equally among member cities per the SRWMO Joint Powers Agreement)			
Administrator (on-call, limited)		\$1,500	\$1,825
Annual Report to BWSR and Member Communities		\$675	\$725
Annual Financial Report to State Auditor		\$300	\$300
SUBTOTAL OF OPERATING EXPENSES		\$2,475	\$2,850
Non-operating Expenses (costs split by unique percentage outlined in SRWMO joint powers agreement)			
Non-operating Administrative			
Grant Search and Applications		\$1,000	\$1,000
Water Condition Monitoring			
Lake Level Monitoring		\$740	\$1,250
	Coon Lake		
	Linwood Lake		
	Martin Lake		
	Fawn Lake		
	Typo Lake		
Lake Water Quality Monitoring		\$1,917	\$3,200
	Coon Lake East Bay		
	Coon Lake West Bay		
Monitoring of Water Quality Improvement Project Effectiveness - Lake Water Quality Monitoring		\$1,000	\$3,200
	Martin Lake		
	Typo Lake		
Stream Water Quality Monitoring		\$1,040	\$0
Stream Hydrology Monitoring		\$1,070	\$0
Reference Wetland Hydrology Monitoring		\$1,695	\$1,725
	Carlos Reference Wetland		
	Carlos 181 st Reference Wetland		
	Tamarack Reference Wetland		
Studies and Investigations			
	Linwood Lake TMDL	\$20,000	\$0
Water Quality Improvement Projects			
Coon Lake Areas Stormwater Retrofit Installations		\$20,000	\$25,000
SRWMO Cost Share Grant Fund		\$2,000	\$2,000
Education and Public Outreach			
Website – Annual Operations		\$400	\$480
	Hosting fee (Joomla Inc) = \$100		
	Domain name fee = \$10		
	Maintenance fee = \$250		
	Posting minutes x 6 = \$60		
	Posting agendas x 6 = \$60		
Aquatic Plant Education Campaign		\$1,000	\$1,450
	Option 1 - Booth at Linwood Family Fun day including seedling distribution. Staffed by ACD. \$1,450		
	Option 2 - Booth at Linwood Family Fun day including seedling distribution. Staffed by SRWMO. \$930		
Lakeshore Landscaping Marketing		\$700	\$1,810
	Option 1 - Competition for the best native plant lakeshore project. \$1,650		
	Option 2 - Homeowner guide distribution to lakeshore properties. \$1,810		
SRWMO Annual Education Publication/Newsletter Article	Topic TBD. Distribution in member city newsletters.	\$500	\$500
SUBTOTAL OF NON-OPERATING EXPENSES		\$53,062	\$41,615
TOTAL ACD PROPOSAL		\$55,537	\$44,465

OTHER EXPENSES		
TASK	In Watershed Plan for 2014	2014 Estimate
Operating Expenses (costs split equally among member cities per the SRWMO Joint Powers Agreement)		
Secretarial or Other Administrative	\$1,200	\$1,000
Liability Insurance	\$2,300	\$2,000
Administrative Assistance – City of East Bethel	\$300	\$300
SUBTOTAL OF OPERATING EXPENSES	\$3,800	\$3,300
Non-operating Administrative Costs (costs split by unique percentage outlined in SRWMO joint powers agreement)		
Legal	\$1,000	\$1,000
Advertise Bids for Pro Services	\$0	\$0
SUBTOTAL of Non-Operating Administrative Expenses	\$1,000	\$1,000
Non-operating Costs (costs split by unique percentage outlined in SRWMO joint powers agreement)		
None	\$0	\$0
SUBTOTAL of Non-Operating Expenses	\$0	\$0
TOTAL OTHER COSTS	\$4,800	\$4,300



City of East Bethel City Council Agenda Information

Date:

March 20, 2013

Agenda Item Number:

Item 8.0 D.2

Agenda Item:

URRWMO 2014 Proposed Budget

Requested Action:

Consider responses to the URRWMO for the 2014 Budget request

Background Information:

At the last URRWMO meeting, the organization reviewed the 2014 Budget for the organization and directed it be distributed to member cities for review and comment. A copy of that proposal is attached with this agenda item.

The proposal represents an increase of \$683 to East Bethel from a 2013 budget of \$2,615 to \$3,298 for 2014 or a 26% increase.

The Joint Powers Agreement requires the submission of the budget to all of the members for ratification. The budget is implemented only after approval by all parties to the Agreement. East Bethel received the draft 2014 budget on March 6, 2013. The City has 60 days to respond to the URRWMO regarding the 2014 budget. Failure of the City to act within 60 days shall constitute approval of the budget.

Calvin Bahr, the City appointed citizen representative to the URRWMO, presented a report to Council at the March 6, 2013 meeting that recommended reductions in the proposed budget. This recommendation included a reduction of \$1,000 in a Matching Fund for Future Grants in the Water Quality Improvement Projects, a \$1,000 reduction in the Water Quality Cost Share Grant Fund and a \$200 reduction in Secretarial Service.

Staff discussed these reductions with Jamie Schurbon and he stated that the board was attempting to reduce their budget by \$2,000 and the cuts that Mr. Bahr presented to Council did not affect any functions of the URRWMO that are statutorily required.

Mr. Schurbon, the contract program administrator for the URRWMO and the Water Resource Specialist for Anoka Conservation District, has requested that the budget line item for administrative assistance be increased from \$0 to \$876. This line item proposed for 2014 would be utilized to pay for 12 hours of his assistance to the WMO. To date, he's been helping them at no charge and the work has included assistance in budget preparation, watershed plan amendments, public notices, answering phone calls from the public, answering board member emails, and providing guidance to the Board. Mr. Schurbon also stated that regulation revisions

currently being considered will require that the WMO will be required to have this kind of point person. Mr. Schurbon is requesting restoration of the above amount for these tasks. This is a line item that is currently proposed for funding within the SRWMO Budget.

Mr. Schurbon indicates that he feels someone needs to provide administrative assistance to the URRWMO. The recording secretary can only do so much and certain matters require technical staff, city staff, Mr. Schurbon, or a consultant. It doesn't matter to Mr. Schurbon who performs this work, only that they can fulfill the functions required of the position. Mr. Schurbon requests this activity be considered for reinstatement in the budget recommendations to the URRWMO Board.

The recommendations that have been presented to Council are as follows:

- 1.) Eliminate \$1,000 for the Water Quality Cost Share Grant Fund;
- 2.) Eliminate \$1,000 for the Matching Funds for Future Grants;
- 3.) Eliminate \$200 from Secretarial Services;
- 4.) Restore \$876 to Administration Expense; and/or
- 5.) Other recommendations as deemed appropriate by Council.

The URRWMO will consider these budget recommendations at their May 7, 2013 meeting.

Attachment(s):

1. 2014 URRWMO Budget Proposal

Fiscal Impact:

As noted.

Recommendation(s):

City staff is seeking direction as to a response to the URRWMO budget request.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

2014 Budgeting Information

for the

Upper Rum River Watershed Management Organization

2014 URRWMO Budgeting Summary				
Draft March 6, 2013				
Category	Type	2012 Budget	2013 Budget	2014 Estimate
ACD Proposal	Administrative	\$630	\$700	\$1,000
	Watershed Plan Implementation	\$6,075	\$7,465	\$10,580
Other Expenses	Administrative	\$4,710	\$3,825	\$3,425
	Watershed Plan Implementation	\$1,000	\$0	\$0
TOTAL		\$12,415	\$11,990	\$15,005

2014 Cost Breakdown By Community					
Draft March 6, 2013					
Community	% of Admin Expenses	2014 Admin Expenses	% of Watershed Plan Implementation Expenses	2014 Watershed Plan Implementation Expenses	2014 Total
Bethel	16.67%	\$737.50	1.08%	\$114.26	\$851.76
East Bethel	16.67%	\$737.50	24.21%	\$2,561.42	\$3,298.92
Ham Lake	16.67%	\$737.50	0.99%	\$104.74	\$842.24
Nowthen	16.67%	\$737.50	23.66%	\$2,503.23	\$3,240.73
Oak Grove	16.67%	\$737.50	29.69%	\$3,141.20	\$3,878.70
St. Francis	16.67%	\$737.50	20.37%	\$2,155.15	\$2,892.65
Total		\$4,425.00		\$10,580.00	\$15,005.00

ACD PROPOSAL		
TASK	SITES/ELEMENTS	2014 Estimate
Administrative Expenses (costs split equally among member cities)		
Administrator (on-call, limited)		\$0
Annual Report to BWSR		\$700
Annual Financial Report to State Auditor		\$300
SUBTOTAL OF OPERATING EXPENSES		\$1,000
Watershed Plan Implementation Expenses (costs split among member cities by unique percentage)		
Water Condition Monitoring		
Lake Level Monitoring		\$1,000
	Lake George	
	East Twin Lake	
	Coopers Lake	
	Minard Lake	
Stream Water Quality Monitoring - basic suite	Data collection only - 4 samples, combine 2014-15 reporting in 2015	\$4,050
	Rum R at CR 24	
	Rum R at CR 7	
	Seelye Br at CR 7	
	Cedar Cr at CR 9	
	Ford Br at CR63	
Stream Water Quality Monitoring - chlorides, sulfates, hardness analyses		\$0
	Rum R at CR 24	
	Rum R at CR 7	
	Seelye Br at CR 7	
	Cedar Cr at CR 9	
	Ford Br at CR63	
High School River Biomonitoring, St. Francis High School		\$825
	Rum River at CR 24	
Stream Hydrology Monitoring		\$0
Reference Wetland Hydrology Monitoring		\$1,725
	East Twin Reference Wetland	
	Lake George Reference Wetland	
	Cedar Reference Wetland	
Studies and Investigations		\$0
Water Quality Improvement Projects		
Water Quality Cost Share Grant Fund		\$1,000
Rum River Lessard-Sams OHC Project		\$0
Matching Fund for Future Grants		\$1,000
Education and Public Outreach		
Website – Annual Operations		\$480
	Hosting fee (Joomla Inc) = \$100	
	Domain name fee = \$10	
	Maintenance fee = \$250	
	Posting minutes x 6 = \$60	
	Posting agendas x 6 = \$60	
URRWMO Annual Education Publication/Newsletter Article	Topic TBD. Distribution in member city newsletters.	\$500
SUBTOTAL OF NON-OPERATING EXPENSES		\$10,580
TOTAL ACD PROPOSAL		\$11,580

OTHER EXPENSES	
TASK	2014 Estimate
Administrative Expenses (costs split equally among member cities)	
Secretarial Service	\$1,200
Liability Insurance	\$2,200
Administrative Assistance – City of Oak Grove	\$0
Copies and Postage	\$25
Legal	\$0
Advertise Bids for Pro Services	\$0
SUBTOTAL OF OPERATING EXPENSES	\$3,425
Watershed Plan Implementation Expenses (costs split among member cities by unique percentage)	
Legal	\$0
Advertise Bids for Pro Services (odd yrs)	\$0
SUBTOTAL of Non-Operating Administrative Expenses	\$0
TOTAL OTHER COSTS	\$3,425



City of East Bethel City Council Agenda Information

Date:

March 20, 2013

Agenda Item Number:

Item 8.0 F.1

Agenda Item:

Fire Department Report

Requested Action:

Informational only

Background Information:

Reports of Fire Department emergency calls, fire inspections, and emergency medical calls for the month of February are attached for Council review and comment.

Attachments:

1. February Fire Calls
2. February Fire Inspections
3. February Medical Calls

Fiscal Impact:

None

Recommendation(s):

Informational only

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

**East Bethel Fire Department
Incident Call Report
February, 2013**

Incident Number	Incident Date	Alarm Time	Location	Incident Type
086	02/28/2013	21:26	336 Hawthorn Rd NE	Cancelled en route
089	02/28/2013	18:00	2241 221 AVE NE	Special type of incident, other
085	02/28/2013	12:17	23365 NE Isetta ST NE	EMS call
084	02/28/2013	05:50	18346 Lakeview Point	EMS call
083	02/26/2013	22:34	2452 216th Ave NE	Gas leak (natural gas or LPG)
082	02/26/2013	06:04	Highway 65 HWY	Motor vehicle accident with injuries
081	02/25/2013	20:53	19512 E Tri Oak CIR NE	EMS call
080	02/25/2013	01:26	22660 Wintergreen ST	Building fire
079	02/23/2013	17:24	314 Dahlia DR NE	651 Smoke scare, odor of smoke
078	02/23/2013	12:28	18622 Alamo ST	EMS call
077	02/22/2013	08:16	3832 213th AVE	EMS call
076	02/22/2013	08:07	1867 210th AVE NE	EMS call
075	02/22/2013	03:24	1851 NE 210 AVE	EMS call
074	02/21/2013	17:37	23125 NE Taylor ST NE	Building fire
073	02/19/2013	04:38	18164 Highway 65 NE	EMS call
072	02/16/2013	19:17	23621 Monroe ST NE	EMS call
071	02/15/2013	23:00	18509 Lakeview Point	Fire, other
070	02/14/2013	19:58	18425 Lakeview Point	EMS call
069	02/14/2013	13:24	65 HWY NE	Motor vehicle accident with injuries
068	02/14/2013	12:44	18483 5 ST NE	Fires in structure other than in a building
067	02/13/2013	19:09	950 NE 229th AVE NE	EMS call
066	02/13/2013	01:16	20844 NE Eveleth ST	EMS call
065	02/12/2013	14:15	2241 221st AVE NE	Assist other governmental agency
064	02/12/2013	13:20	2241 221st AVE NE	Assist other governmental agency
063	02/11/2013	08:43	312 Laurel RD NE	EMS call
062	02/10/2013	11:44	237 AVE	Motor vehicle accident with injuries
061	02/09/2013	14:53	18164 65 HWY NE	EMS call
060	02/08/2013	11:51	2101 Deerwood LN NE	EMS call
059	02/06/2013	09:16	1811 210 AVE NE	EMS call
058	02/05/2013	18:20	Johnson ST NE	Motor vehicle/pedestrian accident
057	02/05/2013	17:56	18164 Highway 65 NE	EMS call
056	02/05/2013	14:30	3665 Viking BLVD NE	EMS call
055	02/05/2013	04:04	4222 NE 229 AVE NE	EMS call
054	02/04/2013	11:13	18164 Highway 65 NE	EMS call
053	02/04/2013	09:45	412 Dahlia RD NE	EMS call
052	02/04/2013	06:07	1597 203 AVE NE	Unauthorized burning
051	02/03/2013	02:55	4200 Thielen BLVD NE	Good intent call, other
050	02/02/2013	04:32	Bataan ST	Motor vehicle accident with injuries
049	02/02/2013	04:04	18164 65 HWY NE	Smoke detector activation, no fire
048	02/01/2013	12:46	18164 65 HWY	EMS call
047	02/01/2013	02:16	21611 Tyler ST NE	Smoke or odor removal
Total				41

**East Bethel Fire Department
Type of Medical Calls**

February, 2013

Number of Medical Calls 22

Type	Number	Transport by Ambulance
Medical Complications	5	5
Short of Breath	4	4
Cardiac	2	1
Bleeding	0	0
Illness	2	2
Trauma	3	3
Assist	0	0
Other	4	4
Cancelled Medical Call	2	0
Totals	22	19

Note: 1 Call involved DOA
 2 Call involved Refusal of Transport by Ambulance



City of East Bethel City Council Agenda Information

Date:

March 20, 2013

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

Ordinance 44, Second Series, Amending Chapter 74, Utilities, Article V, Regulating Waterworks and Sewer

Requested Action:

Consider amending Ordinance 44, Second Series, Chapter 74, Utilities, Article V, Regulating Waterworks and Sewer

Background Information:

In order to update our current Ordinance that regulates Waterworks, the attached amendments are proposed for Council’s consideration. These revisions will allow us to more effectively administer and manage the operation of the Municipal Utilities System that will be accepting customers beginning in May 2013.

The proposed amendments, developed by staff, were discussed at the Ordinance Committee Meeting on March 14, 2013 and those proposed revisions are outlined in Attachment #2. The City Attorney has reviewed the Ordinance and the proposed changes. Staff, City Attorney and Ordinance Committee changes are included in the attachments.

The City Attorney also recommends that the city council adopt a policy on mandatory connection by Resolution where municipal services are available. Although that is not needed immediately at this point we should begin the preparation of a draft for that for consideration.

A clean copy of these changes will be sent for your review no later than Monday, March 18, 2013.

Attachments

1. Proposed amendments to Chapter 74, Utilities, Article V, Regulating Waterworks and Sewer
2. Ordinance Committee proposed revisions to Attachment #1
3. Ordinance Committee proposed revisions to Division 2 of Attachment #1

Fiscal Impact:

Recommendation(s):

Staff is recommending the approval of the amendments to Ordinance 44, Second Series, Chapter 74, Article V, Regulating Waterworks and Sanitary Sewer as presented in the attachments and direction to publish.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

- CODE OF ORDINANCES
Chapter 74 - UTILITIES

ARTICLE V. - REGULATING WATERWORKS AND SANITARY SEWER

ARTICLE V. - REGULATING WATERWORKS AND SANITARY SEWER

DIVISION 1. - GENERALLY

DIVISION 2. - WATER

DIVISION 3. - SEWER

- CODE OF ORDINANCES
Chapter 74 - UTILITIES
ARTICLE V. - REGULATING WATERWORKS AND SANITARY SEWER

DIVISION 1. - GENERALLY

DIVISION 1. - GENERALLY

Sec. 74-119. - Purpose.

It is the purpose of this article:

- (1) To provide for paying the cost of building, constructing, reconstructing, repairing, enlarging, improving or in any other manner obtaining waterworks and sanitary sewer facilities, or any portion of such facilities; and
- (2) To establish charges to be imposed to pay for the same and for the maintenance, operation and use of the facilities.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-120. - Utilities division established.

There is hereby established a public utilities division within the public works department in the city.

(Ord. No. 200, § 2, 9-21-2005)

Sec. 74-121. - Operation and maintenance of facilities.

The waterworks and sanitary sewer facilities as they are now constituted or shall hereafter be enlarged or extended shall be operated and maintained under the provisions of this article subject to the authority of the city council at any time to amend, alter, change and repeal the same. The city administrator shall manage the waterworks and sanitary sewer facilities subject to the direction of the city council. The city administrator may designate other city employees to carry out duties and responsibilities under this article.

(Ord. No. 200, § 3, 9-21-2005)

Sec. 74-122. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Account means a record of utility services used by each property and the periodic costs and charges imposed for those utility services.

Company, grantee and franchisee mean a public utility company or a public utility system, depending on the context, to/for which a franchise has been granted by the city.

Consumer and customer mean any user of a utility.

Facilities means and includes waterworks and sanitary sewer systems or any portion thereof.

Hook up means the original connection to a utility for a property or, in the case of obtainment of a utility by the city after the original connection to the utility for a property, the continuation of the connection to the utility after its obtainment.

Municipal utility means any city-owned utility, including, but not by way of limitation, waterworks and sanitary sewer facilities.

- CODE OF ORDINANCES
Chapter 74 - UTILITIES
ARTICLE V. - REGULATING WATERWORKS AND SANITARY SEWER

DIVISION 1. - GENERALLY

ORDINANCE 44, Second Series

**AN ORDINANCE AMENDING Chapter 74,, Utilities, Article V, Regulating
Waterworks and Sanitary Sewer, City Code of East Bethel**

The City Council of the City of East Bethel, ordains:

Sanitary sewer means sanitary sewer systems, including sewage treatment works, disposal systems and other facilities for disposing of sewage, industrial waste and other wastes.

Service means the provision of a particular utility to a consumer or customer.

Utility means a waterworks or sanitary sewer system, whether the same are city-owned facilities or those owned by a public utility company.

Waterworks means waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants and other appurtenances of a waterworks system.

(Ord. No. 200, § 4, 9-21-2005; Ord. No. 200A, § 3, 10-19-2005)

Sec. 74-123. - Mandatory connection to city systems.

It shall be unlawful for any person to install or for any property to be connected to a private waterworks system intended to provide water for human consumption or for any person to install or for any property to be connected to a private sanitary sewer system, except in cases where the city waterworks or sanitary sewer system is not accessible to a property. The city administrator shall refer all questions of accessibility to the city engineer. The city engineer shall make a recommendation if either of the city waterworks or sanitary sewer systems is accessible to a premises either requesting or requiring installation or connection. Mandatory connection to city systems will be required within 6 months of service availability¹. Service availability shall be presumptively demonstrated by written Notice to Connect provided to the property owner by the City confirming the availability of municipal water and/or sanitary sewer systems adjacent to the owners property..

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-124. - Fixing rates and charges for city utility services.

- (a) All rates and charges for city utilities, including, but not by way of limitation, rates and charges for use, availability and connections, contributions to a system, services, permits, deposits, hook ups, meters and meter testing, disconnections, reconnections and delinquencies, shall be determined, fixed and amended by the city council from time to time by resolution. All resolutions, each

¹ See Minn. Stat 412.221 and Minn. Rule 4715.0310.

- CODE OF ORDINANCES

Chapter 74 - UTILITIES

ARTICLE V. - REGULATING WATERWORKS AND SANITARY SEWER

DIVISION 1. - GENERALLY

containing the effective date thereof, shall be kept on file and open to public inspection in the office of the city clerk-treasurer and shall be uniformly enforced. For the purpose of fixing rates and charges, the council may categorize and classify under various types of services or by contributions to a system, provided that such categorization and classification is just and equitable and is included in the resolution authorized by this section.

- (b) The city council shall by resolution also establish the number of certification cycles per year. At least one certification cycle shall be timed each year to coincide with the county's requirements for certification to the following year's taxes. Additional certification cycles may be set by resolution. The council must establish one or more certification cutoff dates each year. All city utility accounts, unless exempt for legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cutoff date, will have the balance on the account included in a preliminary certification list.

(Ord. No. 200, § 6, 9-21-2005; Ord. No. 200A, § 1(6), 10-19-2005)

Sec. 74-125. - Nonliability of city.

~~The city shall not be liable for damages because of the breaking of any water main, sewer main or service pipe or fixture or for any interruption of supply or service by reason of the breaking of facilities, equipment or machinery or stoppage for necessary repair. The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections, or from any other cause whatever. In case of fire or alarm of fire, or in making repairs or construction of new works, water may be shut off at any time and kept off as long as reasonably necessary to implement repairs.~~

(Ord. No. 200, § 7, 9-21-2005)

Sec. 74-126. - Delinquent accounts.

- (a) *Shutoff for nonpayment.* Water and/or sanitary sewer service will not be shut off until notice and an opportunity for a hearing before the city council or an official designated by the city council have been provided to the occupant and owner of the premises involved.
- (1) If any bill is not paid by the due date listed on the bill, a second bill will be mailed by first class mail and will state that if payment is not made within 20 days of the mailing of the second bill, water and/or sanitary sewer service to the premises will be shut off for nonpayment.
 - (2) The second bill and shutoff notice will contain the title, address and telephone number of the city official in charge of utility billing. The title, address and telephone number must be clearly visible and easily readable.
 - (3) The notice also will state that any occupant or owner has the right to a hearing before the city council prior to the water and/or sanitary sewer service being shut off; that the owner or occupant may be represented in person and by counsel or any other person of his choosing; and that the owner or occupant may present orally or in writing his objection to the city official in charge of utility billing before the service is shut off. The city official will be authorized to order continuation of the customer's service and will have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.
 - (4) The shutoff notice also will state that a hearing before the city council will be provided if requested by written request delivered to the city official in charge of utility billing within the 20-

- CODE OF ORDINANCES
Chapter 74 - UTILITIES
ARTICLE V. - REGULATING WATERWORKS AND SANITARY SEWER

DIVISION 1. - GENERALLY

day period. If an occupant or owner requests a hearing, the water will not be shut off until the hearing process is complete.

- (5) If a customer fails to pay and fails to request a hearing under this section, service will be shut off at the time specified in the notice but in no event until the charges have been due and unpaid for at least 30 days.
- (b) *Certification for collection with taxes.* Unpaid charges on sewer and water accounts will not be certified to the county auditor for collection with taxes until notice and an opportunity for a hearing before the city council have been provided to the owner of the premises involved. The notice must be sent by first class mail, at least 30 days before the certification date, and must state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice also must state that the owner may, no later than 20 days before the certification date, request a hearing on the matter to object to certification of unpaid utility charges.
- (1) The owner of the property will have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.
- (2) A hearing will be held on the matter by the city council prior to the county certification date. A property owner with unpaid utility charges will have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the city council finds that the amount claimed as delinquent is actually due and unpaid and that there is no legal reason why the unpaid charge should not be certified for collection with taxes in accordance with this article, the city may certify the unpaid charges to the county auditor for collection as other taxes are collected.
- (3) For each certification sustained, the property owner will have the following options after the hearing:
- a. To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date or before the county certification date, whichever is first.
 - b. To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on the 11th day following the hearing date through the date of payment.
 - c. To pay the certified charges as billed by the county on the owner's property tax statement with a collection term of one year.
- (c) *Delivery of certified roll.* Twelve days after the hearing, the certified roll, minus any payments, will be delivered to the county.

(Ord. No. 200A, § 2(8), 10-19-2005)

Sec. 74-127. - Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor punishable as provided in [section 1-14](#). A separate offense shall be deemed committed for each day a violation shall continue. The city also may seek injunctive or other relief and the costs of prosecution in any case.

(Ord. No. 200, § 11, 9-21-2005; Ord. No. 200A, § 9, 10-19-2005)

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Secs. 74-128—74-150. - Reserved.

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Sec. 74-151. - Water use, availability and connection charges.

The city council has determined that in order to pay for the cost of construction, reconstruction, repair, enlargement, improvement or other obtainment and the maintenance, operation and use of the city waterworks system, the cost of compliance with state and federal regulations and the principal and interest to become due on obligations issued or to be issued, it is necessary to impose just and equitable charges for the use and for the availability of the facilities and for connections with them pursuant to Minn. Stats. § 444.075, subd. 3.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-152. - Water usage and service charges.

From and after the hookup of any premises to the city waterworks system, the owner of the premises must pay for such waterworks service, including availability and connection charges, and for water usage on the basis of the charges and rates fixed by resolution of the city council, and the charges and rates so established may be amended at any time by duly adopted resolution of the council.

(1) *Penalty charge and interest on unpaid bills.* Water charges will be billed ~~on a monthly basis~~ to the owner of each premises, the owner's authorized agent, lessee or the person signing the application served by water and will be payable to the city in full within 14 calendar days from the date on which the bill is issued. All accounts shall be kept by the house and street number and under the account number assigned thereto and by the name of the owner or of the person signing the application for service. All bills and notices shall be sent to the house or street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they shall file an application therefor with the city. Any error in address shall be promptly reported to the city. All notices shall be effective when sent using first class mail. All delinquent accounts will be subject to a penalty calculated as follows:

- a. A bill paid in full within 30 days after the due date will pay a service charge as established by resolution of the city council.
 - b. Beginning 30 days after the due date, all unpaid balances will accrue interest at a rate to be established by resolution of the city council. The interest will be added to the service charge.
- (2) *Availability of water service.* Owners or users of any property within those areas where city water service is available may not use a nonmunicipal water ~~system without specific written consent of the city council,~~ with the exception of a private waterworks system used solely for irrigation purposes and is maintained as physically separate from the municipal water sources with separation valve or other device as approved by the City Public Works Department.

(Ord. No. 200, § 2, 9-21-2005; Ord. No. 200A, § 5(2), 10-19-2005)

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Sec. 74-153. - Water availability charges.

- (a) Minimum charges for the availability of water service and the City water availability charge (WAC) ~~may~~will be imposed for all premises abutting on streets or other places where city water pipes and lines are located and available for connection, whether or not connected to them.
- (b) In determining the charges to be imposed for the availability of water service, the city may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the waterworks system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city, including the principal and interest to become due on obligations issued or to be issued.

(Ord. No. 200, § 3, 9-21-2005)

Sec. 74-154. - Water connections and connection charges.

All connections to the city's waterworks system shall be in conformity with the following rules and regulations, except that the city council by resolution may waive the same upon showing of special conditions justifying such waiver:

- (1) *Separate connection.* Every premises served by a water hookup shall have a separate connection and a separate meter.
- (2) *Permit required.* No person shall hook up any water connection or meter to the city waterworks system without first obtaining a permit from the city. The initial connection and turn on operation for any waterworks system connection shall be performed only by a city employee or authorized agent. The stopcock at the main and the curbstop at the property line, together with box and cover, are the property of the city, and all persons are forbidden to interfere with them.
- (3) *Licensed plumber required.* No person may hook up or service, or assist therein, any water service pipe or line connected to the city waterworks system unless such person holds a plumber's license under the laws of the state or the ordinances of the city.
- (4) *Inspection.* In constructing such water service pipe or line, the plumber shall adhere to standards regarding location, size, grade, material and workmanship as determined by city regulations and/or applicable plumbing code. After the water service pipe or line connection has been completed, the plumber shall notify the city. It shall be unlawful to cover the water service pipe or line until an inspection has been completed to ensure that a proper and suitable connection has been made.
- (5) *Connection charges.* Connection charges shall be imposed by the city for the hookup of a property to the city's waterworks system. The charges shall be set by a duly adopted resolution of the city council.
 - a. Charges for connections may be fixed by reference to the portion of the cost of connection which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection.
 - b. In determining connection charges the city council may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city including the principal and interest to become due on obligations issued or to be issued.

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- (6) *Nonresidential users.* ~~Residential equivalent connections~~Equivalent Residential Units (RECs/ERU's) will be established for non-single-family residential users. The number of ~~RECs~~ERUs per nonresidential user will be as per the current version of the Metropolitan Council Environmental Services SAC Procedure Manual. The city reserves the right to charge the equivalent number of ~~RECs-ERUs~~ as would exist if the subject property were developed residentially using the smallest allowable residential lot size permitted in the city.
- (7) *Sanitary sewer connection.* No person shall connect and no property shall be connected to the city waterworks system without also connecting or being connected to the available city sanitary sewer system.

(Ord. No. 200, § 4, 9-21-2005)

Sec. 74-155. - Separation of supplies.

Whenever a building is connected to the city's waterworks system there shall be a complete physical separation between the city's system to the building and any private water supply system so that it is not possible, intentionally or unintentionally, for water from a private water supply system to be mixed with water from the city's waterworks system.

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-156. - Meters.

All water shall be measured by a city-provided meter. Every customer shall provide a suitable place where a meter can be installed. The customer shall pay for the meter, pay for all costs of meter installation in an approved location and pay for any maintenance or replacement costs of the city. For the purpose of reading or maintaining meters, shutting off or starting service or other emergency situations, duly authorized employees or subcontractors of the city shall be afforded entry to premises at a reasonable hour. The city reserves the right to require that any property owner shall install, at the property owner's expense, a water meter or sewage flow meter on a private water supply to determine amount of sanitary sewer usage.

(Ord. No. 200, § 6, 9-21-2005)

Sec. 74-157. - Accounts in name of property owners; deposit; lien for delinquent accounts.

- (a) *Account name.* All accounts shall be carried in the name of the property owner, owner's authorized agent, lessee or person signing the application. ~~who personally, or by the owner's authorized agent, shall apply for such service.~~ The owner shall at all times be personally liable for all water consumed upon the premises whether the owner occupies the same or not.
- (b) *Deposit.* The city also reserves the right to demand of each and every customer, before the water service is turned on, a deposit with the city in an amount established by resolution.
- (c) *Lien on property.* All accounts and charges imposed by and pursuant to this section are hereby made a lien upon the premises served by the water hookup. All such accounts and charges which are 30 or more days past due may be certified by the city clerk-treasurer to the county auditor as unpaid and delinquent pursuant to the procedures set forth in section 74-126. The amount so certified shall be extended by the county auditor on the tax rolls against such premises in the same

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manner as other taxes and shall be collected by the county treasurer and paid to the city clerk-treasurer.

(Ord. No. 200, § 7, 9-21-2005; Ord. No. 200A, § 4(7), 10-19-2005)

Sec. 74-158. - Taking water without authority.

Any person who takes water from the municipal water system without complying with the provisions of this article, or without other authorization, or who assists any other person in so doing, shall be guilty of a misdemeanor.

(Ord. No. 200, § 8, 9-21-2005)

Sec. 74-159. - Right to discontinue service reserved.

The city shall have the right and authority to discontinue water and/or sewer service to any property that is delinquent in payment or is in violation of this article or any other city ordinance.

- (1) *Notice and hearing.* Prior to discontinuance of service the city shall follow the notice and hearing procedures set forth in [section 74-126](#)
- (2) *Shutoff.* Service will be discontinued to premises where the owner has not made arrangement with the city regarding the payment of a delinquent account. The city shall also have the authority to shut off service immediately without notice pursuant to any emergency action involving the property.
- (3) *Charges.* The city shall charge service fees as established by resolution for discontinuance of service and to reinstate service to a delinquent account. Any charges incurred by the city in discontinuing service shall be assessed to the property.
- (4) *User/owner shutoff request.* The user/owner may request that the services to the owner's property be shut off. The city will then shut off the services with a service fee as established by resolution. Turning on the services and reinstalling a meter will cost an additional service fee. While the services are shut off, the owner/user will be billed for the minimum charge as established by city council resolution.

(Ord. No. 200, § 9, 9-21-2005; Ord. No. 200A, § 6(9), 10-19-2005)

Sec. 74-160. - Responsibility for repairs.

- (a) The service pipe from the building to the curbstop and the connection thereto shall be the property of the owner/user and must be protected and maintained by the owner/user. If the owner/user or any customer shall fail to make any necessary repairs to such service connection or pipe within 24 hours after being notified to do so by the city, the city shall make such repairs, and the cost thereof shall be charged to the owner of the premises and shall be collected in the same manner as other bills for utilities are collected.
- (b) While installing or repairing service pipes, the street must be open at a time and in a manner which will cause the least inconvenience to the traveling public and every precaution must be taken to ensure the public safety and the safety of property. All excavations remaining open overnight shall be protected by substantial barriers, with sufficient flashing lights.

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- (c) While filling trenches in streets, the contractor must carefully tamp in the material so that the street will be in the same or better condition than it was before the trench was opened. The contractor shall replace or repair all curb, sidewalk, pavement, boulevard or street surfaces so that it will be in the same or better condition than it was before the contractor commenced working, and the contractor will be responsible for all costs of replacement or repairs. All work within the city right-of-way must be coordinated with and approved by the city. No trenches may be backfilled without prior inspection by the city.

(Ord. No. 200, § 10, 9-21-2005)

Secs. 74-161—74-188. - Reserved.

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Sec. 74-189. - Sewer use, availability and connection charges.

The city council has determined that in order to pay for the costs of construction, reconstruction, repair, enlargement, improvement or other obtainment and the maintenance, operation and use of the city sanitary sewer system and wastewater treatment plant; the cost of compliance with state and federal regulations; and the principal and interest to become due on obligations issued or to be issued in connection therewith, it is necessary to impose just and equitable charges for the use and for the availability of the sanitary sewer system and treatment plant and for connections with them pursuant to Minn. Stats. § 444.075, subd. 3.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-190. - Sewer usage and service charges.

(a) *Payment.* Sanitary sewer usage and service charges, including availability and connection charges, must be paid by the owner of any premises from and after the hookup of the premises to the city sanitary sewer system on the basis of the charges and rates established by resolution of the city council, and the charges and rates so established may be amended at any time by duly adopted resolution of the council.

(1) *Basis of charges.* Sanitary sewer usage charges shall be based on the ~~monthly~~ water usage for the affected premises. In cases where a ~~premises~~~~premises~~ ~~are~~~~is~~ not connected to the city's waterworks system, the charges shall be based on the volume of the wastewater treated, and in such cases a sewage flow meter must be installed to measure the volume of the wastewater treated or a water meter must be installed on the private waterworks system to measure water usage. Additionally, certain industrial, large volume or high strength usage rates may be determined separately by special agreement with the city. Sanitary sewer usage charges will be a charge against the owner, and unpaid charges will be certified to the county auditor with taxes against the property served for collection as other taxes are collected.

(2) *Establishment of strength charges.* For the purpose of paying the additional costs incurred by the city each year that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the city, there is hereby approved, adopted and established, in addition to the sewer charges based upon the volume of discharge, a sewer charge based upon strength of industrial waste discharged into the sewer system of the city, which charge shall be referred to in this section as the "strength charge."

(3) *Establishment of strength charge formula.* For the purpose of computation of the strength charge established in this section, a strength charge formula will be set by resolution; the formula will be based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the city. The strength charge shall be set by agreement between the city and individual high strength users.

(4) *Strength charge payments.* It is hereby approved, adopted and established that the strength charges established in this section shall be paid monthly by each industrial user receiving waste treatment services, in full within 30 days of billing, and such payments shall be deemed to be delinquent if not paid before the due date. Furthermore, it is hereby established, approved and

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adopted that if such payments are not paid before such date an industrial user shall pay interest compounded monthly at the rate of 1½ percent per month on the unpaid balance due.

- (5) *Establishment of tax lien.* As provided by Minn. Stats. § 444.075, subd. 3, it is hereby approved, adopted and established that if payment of a strength charge established in this section is not paid within 30 days of the due date, the delinquent charge plus a service charge and accrued interest as established in this section shall be deemed to be a charge against the property served, and the city or its agents shall certify such unpaid delinquent balance to the county auditor with taxes against the property served for collection as other taxes are collected pursuant to the provisions of [section 74-126](#); provided, however, that such certification shall not preclude the city or its agents from recovery of a delinquent sewer strength charge and interest thereon under any other available remedy.
- (b) *Penalty charge and interest on unpaid bills.* Sanitary sewer charges, including availability and connection charges, will be billed ~~on a monthly basis~~ to the owner, the owner's authorized agent, lessee or the person signing the application of each premises served by sanitary sewer and will be payable to the city in full within 14 calendar days from the date on which the bill is issued. All accounts shall be kept by the house and street number and under the account number assigned thereto and by the name of the owner or of the person signing the application for service. All bills and notices shall be sent to the house or street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they shall file an application therefor with the city. Any error in address shall be promptly reported to the city. All delinquent accounts will be subject to a service charge calculated as follows:
- (1) A bill paid in full within 30 days after the due date will pay a service charge as established by resolution of the city council.
 - (2) Beginning 30 days after the due date, all unpaid balances will accrue interest at a rate to be established by resolution of the city council. The interest will be added to the service charge.
- (c) *Availability of sewer service.* Owners or users of any property within those areas where city sewer service is available may not use a nonmunicipal sanitary sewer system. ~~without specific written consent of the city council.~~

(Ord. No. 200, § 2, 9-21-2005; Ord. No. 200A, § 7(2), 10-19-2005)

Sec. 74-191. - Sewer availability charges.

- (a) Minimum charges for the availability of sewer service, the City sewer availability charge (SAC) and the Met Council Environment Services -SAC will ~~may~~ be imposed for all premises abutting on streets or other places where city sewer pipes or lines are located, whether or not connected to them.
- (b) In determining the charges to be imposed for the availability of sewer service, the city may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city, including the principal and interest to become due on obligations issued or to be issued.

(Ord. No. 200, § 3, 9-21-2005)

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Sec. 74-192. - Sewer connections and connection charges.

All connections to the city's sewage treatment system shall be in conformity with the following rules and regulations, except that the city council by resolution may waive the same upon showing of special conditions justifying a waiver:

- (1) *Separate connection.* Every premises served by the municipal sewage system shall have a separate connection.
- (2) *Permit required.* No person shall hook up any sewage connection to the city sewage collection system without first obtaining a permit from the city; if any premises has been hooked up to the city's sewage collection system prior to the effective date of the ordinance from which this article is derived, a permit for the hookup must be obtained within 60 days of the effective date of the ordinance from which this article is derived.
- (3) *Licensed plumber required.* No person may hook up or service, or assist therein, any sewage line connected to the city sewage collection system unless such person is a plumber duly licensed under the laws of the state. In constructing such sanitary sewer service line, the plumber shall adhere to standards regarding location, size, grade, material and workmanship as determined by city regulations and/or city or state plumbing codes. After the sewer service connection has been accomplished, the plumber shall notify the city. It shall be unlawful to cover the sanitary sewer service line until an inspection has been completed to ensure that a proper and suitable connection has been made.
- (4) *Connection charges.* Connection charges imposed by the city must be paid for every hookup of premises to the city's sanitary sewer system. The charges will be set by duly adopted resolution of the city council. The cost of installing the sanitary sewer service line between the building and main service stub shall be borne wholly by the property owner.
 - a. Charges for connections may be fixed by reference to the portion of the cost of connection which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection.
 - b. In determining connection charges the city council may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city including the principal and interest to become due on obligations issued or to be issued.
- (5) *Nonresidential users.* ~~Residential equivalent connections (RECs)~~ Equivalent residential units (ERU's) will be established for non-single-family residential users. The number of ~~RECs~~ ERUs per nonresidential single-family user will be as per the current version of the Metropolitan Council Environmental Services SAC Procedure Manual, except as modified by Resolution of the City Council. The city reserves the right to charge the equivalent number of ~~RECs~~ ERUs as would exist if the subject property were developed residentially using the smallest allowable residential lot size permitted in the city. Any charges so established may be amended at any time by a duly adopted resolution of the city council.
- (6) *Waterworks connection.* No person shall connect and no property shall be connected to the city sanitary sewer system without also connecting/being connected to the available city waterworks system.

(Ord. No. 200, § 4, 9-21-2005)

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Sec. 74-193. - Meters.

In cases where a property is connected to the city's sanitary sewer system but is not connected to the city's waterworks system, the city may require a meter (as approved by the Public Works Department) to be installed to measure the flow of wastewater into the sanitary sewer system or a water meter to measure the water usage. The meter must be located in a suitable place in order to accurately measure all wastewater treated by the sanitary sewer system or water usage. The customer must pay for the meter, pay all costs of installation and pay for any maintenance or replacement costs. Duly authorized employees or subcontractors of the city must be afforded entry to the premises at all reasonable times.

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-194. - Accounts in name of property owner; lien for delinquent accounts.

- (a) *Account name.* All accounts shall be carried in the name of the property owner, owner's authorized agent, lessee or person signing the application. who personally, or by the owner's authorized agent, shall apply for such service. The owner shall at all times be personally liable for sewage treatment service at the premises whether the owner occupies the same or not.
- (b) *Deposit.* The city also reserves the right to demand of each and every customer, before the service is turned on, a deposit with the city in an amount established by resolution.
- (c) *Lien on property.* All accounts and charges imposed by and pursuant to this article are hereby made a lien upon the premises served by the sewage treatment hookup. All such accounts and charges which are 30 or more days past due, may be certified by the city clerk-treasurer to the county auditor as unpaid and delinquent pursuant to the procedures set forth in section 74-126. The amount so certified shall be extended by the county auditor on the tax rolls against such premises in the same manner as other taxes and shall be collected by the county treasurer and paid to the city clerk-treasurer.

(Ord. No. 200, § 6, 9-21-2005; Ord. No. 200A, § 8(6), 10-19-2005)

Sec. 74-195. - Use of sewer without authority.

Any person who uses or connects to the city sanitary sewer system without complying with the provisions of this division, or without other authorization, or who assists any other person in so doing, shall be guilty of a misdemeanor.

(Ord. No. 200, § 7, 9-21-2005)

Sec. 74-196. - Classification and change of rate.

The city council shall have the power by resolution to classify all types of sewage discharged into the city's sanitary sewer system based on the quantity, concentration, cost of disposal and other pertinent facts, and to fix, increase or decrease the rates charged for the use of said sanitary sewer system on any equitable basis the city council may deem appropriate as the proper basis for measuring the use of the sanitary sewer system.

(Ord. No. 200, § 8, 9-21-2005)

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Sec. 74-197. - Reservation of right to restrict waste discharges.

The city reserves the right to regulate the disposal of any waste through the sanitary sewer system both in quantity and character.

- (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- (2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the city administrator. Industrial cooling waters or unpolluted process waters may be discharged upon approval of the city administrator to a storm sewer or natural outlet.

(Ord. No. 200, § 9, 9-21-2005)

Sec. 74-198. - Responsibility for repairs.

The cost of all repairs and replacement of any sewer service lines between the residence or structure and the public sewer main line shall be borne entirely by the owner of the premises affected, and if such repair or replacement work is performed by the city, the cost of time and material shall be assessed against the affected premises, except that no excavation shall be performed in the street property without first having obtained a permit from the city.

(Ord. No. 200, § 10, 9-21-2005)

Secs. 74-199—74-210. - Reserved.

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GLOBAL CHANGES notes:

Change “accessible” to “available” wherever found

Change “property” to “real property”

Change “hook-up” to “connection”

Change “occupant or owner”, “consumer or customer..etc etc. to “customer”

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DIVISION 1. - GENERALLY permanent link to this piece of content

Sec. 74-119. - Purpose. permanent link to this piece of content

It is the purpose of this article:

(1)

To provide for paying the cost of building, constructing, reconstructing, repairing, enlarging, improving or in any other manner obtaining, [maintenance, operation and use of city] waterworks and sanitary sewer facilities, or any portion of such facilities; and

(2)

To establish charges to be imposed to pay for the [waterworks and sewer systems] and for the maintenance, operation and use of system facilities.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-120. - Utilities division established. permanent link to this piece of content

There is hereby established a public utilities division within the public works department in the city.

(Ord. No. 200, § 2, 9-21-2005)

Sec. 74-121. - Operation and maintenance of facilities . permanent link to this piece of content

The waterworks and sanitary sewer facilities as they are now constituted or shall hereafter be enlarged or extended shall be operated and maintained under the provisions of this article subject to the authority of the city council at any time to amend, alter, change and repeal the same. The city administrator shall manage the waterworks and sanitary sewer facilities subject to the direction of the city council. The city administrator may designate other city employees to carry

out duties and responsibilities under this article.

(Ord. No. 200, § 3, 9-21-2005)

Sec. 74-122. - Definitions.[permanent link to this piece of content](#)

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Account means a record of utility services used by each property and the periodic costs and charges imposed for those utility services.

Company, grantee and franchisee mean a public utility company or a public utility system, depending on the context, to/for which a franchise has been granted by the city. **[I don't think that this term is used in this article and can be deleted.]**

Customer means any [owner, authorized agent, lessee, building permit applicant, utility service applicant or] user [of real property served by] a utility.

Facilities means the waterworks and sanitary sewer **[structures]** or any portion thereof.

Connection means the original connection **[of real property]** to a utility **[delete "for a property"]** or, in the case of obtainment of a utility by the city after the original connection to the utility for a property, the continuation of the connection to the utility after its obtainment.

[delete this definition. "Utility" definition covers it "Municipal] Utility means any city-owned utility, including, but not by way of limitation, waterworks and sanitary sewer system [delete "facilities].

Sanitary sewer means sanitary sewer systems, including sewage treatment works, disposal systems and other facilities for disposing of sewage, industrial waste and other wastes.

Service means the provision of a particular utility to a **[delete "consumer or"]** customer.

Utility means a waterworks or sanitary sewer system, whether the same are city-owned facilities or those owned by a public utility company.

Waterworks means waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants and other appurtenances of a waterworks system.

Consider changing "waterworks means waterworks systems" to waterworks means waterworks FACILITIES" DITTO WITH SEWER DEFINITION for accuracy.

(Ord. No. 200, § 4, 9-21-2005; Ord. No. 200A, § 3, 10-19-2005)

Sec. 74-123. - Mandatory connection to city systems. permanent link to this piece of content

It shall be unlawful for any person to install ~~["service to"?]~~ or for any **real** property to be connected to a private waterworks system intended to provide water for human consumption or ~~["delete "]:for any person to install or for any **real** property"]~~ to be connected to a private sanitary sewer system, except in cases where the city waterworks or sanitary sewer system is not ~~["delete "accessible"]~~ available to a property. The city administrator shall refer all questions of ~~["delete "accessibility"]~~ availability to the city engineer. The city engineer shall make a recommendation if either of the city waterworks or sanitary sewer systems is ~~["delete "accessible"]~~ available to a premises either requesting or requiring installation or connection.

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-124. - Fixing rates and charges for city utility services .permanent link to this piece of content

(a)

All rates and charges for city utilities, including, but not by way of limitation, rates and charges for use, availability and connections, contributions to a system, services, permits, deposits, ~~["delete hook ups and substitute "connections"]~~ hook ups, meters and meter testing, disconnections, reconnections and delinquencies, shall be determined, fixed and amended by the city council from time to time by resolution. All resolutions, each containing the effective date thereof, shall be kept on file and open to public inspection in the office of the city clerk-treasurer and shall be uniformly enforced. ~~["consider starting a new paragraph here for clarity."]~~

For the purpose of fixing rates and charges, the council may categorize and classify under various types of services or by contributions to a system, provided that such categorization and classification is just and equitable and is included in the resolution authorized by this section.

(b)

The city council shall by resolution also establish the number of certification cycles per year. At least one certification cycle shall be timed each year to coincide with the county's requirements for certification to the following year's taxes. Additional certification cycles may be set by resolution. The council must establish one or more certification cutoff dates each year. All city utility accounts, unless exempt for legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cutoff date, will have the balance on the account included in a preliminary certification list.

(Ord. No. 200, § 6, 9-21-2005; Ord. No. 200A, § 1(6), 10-19-2005)

Sec. 74-125. - Nonliability of city. permanent link to this piece of content

The city shall not be liable for damages because of the breaking of any water main, sewer main or service pipe or fixture or for any interruption of supply or service by reason of the breaking of facilities, equipment or machinery or stoppage for necessary repair.

In the proposed changes to this section, the word “customer” should be substituted for “consumer”

(Ord. No. 200, § 7, 9-21-2005)

Sec. 74-126. - Delinquent accounts.[permanent link to this piece of content](#)

In this section, the word “customer” should be substituted for “consumer”, “occupant or owner”.

(a)

Shutoff for nonpayment. Water and/or sanitary sewer service will not be shut off until notice and an opportunity for a hearing before the city council or an official designated by the city council have been provided to the occupant and owner of the premises involved.

(1)

If any bill is not paid by the due date listed on the bill, a second bill will be mailed by first class mail and will state that if payment is not made within 20 days of the mailing of the second bill, water and/or sanitary sewer service to the premises will be shut off for nonpayment.

(2)

The second bill and shutoff notice will contain the title, address and telephone number of the city official in charge of utility billing. The title, address and telephone number must be clearly visible and easily readable.

(3)

The notice also will state that any [CHANGE TO “customer”] occupant or owner has the right to a hearing before the city council prior to the water and/or sanitary sewer service being shut off; that the [Change to “customer”] owner or occupant may be represented in person and by counsel or any other person of his choosing; and that the [change to “customer”] owner or occupant may present orally or in writing his objection to the city official in charge of utility billing before the service is shut off. The city official will be authorized to order continuation of the customer's service and will have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.

(4)

The shutoff notice also will state that a hearing before the city council will be provided if requested by written request delivered to the city official in charge of utility billing within the 20-day period. If an [change to “customer”] occupant or owner requests a hearing, the water will not be shut off until the hearing process is complete.

(5)

If a customer fails to pay and fails to request a hearing under this section, service will be shut off at the time specified in the notice but in no event until the charges have been due and unpaid for at least 30 days.

(b)

Certification for collection with taxes. Unpaid charges on sewer and water accounts will not be certified to the county auditor for collection with taxes until notice and an opportunity for a hearing before the city council have been provided to the [change to customer] owner of the premises involved. The notice must be sent by first class mail, at least 30 days before the certification date, and must state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice also must state that the [CHANGE TO 'customer] owner may, no later than 20 days before the certification date, request a hearing on the matter to object to certification of unpaid utility charges.

(1)

The [change to customer] owner of the property will have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.

(2)

A hearing will be held on the matter by the city council prior to the county certification date. A [change to "customer"] property owner with unpaid utility charges will have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the city council finds that the amount claimed as delinquent is actually due and unpaid and that there is no legal reason why the unpaid charge should not be certified for collection with taxes in accordance with this article, the city may certify the unpaid charges to the county auditor for collection as other taxes are collected.

(3)

For each certification sustained, the [change to "customer"] property owner will have the following options after the hearing:

a.

To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date or before the county certification date, whichever is first.

b.

To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on the 11th day following the hearing date through the date of payment.

c.

To pay the certified charges as billed by the county on the [change to “customer”] owner's property tax statement with a collection term of one year.

(c)

Delivery of certified roll. Twelve days after the hearing, the certified roll, minus any payments, will be delivered to the county.

(Ord. No. 200A, § 2(8), 10-19-2005)

Sec. 74-127. - Penalty.[permanent link to this piece of content](#)

Any person violating any provision of this article shall be guilty of a misdemeanor punishable as provided in section 1-14. A separate offense shall be deemed committed for each day a violation shall continue. The city also may seek injunctive or other relief and the costs of prosecution in any case.

(Ord. No. 200, § 11, 9-21-2005; Ord. No. 200A, § 9, 10-19-2005)

Secs. 74-128—74-150. - Reserved.[permanent link to this piece of content](#)

DIVISION 2. - WATER [permanent link to this piece of content](#)

Sec. 74-151. - Water use, availability and connection charges. [permanent link to this piece of content](#)

The city council has determined that in order to pay for the cost of construction, reconstruction, repair, enlargement, improvement or other obtainment and the maintenance, operation and use of the city waterworks system, the cost of compliance with state and federal regulations and the principal and interest to become due on obligations issued or to be issued, it is necessary to impose just and equitable charges for the use and for the availability of the facilities and for connections with them pursuant to Minn. Stats. § 444.075, subd. 3.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-152. - Water usage and service charges. [permanent link to this piece of content](#)

NOTE: THIS IS DIRECTLY FROM THE ORDINANCE...DOES NOT INCLUDE PROPOSED CHANGES. SO THE CHANGE TO OWNER ETC. NEED TO BE APPLIED TO THOSE.

From and after the [substitute “connection” for “hookup”] hookup of any premises to the city waterworks system, the [substitute “customer” for “owner of the premises” here and through out the rest of this article...including the section on “sewer”]] must pay for such waterworks service, including availability and connection charges, and for water usage on the basis of the charges and rates fixed by resolution of the city council, and the charges and rates so established may be amended at any time by duly adopted resolution of the council.

(1)

Penalty charge and interest on unpaid bills. Water charges will be billed on a monthly basis to the [insert “customer” and delete “owner of each premises]] served by water and will be payable to the city in full within 14 calendar days from the date on which the bill is issued. All delinquent accounts will be subject to a penalty calculated as follows:

a.

A bill paid in full within 30 days after the due date will pay a service charge as established by resolution of the city council.

b.

Beginning 30 days after the due date, all unpaid balances will accrue interest at a rate to be established by resolution of the city council. The interest will be added to the service charge.

(2)

Availability of water service. Owners or users of any [insert “real”] property within those areas

where city water service is available may not use a [delete “ nonmunicipal” and add “private”] water system without specific written consent of the city council.

(Ord. No. 200, § 2, 9-21-2005; Ord. No. 200A, § 5(2), 10-19-2005)

Sec. 74-153. - Water availability charges. permanent link to this piece of content

WATER AVAILABILITY CHARGE MAY NEED A DEFINITION. IT SHOULD BE CAPITALIZED IN THE NEW PROPOSED LANGUAGE.

(a)

Minimum charges for the availability of water service may be imposed for all premises abutting on streets or other places where city water pipes and lines are located, whether or not connected to them.

(b)

In determining the charges to be imposed for the availability of water service, the city may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the waterworks system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city, including the principal and interest to become due on obligations issued or to be issued.

(Ord. No. 200, § 3, 9-21-2005)

Sec. 74-154. - Water connections and connection charges. permanent link to this piece of content

All connections to the city's waterworks system shall be in conformity with the following rules and regulations, except that the city council by resolution may waive the same upon showing of special conditions justifying such waiver:

(1)

Separate connection. Every premises served by a water hookup shall have a separate connection and a separate meter.

(2)

Permit required. No person shall [delete “hook up” and add “connection”] any water connection or meter to the city waterworks system without first obtaining a permit from the city. The initial connection and turn on operation for any waterworks system connection shall be performed only by a city employee or authorized agent. The stopcock at the main and the curbside at the property line, together with box and cover, are the property of the city, and all persons are forbidden to interfere [tamper?] with them.

(3)

Licensed plumber required. No person may hook up or service, or assist therein, any water service pipe or line connected to the city waterworks system unless such person holds a plumber's license under the laws of the state or the ordinances of the city.

(4)

Inspection. In constructing such water service pipe or line, the plumber shall adhere to standards regarding location, size, grade, material and workmanship as determined by city regulations and/or applicable plumbing code. After the water service pipe or line connection has been completed, the plumber shall notify the city. It shall be unlawful to cover the water service pipe or line until an inspection has been completed to ensure that a proper and suitable connection has been made.

(5)

Connection charges. Connection charges shall be imposed by the city for the ~~hookup~~ **add "connection"** of a property to the city's waterworks system. The charges shall be set by a duly adopted resolution of the city council.

a.

Charges for connections may be fixed by reference to the portion of the cost of connection which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection.

b.

In determining connection charges the city council may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city including the principal and interest to become due on obligations issued or to be issued.

(6)

Nonresidential users. Residential equivalent connections (RECs) **ERU's (In the new language)** **may need to be defined in Division 1.** will be established for ~~non-single-family residential users~~ **add "all parcels" or "all real property served"?** users. The number of RECs per nonresidential user will be as per the current version of the Metropolitan Council Environmental Services SAC Procedure Manual. **(Consider putting in a new paragraph here.)**

The city reserves the right to charge the equivalent number of RECs as would exist if the subject property were developed residentially using the smallest allowable residential lot size permitted in the city.

(7)

Sanitary sewer connection. No person shall connect and no property shall be connected to the city waterworks system without also connecting or being connected to the city sanitary sewer system.

(Ord. No. 200, § 4, 9-21-2005)

Sec. 74-155. - Separation of supplies.[permanent link to this piece of content](#)

Whenever a building is connected to the city's waterworks system there shall be a complete physical separation between the city's system to the building and any private water supply system so that it is not possible, intentionally or unintentionally, for water from a private water supply system to be mixed with water from the city's waterworks system.

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-156. - Meters.[permanent link to this piece of content](#)

All water shall be measured by a city-provided meter. **(It seems to me that it should be clear that the City is the only source of the meter or that the meter must meet City requirements. I don't think the first sentence does that!)**

Every customer shall provide a suitable place where a meter can be installed. The customer shall pay for the meter, pay for all costs of meter installation in an approved location and pay for any maintenance or replacement costs of the city. For the purpose of reading or maintaining meters, shutting off or starting service or other emergency situations, duly authorized employees or subcontractors of the city shall be afforded entry to premises at a reasonable hour. The city reserves the right to require that any **[substitute "customer for "property owner" throughout]** shall install, at the property owner's expense, a water meter on a private water supply to determine amount of sanitary sewer usage.

(Ord. No. 200, § 6, 9-21-2005)

Sec. 74-157. - Accounts in name of property owners; deposit; lien for delinquent accounts.[permanent link to this piece of content](#)

(a)

LOOK AT THIS CAREFULLY SO THAT INTENT IS PRESERVED WITH SUBSTITUTIONS

Account name. All accounts shall be carried in the name of the [change to "customer" **real property owner**"] who personally, or by the owner's authorized agent, shall apply for such service. The owner shall at all times be personally liable for all water consumed upon the premises whether the owner occupies the same or not.

(b)

Deposit. The city also reserves the right to demand of each and every customer, before the water service is turned on, a deposit with the city in an amount established by resolution.

(c)

Lien on property. All accounts and charges imposed by and pursuant to this section are hereby made a lien upon the premises served by the water hookup. All such accounts and charges which are 30 or more days past due may be certified by the city clerk-treasurer to the county auditor as unpaid and delinquent pursuant to the procedures set forth in section 74-126. The amount so certified shall be extended by the county auditor on the tax rolls against such premises in the same manner as other taxes and shall be collected by the county treasurer and paid to the city clerk-treasurer.

(Ord. No. 200, § 7, 9-21-2005; Ord. No. 200A, § 4(7), 10-19-2005)

Sec. 74-158. - Taking water without authority.[permanent link to this piece of content](#)

Any person who takes water from the municipal water system without complying with the provisions of this article, or without other authorization, or who assists any other person in so doing, shall be guilty of a misdemeanor.

(Ord. No. 200, § 8, 9-21-2005)

Sec. 74-159. - Right to discontinue service reserved.[permanent link to this piece of content](#)

The city shall have the right and authority to discontinue water and/or sewer service to any property that is delinquent in payment or is in violation of this article or any other city ordinance.

(1)

Notice and hearing. Prior to discontinuance of service the city shall follow the notice and hearing procedures set forth in section 74-126

(2)

Shutoff. Service will be discontinued to premises where the owner has not made arrangement with the city regarding the payment of a delinquent account. The city shall also have the authority to shut off service immediately without notice pursuant to any emergency action involving the property.

(3)

Charges. The city shall charge service fees as established by resolution for discontinuance of service and to reinstate service to a delinquent account. Any charges incurred by the city in discontinuing service shall be assessed to the property.

(4)

User/owner shutoff request. The user/owner may request that the services to the owner's property be shut off. The city will then shut off the services with a service fee as established by resolution. Turning on the services and reinstalling a meter will cost an additional service fee. While the services are shut off, the owner/user will be billed for the minimum charge as established by city council resolution.

(Ord. No. 200, § 9, 9-21-2005; Ord. No. 200A, § 6(9), 10-19-2005)

Sec. 74-160. - Responsibility for repairs.[permanent link to this piece of content](#)

(a)

The service pipe from the building to the curbstop and the connection thereto shall be the property of the owner/user and must be protected and maintained by the owner/user. If the owner/user or any customer shall fail to make any necessary repairs to such service connection or pipe within 24 hours after being notified to do so by the city, the city shall make such repairs, and the cost thereof shall be charged to the owner of the premises and shall be collected in the same manner as other bills for utilities are collected.

(b)

While installing or repairing service pipes, the street must be open at a time and in a manner which will cause the least inconvenience to the traveling public and every precaution must be taken to ensure the public safety and the safety of property. All excavations remaining open overnight shall be protected by substantial barriers, with sufficient flashing lights.

(c)

While filling trenches in streets, the contractor must carefully tamp in the material so that the street will be in the same or better condition than it was before the trench was opened. The contractor shall replace or repair all curb, sidewalk, pavement, boulevard or street surfaces so that it will be in the same or better condition than it was before the contractor commenced working, and the contractor will be responsible for all costs of replacement or repairs. All work within the city right-of-way must be coordinated with and approved by the city. No trenches may be backfilled without prior inspection by the city.

(Ord. No. 200, § 10, 9-21-2005)

Secs. 74-161—74-188. - Reserved.[permanent link to this piece of content](#)